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House of Representatives

The House met at 10 a.m.

Rabbi Peter E. Hyman, Temple B'nai Israel, Easton, Maryland, offered the following prayer:

Almighty and merciful God, bless and protect the lawmakers and officials of our land as they carry out the sacred responsibilities entrusted to them by the people of our Nation.

Grant to the President, his counselors, advisers, and all who hold in their hands the destiny and well-being of our country a measure of Your wisdom and a portion of Your spirit.

Impart to those in positions of leadership the courage to temper justice with mercy. Strengthen those who engage in the give-and-take of democracy with passion alloyed with humility.

May those who stand here in righteous debate be ever mindful that Your divine image is reflected in the eyes of those they face; remembering that it is in Your likeness we are all created.

Shield and guard those who, responding to the call of duty and service, stand in harm's way.

Bless, O God, the work of those who labor here, and may the work they do be a blessing to us and to all the world.

And let us say, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas 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.

WELCOMING RABBI PETER E. HYMAN

The SPEAKER. Without objection, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 1 minute.

There was no objection.

Mr. SESTAK. Madam Speaker, I want to talk about Rabbi Hyman who just gave the opening prayer.

There is a midrash, one of the many parables, that embellish upon the Torah. In this particular midrash, there is a man from the land of Israel, a businessman, who was in another country, and when he was there, he was accused of being a spy. He was then told by the judge that he would be executed. He asked for 30 days to go back to the land of Israel and while there finish up his business and come back. The judge initially laughed, but he turned to him and said, ''My friend will sit in a jail for me, and if I'm not back, he will be executed.''

The judge had to see this, and so the man went into jail. And the gentleman went back to the land of Israel and he finished his business. And he would have made it back in time, except there was a storm at sea.

And when he finally arrived there, the man, his friend, was about to be hung, executed. And he yelled out as he came closer, ''It is I who am to be executed, not him.'' But his friend said, ''No, you're too late; it is to be me.''

They caused such confusion and commotion that the two men were brought before the king who had to see this, and after listening to their stories, he said, ''I will forgive you and pardon you on one condition, that I become your third friend.''

There is nothing like a friend in life. You helped me at a hard time, at the beginning of my political career, Rabbi, but more than that, Temple Shalom in my district radiated that peace, that friendship, that loyalty to everyone, that interracial, ecumenical clergy association you headed, not just Anti-Defamation League, but anti-violence summit that you held.

Shalom. Thank you for being the friend you are, not just to me, but a dealer of hope to many in my district.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minute requests on each side of the aisle.

CONGRATULATING STATE SENATOR MIKE CONNOLLY

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Madam Speaker, I rise today to thank and congratulate my friend and mentor, Iowa State Senator Mike Connolly. Mike has represented the City of Dubuque and Dubuque County in the Iowa General Assembly for the past 30 years. He has also served for 30 years in the Dubuque community schools as a teacher and as an administrator.

When Mike was getting started in the General Assembly, Iowa was facing tough economic times. The farm crisis was challenging the entire State, especially Dubuque, but Mike believed we could rebuild. He is an integral part of the leadership team that has guided the economic and cultural rebirth of Dubuque and Iowa. He has worked tirelessly to make Iowa schools among the best in the Nation, to make health care affordable and accessible, and create sustainable and good-paying jobs.

Madam Speaker, integrity and humility are two trades we could use a lot more of in American politics. Mike Connolly has always served with integrity and humility. He has sacrificed to make his community a better place

and kept his actions consistent with his principles.

Senator Connolly, on behalf of all Iowans, I congratulate you on your legacy of service and wish you well in the future.

ENERGY SOLUTIONS

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, on Monday I had the opportunity to pump gas for some of my constituents in Battle Creek, Michigan. Experiences like these allow me to truly get a sense of what the good people of my district think about energy solutions.

The constituents I spoke with all wanted to know what Congress is doing to lower gas prices. Almost all of them want to see Congress work on an all-of-the-above energy policy.

High gas prices demand action. We need to put all energy options on the table: more drilling, more alternatives, more conservation. This Congress needs to get serious and work on a comprehensive plan that includes all of the above and ends our dependence on Middle East oil.

Sadly, House leadership refuses to allow any votes increasing American energy production. Last Friday, the Washington Post chided House leadership for stifling floor debate on offshore drilling.

Madam Speaker, it is time to engage in a forthright debate that gives the American people a chance to have their voices heard and, most importantly, solves America's energy crisis, ending our dependence on Middle East oil. Let's get it done.

DEMOCRATS ARE PROVIDING SOLUTIONS TO AMERICA'S ENERGY CRISIS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, while Americans suffer pain at the pump, Republicans and President Bush continue every day to spew the same rhetoric about drilling, a move that would produce minimal savings in 10 years.

Democrats, on the other hand, are providing short-term and long-term solutions to America's energy crisis. We have repealed subsidies to profit-rich Big Oil, cracked down on price gouging, and invested in clean and renewable energy.

We realize that Americans are hurting now, and they can't wait 10 years for relief. So 2 months ago, Democrats forced President Bush to stop filling the Strategic Petroleum Reserve. Now we are urging the President to release oil from the Reserve, which would provide relief at the pump within 2 weeks.

Unfortunately, Madam Speaker, President Bush and House Republicans are more interested in doing the bidding of Big Oil than actually providing relief to the American consumer today. How else can you explain their fixation with giving Big Oil more land to drill on when they aren't using the 68 million acres they already have?

Democrats are taking our energy policy in a new direction, not one controlled by Big Oil.

DEFENDING ISRAEL AGAINST IRAN

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, we all know there is a growing Iranian threat, focused mostly on the people of Israel.

Earlier this year, JANE HARMAN joined my bipartisan letter with 70 Members of Congress calling for the U.S. to extend our full ballistic missile defenses to protect Israel.

Last night, the United States announced that we would make this key commitment. Secretary Gates told Defense Minister Barak that the first step will happen soon. America's most powerful radar, the X-Band, will soon defend Israel.

This is a historic step that sends a powerful message to Iran: A future attack on Israel will likely fail. Our two democracies are sticking together to ensure the safety of free peoples, even in the Middle East.

Yesterday's decision by America's defenders makes deterrence, diplomacy, and peace a much more likely future for the people of Israel.

HOUSE PASSES COMPREHENSIVE HOUSING BILL THAT WILL STRENGTHEN HOUSING MARKET AND ECONOMY

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, last week this House passed comprehensive legislation that will assist homeowners facing foreclosure and help strengthen the housing market and our overall economy.

This bill will help significant numbers of hardworking American families in danger of losing their home refinance into lower cost government-insured mortgages, and we can do this at no cost to the American taxpayer.

The bill also helps neighborhoods hardest hit by the foreclosure crisis by providing resources to allow cities and States to buy up and rehabilitate foreclosed properties. Today, these properties are driving down home prices, reducing State and local revenues, and destabilizing neighborhoods.

Madam Speaker, we simply cannot revitalize the economy without addressing our Nation's housing crisis. Last week, the Democratic Congress once again acted on the real challenges facing the American people.

GOVERNMENT CONTROL OF JOURNALISTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, journalists should be able to report the news without having to worry about getting arrested for not revealing their confidential sources. Our Nation needs a Federal shield law to further protect the freedom of speech and press.

Recently, several journalists have been arrested and jailed for not disclosing their anonymous sources. These arrests did not occur in foreign countries run by dictators but happened here in America. Putting journalists in jail for not confessing their sources tramples on the Nation's freedom of speech and freedom of the press. These freedoms in the first amendment are first because, without them, the rest are meaningless.

More than 30 States so far have passed laws that protect reporters from being required to testify and name confidential sources, but there is no Federal law.

The job of a journalist is to report the news and not be an arm of the government or controlled by our government. Law enforcement officials should not force journalists to gather information or find witnesses.

A free press means free and independent of government intrusion into the sources of reporters.

Madam Speaker, the country needs a Federal shield law because, instead of getting a reporter arrested, the truth should set them free.

And that's just the way it is.

TRIBUTE TO NICK DONOFRIO

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Madam Speaker, it is my great pleasure to pay tribute to Mr. Nick Donofrio who is retiring after 40 years of serving the IBM Corporation.

Nick has led many of IBM's major development and manufacturing teams, semiconductor and storage technologies, microprocessors, and personal computer servers. He's led the semiconductor development and manufacturing facility in Burlington, where he and his wife, Anita, raised two children, Nicole and Michael.

Throughout his career, Nick has focused sharply on advancing education, employment, and career opportunities for underrepresented minorities and women.

He served on boards in Vermont. He's received national awards, well-deserved, for his leadership. The National Education and Leadership Award from the Sons of Italy Foundation; the Mensforth International Gold Medal; Industry Week magazine's Technology Leader of the Year; the University of

Arizona's Technical Executive of the Year; and the Rodney D. Chipp Memorial Award by the Society of Women Engineers for his outstanding contributions to the advancement of women in the engineering field. In 2005, Nick was elected a member of the American Academy of Arts and Sciences.

Please join me in congratulating him on the beginning of his new career.

□ 1015

GAS PRICES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, we have a responsibility to our children and our grandchildren to solve this energy crisis. This is about American energy for our American economy to create American jobs and a better American quality of life.

I have urged my constituents to call the Speaker of the House and relay their opinion that they believe Americans want, need and serve some answers on energy policy. I tell you as I told them: Call the Capitol Hill switchboard. That number is 202–225–3121.

I suggested that you make their voices heard that we all want to make America more energy self-sufficient while protecting America's homegrown energy resources.

Congress ought not leave town for 5 weeks without a vote on real energy solutions. Businesses don't shut down for 5 weeks without finishing the job. Congress ought not close up shop when there is still work to be done to preserve our Nation.

THREE YEARS OF GOP ENERGY PLAN AND AMERICANS STRUGGLE WITH $4 GASOLINE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, it's been 3 years since the Republican Congress passed energy legislation they claimed would bring down the cost of gasoline and end our dependence on foreign oil. The result? Gas prices have hit $4 a gallon and a barrel of crude oil has gone from $30 to $150 a barrel.

Still, Republicans continue to propose the same failed policies and continue to block Democratic efforts to invest in renewable energy and to release oil from the government stockpile.

Republicans say they want to drill, but they voted against a bill that would force Big Oil to drill on 311 million acres of land already open for energy production. Republicans say they want to help struggling drivers with gas prices, but they voted against repealing unnecessary tax breaks for profit-rich oil companies.

Madam Speaker, BP Oil experienced a 28 percent hike in their profits this quarter while American families can't afford to drive to work. When are Republicans going to start helping American families instead of Big Oil?

AMERICAN ENERGY ACT

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Madam Speaker, as Congress prepares to depart for the August recess, I'm expecting to see more constituents around my district this August than usual. It isn't because they're anxious to visit with me; it's because many of my constituents can't afford to take vacations this summer due to the skyrocketing price of gas.

My Republican colleagues and I have offered a comprehensive energy plan in the form of the American Energy Act, which seeks to reduce the price of gas through increasing American energy production, enhancing energy efficiencies, and promoting renewable and alternative energy technology. Yet the majority party refuses to bring this commonsense bill up for a vote before we leave for recess because they are afraid it will pass. I wish my Democrat colleagues would apply this same illogic to some of their pieces of legislation.

It's unconscionable to punish the majority of the American people for the appeasement of out-of-touch environmental constituents. The American people deserve lower gas prices, and they deserve an up or down vote on the American Energy Act.

STRATEGIC PETROLEUM RESERVE

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Madam Speaker, high gas prices are taking a huge toll. Republicans claim they want to reduce gas prices, but for a month they have voted against every bill that would do so.

Last week, Republicans blocked a bill to release 70 million barrels from the Strategic Petroleum Reserve. Much smaller releases by the last three Presidents have produced nearly immediate reductions in crude oil prices of up to one-third. That would translate to savings as high as $1 per gallon of gas. The Republican plan to lease more public land without requiring Big Oil to actually drill and produce oil gives exactly zero savings now.

Today, they will have a chance to vote against the speculation in oil futures. Experts have testified that rampant speculation accounts for roughly $30 of the price of a barrel of oil, or 70 cents per gallon of gas. Isn't it time Republicans voted for 70 cent savings on gas prices by stopping speculation and $1 savings by opening the Strategic Petroleum Reserve now?

ENERGY CRISIS

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Madam Speaker, day after day, we come to this floor to address the important issues facing our Nation. A quick review, however, of the last few weeks shows we have voted on new names for post offices and to congratulate our sports teams. But Congress has not taken any real steps to address the rapidly rising price of gasoline and ease American's pain at the pump. And apparently, House Democrats again are not going to let Members vote to ease that pain.

This month, I have been touring energy facilities in Minnesota's Second District that highlight a variety of new, clean and reliable sources of energy being produced right there in Minnesota. I visited a hydropower plant on the Mississippi River in Hastings, a nuclear power plant in Welch, an energy-from-waste in Red Wing, an oil refinery in Rosemont, a wind turbine in Northfield, and an electric-generating facility in Faribault.

Madam Speaker, I visited all of these energy producers to learn more and to illustrate that we need an ''all of the above'' energy plan and we need to enact it now. Congress should not adjourn for 5 weeks of vacation and politics without dealing with the number one issue in the minds of the American people, high energy prices.

GAS STAMPS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, a barrel of oil is still more than $120 and the price Americans are paying for a gallon of gas is $4.20 a gallon. Add that to the rising food prices and rising unemployment—especially long-term unemployment—and the economic climate feels more like the dead of winter than the middle of summer.

Too many Americans are still being forced to choose between food and fuel every day either to get to work or look for work. But we can help those at the bottom of the economic ladder survive by simply passing the Gas Stamps legislation I've introduced. It would provide modest assistance to people who need a helping hand to keep their head above water. It would provide temporary assistance over a relatively short time, a few months, like food stamps, and it would say to the American people that we, in Congress, know the first stimulus package was not enough and we're prepared to act again.

Providing those in need with a few hundred dollars a month for a few months is a small price to pay so that vulnerable Americans can continue to put food on the table and gas in their tank to go to work.

The American people need and deserve some additional help, and we ought to provide it with gas stamps, not the fraud of drilling on the coast.

CONGRESS MUST NOT ADJOURN BEFORE VOTING ON MORE ACCESS TO AMERICAN OIL RESERVES

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the American people deserve more access to American oil. And now that the President has lifted the ban on offshore drilling, Congress must not adjourn until the American people get a vote on more domestic drilling on the Outer Continental Shelf.

In a day when some in this body say it is their duty to ''save the planet,'' I prefer the words of Daniel Webster that are chiseled on the wall behind me. He said a century ago, ''Let us develop the resources of our land, call forth its powers.'' And so I add to my colleagues, let us develop the resources of our land. Let us give the American people more access to American oil.

Americans won't get a vacation from high gas prices, so Congress should not take a vacation until we vote to lessen our dependence on foreign oil.

Madam Speaker, do not adjourn this Congress until we give the bipartisan, pro-drilling majority a vote on more access to our oil reserves.

THE TRUTH ABOUT OFFSHORE DRILLING

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Well, Madam Speaker, now we know the truth, that the television ad that the Republican Presidential candidate is using to impugn the patriotism of his Democratic opponent is a complete fabrication. So I guess we shouldn't be too surprised when the same camp is trying to convince the American people that offshore oil drilling is going to reduce the price of gas. Sure, it will—in more than a decade, by two to four cents. In fact, the Bush/Cheney administration's own Energy Information Administration has said that ending the Federal moratorium ''is certainly not going to make a difference in the next 10 years.''

In fact, the Big Oil companies already have access to more than 34 billion barrels of offshore oil they're not even drilling. All it's going to do is give more profits to these oil companies by being able to have publicly-owned reserves on their balance sheets, increasing the value of the oil shares.

The fact is, though, that lies and half truths say far more about the people uttering them than the people who are targeted by them.

GIVE ARKANSAS WHAT THEY DESERVE: A VOTE ON ENERGY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, frustration is mounting in the Third District of Arkansas because of the high cost of gasoline. This stack of e-mails which I have with me is just a small portion of the comments my constituents have sent me. And several of them have offered their own ideas of what needs to be done to resolve this energy dilemma and help increase the American energy supply and provide relief at the pump.

The ideas they've proposed are ones we've heard before: We need to increase our production of American energy in a clean, efficient way through wind, solar and hydrogen, as well as tapping into the vast majority of natural resources we have available.

I agree with my constituents that we need to use an ''all of the above'' energy strategy. That's why I cosponsored the American Energy Act. This encompasses the ideas many of my constituents have been writing me about, increasing our American-made energy supply in an environmentally friendly way, encouraging energy conservation, and promoting renewable and alternative energy technology. We need to act.

WE NEED A BOLD ENERGY POLICY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, I appreciate some of my Republican colleagues' discussion of some alternative energy, but it hasn't been an ''all of the above'' voting history for them; it has been a ''none of the above'' voting history when it comes to the vast sources of energy.

We know America is a bold country, not a timid country. But an energy policy that revolves around exclusively offshore drilling is a timid policy. The large swaths of energy we need are not off the coast, they are in the sunshine falling on our land, the wind blowing in the Midwest, the geothermal below our feet, the wave and tidal power; these are the vast swaths of energy.

Yesterday, right around this building, I drove a plug-in electric hybrid car. That is the future, using electricity driven by the sun. And I wish my Republican colleagues would just take a look at the USA Today newspaper yesterday that talked about the enormous strides being made in solar energy. We need a bold policy that can truly get us out of this pickle. That's one based on energy sources, not the timidity of the Republican Party.

H. RES. 1206, COMPREHENSIVE ENERGY REFORM PLAN

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Madam Speaker, it was a privilege to travel with Leader BOEHNER and my fellow Republican colleagues on the American Energy Tour to Colorado and Alaska.

Our mission encompassed the ''all of the above'' energy policy our constituents have demanded. We've expanded our knowledge of renewable and alternative energy in addition to getting the hard facts on domestic exploration and recovery of our natural resources.

After hosting multiple town hall meetings and speaking with constituents throughout my district, it is clear that they, along with the majority of the American public, support the House Republicans' ''all of the above'' plan.

This plan calls for nuclear, clean coal technology and a responsible effort to safely explore and recover our domestic natural resources while expanding wind, solar, hydrogen, ethanol and biofuels. This plan is similar to the resolution I introduced on May 15, House Resolution 1206, which is a five-point comprehensive energy reform plan.

We must enact comprehensive energy reform. And until Congress does, our constituents and the economy will continue to suffer.

IRAQIS CALL FOR WITHDRAWAL OF AMERICAN TROOPS IN 2010

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, congressional Democrats have repeatedly urged President Bush to bring our troops home from Iraq honorably, responsibly, safely, and soon.

After rejecting 18 months of attempts by the Democratic majority to adopt redeployment timetables, the President now proposes a vague general time horizon that falls far short of a commitment to ending involvement in Iraq. The Iraq Government was more direct. For the second time this month, Iraqi officials have indicated their support for the withdrawal of U.S. combat forces by the end of 2010.

Maybe these statements served as a wake-up call to the Bush administration. It appears they are finally getting the message that the war in Iraq cannot go on indefinitely. Perhaps President Bush should pass the message along to Senator MCCAIN, who continues to believe that our commitment in Iraq will last 50 to 100 years.

Madam Speaker, we need a new direction in Iraq that allows our troops to come home and allows us to focus on the war on terrorism in Afghanistan and around the world.

□ 1030

RED BIRCH CANOLA BIODIESEL PROJECT

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Madam Speaker, high energy prices are a top concern of farmers, small businesses, and citizens across the Fifth District of Virginia. I wish the House would consider a comprehensive measure like the American Energy Act to increase the supply of American-made energy, improve conservation, and promote renewable and alternative energy technologies such as Red Birch Energy's Canola Biodiesel Project in Bassett Forks, Virginia.

Red Birch Energy converts the oil from crushed canola seeds grown by local farmers into a clean-burning, efficient biodiesel fuel that is less efficient than ordinary diesel fuel. Canola provides a great seed for biodiesel production, since the seed's 44 percent oil content is higher than that of soybeans and corn, yet not affecting food prices. The grand opening of their impressive new facility is scheduled for August 25.

I commend Red Birch Energy for their efforts to develop a clean alternative fuel that reduces America's dependence.

WELCOMING MEMBERS OF PARLIAMENT FROM INDONESIA, KENYA, MACEDONIA, AND UKRAINE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Here in the gallery today are 23 members of Parliament from Indonesia, Kenya, Macedonia, and Ukraine. They are visiting the House of Representatives this week as guests of the House Democracy Assistance Commission. HDAC, chaired by Representative DAVID PRICE, partners with legislative bodies in 12 countries. They are each moving steadily towards democratic governance. The four countries represented here today are among the most promising participants in this important congressional initiative.

The MPs, many of whom are committee chairs, will work directly with Members of Congress to learn how we conduct committee business in the U.S. House. They will take this information back to their respective legislatures and use these concepts and procedures to strengthen their legislative process and, as a result, strengthen their democracy.

I ask that the House give these distinguished guests a warm welcome and offer our strong encouragement for the work that we are doing together. By building relationships with our fellow parliamentarians in emerging democracies and sharing their aspirations for their future, we can promote the safety and security of our own Nation and encourage stability around the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). Members are reminded to refrain from referring to people in the gallery.

GUILELESS MAN—A COMMITTED DEFENDER OF TRUTH

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. Madam Speaker, I rise today to recognize Archbishop Raymond Burke who, for the last 4 years, has served as the head of the archdiocese in St. Louis. Recently, Archbishop Burke was appointed to the position of the Prefect of the Supreme Tribunal of the Apostolic Signatura in Rome.

During his short tenure in St. Louis, Archbishop Burke helped to revitalize the Catholic community. Under his leadership, the seminary has continued to flourish with respect to the enrollment of the archdiocesan seminarians. I have no doubt that any man with Archbishop Burke's firm convictions and leadership capabilities will flourish wherever he goes.

I congratulate Archbishop Burke on his recent appointment to the position of the Prefect of the Supreme Tribunal of the Apostolic Signatura. It's my hope that St. Louis will always be a place he can call home.

Those of us who know him personally know him as a guileless man and a committed defender of truth. Very best wishes, Archbishop Burke, in your new position.

HOUSE DEMOCRATS PROTECT CHILDREN AND CONSUMERS WITH NEW LEGISLATION SCHEDULED FOR TODAY

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Madam Speaker, the Consumers Union dubbed 2007 the Year of the Recall. This year, product recalls are happening at an even swifter rate. After dangerous toys led to injuries and deaths, the Democratic Congress worked hard to protect our children and families.

This week, will be bringing a final bill to the floor that will strengthen the Consumer Product Safety Commission and ensure that families are protected from dangerous toys. The legislation bans lead beyond small amounts in products intended for children under the age of 12 and prohibits the use of dangerous materials in children's toys.

The bill bans industry-sponsored travel by the Consumer Safety Commissioners and staff in order to eliminate any conflicts of interest. It also provides a significant budget increase for the CPSC so that it has the resources to test more toys. No longer will there only be one tester per toy.

Madam Speaker, let's protect our children today by once again passing legislation with strong bipartisan support.

HAPPY 90TH BIRTHDAY TO COE HAMLING

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, today, I rise to honor a dear friend and a special American on the occasion of his 90th birthday. Worthy Coe Hamling was born on August 5, 1918, on the plains of South Dakota. Armed with nothing more than the dogged determination, rugged individualism, and an unbending family loyalty, forged by a birth attended only by his mother and God, Coe embodies the greatest qualities of America.

It was at Hamlin University in Minnesota where he met his loving wife of 66 years, Betty. His embrace of freedom, family, and the sanctity of every human being is balanced by his unyielding sense of responsibility and self-reliance.

Living in Roswell, Georgia, Coe proudly anchors a family of five children, ten grandchildren, and eight great grandchildren.

Madam Speaker, I know the entire House of Representatives joins me in extending a hearty, happy 90th birthday to Coe Hamling, an American treasure.

DEMOCRATS CONTINUE EFFORTS TO LOWER PRICES AT THE PUMP

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. While Americans suffer pain at the pump, Republicans and President Bush insist on the same old energy policies that put us on this dangerous path to record high gas prices. Instead of looking towards the past, Democrats have been exploring both immediate and long-term solutions to America's energy crisis.

To help consumers suffering right now, this House has passed legislation cracking down on price fixing and price gouging by retailers. We also forced the President to suspend sending oil to the Strategic Petroleum Reserve. This week, House Democrats will bring a bill to the floor that will end rampant speculation that is driving up gas prices by closing the Enron loophole. These are all solutions that should help lower prices today.

But we have also passed landmark legislation that will lead to more efficient vehicles when we enacted the first new vehicle fuel efficiency standards in 32 years. These new standards will help drivers with up to $1,000 a year in gas when it's fully enacted.

Madam Speaker, House Democrats are proposing both short- and long-term solutions to high gas prices, and it's time for congressional Republicans to join us in our efforts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROVIDING FOR EXTENSIONS OF CERTAIN AUTHORITIES OF THE DEPARTMENT OF STATE

Mr. BERMAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6456) to provide for extensions of certain authorities of the Department of State, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY FOR REEMPLOYMENT OF FOREIGN SERVICE ANNUITANTS.

Section 824(g)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(2)) is amended by striking ''2008'' each place it appears and inserting ''2009''.

SEC. 2. INCLUSION OF UNITED STATES TERRITORIES AS ELIGIBLE FOR REST AND RECUPERATION TRAVEL FOR MEMBERS OF THE FOREIGN SERVICE.

The Foreign Service Act of 1980 is amended—

(1) in section 901(6)(B) (22 U.S.C. 4081(6)(B)), by inserting after ''United States'' the following: ''or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands''; and

(2) in section 903(b) (22 U.S.C. 4083(b)), by striking '', its territories and possessions, or the Commonwealth of Puerto Rico'' and inserting ''or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands''.

SEC. 3. EXTENSION OF AUTHORITY TO PAY SUBSISTENCE OF SPECIAL AGENTS ON PROTECTIVE DETAILS.

Section 32 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2704) is amended, in the first sentence, by striking ''on authorized protective missions, and'' and inserting ''on authorized protective missions, whether at or away from their duty stations, and''.

SEC. 4. EXTENSION OF AUTHORITY FOR RADIO FREE ASIA.

Section 309(c)(2) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)(2)) is amended by striking ''2009'' and inserting ''2010''.

SEC. 5. EXTENSION OF PERSONNEL AUTHORITIES FOR INTERNATIONAL BROADCASTING ACTIVITIES.

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) is amended by striking ''2008'' and inserting ''2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

The legislation before the House today extends certain expiring authorities of the Department of State. A couple of examples. The bill continues the Department's ability to hire experienced retired officer to fill positions in Iraq or Afghanistan. This bill extends two broadcasting authorities, Radio Free Asia for an additional year and the authority to hire personal service contractors in the United States for specialized language and other skills, and several other technical provisions involving those authorities.

I reserve the balance of my time.

Mr. CHABOT. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 6456, which provides stopgap extensions of certain important State Department and broadcasting authorities until the Committee on Foreign Affairs can take them up as part of a comprehensive authorization during the 111th Congress.

In response to administration requests, this brief bill does a number of things. It extends for another year the State Department's authority to hire retired Foreign Service officers for difficult-to-staff posts in Iraq and Afghanistan, and to address visa and passport processing backlogs.

It also extends authorities for Radio Free Asia, and for emergency broadcasting needs in the International Broadcasting Bureau and the Voice of America. It also makes clear that the State Department may pay the hotel expenses of its special agents on protective details in situations where agents are required to remain with their protectees overnight, even when that duty occurs in the agent's home locale.

Finally, it incorporates the text of H.R. 3658, the House-passed bill introduced by the gentleman from Puerto Rico (Mr. FORTUÑO) to allow U.S. Foreign Service officers to take their rest and recuperative travel in U.S. territories. I urge support for this measure.

I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, has the gentleman yielded back his time?

Mr. CHABOT. If the gentleman has no further speakers, we have no further speakers either, and we will yield back.

Mr. BERMAN. I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 6456, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMEMORATING IRENA SENDLER

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 361) commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 361

Whereas on May 12, 2008, Irena Sendler, a living example of social justice, died at the age of 98;

Whereas Irena Sendler repeatedly risked her own life to rescue over 2,500 Jewish children in Poland's Warsaw ghetto from Nazi extermination during the Holocaust;

Whereas inspired by her father, a physician who spent his career treating poor Jewish patients, Irena Sendler dedicated her life to others;

Whereas Irena Sendler became an early activist at the start of World War II, heading the clandestine group Zegota and driving an underground movement that provided safe passage for Jews from the Warsaw ghetto, who were facing disease, execution, or deportation to concentration camps;

Whereas Irena Sendler became one of Zegota's most successful workers, taking charge of the children's division and using her senior position with the city's welfare department to gain access to and from the ghetto and build a network of allies to help ferry Jewish children from the Warsaw ghetto;

Whereas Irena Sendler was arrested by the Gestapo on October 20, 1943, tortured, and sentenced to death by firing squad;

Whereas Irena Sendler never revealed details of her contacts, escaped from Pawiak prison, and continued her invaluable work with Zegota;

Whereas in 1965, Irena Sendler was recognized as ''Righteous Among the Nations'' by the Yad Vashem Holocaust memorial in Israel;

Whereas in 2006, Irena Sendler was nominated for the Nobel Peace Prize;

Whereas Irena Sendler was awarded the Order of the White Eagle, Poland's highest civilian decoration;

Whereas Irena Sendler's life has been chronicled in the documentary film, ''Tzedek: The Righteous'' and ''Life in a Jar'', a play about her rescue efforts;

Whereas Irena Sendler, a woman who risked everything for the lives of others and whose bravery is unimaginable to many of us, expressed guilt for not being able to do more for the Jewish people; and

Whereas Americans, as well as the world community, are reminded not only of the horrible cruelty at the time of the Holocaust, but also the incredible difference one person can make by knowing Irena Sendler's story: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) mourns the loss of Irena Sendler, a woman whose bravery and heroic efforts saved over 2,500 Jewish children during the Holocaust;

(2) pays its respect and extends its condolences to the Sendler family;

(3) honors her legacy of courage, selflessness, and hope; and

(4) remembers the life of Irena Sendler for her heroic efforts to save over 2,500 Jewish children during the Holocaust, and for her unwavering dedication to justice and human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this resolution.

The SPEAKER pro tempore. Is there objection the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this measure has been brought to us by our colleague, the gentlelady from Chicago (Ms. SCHAKOWSKY). It notes the loss of a true humanitarian last May, with the passing of Irena Sendler, a Polish Catholic social worker who rescued 2,500 Jewish children from near certain death in the Warsaw Ghetto.

When it became clear to her that the Nazis planned to exterminate Poland's 1,000-year-old Jewish community, Ms. Sendler joined Zegota, the Council for Aid to Jews, an organization run by the Polish underground, committed to providing assistance and safe haven to the country's Jewish population.

Ms. Sendler became head of Zegota's children's department. Using her contacts from her days as a social worker, she placed thousands of Jewish children smuggled from the Warsaw Ghetto, often under Christianized names, in convents and orphanages to shelter them throughout the war.

These convents and orphanages were intended as temporary refuges, as Ms. Sendler recorded the actual names of these children on tissue paper. She stored those records in jars, buried them in her garden, in the hope that after the war, they would be reunited with their families.

In 1965, she was given the honor of being named Righteous Among the Nations by Israel's Yad Vashem Holocaust memorial. Her legacy of courage and hope until then was little known in Poland.

In 2003, Irena Sendler finally received the widespread recognition she so greatly deserved when she was awarded the Order of the White Eagle, Poland's highest civilian decoration, and in 2006, she was nominated for the Nobel Peace Prize.

We all pay our respects and extend our condolences to the Sendler family.

I reserve the balance of my time.

Mr. CHABOT. I yield myself such time as I may consume.

The Holocaust was filled with unconscionable inhumanity and horrors and revealed the tremendous cruelty some human beings are capable of imposing on others. But there were exceptions. Within the darkness of the Holocaust, the story of Irena Sendler, who repeatedly risked her own life to rescue thousands of Jewish children in Poland from being murdered by the Nazis serves as an inspirational example of human bravery and selflessness and compassion.

House Concurrent Resolution 361 commemorates Irena Sendler, who passed away in May of this year. The resolution, among other things, notes that the United States Congress mourns the loss of this heroine and remembers her for saving the lives of thousands of Jewish children and for her courageous dedication to justice and human rights.

I support this resolution, and I want to thank the gentleman for his inspirational words. I urge my colleagues to do so as well.

I reserve the balance of my time.

Mr. BERMAN. I yield such time as she may consume to the author of the resolution, the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H. Con. Res. 361, a resolution I introduced commemorating Irena Sendler, a woman whose bravery saved the lives of thousands of children during the Holocaust, and remembering her legacy of courage, selflessness and hope. I want to thank Chairman BERMAN for his leadership in bringing this to the floor, and also Senator OBAMA for offering similar legislation in the Senate.

Irena Sendler lived her life by the standards of humanity that she learned from her parents. She once stated, ''I was taught that if you see a person drowning, you must jump into the water to save them, whether you can swim or not.''

Sendler was a 29-year-old Catholic employed by the City of Warsaw when the German invasion of Poland ushered in one of the darkest chapters in human history. Disguised as an infection-control nurse, she was able to enter the Warsaw Jewish ghetto to distribute supplies. In 1942, Sendler joined the newly formed underground organization Zegota, working to assist thousands of Jews who had survived mass deportations and were living in hiding.

Utilizing her contacts with orphanages, Sendler organized the rescue of Jewish children, smuggling some out in boxes and suitcases, leading others through secret passages and sewers. Children were hidden in Roman Catholic orphanages and convents, as well as private homes, under false identities. Sendler buried a jar with the true name of every child in a friend's garden in hopes of reuniting the children with their families after the war.

After she was arrested in October of 1943, Sendler refused to provide the list of names or the identity of her collaborators, even when she was tortured and sentenced to death. She was spared execution only because underground activists managed to bribe officials. After her release, Sendler was forced into hiding but she continued to work to rescue Jewish children. It is estimated that she rescued over 2,500 children.

She passed away in May of 2008 at the age of 98. I introduced this resolution with the hope that her legacy will inspire people to fight for human rights. Her heroic story reminds us that the actions of one person can make a real difference in this world.

I urge my colleagues to support this resolution, pay tribute to Irena Sendler, and remind all of us to stand up against oppression and fight for those without a voice.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H. Con. Res. 361, a resolution I introduced commemorating Irena Sendler, a woman whose bravery saved the lives of thousands of children during the Holocaust, and remembering her legacy of courage, selflessness, and hope.

I would like to thank the Chairman of the Committee on Foreign Affairs, Congressman BERMAN, for his leadership in bringing this legislation to the floor today. I would also like to thank Senator OBAMA for offering similar legislation in the Senate.

Irena Sendler lived her life by the standards of compassion and humanity that she learned from her parents. She once stated, ''I was taught that if you see a person drowning, you must jump into the water to save them, whether you can swim or not.''

Sendler was a 29-year-old Polish Catholic, employed by the city of Warsaw as a social worker, when the German invasion of Poland ushered in one of the darkest chapters in human history. Jews were rounded up and crowded into the Warsaw ghetto, where poor hygiene and a lack of food and medical supplies led to the outbreak of disease. Sendler managed to pass herself off as an infection-control nurse, enabling her to enter the ghetto and distribute supplies, and she began to smuggle Jews out of the ghetto and into hiding. In 1942, the underground organization Council for the Aid of Jews, known as Zegota, was established following the deportation of 280,000 Jews from Warsaw to Treblinka. Sendler joined the organization, working to assist thousands of Jews who had survived the deportations and were living in hiding.

Working with Zegota, Sendler utilized her contacts with orphanages to rescue Jewish children. Young children were smuggled out in boxes and suitcases; older children were led through secret passages and sewers. Many of the children were sent to Roman Catholic orphanages and convents, while others were hidden in private homes. All were given false identities and non-Jewish names. Sendler buried a jar with the true names of every child in a friend's garden, in hopes of reuniting the children with their families after the war.

A mother herself, Sendler later recalled that the most difficult part of her work was to convince parents to give their children into her care. They would ask her if she could guarantee their survival, and she would respond that she could not, but she could guarantee that they would likely die if they stayed.

Irena Sendler was arrested by the Nazis in October 1943. She managed to hide critical information, including the addresses of the hidden children, before her capture. Although she endured torture and was sentenced to death, she refused to provide the location of the lists of names or the identity of her collaborators. She was spared execution only because other underground activists managed to bribe officials.

After her release, Sendler was forced to go into hiding, but she nevertheless continued to work to rescue Jewish children. Although the exact number of children she saved is unknown, it is widely estimated to be over 2,500. After the war, she unearthed the hidden lists and worked to reunite the children with their families. A large majority of the children had no surviving family members, and many were adopted by Polish families, while others were sent to Israel.

Irena Sendler's remarkable story garnered little attention after the war. She was recognized as Righteous Among the Nations by Israel's Yad Vashem on October 19, 1965, but her story was not widely known until 1999, when four high school students in Kansas wrote a play, *Life in a Jar*, based on her life. The play has since been performed across the United States, Canada, and Europe. In 2003, she was awarded the Order of the White Eagle, Poland's highest civilian decoration, and in 2007 she was honored by the Polish parliament, which unanimously approved a resolution honoring her for organizing the rescue of Jewish children. She was nominated for the 2007 Nobel Peace Prize.

Irena Sendler passed away in May 2008 at the age of 98. Even though her actions saved countless innocent children from a horrific death, she said that she always regretted being unable to do more.

In speaking about those non-Jews, like Irena Sendler, who risked their lives to save Jews during the Holocaust, Elie Weisel stated, ''In those times there was darkness everywhere. In heaven and on earth, all the gates of compassion seemed to have been closed. The killer killed and the Jews died and the outside world adopted an attitude either of complicity or of indifference. Only a few had the courage to care. These few men and women were vulnerable, afraid, helpless—what made them different from their fellow citizens? . . . Why were there so few?''

I introduced this resolution with the hope that Irena Sendler's legacy would help inspire people to fight for human rights and social justice. Her heroic story reminds us that the actions of one person can make a real difference in this world. As the Talmud teaches, ''whoever saves a life, it is considered as if he saved an entire world.'' There is no higher act of selflessness than to protect people who cannot defend themselves.

I urge my colleagues to support this resolution, to pay tribute to Irena Sendler and to remind all of us to stand up against oppression and fight for those without a voice.

Mr. CHABOT. We will yield back the balance of our time.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 361.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1045

CONGRATULATING ALBANIA AND CROATIA ON BEING INVITED TO BEGIN ACCESSION TALKS WITH THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1266) congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1266

Whereas the North Atlantic Treaty Organization (NATO) met in April 2008 to enlarge the alliance, to reaffirm the purpose of NATO to defend the populations, territories, and forces in the Euro-Atlantic region, and to strengthen further the ability of NATO to confront existing and emerging 21st-century security threats;

Whereas NATO invited Albania and Croatia to begin accession talks to join NATO and indicated that those talks will begin immediately, with the aim of completing the ratification process without delay;

Whereas NATO expressed recognition of the hard work and commitment demonstrated by other countries that aspire to join NATO and commended those countries for their efforts to build multiethnic societies;

Whereas NATO invited Bosnia and Herzegovina and Montenegro to begin an Intensified Dialogue on the full range of political, military, financial, and security issues relating to their aspirations to join NATO;

Whereas NATO expressed the desire to develop an ambitious and substantive relationship with Serbia, making full use of Serbia's membership in the Partnership for Peace, and to make more progress toward integrating Serbia into the Euro-Atlantic community, including through an Intensified Dialogue following a request by Serbia; and

Whereas NATO's ongoing enlargement process has been a historic success in advancing stability and cooperation and reaching the transatlantic goal of ensuring that Europe is whole and free, and united in peace, democracy, and common values: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Albania and Croatia on being invited by the North Atlantic Treaty Organization (NATO) to begin accession talks and recognizes the historic nature of that achievement, earned through years of hard work and a demonstrated commitment to common security and the shared values of NATO members;

(2) congratulates Albania and Croatia on the signing of the Accession Protocols by NATO members on July 9, 2008, opening the way for full NATO membership for both countries;

(3) expresses strong support for the timely completion of the accession process with Albania and Croatia;

(4) fully supports the invitations to initiate an Intensified Dialogue between NATO and Bosnia and Herzegovina, Montenegro, and Serbia;

(5) supports the enlargement of NATO and believes that continued engagement with all countries that aspire to join NATO will strengthen security for all countries in the Euro-Atlantic region;

(6) supports the declaration of NATO at the Bucharest Summit, which states that NATO's door should remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with article 10 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964); and

(7) affirms the statement in that declaration that any decision with respect to the membership of countries in NATO will be made through consensus, by members of NATO, and no country outside of NATO has a vote or veto with respect to such decisions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to support this resolution, which was introduced by my good friend, the ranking member of the Europe Subcommittee, ELTON GALLEGLY, the gentleman from California, a resolution that congratulates Albania and Croatia on receiving an invitation to begin accession talks with the North Atlantic Treaty Organization and expresses support for further expansion of the alliance.

At the NATO summit held in Bucharest this past April, the alliance made notable progress on integrating the Balkans into this important Euro-Atlantic institution. Most significantly, NATO invited Albania and Croatia to begin accession talks. I was pleased to see that accession protocols were signed with both countries on July 9th.

These two countries, Albania and Croatia, have made remarkable progress in reforming their political institutions and strengthening their military capabilities in recent years. They will make important contributions to international security, as well as to the stability of Southeastern Europe.

NATO has also recognized the hard work and commitment demonstrated by other countries in the region. The alliance responded positively to a request from Montenegro and Bosnia and Herzegovina to intensify their engagement. Both countries have been active

participants in NATO's Partnership for Peace program for the last 18 months and will begin an intensive dialogue with NATO on a wide range of political, military and financial issues.

NATO leaders also extended a hand of friendship to Serbia, inviting the country to similarly upgrade its engagement to Intensified Dialogue, even though Belgrade has yet to indicate its interest in enhanced cooperation at this stage.

Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 1266 congratulates the countries of Albania and Croatia on their recent invitation to join the NATO Alliance. Both countries have struggled to implement significant democratic and economic reforms over the past two decades. The invitations for these countries to join NATO are recognition of the progress that they have both made in spite of such obstacles.

This resolution also recognizes the importance of continued expansion of the NATO Alliance to include other European countries that may meet NATO's membership standards. The expansion of the alliance and the finalization of Membership Action Plans with countries that have not yet been invited to join NATO is a necessary next step for countries like Georgia and Ukraine, for example, that have not yet been invited to join NATO.

As this resolution notes, NATO's continued enlargement will strengthen security in the Euro-Atlantic region.

I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, I thank the gentleman for yielding.

I rise today in strong support of House Resolution 1266, a resolution congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization. I support this continuing enlargement of the alliance.

These nations have been preparing for NATO for 8 years and are undergoing a historic process. They have made important improvements in the areas of ethnic diversity, human rights, free market economic principles and the promotion of good neighborly relations. Their unique geo-strategic position will be an asset to NATO. I commend the governments of these deserving nations for this historic achievement.

However, it bears mentioning there were three nations being considered for NATO membership this year, Croatia, Albania, and Macedonia. Unfortunately, Macedonia's bid for NATO accession was blocked due to an ongoing dispute with another NATO member.

It is a shame that Macedonia, our steadfast ally who just this year committed to doubling its troop level in Iraq and has military serving in Afghanistan, was treated in this manner. I remember Macedonia took over 35,000 refugees, I was there at the time, as Milosevic tried to wipe out Kosovo.

Macedonia's strong and sincere commitment to transforming their country into one dedicated to the principles of free market economics, pluralistic democracy and the rule of law cannot be denied. The exclusion of Macedonia from NATO will only serve to diminish regional stability, which I think is what we want, and will discourage other developing democracies from making needed political, economic and military reforms.

Its omission was purely political. As a Member with both Macedonian and Greek constituents in my district, the 8th District of New Jersey, I have been involved in this dispute for a long time. I strongly belief we should be bringing nations together, not keeping them apart.

We are talking about objecting because of what Macedonia calls itself. Thomas Friedman has written about this time and time again. This is the 21st century. What are we doing to ourselves? This nation has responded every time the United States has asked, and yet we have accepted the denial. And the State Department agrees with my position.

Madam Speaker, I offer my sincere congratulations to Albania and Croatia on their achievement.

And I will tell you how far this went, Madam Speaker: The denial on the floor of the Senate, holding up the U.S. Ambassador to Macedonia, Philip Reeker, apparently because he was not talking enough ''pro-Greece.''

I am pro-Greece. I am pro-Macedonia. We cannot afford to have this happen, because we stand for the little guy, remember, the United States of America. Macedonia is a very small country, less than 2.5 million people. It doesn't have a great standing army.

I ask us not only to congratulate Croatia and Albania, but do everything in our power to make sure Macedonia sits at the table.

Mr. CHABOT. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), the author of this resolution and also the ranking member and former chairman of the Foreign Affairs Committee's Subcommittee on Europe.

(Mr. GALLEGLY asked and was given permission to revise and extend his remarks.)

Mr. GALLEGLY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of H. Res. 1266, a resolution I introduced that congratulates Albania and Croatia for the decision by NATO to invite these two countries to become full members of the alliance.

On April 3rd of this year, the North Atlantic Treaty Organization at its summit meeting in Bucharest invited Albania and Croatia to begin accession talks to join the organization. This decision was in recognition of wide-ranging political, economic and military reforms undertaken by these two aspiring members.

Both Albania and Croatia have made significant progress in establishing civilian control in their armed forces and ensuring those forces are closely integrated with the militaries of NATO members. Both have made substantial progress in holding free and fair elections, establishing democratic institutions and building their free market economies.

Regarding Albania, I want to single out the assistance of their military in three areas of operation: Albania's participation in the NATO-led peacekeeping mission in Bosnia; its contribution of 140 men to the NATO operations in Afghanistan; and the participation of Albanian Special Forces as part of the U.S.-led coalition in Iraq.

With respect to Croatia, it has been and continues to be a significant contributor to peacekeeping missions in Bosnia and Kosovo. In Afghanistan, Croatia has been a supporter of the NATO-led mission and in the past year has sharply increased their military forces in that country. In addition, Croatia has strongly backed international efforts in the areas of nonproliferation and the fight against illegal trafficking of weapons, drugs and persons.

I have traveled to Croatia on numerous occasions and can attest to the fact that the Croatians and Americans enjoy a close friendship based on common interests and common values. Today we enjoy the closest bilateral relationship with Croatia since the country achieved its independence in 1992.

Madam Speaker, Albania and Croatia are two strong allies that have shown that they are ready, willing and able to become full members of NATO. I urge the passage of H. Res. 1266, and also urge the Senate to move quickly to ratify amendments to the NATO treaty that would allow these two nations to join our most important international alliance.

Mr. BERMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Chicago (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I rise in support of House Resolution 1266. I have a strong relationship with the Croatian-American community in my district, and I strongly support it.

□ 1100

Mr. CHABOT. Madam Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. RADANOVICH), who is also the cochairman of the House Croatian Caucus.

Mr. RADANOVICH. I thank the gentleman from Ohio, the gentleman from California, and also Mr. GALLEGLY for introducing this important statement in support of Croatia and Albania.

Over the last 17 years, we have seen the bilateral relationship between Croatia and the United States grow to the

point where today Croatia stands as a steady and reliable friend in Southeast Europe and the Balkans. Exemplified by President Bush's successful trip there in April of this year, Croatia has become a true partner on a global scale. The U.S. and Croatia share joint efforts in the war against global terrorism, proliferation of weapons of mass destruction, and international organized crime, which represent the most dangerous threats to national and international security.

As an active contributor to NATO-led operations in Afghanistan, Croatia has already demonstrated itself willing and capable to assume responsibilities of NATO membership, and will prove to be an effective contributor to the collective defense and overall alliance mission. In total, Croatia currently participates in 17 international peacekeeping missions and is a current nonpermanent member of the United Nations Security Council.

As cochair of the Croatian Caucus, it has long been a goal of ours to see Croatia receive an invitation to join NATO, and I was pleased when the invitation to begin accession discussions came earlier this year. The government and the people of Croatia have worked very hard, and NATO has taken notice of their political, social, and military reforms. All Croatians and Croatian Americans deserve to feel true national pride in this accomplishment. I know that I speak for myself, my cochair Mr. VISCLOSKY, and other members of the Croatian Caucus when I say that we look forward to continuing to work with Croatia and their very capable embassy here in the United States on a variety of issues of mutual concern.

This is truly a great accomplishment for the nation of Croatia, and it is very appropriate that as a Congress we stand together to honor the accomplishments of our friend and ally. I thank all the Members who cosponsored this resolution and helped to bring it to the floor, and encourage my colleagues to join me today in honoring Croatia and Albania.

Mr. BERMAN. Madam Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Speaker, I rise today in support of this resolution.

I am very pleased that Albania and Croatia were invited to join the alliance at the Bucharest summit in April of this year. Enlarging NATO has been hugely successful in advancing stability and cooperation among NATO's member states, and this invitation to Albania and Croatia to join the alliance is very welcome news.

Unfortunately, another friend and important ally, the Republic of Macedonia, was blocked from joining NATO at the Bucharest summit due to the objection of a single nation, Greece, over the official name of Macedonia. This is very disappointing.

Macedonia has made significant economic and political reforms. They have made a strong contribution to U.S.-led military missions. They have been deemed to be fully qualified to become a member of the alliance.

Greece is our long-time friend, our valued ally, but their refusal to allow Macedonia into NATO over a bilateral name dispute represents, to my belief, the first time NATO membership has been denied any country due to a bilateral dispute unrelated to strategic defense considerations of the alliance. This is a very troubling precedent. It sets the stage for what could be a pattern, where member states leverage their advantage to nonmember states seeking to get into NATO and try and extract any measure of bilateral concession, all occurring at the expense of the alliance.

I strongly support a quick and expedient resolution to the name dispute between Greece and Macedonia so that Macedonia can join Albania and Croatia in signing accession protocols with NATO. I commend the United States diplomat that has led the efforts to resolve this issue. Both Greece and Macedonia have expressed their resolution to continue to work on getting a breakthrough. I encourage their efforts and I urge them, these great countries, these important friends of ours, to rise above the temptation to exploit nationalist themes for domestic political advantage in each of their respective countries. Put that aside, rise above that for the good of the alliance. Resolve this issue and let Macedonia in.

The resolution before us commends Albania and commends Croatia for the beginning of the accession process. They deserve this commendation. Please support this resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Persons in the gallery are reminded to refrain from any exhibition, including applause.

Mr. CHABOT. Madam Speaker, I yield back the balance of my time.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1266, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SPECIAL OLYMPICS' 40TH ANNIVERSARY

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1279) recognizing the Special Olympics' 40th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1279

Whereas Eunice Kennedy Shriver organized the first international Special Olympics Summer Games, which were held on July 20, 1968, in Chicago's Soldier Field;

Whereas the Special Olympics World Games are held every 4 years;

Whereas the Special Olympics oath is ''Let me win, but if I cannot win, let me be brave in the attempt.'', which was originally spoken by gladiators entering the arena in ancient Rome;

Whereas the Special Olympics is dedicated to empowering individuals with intellectual disabilities to become physically fit, productive, and respected members of society through sports training and competition;

Whereas the Special Olympics currently serves 2,500,000 people with intellectual disabilities in more than 200 programs in over 180 countries;

Whereas the Special Olympics currently has 700,000 volunteers and 500,000 coaches worldwide;

Whereas the Special Olympics programs offer year-round training and competition in 30 Olympic-type sports for both winter and summer;

Whereas at every Special Olympics awards ceremony, in addition to the traditional medals for first, second, and third places, athletes from fourth to last are presented a suitable place ribbon with appropriate ceremony;

Whereas the Special Olympics events are open to all intellectually disabled peoples that are above the age of 8 regardless of the degree of their disability;

Whereas the Special Olympics was officially recognized by the International Olympics Committee in February 1988 and is the only organization authorized by the International Olympics Committee to use the word ''Olympics'' worldwide;

Whereas the Flame of Hope is a symbol of the Special Olympics World Games and is lit in a special ceremony in Athens, Greece;

Whereas the Law Enforcement Torch Run is a multinational fundraising campaign for the Special Olympics programs in which the Flame of Hope is run by law enforcement officers to raise funds and awareness for the Special Olympics;

Whereas the cities of Lincoln and Omaha, Nebraska will be hosts to the Special Olympics in July 2010; and

Whereas the Special Olympics provides its athletes continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and participate in a sharing of gifts, skills, and friendship with their families, other Special Olympics athletes, and the community: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Special Olympics on its 40th anniversary for the contributions and opportunities it provides to all its participants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to congratulate the gentleman from Nebraska (Mr. TERRY) for putting forward a very important resolution which celebrates the 40th anniversary of the Special Olympics and recognizes the lifelong achievements of one of America's great champions of compassion, Eunice Kennedy Shriver.

Mrs. Shriver's leadership in the worldwide effort to improve and enrich the lives of people with intellectual disabilities is unparalleled. Her work led to the creation of the Presidential Committee on Mental Retardation in the Kennedy administration. She also organized the first International Special Olympics Summer Games on July 20, 1968 in Chicago's Soldier Field. Since that day, Mrs. Shriver has built the Special Olympics into an organization with global reach which has enriched the lives of 2,500,000 athletes with intellectual disabilities in over 180 countries.

The Special World Games, like the Summer and Winter Olympics, are held every 4 years. And since 1988, they have been officially recognized by the International Olympic Committee. They are dedicated to empowering individuals with intellectual disabilities. These contests allow Special Olympians to enjoy the thrill of competition, to develop sportsmanship, self-esteem, and fellowship.

The oath of the Special Olympians is, ''Let me win. But if I cannot win, let me be brave in the attempt.'' The Special Olympians are indeed brave. I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I would first like to also commend the gentleman from Nebraska (Mr. TERRY) for his leadership and his offering this particular resolution, and I also rise to support this resolution, H. Res. 1279, which recognizes the Special Olympics on its 40th anniversary.

On July 20, 1968, as was mentioned, Eunice Kennedy Shriver organized the first Special Olympic Summer Games, which took place at Soldier Field in Chicago. Since then, the Special Olympics has become one of the most prominent and celebrated sporting programs in the entire world. The Special Olympics today serves more than 2½ million people with intellectual disabilities.

These inspirational athletes work with more than 1 million volunteers and coaches worldwide, training year round for competition in both Summer and Winter Games. In more than 200 countries, the Special Olympics has shown that intellectual disabilities are no impediment to fun and healthy athletic competition. These athletes are supported by more than 18,000 dedicated volunteers.

In my own State, Special Olympics Ohio has approximately 200 local member organizations and over 18,000 athletes who are in training and competition. These organizations originate from county boards of MR/DD, public schools, developmental centers, parks and recreation departments, churches, and parent and community groups.

For the past 40 years, these games have empowered individuals with intellectual disabilities to become physically fit and have fun while engaging in sports training and competition.

As was indicated by the gentleman from California, and I think the quote again warrants stating, that like the gladiators of ancient Rome, Special Olympics athletes pledge, ''Let me win, but if I cannot win, let me be brave in the attempt.''

On this 40th anniversary, we congratulate these courageous athletes and wish the program many more years of continued success.

I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. TERRY), who is the author of this particular resolution. As I indicated before, he is also a member of the powerful Committee on Energy and Commerce.

Mr. TERRY. I want to first say thank you to the chairman and ranking member for allowing this to come to the House floor in such a rapid manner. It is my pleasure to have authored this resolution in working with Special Olympics on their 40th anniversary.

In those 40 years since Mrs. Eunice Shriver dreamed of helping those with intellectual disabilities by having them compete as a part of letting them know that they can achieve and as part of their therapies, in those 40 years since her vision came to be, we have seen many with intellectual disabilities win and let them be better in that competition. I am also pleased that my community is hosting the International Special Olympics competition in 2010 between Omaha and Lincoln.

As my colleagues have stated, Special Olympics is an international nonprofit organization dedicated to the great cause of empowering individuals with intellectual disabilities to become physically fit, productive, and respected members of society through sports training and competition. Participation in Special Olympics' yearround sports training and athletic competition is open to anyone with intellectual disabilities ages 8 and older.

Currently there are 700,000 volunteers and 500,000 coaches worldwide that serve over 2.5 million people with intellectual disabilities by helping them participate in over 200 programs in 180 countries. It is important to note that Special Olympics would not exist today and could not have been created without the time, energy, commitment, and enthusiasm of many of its volunteers. As a grassroots organization, Special Olympics relies on volunteers at all levels of the movement to ensure that every athlete is offered a quality sports training and competition experience.

The athletes have choices of just about any sport you can think of, from winter sports, aquatics, badminton, basketball, track and field, snowboarding, sailing, table tennis, handball, racquetball, volleyball. It goes on and on and on.

The Special Olympics oath is inspirational to all and was originally spoken by gladiators entering the arena in ancient Rome: ''Let me win. But if I cannot win, let me be brave in the attempt.''

Madam Speaker, as a Member of Congress, I strive every day to live up to these words. Again, I am proud to be associated with this resolution and Special Olympics and urge its passage on the floor today. Again, I thank Mr. BERMAN and Mr. CHABOT for making sure that this arrived on the floor in such a rapid manner.

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Mr. BERMAN. Madam Speaker, I have no other speakers and so I reserve my time.

Mr. MORAN of Kansas. Madam Speaker, I rise today in support of H. Res. 1279 to recognize and congratulate Special Olympics for 40 years of extraordinary service to individuals with intellectual disabilities.

Beyond giving 2.5 million athletes a chance to compete, it gives their families a way to involve their sons, daughters, brothers and sisters. A chance for them to cheer. A chance to coach. A chance to connect in a special way. A chance to see their family member be accepted and respected in their communities.

After 40 years, there are now millions of stories of courage in the Special Olympics, but one athlete who has taken the oath and that embodies this year's theme is LP Esquibel from Dodge City, Kansas. He is more than a fan of courage. He is courageous and because of his courage he was awarded the Most Inspirational Athlete award at the Summer Games this year. Cerebral Palsy kept him from walking until he was 5 years old, but it hasn't kept him from becoming a 13-year veteran of the Special Olympics. It also hasn't kept a smile from his face. From all accounts, LP is more than a great athlete in his events of basketball, shot put, and the 100-yard walk, he is an encouragement to his fellow teammates and helps them on the court.

It is stories like LP's that has sold me on the power and benefits of the Special Olympics. Since 2007, I have served as the Honorary Chairman for the Kansas Law Enforcement Torch Run. The Torch Run covers hundreds of miles throughout Kansas and raises thousands of dollars in support of Special Olympics programs. This year-round fundraiser and awareness initiative was implemented by former Wichita Police Chief Richard LaMunyon in 1981. It became an international event 3 years later in 1984 when Chief LaMunyon presented it to the International Association of Chiefs of Police. The Law Enforcement Torch Run is now the largest grass-roots fundraiser and public awareness vehicle for Special Olympics around the world.

It was an honor to help raise money this past summer to help send Kansas athletes to compete in China at the World Olympics. I enjoyed meeting them and hearing of their success.

Special Olympics does remarkable work, both in the State of Kansas and across the globe. I would like to commend the leaders and volunteers of Special Olympics for 40 years of outstanding service and wish them continued success in the future.

Mr. WILSON of South Carolina. Madam Speaker, this year marks the 40th anniversary of the Special Olympics—an organization dedicated to providing individuals with intellectual disabilities an opportunity to train and compete in athletic events. Over 2.5 million individuals from across 180 countries participate in events held year-round.

As the world gathers in Beijing, China for this year's Summer Olympic Games, we should remember the 2007 Special Olympics World Summer Games that were held in Shanghai, China, in October 2007. This was only the second time the games have been held outside the United States and attracted over 7,000 athletes. From my home State of South Carolina, Special Olympics South Carolina sent four athletes—Diana Poiletman of Columbia, Eric Brown of Columbia, Jason Morrow of Spartanburg County, and Darlene Wycuff of Spartanburg County—who brought home an impressive total of 9 medals. These strong individuals embody the best of the human spirit and truly represent the words of the Special Olympics' motto: ''Let me win. But if I cannot win, let me be brave in the attempt.''

I wish to congratulate the millions of individuals who compete and participate in the Special Olympics. In particular, I want to recognize Anne Burke and Eunice Kennedy Shriver who founded the organization in 1968. Their dedication and tireless efforts on behalf of intellectually disabled men, women, and children around the world are truly remarkable. In South Carolina, Barry S. Coats, President and CEO of Special Olympics South Carolina and all his staff and volunteers should be commended for their wonderful work.

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to recognize the 40th anniversary of the Special Olympics and, in particular, Chicago's role in the wonderful program. As some of you may know, the first Special Olympics were held in my congressional district, the 7th Congressional District in Illinois on Chicago's Soldier Field on July 20, 1968. The idea for this event originated in 1967 when Anne Burke, a recreation teacher from the Chicago Park District, proposed holding a citywide track meet for people with disabilities, modeled after the Olympics. She was encouraged to hand in the proposal to Eunice Kennedy Shriver at the Kennedy Foundation; she did. It was at Chicago's Soldier Field that Eunice Kennedy Shriver announced the formation of the Special Olympics. One thousand athletes attended the first games from 26 States and Canada. The inaugural ceremony started with the quote, ''Let me win, but if I cannot win, let me be brave in the attempt.'' These words came from the lips of the gladiators in ancient Rome and were wisely chosen by Kennedy Shriver to represent the goal of the Special Olympics.

Before the Special Olympics were started Eunice Shriver had already tried once to organize a camp that would help disabled children. This organization which started out with 35 boys was called Camp Shriver. It is amazing that something that started out with only 35 children has developed into the Special Olympics which now holds programs in more than 180 countries with more than 2.5 million athletes and counting. The Special Olympics is a program that allows people from all over the world, or most of it, to interact with one another. It is astonishing what can be achieved when someone has an idea. One idea can inspire people to do great things.

Congratulations to Special Olympics with its 40th anniversary. You have proven that great ideas give great outcomes. Thank you for making a difference and continue to inspire everyone.

Mr. CHABOT. Madam Speaker, we have no further speakers and we yield back our time.

Mr. BERMAN. I yield back my time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1279.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING ON CHINA TO END HUMAN RIGHTS ABUSES PRIOR TO THE OLYMPICS

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1370) calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1370

Whereas the relationship between the United States and the People's Republic of China is one of the most important and complex in global affairs;

Whereas in the context of this complex relationship, the promotion of human rights and political freedoms in the People's Republic of China is a central goal of United States foreign policy towards China;

Whereas increased protection and stronger guarantees of human rights and political freedoms in the People's Republic of China would improve the relationship between the United States and the People's Republic of China;

Whereas the Beijing 2008 Olympic Games will be held from August 8, 2008, through August 24, 2008;

Whereas the United States should continue to advance its policy goal of improved human rights and political freedoms in the People's Republic of China in the context of the Beijing 2008 Olympic Games;

Whereas all Olympic athletes deserve to participate in a competition that takes place in an atmosphere that honors the Olympic traditions of freedom and openness;

Whereas the Government of the People's Republic of China committed to protect human rights, religious freedom, freedom of movement, and freedom of the press as part of its conditions for being named to host the Beijing 2008 Olympic Games;

Whereas the Government of the People's Republic of China issued temporary regulations promising foreign media representatives covering the Beijing 2008 Olympic Games that they could travel freely, with the exception of in the Tibet Autonomous Region, and did not require advance permission before interviewing Chinese citizens during the period of January 1, 2007, to October 18, 2008;

Whereas the Government of the People's Republic of China has failed to abide by many provisions of those regulations and has restricted foreign media by—

(1) detaining 15 journalists in 2007 for activities permitted by the new regulations;

(2) refusing to allow foreign media representatives access to Tibetan areas of China, including those areas outside of the Tibet Autonomous Region covered by the pledge of free access, to report on the March 2008 protests and the Government of the People's Republic of China's violent crackdown against Tibetans in those areas; and

(3) interfering with foreign media representatives and their Chinese employees who were hired within China, such that 40 percent of foreign correspondents have reported government interference with their attempts to cover the news in China;

Whereas in advance of the Beijing 2008 Olympic Games, there are widespread reports that the Government of the People's Republic of China has refused to grant visas or entry to individuals because of their political views, beliefs, writings, association, religion, and ethnicity;

Whereas Chinese citizens and foreign visitors in China for the Beijing 2008 Olympic Games will not have free access to information if the Government of the People's Republic of China continues to engage in blocking of overseas websites and other forms of Internet filtering and censorship;

Whereas the Beijing 2008 Olympic Games will not take place in an atmosphere of freedom if the Government of the People's Republic of China continues to limit the freedoms of speech, press, religion, movement, association, and assembly of its citizens and visitors, including political dissidents, protesters, petitioners, the disabled, religious activists, minorities, the homeless, and other people it considers undesirable;

Whereas despite the Government of the People's Republic of China's repeated pledges to the international community that the prevention and treatment of HIV/AIDS are a national priority, HIV/AIDS activists and their organizations remain targets for repression and harassment by Chinese authorities;

Whereas in the period preceding the Olympics Games, Chinese security forces have detained, threatened, and harassed HIV/AIDS and hepatitis advocates; shut down conferences and meetings of Chinese and foreign HIV/AIDS experts; and closed AIDS organizations;

Whereas the Government of the People's Republic of China continues to ignore its international commitments to refugee protection, as evidenced by film footage recording the shooting death of a Tibetan nun by Chinese border guards in October of 2006 and human rights groups' reports citing increased bounties offered for turning in North

Korean refugees in 2008 to discourage border-crossing prior to the Olympic Games;

Whereas workers in the People's Republic of China are often exposed to exploitative and unsafe working conditions, including excessive exposure to dangerous machinery and chemicals;

Whereas according to Amnesty International, some Chinese companies withhold wages from workers for months while retaining their ID cards to prevent them from securing other work and, in the city of Shenzhen alone, an average of 13 factory workers a day lose a finger or an arm, and every 4½ days a worker dies in a workplace accident;

Whereas the Government of the People's Republic of China has increased its persecution of the Falun Gong prior to the Olympic Games;

Whereas the Government of the People's Republic of China remains unwilling to invite His Holiness the Dalai Lama to China to hold direct talks on a resolution on the issue of Tibet, despite calls from the international community to do so before the Olympic Games;

Whereas the Government of the People's Republic of China has had discussions with the representatives of the Dalai Lama, but has been unwilling to engage in substantive discussions on the future of Tibet and Tibetans in China;

Whereas the Government of the People's Republic of China's continued economic and political support for foreign governments that commit gross human rights violations, including those of Sudan and Burma, contradicts the spirit of freedom and openness of the Olympic Games;

Whereas it is the desire of the House of Representatives that the People's Republic of China take the specific actions set forth herein so that the Beijing 2008 Olympic Games are successful and reflect positively on its host country;

Whereas the Chinese Government limits most women to having one child and strictly controls the reproductive lives of Chinese citizens by systematic means that include mandatory monitoring of women's reproductive cycles, mandatory contraception or sterilization, mandatory birth permits, coercive fines for failure to comply, forced abortion, and involuntary sterilization, and this coercive policy adversely affects Chinese women and has led to widespread sex-selective abortion; and

Whereas on June 26, 2008, the Congressional-Executive Commission on China published on its Web site a well-documented list of 734 political prisoners detained by the Government of China for exercising rights pertaining to peaceful assembly, freedom of religion, freedom of association, and free expression, which are rights guaranteed to them by China's law and Constitution, or by international law, or both: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur people, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness;

(2) calls on the Government of the People's Republic of China to immediately release all those imprisoned or detained for nonviolently exercising their political and religious rights and their right to free expression, such as Hu Jia, who have been imprisoned, detained, or harassed for seeking to hold China accountable to commitments to improve human rights conditions announced when bidding to host the Olympic Games, embodied in China's own laws and regulations, and in international agreements;

(3) calls on the Government of the People's Republic of China to honor its commitment to freedom of the press for foreign reporters in China before and during the Olympic Games, to make those commitments permanent, and publicly to guarantee an immediate end to the detention, harassment, and intimidation of both foreign and domestic reporters;

(4) calls on the Government of the People's Republic of China to permit visitors to China, including through the issuance of visas, for the period surrounding the Olympics, regardless of religious background, belief, or political opinion;

(5) calls on the Government of the People's Republic of China to guarantee freedom of movement within China during the period surrounding the Olympics for all visitors, participants, and journalists visiting China for the Olympics, and such freedom of movement should include the freedom to visit Tibet, Xinjiang, China's border regions, and all other areas of China without restriction and without special permits or advance notice;

(6) calls on the Government of the People's Republic of China to guarantee access to information by Chinese citizens and foreign visitors, including full access to domestic and overseas broadcasts, print media, and websites that in the past may have been excluded, censored, jammed, or blocked;

(7) calls on the Government of the People's Republic of China to permit political dissidents, protesters, petitioners, religious activists, minorities, the disabled, the homeless, and others to maintain their homes, usual locations, jobs, freedom of movement, and freedom to engage in peaceful activities during the period surrounding the Olympics;

(8) calls on the Government of the People's Republic of China to end the exploitative and dangerous conditions faced by Chinese workers in many state enterprises and other commercial entities;

(9) calls on the Government of the People's Republic of China to begin earnest negotiations, without preconditions, directly with His Holiness the Dalai Lama or his representatives, on the future of Tibet to provide for a mutually agreeable solution that addresses the legitimate grievances of, and provides genuine autonomy for, the Tibetan people;

(10) calls on the Government of the People's Republic of China to end its political, economic, and military support for the Government of Sudan until the violent attacks in Darfur have ceased and the Sudanese Government has allowed for the full deployment of the United Nations-African Union Mission peacekeeping force in Darfur;

(11) calls on the Government of the People's Republic of China to end its political, economic, and military support for the Government of Burma until democracy is restored in Burma, human rights abuses have ceased, and Aung San Suu Kyi and other political prisoners of conscience are released;

(12) calls on the President to make a strong public statement on China's human rights situation prior to his departure to Beijing for the Olympic Games, to make a similar statement in Beijing and meet with the families of jailed prisoners of conscience, and to seek to visit Tibet and Xinjiang while in China to attend the Olympic Games;

(13) calls on the Government of the People's Republic of China to abandon its coercive population control policy which includes forced abortion and involuntary sterilization; and

(14) calls on the Government of the People's Republic of China to review the political prisoner list published by the Congressional-Executive Commission on China with a view to releasing ill and aged prisoners on humanitarian grounds, and to releasing those imprisoned in violation of Chinese law or international human rights law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I rise in strong support of this resolution and I yield myself as much time as I may consume.

Madam Speaker, despite commitments by Beijing to improve human and political rights in the run-up to the 2008 Summer Olympics, the situation has not improved and in some cases has become far worse. Likewise in the past few months, China's international behavior with respect to despicable regimes in Sudan and Burma has improved marginally at best. Beijing remains these countries' strongest supporter.

Because of China's failure to improve its record on supporting human rights at home and abroad, now is the time to call on China to take immediate, substantial and serious action if there is to be any hope that the Olympic games will take place in an atmosphere that honors the Olympic spirit of freedom and openness.

This resolution does just that. It is a direct call to China by the House of Representatives to end human rights abuses, honor its commitments for freedom of the press and freedom of movement ahead of the Olympics, permit peaceful political activities during the games, enter into direct discussions with the Dalai Lama over the future of Tibet, and end its political and economic support of the regimes in Sudan and Burma.

President Bush has decided to go to the Olympics opening ceremony. Whether one agrees or disagrees with his decision, it is clear that the President should not pass up this opportunity to make a strong statement in support of human rights, one of our central policy goals. This resolution calls on the President to make such a statement before and during his trip to Beijing for the games. It is important for the House of Representatives to speak with one voice on the issue of human rights and political freedoms in China ahead of the Olympics. I strongly support this resolution.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution which underscores Beijing's broken promise to the International Olympic Committee and the international community. When Beijing was awarded the 2008 Summer Olympics, China's leaders committed themselves to using this historic event as a catalyst to improve human rights for the citizens of the world's most populous nation. By all credible accounts, however, the human rights situation in China has not improved on the eve of the games. The Olympics has led China's draconian security forces to further crack down on dissidents and increase repression of minority groups. The glimmer of gold from Olympic medals in Beijing cannot conceal a tarnished record of Chinese official sponsorship of dictatorial regimes in Sudan, Burma and North Korea. The shine of silver cannot blind us to the fact that the Beijing regime continues its bloody suppression of minority groups, including the Tibetans. The brilliance of bronze cannot block out the repression of Falun Gong practitioners, Internet journalists, underground church believers and other political prisoners left to languish in the laogai forced labor camps and the vast prison system.

In a report issued just yesterday, Amnesty International affirmed that in the last year alone, thousands of dissidents, reformers and other independent voices were arrested as part of a campaign by Chinese authorities to ''clean up'' Beijing before the start of the Olympic games. According to the report, human rights activists have been targeted in other parts of the country as well, with many of those arrested and sentenced to manual labor without trial. Amnesty's report cites the case of one activist who was arrested earlier this month on charges of possessing state secrets, although it is believed that the arrest was prompted by his efforts to help the families of children killed in May's earthquake bring a legal case against local authorities.

Amnesty's deputy director in Asia said: ''By continuing to persecute and punish those who speak out for human rights, the Chinese authorities have lost sight of the promises they made when they were granted the games 7 years ago. The Chinese authorities are tarnishing the legacy of the games.'' I agree with what he said.

When it comes to the pursuit of democratic values and human rights, we remain a world divided with a dream unfulfilled for many in China and elsewhere. I urge my colleagues to join in sending the Chinese leadership a strong message.

I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I am pleased to yield 3 minutes to my colleague from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I would like to thank Chairman BERMAN and Ranking Member CHABOT for the time and for their leadership on human rights issues as well as Ranking Member ROS-LEHTINEN. I rise today in strong support of House Resolution 1370.

In about a week, all eyes will turn to China. Athletes from around the world will converge on Beijing, except, it appears, seven of the 10 Iraqi athletes who are not allowed into the country for some reason. Many world leaders—such as British Prime Minister Gordon Brown and German Chancellor Angela Merkel—are taking a very bold step next week by boycotting the opening ceremonies. I am still hoping that our President will reconsider his decision to attend in light of China's poor human rights record. It's no secret, Madam Speaker, that China has long sought to sweep its human rights violations under the rug. With the help of western companies, the Chinese government blocks or scrubs Web sites that it deems as troublemakers. Sites like CNN and certain Google searches are being censored. Try looking up Tiananmen Square while in China. No pictures of the 1989 student protest, certainly not the iconic picture of one man facing down a tank. In fact today many students at Beijing University couldn't even identify the photo.

Madam Speaker, as Chair of the Workforce Protections Subcommittee, I'm especially concerned about the treatment of Chinese workers. We have learned that reeducation labor camps and dire working conditions are the norm, not the exception, in China. This year's Olympics offered China the opportunity to turn a corner, but instead China turned backward.

I urge my colleagues to support this resolution and call on the President to stand up for human rights in China.

Mr. CHABOT. Madam Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health and a long-standing champion of human rights in China and around the world.

Mr. SMITH of New Jersey. I thank my good friend for yielding. I thank the chairman for bringing this important resolution to the floor and thank the gentleman from Ohio (Mr. CHABOT) for his fine leadership and that of Ranking Member ILEANA ROS-LEHTINEN.

A few years ago, Madam Speaker, Liu Jingmin, vice president of the Beijing Olympic bid committee, famously asserted that ''by allowing Beijing to host the games, you will help the development of human rights.'' At the time, the argument seemed plausible, at least to the naive, but in the long run-up to the Olympics the reality has been numbingly disappointing and yet another wake-up call concerning bogus promises made for political and financial gain by the Beijing dictatorship. The pre-Olympic crackdown on political dissidents and religious believers and the crushing of cyber-dissidents is yet another antithetical manifestation to everything that is sane, compassionate or just.

In recent months, the Chinese government has been filling its jails, house arresting, surveilling and warning all known dissidents. These men and women are persecuted simply because they seek to exercise fundamental human freedoms guaranteed by the Universal Declaration of Human Rights and ironically by the Chinese constitution itself. Tragically but predictably, the Olympics have been the occasion of a massive crackdown designed to silence and put beyond reach all those Chinese whose views differ from the government line. For so many brave Chinese men and women, for the Tibetans, many of them Buddhist monks and nuns, for members of Falun Gong, Chinese Christians, Uighur Muslims, democracy and labor activists and others, this has been a terrible summer, not in spite of but precisely because of the Olympic games. The fact is this is a reproach to the International Olympic Committee and to all those who believe in fundamental human rights.

As we meet here, right now in HC–7 several key human rights leaders, including the great Harry Wu and Wei Jingsheng, are speaking out against the atrocities committed with impunity by the government of China. I would note parenthetically that Wei was let out of prison—Wei, father of the Democracy Wall movement—simply to try to garner Olympics 2000. When the government didn't get that from the Olympic committee, they rearrested Wei Jingsheng and tortured him almost to death. That is the reality of the people we're dealing with.

In fact, let me just point out to my colleagues that any number of the Chinese government's human rights violations should have been a deal-stopper for the International Olympic Committee. Take the one-child-per-couple policy, Madam Speaker, with its attendant evils of forced abortion and rampant sex-selective abortion. In effect since 1979, the one-child-per-couple policy constitutes one of the gravest crimes against women and children in all of human history, and our resolution before us today has appropriate language condemning that atrocity.

The Chinese government massively violates Chinese women with a state policy of mandatory monitoring of all Chinese women's reproductive cycles, mandatory birth permits, mandatory contraception or sterilization, and ruinous fines up to 10 times the annual salary of both husband and wife if they don't comply with the one-child-per-couple policy. This policy has imposed unspeakable pain, violence, humiliation and degradation on hundreds of millions of Chinese women, many of whom suffer life-long depression as a direct consequence. It is no wonder more women commit suicide in China than anywhere else in the world.

As a direct result of this egregious human rights violation, tens of millions of girls are missing today, dead,

due to sex-selective abortions, creating a huge gender disparity, a new dark manifestation of genocide which is perhaps more appropriately called gendercide.

□ 1130

The lost girls of China, and the estimates are between 50 to 100 million lost girls, murdered simply because they were girls.

Madam Speaker, 3 weeks ago, FRANK WOLF and I visited Beijing in order to press for respect of fundamental human rights. The Chinese Secret Police threatened eight human rights lawyers with whom we had planned to meet for dinner in a public restaurant and placed several of them under house arrest.

We did, let me conclude with this, present the Chinese government with a list of people, 734 prisoners, a short list by Chinese standards, of people who are advocating for democracy and freedom. And with the Olympics now underway, we ask again, let those people and all like-minded human rights activists who languish and are tortured in prison, please let them go.

The resolution is a great one, and deserves everyone's support.

Mr. BERMAN. Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I would like to yield 4 minutes to the gentleman from the great State of Indiana (Mr. PENCE) who is the ranking member of the Subcommittee on the Middle East and South Asia.

Mr. PENCE. I thank the gentleman for yielding; thank him for his strong moral leadership on this issue. And I want to commend the ranking member and the chairman of the Foreign Affairs Committee for having the moral courage to bring this resolution to the House before Congress adjourns.

It is important that we speak truth to power. And with the 2008 Olympics in Beijing about to begin, it is important that the people of the United States be heard on our ideals, as athletes from around the globe and global media descend on China.

It is important that we say, as the late Tom Lantos, chairman of this committee, said in a hearing last year, a few months before his death, ''China is a police state.''

I personally believe that the selection of China as the site of the 2008 Olympic Games was a historic error. The Olympics is a symbol of the human spirit, and in that regard, a symbol of human freedom. And this police state, therefore, is precisely the wrong venue for a celebration of human dignity and the human spirit.

And so I commend to my colleagues support for H. Res. 1370. I am particularly grateful for the call on the government of the People's Republic of China to end abuses of human rights, to release those imprisoned for political and religious expression, and also challenging China to honor its commitment to freedom of the press of foreign reporters.

But I must say, while there is much talk in the media today about the crowd of smog hanging over Beijing as these games approach, let me say from my heart, the real cloud over the Beijing Olympics is the horror of forced abortion. And therefore, I am especially grateful to Congressman CHRIS SMITH, from whom we just heard, for adding an important amendment to this resolution noting that, whereas the Chinese government limits most women to having one child and strictly controls the reproductive lives of Chinese citizens by systematic means that include mandatory monitoring of women's reproductive cycles, mandatory sterilization and contraception, mandatory birth permits, coercive fines for failure to comply and the like, that this legislation will call on Congress to—excuse me—call on the People's Republic of China to immediately end the practice of forced abortion.

And make no mistake about it, China's policy requires that unpermitted babies be aborted. Article 25 of the Henan Province Population and Family Planning Regulations reads: ''Under any of the following conditions, necessary remedial measures shall be taken and pregnancy terminated under the guidance of family planning technical service workers: Pregnancy out of wedlock, pregnancy without a certificate, or where the party already has one child.''

In the committee, Madam Speaker, we heard the most horrific stories of these so-called family planning technical service workers literally breaking into homes, dragging women in their ninth month of pregnancies off to clinics, forcing abortions on them and, in one case after another, going to horrific means to ensure that the newly born child's life had been completely snuffed out. There is not time in this debate to recount those instances, but they are legion in China, and they are the result of heartbreak among tens of millions of that country of good and decent people.

And so I commend the chairman of this committee, Mr. BERMAN, for his leadership. I commend Mr. CHABOT for his leadership, and especially the gentleman from New Jersey, a leading voice for the sanctity of life in the United States of America, for ensuring that this legislation, this resolution comes before the Olympics, that we speak truth to power to the People's Republic of China; that here in the United States of America, the people of this country will say, with one voice, we believe in freedom and we believe in life, and we reject the policy of forced abortion in China, and urge them to do likewise at this time.

Mr. BERMAN. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield 4 minutes to the gentleman from Texas, a former judge, Mr. POE, an esteemed member of the Committee on Foreign Affairs, and the author of China-related resolutions, part of which were incorporated into this measure.

Mr. POE. Madam Speaker, I rise in total support of this resolution today. And I want to thank the chairman for including language from one of my proposals regarding worker exploitation to the bill being considered today.

Having been to China, I have seen firsthand how the Chinese government runs roughshod over its people and abuses their basic rights.

Earlier this year, Madam Speaker, I introduced a resolution condemning the government of China for not only its inhumane working conditions, but also for the exportation of unsafe goods like lead toys and pet food to the United States, and for the poor environmental policy that affects the entire globe. I hope the committee will soon consider the Chinese policy of exporting harmful products to the United States and other parts of the world.

However, the Olympic Games begin next week, and I believe it is critical to remind the government of China that it is a member of the world community, and the world is watching how China treats its citizens. China has a social and moral responsibility to provide basic rights to all of its citizens, especially in the workplace.

In June of 2007, it was discovered that hundreds of people, including women and small children, were forced to work in hot brick-making factories, suffering from brutal beatings and confinement equal to imprisonment.

According to Amnesty International, there are instances where Chinese companies withhold wages from the workers for months at a time, refuse to give them ID cards. Without an ID card, it prevents that worker from securing work someplace else.

In the city of Shenzhen alone, in an average day, 13 factory workers lose an arm or some other body member, and every 4 days a worker dies in a workplace accident. And Madam Speaker, this is just in one city in China.

I stand with the Chinese people who have been subjected to inhumane working conditions, and call on the government to end the dangerous conditions faced by these workers. If China expects to gain the respect of the global community, China must earn that respect from its own citizens first, and that requires reforming their inhumane working conditions and respecting basic human rights of their own people.

And once again, I want to thank the chairman for bringing this to the House floor.

Mr. BERMAN. Madam Speaker, I am pleased to yield to the Speaker of the House, who came up with the idea for having this resolution at this particular time, our Speaker, NANCY PELOSI, for 1 minute.

Ms. PELOSI. Madam Speaker, I thank the gentleman for his comments. I thank him for bringing this legislation, salute him and the ranking member of the committee, Congresswoman

ROS-LEHTINEN, for her ongoing persistent advocacy for human rights throughout the world. I thank you for you leadership as well, Mr. BERMAN, Mr. Chairman.

I rise today in strong support of this resolution calling on the Chinese government to end its human rights abuses in China and Tibet so that the Olympic Games can take place in an atmosphere that honors the Olympic traditions of freedom and openness.

I thank Chairman BERMAN again and Ranking Member ROS-LEHTINEN for bringing the resolution to the floor. With passage of this resolution, the House will speak with one voice about the conditions in China and Tibet on the eve of the Olympic Games.

Madam Speaker, the Olympic charter states that the Olympics should promote ''a peaceful society concerned with the preservation of human dignity.'' The reality is that human rights abuses committed by Chinese authorities are worsening in the weeks and months before the Olympics.

In exchange for the privilege of hosting the Olympic Games, the Chinese government made commitments on freedom of the press, human rights and on the environment. Many of these commitments have been violated repeatedly and blatantly. Both foreign and domestic journalists have been harassed, threatened and detained. Human rights defenders and activists have been arrested and imprisoned at an alarming rate in recent months.

The dialog between the Chinese government and the representatives of His Holiness, the Dalai Lama, have gone nowhere. Thousands of peaceful Tibetans still languish in prisons in the aftermath of the protest that began in March. Chinese authorities have stepped up the so-called ''patriotic education'' campaigns that require Tibetan Buddhists, regardless of their true thoughts, to publicly denounce the Dalai Lama.

The violations of human rights do not end on China's borders. On the international front, the Chinese government continues to support the genocidal regime in Sudan and the military junta in Burma. Their actions run counter to our interests of promoting peace, stability and morality in the world. The situation in the Sudan would change drastically if the Chinese government would cooperate at the U.N. and send that message to the Sudanese government.

It is in this context that President Bush is traveling to China to attend the Olympic Games. To my knowledge, a sitting President of the United States has never attended an Olympics on foreign soil. That gives the President tremendous leverage with the Chinese government as he gives them tremendous face by attending the opening ceremonies of the Olympics.

I have no objection to the President attending the Olympic Games. I do hope, though, that with all of the face, for lack of a better word, that the Chinese government will receive by his participation in the opening ceremony, that he will take the opportunity to use his leverage to speak very forcefully to the Chinese regime, not only about human rights in China and Tibet, of course that is a top priority, but also about the barriers to U.S. products going into China, about the dangers that are foisted upon our children and the American people by the lack of safety and the production of food.

It is important for the body to know, and I am sure others have made the point, that the President recently met with some advocates for human rights in China and Tibet. I was very proud that they had the opportunity to meet with the President in the White House, and I thank the President for doing that.

But shortly after the President had the meeting, two of these people were detained on the way to a meeting with our colleagues, Congressman SMITH and Congressman WOLF, FRANK WOLF of Virginia.

So the message has to be, I think, clear to the Chinese government. We have concerns about jobs. We have concerns about U.S. jobs fleeing to China without opening of their markets to our products. We have concerns about human rights in China and Tibet. We want to work with the Chinese government to fight global warming. There are areas where we can have a level of cooperation.

But if we give them that level of respect by having the President of the United States be at the opening ceremony of the Olympic Games, it is important for the President, when he is there, to deliver a strong message of concerns that we have in our country.

I hope that we can have a brilliant future with China. Mr. SMITH and Mr. WOLF and I have been trying for over 20 years, haven't we, been making this fight on human rights, as well as others in this body, and our dear friend, Mr. Lantos, as well.

They told us 19 years ago, at the time of Tiananmen Square, if only we would engage economically with China, then human rights would improve there, democratization would take place, markets would be open to our products. But that just really hasn't happened.

Here we are 19 years later. The Olympic Committee honored China by giving them the opportunity to host these Olympic Games. The President of the United States is honoring them by attending the opening ceremonies. It is very important that the opportunity afforded to China be met with responsible behavior on their part in terms of human rights in China and Tibet.

So I hope that the President will not miss the opportunity, that historic, that has wide-ranging consequences, and which will be viewed with such favorability should he deliver the message when he is there.

The President is well known for his support of freedom of religion. That is a commitment that he has made throughout the world, and it is one that I hope that he will carry with him to China as well.

□ 1145

With that, again, I thank the gentleman and Congresswoman ROS-LEHTINEN for bringing this to the floor.

I am very thrilled that the Congress of the United States will speak with one voice on this important subject. I know the struggle for human rights is a long one, but we did not expect the Olympics to result in a situation where they were worsened in China instead of improved, as was the promise.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I appreciate the Speaker's words relative to China. The Speaker has a very tough job, and with that job goes praise and criticism. I know many of us, including myself, have been critical of the Speaker for not allowing, for example, a vote on ANWR on the floor of this House and we certainly think that we ought to have that vote.

But I want to praise the Speaker on her speaking out when she was on a trip in India on a codel and she spoke out when the crackdown on Tibet was occurring, the scandalous, outrageous crackdown on Tibet was occurring. The Speaker spoke out, and I issued a press release and also a personal letter thanking her for speaking out on behalf of our country. I think it was the right thing for her to do, and I think it took a lot of courage for the Speaker of the House to actually speak out on behalf of Tibetans who are undergoing considerable civil rights, human rights abuses.

The fact is, there are still, according to a recent article, at least 1,000 Tibetans that are unaccounted for because of this crackdown by the PRC, by Communist China. This is a very serious issue, and I'm glad that we're taking up this resolution.

I reserve the balance of my time.

Mr. BERMAN. Madam Speaker, I continue to reserve my time.

Mr. CHABOT. Madam Speaker, I would like to yield 3 minutes to the gentleman from Virginia (Mr. WOLF) who is the cochair of the Congressional Human Rights Caucus and who recently traveled to China.

Mr. WOLF. I thank the gentleman. I thank him for yielding.

I want to thank Mr. BERMAN and Congresswoman ILEANA ROS-LEHTINEN and Mr. CHABOT for bringing the bill up.

I also want to thank President Bush for meeting yesterday with the dissidents, and I know they were probably passionate with him to explain how important it is to speak out.

I also want to second what Mr. CHABOT said about the Speaker. I appreciate Speaker PELOSI raising this issue on human rights and religious freedom in China. There is tremendous persecution. Catholic bishops are in

jail. A large number of house church leaders are still in jail. As Mr. SMITH said, there is a list of 730 dissidents that we should advocate publicly for.

In the days during the Reagan administration, President Reagan would advocate publicly for names. That is very important. We know what they've done in Tibet in the Drapchi prison in the persecution of Tibetan monks and nuns. We know the Uighurs, Rebiya Kadeer, whose children have been arrested and are in jail as we now speak. They're plundering, beating the Falun Gong. And even in Flushing, New York, we believe—and the FBI is investigating—that the Chinese embassy was involved in a counter-demonstration beating of the Falun Gong in Flushing, New York. Not in Flushing, China, but in Flushing, New York.

We know of the labor camps, the laogais. We know what Harry Wu has told us of the labor camps that are still operating, and there are more labor camps in China today than there were gulags in the Soviet Union.

We know when the Speaker said, very accurately, the genocide in Darfur, the Chinese government is the number one supporter of the genocidal government in Khartoum. And as Mr. SMITH and Mr. PENCE said on the one-child policy on forced abortion, we know what they're doing.

What I would urge the administration to do and the President to do—I want to make sure we don't violate the rules and I speak to the Speaker—is to give a speech the way that President Reagan gave a speech at the Danilov Monastery. It was a very powerful speech. As Natan Sharansky said, when Ronald Reagan gave the speech in Orlando, Florida, where he called the Soviet Union the Evil Empire, it sent a message through the Perm. The prisoners in the Perm knew of what President Reagan was publicly speaking out and advocating for, and the people in the Perm and the people in jail knew when President Reagan gave the Danilov Monastery speech that he was speaking out.

So I would urge the President to give a Danilov Monastery/Evil Empire speech in China. Select a Catholic church or a house church or a university and boldly speak out. Keep in mind Reagan boldly spoke out and called the Soviet Union the Evil Empire, boldly spoke out in the Danilov Monastery.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. CHABOT. I yield the gentleman 1 additional minute.

Mr. WOLF. I thank the gentleman.

Ronald Reagan spoke out both times very boldly. If you recall, at President Reagan's funeral, Gorbachev came and attended the funeral. You can do it in that way. So I urge the President.

I would also urge the committee to bring up Congressman SMITH's Global Online Freedom bill so we can send a message, because when we were there, we saw that sometimes some American companies are cooperating with the Chinese government using American technology to cooperate.

My closing comment, Madam Speaker, is that we urge the President to give a Ronald Reagan Danilov Monastery-type speech so that when he leaves China, it is clear to the dissidents who are in prison—because they will hear him—it is clear to the family members of those dissidents—because they will hear him—and it will be doubly clear, triply clear to the Chinese government that America and the President of the United States stands for freedom, and that must be done publicly.

Mr. PAUL. Madam Speaker, I rise in opposition to this resolution, which is yet another meaningless but provocative condemnation of China. It is this kind of jingoism that has led to such a low opinion of the United States abroad. Certainly I do not condone human rights abuses, wherever they may occur, but as Members of the U.S. House of Representatives we have no authority over the Chinese government. It is our constitutional responsibility to deal with abuses in our own country or those created abroad by our own foreign policies. Yet we are not debating a bill to close Guantanamo, where abuses have been documented. We are not debating a bill to withdraw from Iraq, where scores of innocents have been killed, injured, and abused due to our unprovoked attack on that country. We are not debating a bill to reverse the odious FISA bill passed recently which will result in extreme abuses of Americans by gutting the Fourth Amendment.

Instead of addressing these and scores of other pressing issues over which we do have authority, we prefer to spend our time criticizing a foreign government over which we have no authority and foreign domestic problems about which we have very little accurate information.

I do find it ironic that this resolution "calls on the Government of the People's Republic of China to begin earnest negotiations, without preconditions, directly with His Holiness the Dalai Lama or his representatives." For years U.S. policy has been that no meeting or negotiation could take place with Iran until certain preconditions are met by Iran. Among these is a demand that Iran cease uranium enrichment, which Iran has the right to do under the terms of the Non-Proliferation Treaty. It is little wonder why some claim that resolutions like this are hypocritical.

Instead of lecturing China, where I have no doubt there are problems as there are everywhere, I would suggest that we turn our attention to the very real threats in a United States where our civil liberties and human rights are being eroded on a steady basis. The Bible cautions against pointing out the speck in a neighbor's eye while ignoring the log in one's own. I suggest we contemplate this sound advice before bringing up such ill-conceived resolutions in the future.

Mr. BERMAN. Madam Speaker, I yield back the balance of my time and urge strong support for this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1370, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHABOT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SUPPORT FOR THE UNITED NATIONS AFRICAN UNION MISSION IN DARFUR (UNAMID)

Mr. BERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1351) expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1351

Whereas on July 8, 2008, 7 peacekeepers serving under the United Nations/African Union Hybrid operation in Darfur (UNAMID) were killed and another 22 wounded, including 7 critically, while carrying out UNAMID operations in Sudan in an effort to bring stability and security to the region;

Whereas the attacks on July 8, 2008, were the latest, and most severe, in a string of attacks on UNAMID peacekeepers, which include an attack on June 30, 2008, when 38 peacekeepers were taken hostage by rebels and on April 9, 2008, when a UNAMID police officer was beaten and UNAMID vehicles hijacked;

Whereas on June 25, 2008, the United Nations announced that UNAMID lacked critical resources, including troops, police officers, and air transport, hindering UNAMID's effectiveness;

Whereas the United Nations announcement on June 25, 2008, restated concerns recognized in October 2007, that the shortage of resources could ''jeopardize its efforts to stabilize a region'';

Whereas on July 31, 2007, the United Nations Security Council unanimously adopted Resolution 1769 authorizing the deployment of 26,000 peacekeeping troops to the region;

Whereas on December 31, 2007, UNAMID formally assumed control of peacekeeping operations in Darfur, but did so with only approximately 9,000 troops and police on the ground, far short of the necessary levels;

Whereas since that time UNAMID efforts have been thwarted by the Sudanese regime and rebels, including by Khartoum's refusal to cooperate on issues such as the force composition, the authorization of night flights, communications, land access, and visas for staff, as well as its recent threats to force the complete withdrawal of the UNAMID mission;

Whereas government forces, militias, rebels, bandits, and others continue to prey upon the people of Darfur and humanitarian workers, increasing the urgency of both deploying the full complement of peacekeepers

and police and reaching a lasting political settlement;

Whereas following attacks on its supply trucks, the World Food Program announced a 50 percent cut in urgently needed food rations in Darfur, despite a United Nations assessment that revealed that acute malnutrition in Darfur increased in 2007, exceeding emergency levels in some regions;

Whereas UNAMID has been hampered not only by obstruction on the part of the regime in Khartoum, but also by the failure of the international community to commit the resources, equipment, aviation and transportation assets, and personnel needed to carry out the peacekeeping mission;

Whereas UNAMID requires the 26,000 troops authorized by United Nations Security Council Resolution 1769 and at least 18 utility helicopters and 6 tactical helicopters and crews, among other critical mobility needs that have not been met;

Whereas in a report to the Security Council dated December 24, 2007, the Secretary-General said these helicopters were indispensable and necessary for large distances and rough terrain, and stated, ''Without the missing helicopters, this mobility—a fundamental requirement for the implementation of the UNAMID mandate—will not be possible'';

Whereas a large number of countries possess the military assets that could help to fulfill this requirement;

Whereas the United States continues to lead the world in its contributions to efforts to end the genocide in Darfur, including by providing more than $4.5 billion of assistance since 2004 in response to the Darfur crisis;

Whereas continued failure on the part of the international community to take all steps necessary to generate, deploy, and maintain an effective United Nations and African Union joint peacekeeping force will contribute to the continued loss of life and further degradation of humanitarian infrastructure in Darfur; and

Whereas the success of the mission is dependant upon the support and contributions of Member States and the international community, including by providing the helicopters needed to meet UNAMID's critical mobility capabilities, as well as the will of the parties to the conflict to find a lasting, inclusive, political solution to the crisis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the attack on the United Nations/African Union Hybrid operation in Darfur (UNAMID) peacekeepers and expresses its condolences to the people of Rwanda, Ghana, and Uganda, and to the families and friends of those killed and wounded;

(2) calls for the parties responsible for these heinous attacks to be brought to justice;

(3) expresses its commitment to the Darfuri people;

(4) expresses support for UNAMID and the UNAMID peacekeepers;

(5) deplores the efforts of the regime in Khartoum to manipulate and obstruct the deployment of a credible peacekeeping force, including the recent threats by Khartoum to force the complete withdrawal of the mission;

(6) urges the President to continue to personally intervene by contacting other heads of government and asking them to contribute the aircraft and crews for the Darfur mission;

(7) urges the Department of State to organize a special meeting of the United Nations Security Council, the Friends of UNAMID working group, and the United Nations Department of Peacekeeping Operations to resolve outstanding force resource and equipment issues;

(8) urges the members of the international community, including the United States, to contribute the resources necessary to ensure the success of UNAMID, including tactical and utility helicopters; and

(9) calls upon the parties to the conflict in Darfur to immediately commit to and respect a binding cessations of hostilities agreement and seize upon the opportunity that has been afforded by the deployment of UNAMID to find a political solution to the crisis in Darfur.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I first want to thank Congressman STEVE CHABOT for introducing this resolution which expresses the outrage of Congress towards recent attacks on the peacekeeping forces in Darfur and for the shameful lack of resources still experienced by these brave shoulders trying to protect innocent civilians.

On July 8, just 3 weeks ago, seven peacekeepers serving under the United Nations African Union Mission in Darfur were killed and another 22 wounded while carrying out UNAMID operations in Sudan. These operations are designed to bring stability and security to the region. One week later, a Nigerian peacekeeper was shot and killed by militiamen while on patrol in Western Darfur.

This recent violence sponsored by the Sudanese Government and targeting UNAMID forces is one more justification for the recent indictment of Sudanese President Al-Bashir as commander-in-chief of his armed forces.

A shameful part of Darfur's unrelenting nightmare has been the failure of the international community to make available to UNAMID the resources, equipment, aviation, and transportation assets and personnel needed to carry out the peacekeeping mission. UNAMID requires the 26,000 troops authorized by the U.N. Security Council and at least 18 utility helicopters and six tactical helicopters and crews. These needs have not been met.

Years ago, Congress and the President declared the crisis in Darfur a genocide. As a result, we have a moral duty to commit sufficient resources to protect civilians in Darfur. The President and the Secretary of Defense must marshal U.S. Defense Department assets, including helicopters, and immediately deploy them to UNAMID.

Madam Speaker, I strongly support this measure.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, H. Res. 1351. I would like to also thank the distinguished gentleman from California, the chair of the Foreign Affairs Committee, for his support and his leadership on this, as well as the gentleman from Massachusetts (Mr. CAPUANO) for his leadership and their hard work in making this resolution possible. I also want to thank Ranking Member ILEANA ROS-LEHTINEN from Florida for her support.

Each day that passes without the full support of the international community for the U.N.'s peacekeeping mission in Darfur is another day that these innocent people, and now the peacekeepers assigned to protect them, have to live in fear.

Last year I had the opportunity to travel to Darfur with Congresswoman SHEILA JACKSON-LEE of Texas and Congressman ADRIAN SMITH of Nebraska to witness firsthand the devastation of this region. The refugees with whom we met, mostly women and children in the refugee camps, described harrowing experiences of escape from the Janjaweed and the Sudanese Government. They're descriptions that I will never forget. Many of these women had been raped. Many of their husbands, brothers, sons, and fathers had been brutally murdered.

We met with them in refugee camps in Darfur just weeks following the unanimous decision by the United Nations Security Council to deploy 26,000 peacekeepers to the region. Yet progress in Darfur has been jeopardized, as H. Res. 1351 points out. Almost a year since Security Resolution 1769 passed, the mission lacks more than 16,000 troops and police officers as well as essential communications equipment and helicopters. That's one of the things that they need the most, all of which are critical to the mission's success.

The skeleton mission has been met with continued roadblocks from the Sudanese government which has thwarted it at every step, refusing to cooperate on the composition of the hybrid force, refusing to authorize night flights, refusing to issue visas for necessary staff, or to provide access to certain areas.

The lack of international support for the mission and the opposition that it faces in the region has and continues to compromise the ability of UNAMID peacekeepers to secure the region—not only leaving the Darfuri people vulnerable to continued attacks but now the peacekeepers assigned to protect them.

As the chairman indicated, back on July 8 of this year, this month, a couple of weeks ago, the world witnessed

the deadliest attacks yet on our peacekeeping mission which resulted in seven deaths and 22 wounded. On July 16, another peacekeeper from Nigeria was attacked and killed. These attacks come on the heels of pleas from the U.N. that shortages of resources could ''jeopardize its efforts to stabilize the region.'' U.N. member nations and the rest of the international community must not sit idly by and watch the mission in Darfur fail at the expense of the millions of innocent people who have already survived one genocide.

I think it is important to note that while the United States is often criticized for not doing enough, $4 billion or 72 percent—let me repeat that, 72 percent—of the cost of peacekeeping, development, reconstruction, and humanitarian efforts in Darfur have been paid for by the United States. So 72 percent is being funded by the American taxpayers. It is past time for our European allies, and especially the wealthy Arab countries, to assist in this effort.

□ 1200

If we're paying 72 percent, I think you have to consider that we're sending literally hundreds of billions of dollars now to the Middle East, the wealthy oil countries there. And most of the people that have suffered in the Darfur region are Muslims, and the Arab countries have done little or nothing, many of them, despite the fact that we have hundreds of millions of dollars going over there for their oil revenues.

And so, rather than building another expensive hotel or buying another yacht or some other luxury item, some of these dollars ought to be diverted to the poor people in Darfur, perhaps to buy some helicopters so that we can get the U.N. troops in to help these people that have, as I indicated, already survived one genocide and are essentially in the middle of another if the world doesn't act.

So, for those who criticize the United States for doing enough—and yes, we always should do more—remember, we're supporting 72 percent of the effort there. The rest of the world is providing the other 28 percent. And let's urge, to the extent that we're able, those wealthy Arab oil countries to foot a fair portion of the bill to help out in this effort.

And I urge my colleagues to support this critical mission by supporting H. Res. 1351.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to acknowledge the contribution not only of Mr. CHABOT in offering this resolution but of our colleague Mr. CAPUANO, the gentleman from Massachusetts, whose own resolution, a great deal of the language in that was incorporated into this resolution. And it is truly a collaborative effort, and I wanted to thank him as well.

I have no further speakers at this time, and so I reserve the balance of our time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), who's the ranking member of the Subcommittee on Africa and Global Health. He's been a long-time, strong advocate for the people of Darfur and somebody that I consulted with, along with Mr. WOLF, before I went over there to get advice from people that had been there and knew the best way to spend our time.

Mr. SMITH of New Jersey. I thank the gentleman for yielding, and I want to thank Mr. CHABOT for authoring this very important and very timely resolution.

I rise in support of H. Res. 1351, which condemns the July 8, 2008, attack on UNAMID peacekeepers deployed in Darfur, Sudan, and expresses the support of Congress for this critical mission. According to the United Nations, seven peacekeepers were killed and an additional 22 were wounded when their patrol was ambushed by unidentified assailants utilizing 40 vehicles mounted with heavy machine guns and anti-aircraft weapons.

This is the worst attack against the A.U. mission since it first deployed in July of 2004. Unfortunately, it does not appear to be the last.

Given continued deterioration of security in Darfur and the upsurge in deliberate attacks against humanitarian and peacekeeping operations, it is now more critical than ever to ensure that the U.N. peacekeeping mission is properly equipped.

I would note parenthetically, Mr. Speaker, that I've been to Darfur. I've met with the A.U., African Union, troops before it came under the blue helmet auspices, and I was shocked and dismayed during my visit there how underpaid, how they lacked needed materiel, the command-and-control equipment was lacking even then. And now, regrettably, to discover or to find out that there are huge gaps in their capabilities because that has not been provided by the international community is unconscionable. They lack critical air assets, armored personnel carriers, and even the pilots to fly the helicopters.

Anyone who has been in Darfur knows how hard it is to move across that terrain. There are huge gaping potholes. They are not even potholes—it looks like craters on the moon—moving from one place to the next. And if there's a torrential rain, bridges and roads are often completely washed out.

And obviously, it is very difficult to get the critical resources to the camps—and I've been to two of those camps, Mr. Speaker, Mukjar and the Kalma camp. And again, if it wasn't for the U.S., as Mr. CHABOT pointed out, it is the U.S. and the generosity of the U.S. taxpayers that contribute most of the food and most of the medicine that is utilized by those beleaguered refugees.

I, again, want to thank him for his leadership in bringing this newest concern which needs to be reiterated over and over again. We have to make sure that those troops have the capability, have the wherewithal to carry on this battle with those who would subjugate and hurt and kill the Darfurians.

Responsible nations must come together and do everything we can to end the violence and restore peace to Darfur. You know, just because it's not on the front burner and it's not in the news media the way it was for a while doesn't mean that the issue has gone away. If anything, it has actually gotten worse in many aspects.

Finally, I'm one of those Members of Congress who actually met with General Bashir, the dictator to Sudan, in Khartoum. We had a very contentious meeting. He was denying that these kinds of atrocities are actually going on, and all he wanted to do was lift the embargo that the United States Government, through the work of Congress in a bipartisan way, had imposed upon Sudan. That's all he wanted to talk about. I wanted to talk about the atrocities and the ending of those atrocities.

Well, now we know the chief prosecutor of the War Crimes Tribunal at the Hague has asked for an indictment against Bashir. So he will join, in a very similar fashion, Joseph Coney and Charles Taylor, who is being held to account by the tribunal in Sierra Leon, for the crimes that he and like-minded individuals have committed.

We've got to send the message unmistakably by backing this U.N. force and by doing everything humanly possible to bring the perpetrators of these crimes to justice that ''never again'' will mean never again. We keep saying that, and genocide just keeps going from one part of the world to another. And certainly, the Darfurians are suffering genocide today.

In line with what we just discussed about the Olympics resolution, the Chinese Government, Mr. Speaker—and it's not necessarily in this resolution but it's germane to the issue—the Chinese Government has enabled the dictatorship in Sudan to carry on the atrocities in Darfur by providing the materiel so that the Government and the troops have the guns and the helicopters to strafe and kill and maim in Darfur.

Let's not forget, 2 million people died in southern Sudan with the full complicity of the Chinese dictatorship, and now upwards of 450,000—the high estimate, some put it at a lower number—have been killed and over 2 million made homeless in Darfur as a direct result of the Chinese enabling and facilitation of this terrible series of atrocities.

Again, at the minimum, the African Union troops that have put their lives on the line need to have the support, they need to have the guns, the ammunition and the air lift capabilities and all the other assets in order to carry on their mission.

Again, I thank Mr. CHABOT.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and so I will reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Connecticut (Mr. SHAYS) who's been a long-time leader in world human rights issues over his career.

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, I appreciate my colleagues for introducing this resolution.

It is a pretty stunning to think that the United States, with all its obligations around the world, has to step into the void and provide 70 percent of all the funding, in spite of the fact that Europe has a gross domestic product basically equal to the United States and a population greater than the United States.

Given that Europe isn't doing the heavy lifting it needs to do in Afghanistan and wants nothing to do with Iraq, you would think at least in Darfur Europe would say we should provide far more assistance.

And what about wealthy Middle East countries that would have the capacity in a heartbeat to provide all the money necessary, why aren't they stepping in as well?

In my only visit to Darfur, I get down on my knees in gratitude to the nongovernment organizations that are there to distribute the food, paid for in large measure by the United States; providing education to young people so when they can eventually go back to their homes they will not have lost 3, 4, or 5 years.

This is genocide in Darfur. Europe doesn't want to acknowledge it. The United Nations wants to be silent about it, but this is the wiping out of people.

We need to be there providing the assistance for domestic help, the financial aid that needs to be provided for not just food and education but for the troops who are trying to maintain security. I appreciate that Africa is waking up to this need, willing to send more troops, but they need the equipment to make sure that they can do the job they have to do.

This is a human tragedy of gigantic proportions. I appreciate those in the United States, particularly in our universities, that have been pushing this issue, and frankly, many in the Jewish community who have stepped up and said ''never again'' applies to what happens in Africa.

The world community needs to wake up and do more. The United States can't do everything.

Mr. Speaker, I rise in support of H. Res. 1351, a resolution expressing support for the United Nations African Union Mission in Darfur, UNAMID, and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID.

The attack on the UNAMID peacekeepers is deplorable and I want to express my condolences to the family and friends of those killed and wounded.

Resolving the crisis in Darfur must be one of our Nation's highest priorities.

The world collectively agreed to ''never again'' allow genocide after the 1994 mass murders in Rwanda.

Tragically, genocide is again taking place.

I believe the United States must take all reasonable steps to end the killing, including pressuring others in the international community to do more.

The security, human rights and humanitarian situation in Darfur has continued to deteriorate since the Darfur Peace Agreement was signed in May 2006.

We must do a better job supporting the mission of the UNAMID who, despite being critically under-funded and under-equipped, are serving an important role in protecting.

It is also hugely important we continue to provide humanitarian assistance to the Darfuri people.

I will continue to advocate for tough sanctions, humanitarian aid, and for an international peacekeeping force that can effectively stop the violence.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume to wrap up. I will be brief.

One of the previous resolutions that we had talked about China and the human rights abuses that have occurred, and they're just having the Olympics coming up. And the fact is, it hasn't been mentioned yet in this particular debate, but China has played a particularly unhelpful role, quite frankly, in Darfur and Sudan. They have been very much involved behind the scenes, particularly with respect to oil interests in Darfur and have made it possible for the government in Darfur to continue to flaunt world opinion, who basically has been indicating to the Sudanese Government you need to cooperate here. This is an embarrassment to the whole world, how people in Darfur are being treated. It makes you, the Sudanese Government, look bad; why don't you get with the program, reform, cooperate, and help these people.

Unfortunately, again, China who has considerable influence that it could act upon if it chose to do so, has, in some minor instances, been somewhat helpful but for the most part has failed to step up to the plate and actually put pressure on the Sudanese Government to do something finally about Darfur.

So I would strongly urge, once again, that China, in this particular instance, do the right thing, put pressure on the Sudanese Government to do something to relieve the terrible conditions that the people of Darfur have suffered under, whether it's genocide, whether it's literally starvation in some instances. China, do what's right and help the people of Darfur.

Mr. WOLF. Mr. Speaker, as a cosponsor of this measure, I rise in support of H. Res. 1351. In 2004, I led the first congressional delegation to Darfur with Senator SAM BROWNBACK, and witnessed the nightmare there first hand.

In July 2007 the United Nations' Security Council passed resolution 1769 which authorized a joint African Union/United Nations Hybrid operation in Darfur to take necessary actions to support the Darfur Peace Agreement and to protect its personnel and civilians. However, to date, only 10,000 of the 26,000 peacekeeping troops authorized by resolution 1769 have been deployed. They are in desperate need of proper equipment and air transportation and have increasingly become subject to attack by various rebel groups.

It has been widely acknowledged in the international community that these troops do not have the necessary resources to effectively carry out their mandate. On July 8, seven UNAMID peacekeepers were killed and 22 were wounded in a rebel ambush in the northern region of Darfur. The peacekeepers on the ground in Darfur have become demoralized by the impossible conditions on the ground.

I am pleased to support H. Res. 1351 and reaffirm the commitment of the United States of America to the people of Darfur and the peacekeepers who are putting their lives on the line to protect them.

Mr. CHABOT. I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1351, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''Resolution expressing support for the United Nations/African Union Hybrid operation in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID, including troops and essential tactical and utility helicopters.''.

A motion to reconsider was laid on the table.

CONDEMNING THE PERSECUTION OF BAHA'IS IN IRAN

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1008) condemning the persecution of Baha'is in Iran, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1008

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, and 2006, Congress declared that it deplored the religious persecution by the Government of Iran of the Bahá'í community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Bahá'í faith;

Whereas on March 20, 2006, the United Nations Special Rapporteur on freedom of religion or belief, Asma Jahangir, revealed the existence of a confidential letter dated October 29, 2005, from the chairman of the command headquarters of Iran's Armed Forces

to the Ministry of Information, the Revolutionary Guard, and the police force, stating the Supreme Leader, Ayatollah Khamenei, instructed the command headquarters to identify members of the Bahá'í faith in Iran and monitor their activities;

Whereas the United Nations Special Rapporteur expressed ''grave concern and apprehension'' about the implications of this letter for the safety of the Bahá'í community;

Whereas in May 2006, 54 Bahá'ís were arrested in Shiraz and held for several days without trial in the largest roundup of Bahá'ís since the 1980s;

Whereas in August 2006, the Iranian Ministry of the Interior ordered provincial officials to ''cautiously and carefully monitor and manage'' all Bahá'í social activities;

Whereas in 2006, the Central Security Office of Iran's Ministry of Science, Research, and Technology ordered 81 Iranian universities to expel any student discovered to be a Bahá'í;

Whereas in November 2006, a letter issued by Payame Noor University stated that it is Iranian policy to prevent Bahá'ís from enrolling in universities and to expel Bahá'í upon discovery;

Whereas in 2007, more than two-thirds of the Bahá'ís enrolled in universities were expelled upon identification as a Bahá'í;

Whereas in February 2007, police in Tehran and surrounding towns entered Bahá'í homes and businesses to collect details on family members;

Whereas in April 2007, the Iranian Public Intelligence and Security Force ordered 25 industries to deny business licences to Bahá'ís;

Whereas in 2006 and 2007, the Iranian Ministry of Information pressured employers to fire Bahá'í employees and instructed banks to refuse to provide loans to Bahá'í-owned businesses;

Whereas in July 2007, a Bahá'í cemetery was destroyed by earthmoving equipment in Yazd, and in September 2007, a Bahá'í cemetery was bulldozed outside of Najafabad, erasing the memory of those Iranian citizens;

Whereas in November 2007, the Iranian Ministry of Information in Shiraz detained Bahá'ís Ms. Raha Sabet, 33; Mr. Sasan Taqva, 32; and Ms. Haleh Roohi, 29, for educating underprivileged children;

Whereas Mr. Taqva reportedly was detained while suffering from an injured leg which required medical attention;

Whereas on January 23, 2008, the State Department released a statement urging the Iranian regime to release all individuals held without due process and a fair trial, including the 3 young Bahá'ís being held in an Iranian Ministry of Intelligence detention center in Shiraz;

Whereas in March and May of 2008, Iranian intelligence officials in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Bahá'í community in Iran;

Whereas those seven individuals remain imprisoned without charge;

Whereas the Government of Iran is party to the International Covenants on Human Rights; and

Whereas in December 2007, the Iranian Parliament published a draft Islamic penal code, which violates Iran's commitment under the International Covenants on Human Rights by requiring the death penalty for ''apostates'', a term applied to Bahá'ís and any convert from Islam: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Iran for its state-sponsored persecution of Bahá'ís, calls on the Government of Iran to immediately cease activities aimed at the repression of the Iranian Bahá'í community, and continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Bahá'í community;

(2) condemns the Government of Iran's continued imprisonment of individuals without due process and a fair trial;

(3) calls on the Government of Iran to immediately release 10 Bahá'ís: Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm; and

(4) calls on the Government of Iran and the Iranian Parliament to reject a draft Islamic penal code, which violates Iran's commitments under the International Covenants on Human Rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1215

Mr. BERMAN. I yield myself such time as I may consume.

Mr. Speaker, first let me thank our colleague, MARK KIRK, for introducing this important resolution.

The Baha'i community in Iran certainly is no stranger to severe government persecution. But as a result of arrests in March and May of 2008, the entire national leadership of the Iranian Baha'i community is now being held incommunicado.

The May arrests are the most direct action taken against Baha'i leadership in Iran since the early 1980s, when the Iranian Government abducted and executed the entire leadership of the National Spiritual Assembly of the Baha'is. In 1983, all formal Baha'i administrative institutions were outlawed.

In the past 4 years, 166 Baha'is have been arrested in Iran. Among the charges brought against them is ''creating anxiety in the minds of the public and those of the Iranian officials.''

Conditions for the Baha'i in Iran are deteriorating, including an upsurge in violent attacks, the destruction of property, the demolition of homes, and arson. Ministry of Intelligence officers and agents continue to summon, arbitrarily detain, and interrogate Baha'is about all aspects of their lives and about any Muslims who may participate in Baha'i activities.

The resolution before the House calls on the Government of Iran to immediately and unconditionally release Baha'is imprisoned as a result of their religion, and to cease its systematic persecution of the Baha'i community. It sends a strong signal that Congress will continue to watch closely the treatment of the Baha'i people in Iran.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1008, which condemns the Iranian Government's continuing persecution of members of the Baha'i faith, calls on Iran's Parliament to reject a proposed Islamic penal code, and calls on the Iranian regime to immediately release 10 imprisoned Baha'is.

Mr. Speaker, Tehran's notoriously cruel regime, which denies religious freedoms to its citizens, has made a special example of the Iranian Baha'is. In addition to seizing Baha'i communal property, the Iranian Government prohibits the community from officially assembling, bans them from practicing or teaching their religion, excludes them from the national pension system and from public universities, prevents them from inheriting property, and jails them on account of their faith or on trumped-up charges of espionage.

Recently, Iranian Baha'is have also reported a string of arson attacks against their homes and vehicles. Disturbingly, this persecution continues to the grave. In 2007, two Baha'i cemeteries in Iran were destroyed or bulldozed, wiping away the memory of these innocent Iranians.

Mr. Speaker, oppression of Baha'is comes from the very top of the Iranian regime. The U.N.'s Special Rapporteur on freedom of religion or belief has revealed that in 2005, the chairman of the command headquarters of Iran's Armed Forces wrote a letter stating that Iran's so-called ''supreme leader'' had ordered the headquarters to identify and monitor Iranian members of the Baha'i faith.

This was no idle request. In March and May of 2008, the Government of Iran arrested and imprisoned seven senior leaders of the Baha'i community in Iran. And today, those leaders, along with three other Baha'is, remain imprisoned without charge.

Now Iran's Parliament may aggravate repression of religious freedom by enacting a draft Islamic penal code that would punish so-called ''apostates,'' including all Baha'is and converts from Islam, with death. Iran's regime continues to demonstrate that it is ready and willing to execute innocent people.

Mr. Speaker, totalitarian regimes everywhere, hiding behind the false excuse of state sovereignty, are eager to combat any progress in human rights and freedoms and to expand their hegemony and repression as far as others allow them to do. Therefore, the United States must continue to make

clear, in both word and deed, that the spread of religious freedom and human rights worldwide is not merely an ideal, but an imperative.

I thank my distinguished colleague and friend from Illinois (Mr. KIRK) for introducing this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), who is the author of this resolution. He is also a member of the powerful Appropriations Committee.

Mr. KIRK. Mr. Speaker, I co-authored this resolution with ROB ANDREWS as a call to action for the safety of the Baha'i faithful.

Never have followers of a more peaceful or gentle creed faced a more cruel and unjust tormenter. Founded in the mid-19th century in Persia, the Baha'i faith now extends to every country, including our own, but its faithful are most numerous in the place of its origin, now the modern day Iran.

The European Parliament has spoken out on this issue, and so we now add our voice as supporters of international human rights and the home of many Baha'i faithful here in America.

We have looked at a terrible situation unfolding in Iran. While Iranian Baha'is have suffered for many decades, their repression has grown significantly in the past few years. In 2006, Iran's Armed Forces Command headquarters ordered their Ministry of Information and the Revolutionary Guard and the police to identify all members of the Baha'i faith in Iran and to begin to monitor their activities.

In that same year, we saw the largest round-up of Baha'is. The Iranian Interior Ministry ordered provincial officials to cautiously and carefully monitor and then begin to manage all Baha'i activities. The Central Security Office of Iran's Ministry of Science, Research and Technology ordered 81 Iranian universities to expel any student discovered of being a Baha'i.

In 2007, the situation worsened. More than two-thirds of Baha'is enrolled in universities were expelled once they were identified. Police entered Baha'i homes and businesses to collect details on family members. Twenty-five industries were ordered to deny licenses to Baha'is, employers were pressured to fire Baha'i employees, and banks were told to refuse loans to Baha'i-owned businesses. As we heard before, Baha'i cemeteries were also destroyed.

In November of 2007, three Baha'i youths, Ms. Raha Sabet, Mr. Sasan Taqva and Ms. Haleh Roohi, were all detained for educating underprivileged children. They were later sentenced to 4 years in prison for this offense. The following month, the Iranian Parliament published a draft Islamic penal code requiring the death penalty for all apostates, a term that strictly applies to Baha'is and anyone who converts away from rigid Islam.

On May 14, 2008, seven members of the National Baha'i Coordinating Group were arrested. This is reminiscent of a mass disappearance and assumed murder of all members of the National Spiritual Assembly of the Baha'is in Iran back in August of 1980. The seven arrested in May are still being held without any charge or access to attorneys. And in just the last 2 weeks, a number of Baha'i families were targeted with acts of arson.

This is government-sponsored persecution. And we in the Congress should not be silent as Iran sets up the mechanism to ethnically cleanse its Baha'i minority, totaling over 250,000 human beings.

This bipartisan resolution, which I introduced with Congressman ANDREWS, condemns the Government of Iran for its persistent repression of Baha'is and lack of due process afforded to this minority. Our resolution calls upon Iran to immediately release three Baha'i youths and to reject the draft Islamic penal code requiring the death penalty for all apostates.

Mr. Speaker, my district is also home to the headquarters of the North American Assembly of Baha'is. The son of the faith's founder laid the cornerstone on the Baha'i Temple in Wilmette, Illinois—now basically a de facto symbol of the North Shore and our commitment to diversity and tolerance. Would that this view be shared by the Iranian Government.

For the life of me, I do not understand why they attack Baha'is. The Baha'i faith teaches that Moses and Jesus and Mohammed are all respected teachers who added to the faith of our times. The Baha'is embody acceptance and tolerance and accommodation. They have a faith which renders them incapable of being a threat to a government, so it is up to us to speak for them. It's up to us to hold up a mirror to the Iranian Government to show it as a vicious and cruel state.

We have seen this movie before, but they have worn other uniforms in other countries. It is my hope that we can make this call to action to join with the European Parliament. We can help change the ending of this flick so that hundreds of thousands of Baha'is may one day be able to sleep well in future days knowing that the great democracies from across the seas in Europe and America watch over them.

I urge the adoption of this Kirk-Andrews resolution and mightily thank the chairman of the committee, Mr. BERMAN, Ranking Member Ms. ROS-LEHTINEN, and the ranking member of the subcommittee, Mr. CHABOT, for helping to bring this before America's Parliament and calling real attention to help avert what could be a new crime of the century.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I rise in strong support of H. Res, 1008, condemning the persecution of the Baha'is in Iran. The Baha'is are Iran's largest non-Muslim minority and have faced severe and often brutal persecution since the Iranian government banned all formal Baha'i activity in 1983. Incidents of violence and persecution targeting members of the Baha'i community have increased under the current regime of President Mahmoud Ahmadinejad.

On July 18, the house of the Shaaker family in Kerman was torched only weeks after their car went up in flames. Officials investigating the scene attributed the incidents to electrical problems despite a series of threatening phone calls received by the family in the days leading up to the incident. This is one of over a dozen cases in a string of arson targeting Baha'is over the past 15 months.

These attacks follow the arrest and detention of the seven members of Iran's national Baha'i coordinating group in May. All of these individuals remain isolated in the notorious Evin Prison in Tehran without access to legal representation and are prohibited from contacting their families. At this time, no formal charges have been brought against these seven individuals.

I am pleased to join a bipartisan group of my colleagues as a cosponsor of this important resolution, and I hope its passage will send a strong message to the Iranian government that the United States Congress will always stand in solidarity with the persecuted people of the world.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1008, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KIRK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENSION OF PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. BISHOP of New York. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3352) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of

2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''July 31, 2008'' and inserting ''August 15, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171), by the College Cost Reduction and Access Act (Public Law 110–84), or by the Ensuring Continued Access to Student Loans Act of 2008 (Public Law 110–227) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on July 31, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BISHOP of New York. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on S. 3352 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BISHOP of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 3352, a bill to temporarily extend programs under the Higher Education Act of 1965.

We are at the final stages of completing the Higher Education Act, which we anticipate bringing to the floor for consideration of the conference report this week.

The bill under consideration today, S. 3352, will extend the programs under the Higher Education Act until August 15, 2008 to allow sufficient time for the Clerk to enroll the bill and send it to the President for his signature.

It has been nearly 10 years since the Higher Education Act was last authorized. I look forward to joining my colleagues on both sides of the aisle in both Chambers in completing the work on the HEA on behalf of our Nation's hardworking families and students.

Let me take a moment to commend the leadership of the Education Committee on both sides of the Capitol and on both sides of the aisle and their staffs for working so hard and so diligently to bring this very important piece of legislation to the floor in a bipartisan fashion.

The conference report has virtually unanimous agreement, and it includes in it several very important areas that will move us forward on issues of access and affordability on behalf of our students. It simplifies the student financial aid application process. It strengthens the campus-based financial aid programs principally through strengthening the Perkins loan program. It improves access to higher education for veterans. It deals with the abuses that we all now know so much about in the student loan program by incorporating the provisions of the Student Loan Sunshine Act. It strengthens the role of creditors, cracks down on diploma mills, and it strengthens college prep programs such as the TRIO programs.

□ 1230

These are just some of the important and beneficial features of the Higher Education Act that are now working their way through the conference process. Once it reaches the floor, I urge my colleagues to support it and to participate in the speedy passage of this important legislation.

With that, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3352, to temporarily extend the programs under the Higher Education Act of 1965. I am pleased to announce that this is the very last extension of the Higher Education Act that Congress will have to pass during this reauthorization. It has been a long journey, but I fully expect that Chairman MILLER, that senior Republicans MCKEON and KELLER and that the rest of my colleagues will be here on the floor later this week to pass a conference report.

Since 2003, we've passed over one dozen extensions of this law since it first expired. S. 3352 will ensure that vital Federal college access and student aid programs will continue to serve those students for the next 2 weeks who depend upon them while the final conference report makes its way to the President's desk.

I am excited that Congress is ready to pass the Senate proposals that will ensure that students and their families will have the ability to get higher education Pell Grants, to obtain Perkins loans and to gain additional transparency into the costs of college, especially as students are getting ready to head back to school in a few short weeks.

Mr. PETRI. I urge my colleagues to support this extension, and I yield back the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and pass the Senate bill, S. 3352.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2008

Mr. GEORGE MILLER of California submitted the following conference report and statement on the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes:

CONFERENCE REPORT (H. REPT. 110–803)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137), to amend and extend the Higher Education Act of 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Opportunity Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

(a) AMENDMENTS.—Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the semicolon the following: '', or persons who meet the requirements of section 484(d)(3)''; and

(B) in paragraph (3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary'' after ''such a degree''; and

(2) by striking paragraph (2) of subsection (b) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2010.

SEC. 102. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

(a) INTERNATIONAL MEDICAL SCHOOLS AND NURSING SCHOOLS.—Section 102(a)(2) (20 U.S.C. 1002(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence of the matter preceding clause (i), by inserting ''nursing school,'' after ''graduate medical school,'';

(B) in clause (i)—

(i) in the matter preceding subclause (I), by inserting ''except as provided in subparagraph (B)(iii)(IV),'' before ''in the case''; and

(ii) by striking subclause (II) and inserting the following new subclause:

''(II) the institution—

''(aa) has or had a clinical training program that was approved by a State as of January 1, 1992; and

''(bb) continues to operate a clinical training program in at least one State that is approved by that State;'';

(C) in clause (ii), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(iii) in the case of a nursing school located outside of the United States—

''(I) the nursing school has an agreement with a hospital, or accredited school of nursing (as such terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)), located in the United States that requires the students of the nursing school to complete the students' clinical training at such hospital or accredited school of nursing;

''(II) the nursing school has an agreement with an accredited school of nursing located in the United States providing that the students graduating from the nursing school located outside of the United States also receive a degree from the accredited school of nursing located in the United States;

''(III) the nursing school certifies only Federal Stafford Loans under section 428, unsubsidized Federal Stafford Loans under section 428H, or Federal PLUS loans under section 428B for students attending the institution;

''(IV) the nursing school reimburses the Secretary for the cost of any loan defaults for current and former students included in the calculation of the institution's cohort default rate during the previous fiscal year; and

''(V) not less than 75 percent of the individuals who were students or graduates of the nursing school, and who took the National Council Licensure Examination for Registered Nurses in the year preceding the year for which the institution is certifying a Federal Stafford Loan under section 428, an unsubsidized Federal Stafford Loan under section 428H, or a Federal PLUS loan under section 428B, received a passing score on such examination.''; and

(2) in subparagraph (B), by adding at the end the following:

''(iii) REPORT.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Opportunity Act, the advisory panel described in clause (i) shall submit a report to the Secretary and to the authorizing committees recommending eligibility criteria for participation in the loan programs under part B of title IV for graduate medical schools that—

''(aa) are located outside of the United States;

''(bb) do not meet the requirements of subparagraph (A)(i); and

''(cc) have a clinical training program approved by a State prior to January 1, 2008.

''(II) RECOMMENDATIONS.—In the report described in subclause (I), the advisory panel's eligibility criteria shall include recommendations regarding the appropriate levels of performance for graduate medical schools described in such subclause in the following areas:

''(aa) Entrance requirements.

''(bb) Retention and graduation rates.

''(cc) Successful placement of students in United States medical residency programs.

''(dd) Passage rate of students on the United States Medical Licensing Examination.

''(ee) The extent to which State medical boards have assessed the quality of such school's program of instruction, including through on-site reviews.

''(ff) The extent to which graduates of such schools would be unable to practice medicine in 1 or more States, based on the judgment of a State medical board.

''(gg) Any areas recommended by the Comptroller General of the United States under section 1101 of the Higher Education Opportunity Act.

''(hh) Any additional areas the Secretary may require.

''(III) MINIMUM ELIGIBILITY REQUIREMENT.—In the recommendations described in subclause (II), the criteria described in subparagraph (A)(i)(I)(bb), as amended by section 102(b) of the Higher Education Opportunity Act, shall be a minimum eligibility requirement for a graduate medical school described in subclause (I) to participate in the loan programs under part B of title IV.

''(IV) AUTHORITY.—The Secretary may—

''(aa) not earlier than 180 days after the submission of the report described in subclause (I), issue proposed regulations establishing criteria for the eligibility of graduate medical schools described in such subclause to participate in the loan programs under part B of title IV based on the recommendations of such report; and

''(bb) not earlier than one year after the issuance of proposed regulations under item

(aa), issue final regulations establishing such criteria for eligibility.''.

(b) PERCENTAGE PASS RATE.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(c) CONFORMING AMENDMENT CONCERNING 90/10 ENFORCEMENT.—Section 102(b)(1) (20 U.S.C. 1002(b)(1)) is amended—

(1) in subparagraph (D), by adding ''and'' after the semicolon;

(2) in subparagraph (E), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (F).

(d) ADDITIONAL INSTITUTIONS.—

(1) AMENDMENT.—Section 102 (20 U.S.C. 1002) is further amended—

(A) in subsection (b)—

(i) by striking paragraph (1)(A) and inserting the following:

''(A)(i) provides an eligible program of training to prepare students for gainful employment in a recognized occupation; or

''(ii)(I) provides a program leading to a baccalaureate degree in liberal arts, and has provided such a program since January 1, 2009; and

''(II) is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier;''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(B) by striking paragraph (2) of subsection (c) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(A)(i) to section 102(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1)(A)) shall be construed to negate or supercede any State laws governing proprietary institutions of higher education.

(e) EFFECTIVE DATE.—The amendments made by subsections (a)(1), (b), and (d) shall take effect on July 1, 2010.

SEC. 103. ADDITIONAL DEFINITIONS.

(a) ADDITIONAL DEFINITIONS.—

(1) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended by adding at the end the following:

''(17) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

''(18) CRITICAL FOREIGN LANGUAGE.—Except as otherwise provided, the term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), as updated by the Secretary from time to time and published in the Federal Register, except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.

''(19) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses one or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassettes, DVDs, and CD–ROMs, if the cassettes, DVDs, or CD–ROMs are used in a course in conjunction with any of the technologies listed in clauses (i) through (iii).

''(20) DIPLOMA MILL.—The term 'diploma mill' means an entity that—

''(A)(i) offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certificate has completed a program of postsecondary education or training; and

''(ii) requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and

''(B) lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency or association of institutions of higher education (as such term is defined in section 102) by—

''(i) the Secretary pursuant to subpart 2 of part H of title IV; or

''(ii) a Federal agency, State government, or other organization or association that recognizes accrediting agencies or associations.

''(21) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program, an Indian Head Start program, or a Head Start program or an Early Head Start program that also receives State funding;

''(B) a State licensed or regulated child care program; or

''(C) a program that—

''(i) serves children from birth through age six that addresses the children's cognitive (including language, early literacy, and early mathematics), social, emotional, and physical development; and

''(ii) is—

''(I) a State prekindergarten program;

''(II) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act; or

''(III) a program operated by a local educational agency.

''(22) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(23) UNIVERSAL DESIGN.—The term 'universal design' has the meaning given the term in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).

''(24) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' means a scientifically valid framework for guiding educational practice that—

''(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

''(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.''.

(2) REDESIGNATION AND REORDERING OF DEFINITIONS.—Section 103 (as amended by paragraph (1)) (20 U.S.C. 1003) is further amended by reordering paragraphs (1) through (16) and the paragraphs added by paragraph (1) of this subsection in alphabetical order based on the headings of such paragraphs, and renumbering such paragraphs as so reordered.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(C) in subsection (j)(9)(A) (as added by section 5(a) of the Ensuring Continued Access to Student Loans Act of 2008), by striking ''Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives'' each place the term appears and inserting ''authorizing committees''; and

(D) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(9) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 485(f)(5)(A) (20 U.S.C. 1092(f)(5)(A)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(12) in section 486(e) (20 U.S.C. 1093(e)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(13) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual institutions of higher education have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) an institution of higher education should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

SEC. 105. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 113 (20 U.S.C. 1011b) is amended—

(1) by striking ''***TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE***'' in the heading of such section and inserting ''***TERRITORIAL WAIVER AUTHORITY***'';

(2) by striking ''(a) WAIVER AUTHORITY.—''; and

(3) by striking subsection (b).

SEC. 106. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

(a) AMENDMENT.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

''(a) ESTABLISHMENT.—There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of institutions of higher education (as defined in section 102) under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 18 members, of which—

''(A) six members shall be appointed by the Secretary;

''(B) six members shall be appointed by the Speaker of the House of Representatives, three of whom shall be appointed on the recommendation of the majority leader of the House of Representatives, and three of whom shall be appointed on the recommendation of the minority leader of the House of Representatives; and

''(C) six members shall be appointed by the President pro tempore of the Senate, three of whom shall be appointed on the recommendation of the majority leader of the Senate, and three of whom shall be appointed on the recommendation of the minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee—

''(A) on the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—Except as provided in paragraph (5), the term of office of each member of the Committee shall be for six years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) three years for members appointed under paragraph (1)(A);

''(B) four years for members appointed under paragraph (1)(B); and

''(C) six years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions; and

''(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) SECRETARY'S DESIGNEE.—The Secretary shall designate an employee of the Department to serve as the Secretary's designee to the Committee, and the Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the name of the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than the last day of each fiscal year, the Committee shall make available an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the fiscal year preceding the fiscal year in which the report is made;

''(B) a list of the date and location of each meeting during the fiscal year preceding the fiscal year in which the report is made;

''(C) a list of the members of the Committee; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(f) TERMINATION.—The Committee shall terminate on September 30, 2014.''.

(b) TRANSITION.—Notwithstanding section 114 of the Higher Education Act of 1965 (20 U.S.C. 1011c) (as in effect before, during, and after the date of enactment of this Act)—

(1) the term of each member appointed to the National Advisory Committee on Institutional

Quality and Integrity before the date of enactment of this Act shall expire on the date of enactment of this Act;

(2) no new members shall be appointed to the National Advisory Committee on Institutional Quality and Integrity during the period beginning on the date of enactment of this Act and ending on January 31, 2009; and

(3) no meeting of the National Advisory Committee on Institutional Quality and Integrity shall be convened during such period.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2009.

SEC. 107. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120 (20 U.S.C. 1011i) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following:

''(B) determine the number of drug and alcohol-related violations and fatalities that—

''(i) occur on the institution's campus (as defined in section 485(f)(6)), or as part of any of the institution's activities; and

''(ii) are reported to campus officials;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related violations and fatalities on the institution's campus or as part of any of the institution's activities; and'';

(2) in subsection (e)(5), by striking ''$5,000,000'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''; and

(3) by striking subsection (f).

SEC. 108. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''.

SEC. 109. DIPLOMA MILLS.

Part B of title I (20 U.S.C. 1011 et seq.) is further amended by adding at the end the following:

''SEC. 123. DIPLOMA MILLS.

''(a) INFORMATION TO THE PUBLIC.—The Secretary shall maintain information and resources on the Department's website to assist students, families, and employers in understanding what a diploma mill is and how to identify and avoid diploma mills.

''(b) COLLABORATION.—The Secretary shall continue to collaborate with the United States Postal Service, the Federal Trade Commission, the Department of Justice (including the Federal Bureau of Investigation), the Internal Revenue Service, and the Office of Personnel Management to maximize Federal efforts to—

''(1) prevent, identify, and prosecute diploma mills; and

''(2) broadly disseminate to the public information about diploma mills, and resources to identify diploma mills.''.

SEC. 110. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

(a) PROMOTION OF FEDERAL STUDENT FINANCIAL AID WEBSITE.—Section 131 (20 U.S.C. 1015) is amended by striking subsection (d) and inserting the following:

''(d) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary shall display a link to the Federal student financial aid website of the Department in a prominent place on the homepage of the Department's website.

''(e) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

''(1) IMPLEMENTATION.—The Secretary shall continue to improve the usefulness and accessibility of the information provided by the Department on college planning and student financial aid.

''(2) DISSEMINATION.—The Secretary shall continue to make the availability of the information on the Federal student financial aid website of the Department widely known, through a major media campaign and other forms of communication.

''(3) COORDINATION.—As a part of the efforts required under this subsection, the Secretary shall create one website accessible from the Department's website that fulfills the requirements under subsections (b), (f), and (g).''.

(b) IMPROVED INFORMATION CONCERNING FINANCIAL AID FOR MILITARY MEMBERS AND VETERANS.—Section 131 (as amended by subsection (a)) (20 U.S.C. 1015) is further amended by adding at the end the following:

''(f) IMPROVED AVAILABILITY AND COORDINATION OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS FOR MILITARY MEMBERS AND VETERANS.—

''(1) COORDINATION.—The Secretary, in coordination with the Secretary of Defense and the Secretary of Veterans Affairs, shall create a searchable website that—

''(A) contains information, in simple and understandable terms, about all Federal and State student financial assistance, readmission requirements under section 484C, and other student services, for which members of the Armed Forces (including members of the National Guard and Reserves), veterans, and the dependents of such members or veterans may be eligible; and

''(B) is easily accessible through the website described in subsection (e)(3).

''(2) IMPLEMENTATION.—Not later than one year after the date of enactment of the Higher Education Opportunity Act, the Secretary shall make publicly available the Armed Forces information website described in paragraph (1).

''(3) DISSEMINATION.—The Secretary, in coordination with the Secretary of Defense and the Secretary of Veterans Affairs, shall make the availability of the Armed Forces information website described in paragraph (1) widely known to members of the Armed Forces (including members of the National Guard and Reserves), veterans, the dependents of such members or veterans, States, institutions of higher education, and the general public.

''(4) DEFINITION.—In this subsection, the term 'Federal and State student financial assistance' means any grant, loan, work assistance, tuition assistance, scholarship, fellowship, or other form of financial aid for pursuing a postsecondary education that is—

''(A) administered, sponsored, or supported by the Department of Education, the Department of Defense, the Department of Veterans Affairs, or a State; and

''(B) available to members of the Armed Forces (including members of the National Guard and Reserves), veterans, or the dependents of such members or veterans.

''(g) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING OTHER STUDENT FINANCIAL AID PROGRAMS.—

''(1) DEFINITION.—For purposes of this subsection, the term 'nondepartmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

''(A) distributed directly to the student or to the student's account at an institution of higher education; and

''(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.

''(2) AVAILABILITY OF OTHER STUDENT FINANCIAL AID INFORMATION.—The Secretary shall ensure that—

''(A) not later than 90 days after the Secretary receives the information required under paragraph (3), the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each nondepartmental student financial assistance program are searchable and accessible through the Federal student financial aid website in a manner that is simple and understandable for students and the students' families; and

''(B) the website displaying the information described in subparagraph (A) includes a link to the National Database on Financial Assistance for the Study of Science, Technology, Engineering, and Mathematics pursuant to paragraph (4), and the information on military benefits under subsection (f), once such Database and information are available.

''(3) NONDEPARTMENTAL STUDENT FINANCIAL ASSISTANCE PROGRAMS.—The Secretary shall request all Federal departments and agencies to provide the information described in paragraph (2)(A), and each Federal department or agency shall—

''(A) promptly respond to surveys or other requests from the Secretary for the information described in such paragraph; and

''(B) identify for the Secretary any nondepartmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

''(4) NATIONAL STEM DATABASE.—

''(A) IN GENERAL.—The Secretary shall establish and maintain, on the website described in subsection (e)(3), a National Database on Financial Assistance for the Study of Science, Technology, Engineering, and Mathematics (in this paragraph referred to as the 'STEM Database'). The STEM Database shall consist of information on scholarships, fellowships, and other programs of Federal, State, local, and, to the maximum extent practicable, private financial assistance available for the study of science, technology, engineering, or mathematics at the postsecondary and postbaccalaureate levels.

''(B) DATABASE CONTENTS.—The information maintained on the STEM Database shall be displayed on the website in the following manner:

''(i) SEPARATE INFORMATION.—The STEM Database shall provide separate information for each of the fields of science, technology, engineering, and mathematics, and for postsecondary and postbaccalaureate programs of financial assistance.

''(ii) INFORMATION ON TARGETED ASSISTANCE.—The STEM Database shall provide specific information on any program of financial assistance that is targeted to individuals based on financial need, merit, or student characteristics.

''(iii) CONTACT AND WEBSITE INFORMATION.—The STEM Database shall provide—

''(I) standard contact information that an interested person may use to contact a sponsor of any program of financial assistance included in the STEM Database; and

''(II) if such sponsor maintains a public website, a link to the website.

''(iv) SEARCH AND MATCH CAPABILITIES.—The STEM Database shall—

''(I) have a search capability that permits an individual to search for information on the basis of each category of the information provided through the STEM Database and on the basis of combinations of categories of the information provided, including—

''(aa) whether the financial assistance is need- or merit-based; and

''(bb) by relevant academic majors; and

''(II) have a match capability that—

''(aa) searches the STEM Database for all financial assistance opportunities for which an individual may be qualified to apply, based on the student characteristics provided by such individual; and

''(bb) provides information to an individual for only those opportunities for which such individual is qualified, based on the student characteristics provided by such individual.

''(v) RECOMMENDATION AND DISCLAIMER.—The STEM Database shall provide, to the users of the STEM Database—

''(I) a recommendation that students and families should carefully review all of the application requirements prior to applying for any aid or program of student financial assistance; and

''(II) a disclaimer that the non-Federal programs of student financial assistance presented in the STEM Database are not provided or endorsed by the Department or the Federal Government.

''(C) COMPILATION OF FINANCIAL ASSISTANCE INFORMATION.—In carrying out this paragraph, the Secretary shall—

''(i) consult with public and private sources of scholarships, fellowships, and other programs of student financial assistance; and

''(ii) make easily available a process for such entities to provide regular and updated information about the scholarships, fellowships, or other programs of student financial assistance.

''(D) CONTRACT AUTHORIZED.—In carrying out the requirements of this paragraph, the Secretary is authorized to enter into a contract with a private entity with demonstrated expertise in creating and maintaining databases such as the one required under this paragraph, under which contract the entity shall furnish, and regularly update, all of the information required to be maintained on the STEM Database.

''(5) DISSEMINATION OF INFORMATION.—The Secretary shall take such actions, on an ongoing basis, as may be necessary to disseminate information under this subsection and to encourage the use of the information by interested parties, including sending notices to secondary schools and institutions of higher education.''.

(c) NO USER FEES FOR DEPARTMENT FINANCIAL AID WEBSITES.—Section 131 (as amended by subsection (b)) (20 U.S.C. 1015) is further amended by adding at the end the following:

''(h) NO USER FEES FOR DEPARTMENT FINANCIAL AID WEBSITES.—No fee shall be charged to any individual to access—

''(1) a database or website of the Department that provides information about higher education programs or student financial assistance, including the College Navigator website (or successor website) and the websites and databases described in this section and section 132; or

''(2) information about higher education programs or student financial assistance available through a database or website of the Department.''.

SEC. 111. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

''SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) DEFINITIONS.—In this section:

''(1) COLLEGE NAVIGATOR WEBSITE.—The term 'College Navigator website' means the College Navigator website operated by the Department and includes any successor website.

''(2) COST OF ATTENDANCE.—The term 'cost of attendance' means the average annual cost of tuition and fees, room and board, books, supplies, and transportation for an institution of higher education for a first-time, full-time undergraduate student enrolled in the institution.

''(3) NET PRICE.—The term 'net price' means the average yearly price actually charged to first-time, full-time undergraduate students receiving student aid at an institution of higher education after deducting such aid, which shall be determined by calculating the difference between—

''(A) the institution's cost of attendance for the year for which the determination is made; and

''(B) the quotient of—

''(i) the total amount of need-based grant aid and merit-based grant aid, from Federal, State, and institutional sources, provided to such students enrolled in the institution for such year; and

''(ii) the total number of such students receiving such need-based grant aid or merit-based grant aid for such year.

''(4) TUITION AND FEES.—The term 'tuition and fees' means the average annual cost of tuition and fees for an institution of higher education for first-time, full-time undergraduate students enrolled in the institution.

''(b) CALCULATIONS FOR PUBLIC INSTITUTIONS.—In making the calculations regarding cost of attendance, net price, and tuition and fees under this section with respect to a public institution of higher education, the Secretary shall calculate the cost of attendance, net price, and tuition and fees at such institution in the manner described in subsection (a), except that—

''(1) the cost of attendance, net price, and tuition and fees shall be calculated for first-time, full-time undergraduate students enrolled in the institution who are residents of the State in which such institution is located; and

''(2) in determining the net price, the average need-based grant aid and merit-based grant aid described in subsection (a)(3)(B) shall be calculated based on the average total amount of such aid received by first-time, full-time undergraduate students who are residents of the State in which such institution is located, divided by the total number of such resident students receiving such need-based grant aid or merit-based grant aid at such institution.

''(c) COLLEGE AFFORDABILITY AND TRANSPARENCY LISTS.—

''(1) AVAILABILITY OF LISTS.—Beginning July 1, 2011, the Secretary shall make publicly available on the College Navigator website, in a manner that is sortable and searchable by State, the following:

''(A) A list of the five percent of institutions in each category described in subsection (d) that have the highest tuition and fees for the most recent academic year for which data are available.

''(B) A list of the five percent of institutions in each such category that have the highest net price for the most recent academic year for which data are available.

''(C) A list of the five percent of institutions in each such category that have the largest increase, expressed as a percentage change, in tuition and fees over the most recent three academic years for which data are available, using the first academic year of the three-year period as the base year to compute such percentage change.

''(D) A list of the five percent of institutions in each such category that have the largest increase, expressed as a percentage change, in net price over the most recent three academic years for which data are available, using the first academic year of the three-year period as the base year to compute such percentage change.

''(E) A list of the ten percent of institutions in each such category that have the lowest tuition and fees for the most recent academic year for which data are available.

''(F) A list of the ten percent of institutions in each such category that have the lowest net price for the most recent academic year for which data are available.

''(2) ANNUAL UPDATES.—The Secretary shall annually update the lists described in paragraph (1) on the College Navigator website.

''(d) CATEGORIES OF INSTITUTIONS.—The lists described in subsection (c)(1) shall be compiled according to the following categories of institutions that participate in programs under title IV:

''(1) Four-year public institutions of higher education.

''(2) Four-year private, nonprofit institutions of higher education.

''(3) Four-year private, for-profit institutions of higher education.

''(4) Two-year public institutions of higher education.

''(5) Two-year private, nonprofit institutions of higher education.

''(6) Two-year private, for-profit institutions of higher education.

''(7) Less than two-year public institutions of higher education.

''(8) Less than two-year private, nonprofit institutions of higher education.

''(9) Less than two-year private, for-profit institutions of higher education.

''(e) REPORTS BY INSTITUTIONS.—

''(1) REPORT TO SECRETARY.—If an institution of higher education is included on a list described in subparagraph (C) or (D) of subsection (c)(1), the institution shall submit to the Secretary a report containing the following information:

''(A) A description of the major areas in the institution's budget with the greatest cost increases.

''(B) An explanation of the cost increases described in subparagraph (A).

''(C) A description of the steps the institution will take toward the goal of reducing costs in the areas described in subparagraph (A).

''(D) In the case of an institution that is included on the same list under subparagraph (C) or (D) of subsection (c)(1) for two or more consecutive years, a description of the progress made on the steps described in subparagraph (C) of this paragraph that were included in the institution's report for the previous year.

''(E) If the determination of any cost increase described in subparagraph (A) is not within the exclusive control of the institution—

''(i) an explanation of the extent to which the institution participates in determining such cost increase;

''(ii) the identification of the agency or instrumentality of State government responsible for determining such cost increase; and

''(iii) any other information the institution considers relevant to the report.

''(2) INFORMATION TO THE PUBLIC.—The Secretary shall—

''(A) issue an annual report that summarizes all of the reports by institutions required under paragraph (1) to the authorizing committees; and

''(B) publish such report on the College Navigator website.

''(f) EXEMPTIONS.—

''(1) IN GENERAL.—An institution shall not be placed on a list described in subparagraph (C) or (D) of subsection (c)(1), and shall not be subject to the reporting required under subsection (e), if the dollar amount of the institution's increase in tuition and fees, or net price, as applicable, is less than $600 for the three-year period described in such subparagraph.

''(2) UPDATE.—Beginning in 2014, and every three years thereafter, the Secretary shall update the dollar amount described in paragraph (1) based on annual increases in inflation, using the Consumer Price Index for each of the three most recent preceding years.

''(g) STATE HIGHER EDUCATION SPENDING CHART.—The Secretary shall annually report on the College Navigator website, in charts for each State, comparisons of—

''(1) the percentage change in spending by such State per full-time equivalent student at all public institutions of higher education in such State, for each of the five most recent preceding academic years;

''(2) the percentage change in tuition and fees for such students for all public institutions of higher education in such State for each of the five most recent preceding academic years; and

''(3) the percentage change in the total amount of need-based aid and merit-based aid provided by such State to full-time students enrolled in the public institutions of higher education in the State for each of the five most recent preceding academic years.

''(h) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT OF NET PRICE CALCULATOR.—Not later than one year after the date of enactment of the Higher Education Opportunity Act, the Secretary shall, in consultation with institutions of higher education and other appropriate experts, develop a net price calculator to help current and prospective students, families, and other consumers estimate the individual net price of an institution of higher education for a student. The calculator shall be developed in a manner that enables current and prospective students, families, and consumers to determine an estimate of a current or prospective student's individual net price at a particular institution.

''(2) CALCULATION OF INDIVIDUAL NET PRICE.—For purposes of this subsection, an individual net price of an institution of higher education shall be calculated in the same manner as the net price of such institution is calculated under subsection (a)(3), except that the cost of attendance and the amount of need-based and merit-based aid available shall be calculated for the individual student as much as practicable.

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than two years after the date on which the Secretary makes the calculator developed under paragraph (1) available to institutions of higher education, each institution of higher education that receives Federal funds under title IV shall make publicly available on the institution's website a net price calculator to help current and prospective students, families, and other consumers estimate a student's individual net price at such institution of higher education. Such calculator may be a net price calculator developed—

''(A) by the Department pursuant to paragraph (1); or

''(B) by the institution of higher education, if the institution's calculator includes, at a minimum, the same data elements included in the calculator developed under paragraph (1).

''(4) DISCLAIMER.—Estimates of an individual net price determined using a net price calculator required under paragraph (3) shall be accompanied by a clear and conspicuous notice—

''(A) stating that the estimate—

''(i) does not represent a final determination, or actual award, of financial assistance;

''(ii) shall not be binding on the Secretary, the institution of higher education, or the State; and

''(iii) may change;

''(B) stating that the student must complete the Free Application for Federal Student Aid described in section 483 in order to be eligible for, and receive, an actual financial aid award that includes Federal grant, loan, or work-study assistance under title IV; and

''(C) including a link to the website of the Department that allows students to access the Free Application for Federal Student Aid described in section 483.

''(i) CONSUMER INFORMATION.—

''(1) AVAILABILITY OF TITLE IV INSTITUTION INFORMATION.—Not later than one year after the date of enactment of the Higher Education Opportunity Act, the Secretary shall make publicly available on the College Navigator website, in simple and understandable terms, the following information about each institution of higher education that participates in programs under title IV, for the most recent academic year for which satisfactory data are available:

''(A) A statement of the institution's mission.

''(B) The total number of undergraduate students who applied to, were admitted by, and enrolled in the institution.

''(C) For institutions that require SAT or ACT scores to be submitted, the reading, writing, mathematics, and combined scores on the SAT or ACT, as applicable, for the middle 50 percent range of the institution's freshman class.

''(D) The number of first-time, full-time, and part-time students enrolled at the institution, at the undergraduate and (if applicable) graduate levels.

''(E) The number of degree- or certificate-seeking undergraduate students enrolled at the institution who have transferred from another institution.

''(F) The percentages of male and female undergraduate students enrolled at the institution.

''(G) Of the first-time, full-time, degree- or certificate-seeking undergraduate students enrolled at the institution—

''(i) the percentage of such students who are from the State in which the institution is located;

''(ii) the percentage of such students who are from other States; and

''(iii) the percentage of such students who are international students.

''(H) The percentages of first-time, full-time, degree- or certificate-seeking students enrolled at the institution, disaggregated by race and ethnic background.

''(I) The percentage of undergraduate students enrolled at the institution who are formally registered with the office of disability services of the institution (or the equivalent office) as students with disabilities, except that if such percentage is three percent or less, the institution shall report 'three percent or less'.

''(J) The percentages of first-time, full-time, degree- or certificate-seeking undergraduate students enrolled at the institution who obtain a degree or certificate within—

''(i) the normal time for completion of, or graduation from, the student's program;

''(ii) 150 percent of the normal time for completion of, or graduation from, the student's program; and

''(iii) 200 percent of the normal time for completion of, or graduation from, the student's program;

''(K) The number of certificates, associate degrees, baccalaureate degrees, master's degrees, professional degrees, and doctoral degrees awarded by the institution.

''(L) The undergraduate major areas of study at the institution with the highest number of degrees awarded.

''(M) The student-faculty ratio, the number of full-time and part-time faculty, and the number of graduate assistants with primarily instructional responsibilities, at the institution.

''(N)(i) The cost of attendance for first-time, full-time undergraduate students enrolled in the institution who live on campus;

''(ii) the cost of attendance for first-time, full-time undergraduate students enrolled in the institution who live off campus; and

''(iii) in the case of a public institution of higher education and notwithstanding subsection (b)(1), the costs described in clauses (i) and (ii), for—

''(I) first-time, full-time students enrolled in the institution who are residents of the State in which the institution is located; and

''(II) first-time, full-time students enrolled in the institution who are not residents of such State.

''(O) The average annual grant amount (including Federal, State, and institutional aid) awarded to a first-time, full-time undergraduate student enrolled at the institution who receives financial aid.

''(P) The average annual amount of Federal student loans provided through the institution to undergraduate students enrolled at the institution.

''(Q) The total annual grant aid awarded to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources known by the institution.

''(R) The percentage of first-time, full-time undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance known by the institution, provided publicly or through the institution, such as Federal work-study funds.

''(S) The number of students enrolled at the institution receiving Federal Pell Grants.

''(T) The institution's cohort default rate, as defined under section 435(m).

''(U) The information on campus safety required to be collected under section 485(i).

''(V) A link to the institution's website that provides, in an easily accessible manner, the following information:

''(i) Student activities offered by the institution.

''(ii) Services offered by the institution for individuals with disabilities.

''(iii) Career and placement services offered by the institution to students during and after enrollment.

''(iv) Policies of the institution related to transfer of credit from other institutions.

''(W) A link to the appropriate section of the Bureau of Labor Statistics website that provides information on regional data on starting salaries in all major occupations.

''(X) Information required to be submitted under paragraph (4) and a link to the institution pricing summary page described in paragraph (5).

''(Y) In the case of an institution that was required to submit a report under subsection (e)(1), a link to such report.

''(Z) The availability of alternative tuition plans, which may include guaranteed tuition plans.

''(2) ANNUAL UPDATES.—The Secretary shall annually update the information described in paragraph (1) on the College Navigator website.

''(3) CONSULTATION.—The Secretary shall regularly consult with current and prospective college students, family members of such students, institutions of higher education, and other experts to improve the usefulness and relevance of the College Navigator website, with respect to the presentation of the consumer information collected in paragraph (1).

''(4) DATA COLLECTION.—The Commissioner for Education Statistics shall continue to update and improve the Integrated Postsecondary Education Data System (referred to in this section as 'IPEDS'), including the reporting of information by institutions and the timeliness of the data collected.

''(5) INSTITUTION PRICING SUMMARY PAGE.—

''(A) AVAILABILITY OF LIST OF PARTICIPATING INSTITUTIONS.—The Secretary shall make publicly available on the College Navigator website in a sortable and searchable format a list of all institutions of higher education that participate in programs under title IV, which list shall, for each institution, include the following:

''(i) The tuition and fees for each of the three most recent academic years for which data are available.

''(ii) The net price for each of the three most recent available academic years for which data are available.

''(iii)(I) During the period beginning July 1, 2010, and ending June 30, 2013, the net price for students receiving Federal student financial aid under title IV, disaggregated by the income categories described in paragraph (6), for the most recent academic year for which data are available.

''(II) Beginning July 1, 2013, the net price for students receiving Federal student financial aid under title IV, disaggregated by the income categories described in paragraph (6), for each of the three most recent academic years for which data are available.

''(iv) The average annual percentage change and average annual dollar change in such institution's tuition and fees for each of the three most recent academic years for which data are available.

''(v) The average annual percentage change and average annual dollar change in such institution's net price for each of the three most recent preceding academic years for which data are available.

''(vi) A link to the webpage on the College Navigator website that provides the information described in paragraph (1) for the institution.

''(B) ANNUAL UPDATES.—The Secretary shall annually update the lists described in subparagraph (A) on the College Navigator website.

''(6) INCOME CATEGORIES.—

''(A) IN GENERAL.—For purposes of reporting the information required under this subsection, the following income categories shall apply for students who receive Federal student financial aid under title IV:

''(i) $0–30,000.

''(ii) $30,001–48,000.

''(iii) $48,001–75,000.

''(iv) $75,001–110,000.

''(v) $110,001 and more.

''(B) ADJUSTMENT.—The Secretary may adjust the income categories listed in subparagraph (A) using the Consumer Price Index if the Secretary determines such adjustment is necessary.

''(j) MULTI-YEAR TUITION CALCULATOR.—

''(1) DEVELOPMENT OF MULTI-YEAR TUITION CALCULATOR.—Not later than one year after the date of enactment of the Higher Education Opportunity Act, the Secretary shall, in consultation with institutions of higher education, financial planners, and other appropriate experts, develop a multi-year tuition calculator to help current and prospective students, families of such students, and other consumers estimate the amount of tuition an individual may pay to attend an institution of higher education in future years.

''(2) CALCULATION OF MULTI-YEAR TUITION.—The multi-year tuition calculator described in paragraph (1) shall—

''(A) allow an individual to select an institution of higher education for which the calculation shall be made;

''(B) calculate an estimate of tuition and fees for each year of the normal duration of the program of study at such institution by—

''(i) using the tuition and fees for such institution, as reported under subsection (i)(5)(A)(i), for the most recent academic year for which such data are reported; and

''(ii) determining an estimated annual percentage change for each year for which the calculation is made, based on the annual percentage change in such institution's tuition and fees, as reported under subsection (i)(5)(A)(iv), for the most recent three-year period for which such data are reported;

''(C) calculate an estimate of the total amount of tuition and fees to complete a program of study at such institution, based on the normal duration of such program, using the estimate calculated under subparagraph (B) for each year of the program of study;

''(D) provide the individual with the option to replace the estimated annual percentage change described in subparagraph (B)(ii) with an alternative annual percentage change specified by the individual, and calculate an estimate of tuition and fees for each year and an estimate of the total amount of tuition and fees using the alternative percentage change;

''(E) in the case of an institution that offers a multi-year tuition guarantee program, allow the individual to have the estimates of tuition and fees described in subparagraphs (B) and (C) calculated based on the provisions of such guarantee program for the tuition and fees charged to a student, or cohort of students, enrolled for the duration of the program of study; and

''(F) include any other features or information determined to be appropriate by the Secretary.

''(3) AVAILABILITY AND COMPARISON.—The multi-year tuition calculator described in paragraph (1) shall be available on the College Navigator website and shall allow current and prospective students, families of such students, and consumers to compare information and estimates under this subsection for multiple institutions of higher education.

''(4) DISCLAIMER.—Each calculation of estimated tuition and fees made using the multi-year tuition calculator described in paragraph (1) shall be accompanied by a clear and conspicuous notice—

''(A) stating that the calculation—

''(i) is only an estimate and not a guarantee of the actual amount the student may be charged;

''(ii) is not binding on the Secretary, the institution of higher education, or the State; and

''(iii) may change, subject to the availability of financial assistance, State appropriations, and other factors;

''(B) stating that the student must complete the Free Application for Federal Student Aid described in section 483 in order to be eligible for, and receive, an actual financial aid award that includes Federal grant, loan, or work-study assistance under title IV; and

''(C) including a link to the website of the Department that allows students to access the Free Application for Federal Student Aid described in section 483.

''(k) STUDENT AID RECIPIENT SURVEY.—

''(1) SURVEY REQUIRED.—The Secretary, acting through the Commissioner for Education Statistics, shall conduct, on a State-by-State basis, a survey of recipients of Federal student financial aid under title IV—

''(A) to identify the population of students receiving such Federal student financial aid;

''(B) to describe the income distribution and other socioeconomic characteristics of recipients of such Federal student financial aid;

''(C) to describe the combinations of aid from Federal, State, and private sources received by such recipients from all income categories;

''(D) to describe the—

''(i) debt burden of such loan recipients, and their capacity to repay their education debts; and

''(ii) the impact of such debt burden on the recipients' course of study and post-graduation plans;

''(E) to describe the impact of the cost of attendance of postsecondary education in the determination by students of what institution of higher education to attend; and

''(F) to describe how the costs of textbooks and other instructional materials affect the costs of postsecondary education for students.

''(2) FREQUENCY.—The survey shall be conducted on a regular cycle and not less often than once every four years.

''(3) SURVEY DESIGN.—The survey shall be representative of students from all types of institutions, including full-time and part-time students, undergraduate, graduate, and professional students, and current and former students.

''(4) DISSEMINATION.—The Commissioner for Education Statistics shall disseminate to the public, in printed and electronic form, the information resulting from the survey.

''(l) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out this section.''.

SEC. 112. TEXTBOOK INFORMATION.

(a) AMENDMENT.—Part C of title I (20 U.S.C. 1015) is further amended by adding after section 132 (as added by section 111 of this Act) the following new section:

''SEC. 133. TEXTBOOK INFORMATION.

''(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale, and use of course materials. It is the intent of this section to encourage all of the involved parties, including faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers, to work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while supporting the academic freedom of faculty members to select high quality course materials for students.

''(b) DEFINITIONS.—In this section:

''(1) BUNDLE.—The term 'bundle' means one or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.

''(2) COLLEGE TEXTBOOK.—The term 'college textbook' means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

''(3) 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, as defined by the institution.

''(4) CUSTOM TEXTBOOK.—The term 'custom textbook'—

''(A) means a college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

''(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

''(6) INTEGRATED TEXTBOOK.—The term 'integrated textbook' means a college textbook that is—

''(A) combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or

''(B) combined with other materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the other materials would render the college textbook unusable for its intended purpose.

''(7) PUBLISHER.—The term 'publisher' means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

''(8) SUBSTANTIAL CONTENT.—The term 'substantial content' means parts of a college textbook such as new chapters, new material covering additional eras of time, new themes, or new subject matter.

''(9) SUPPLEMENTAL MATERIAL.—The term 'supplemental material' means educational material developed to accompany a college textbook that—

''(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

''(B) is not being used as a component of an integrated textbook.

''(c) PUBLISHER REQUIREMENTS.—

''(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education receiving Federal financial assistance with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing (which may include electronic communications), 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 and, if available, the price at which the publisher makes the college textbook or supplemental material available to the public.

''(B) The copyright dates of the three previous editions of such college textbook, if any.

''(C) A description of the substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

''(D)(i) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound; and

''(ii) for each other format of the college textbook or supplemental material, 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 and, if available, the price at which the publisher makes such other format of the college textbook or supplemental material available to the public.

''(2) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

''(3) CUSTOM TEXTBOOKS.—To the maximum extent practicable, a publisher shall provide the information required under this subsection with respect to the development and provision of custom textbooks.

''(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—To the maximum extent practicable, each institution of higher education receiving Federal financial assistance shall—

''(1) disclose, on the institution's Internet course schedule and in a manner of the institution's choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes, except that—

''(A) if the International Standard Book Number is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material; and

''(B) if the institution determines that the disclosure of the information described in this subsection is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation 'To Be Determined' in lieu of the information required under this subsection; and

''(2) if applicable, include on the institution's written course schedule a notice that textbook information is available on the institution's Internet course schedule, and the Internet address for such schedule.

''(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—An institution of higher education receiving Federal financial assistance shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as is practicable upon the request of such college bookstore, 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) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

''(B) the number of students enrolled in such course or class; and

''(C) the maximum student enrollment for such course or class.

''(f) ADDITIONAL INFORMATION.—An institution disclosing the information required by subsection (d)(1) is encouraged to disseminate to students information regarding—

''(1) available institutional programs for renting textbooks or for purchasing used textbooks;

''(2) available institutional guaranteed textbook buy-back programs;

''(3) available institutional alternative content delivery programs; or

''(4) other available institutional cost-saving strategies.

''(g) GAO REPORT.—Not later than July 1, 2013, the Comptroller General of the United States shall report to the authorizing committees on the implementation of this section by institutions of higher education, college bookstores, and publishers. The report shall particularly examine—

''(1) the availability of college textbook information on course schedules;

''(2) the provision of pricing information to faculty of institutions of higher education by publishers;

''(3) the use of bundled and unbundled material in the college textbook marketplace, including the adoption of unbundled materials by faculty and the use of integrated textbooks by publishers; and

''(4) the implementation of this section by institutions of higher education, including the costs and benefits to such institutions and to students.

''(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks, supplemental materials, and other classroom materials.

''(i) NO REGULATORY AUTHORITY.—The Secretary shall not promulgate regulations with respect to this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2010.

SEC. 113. DATABASE OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 133 (as added by section 112 of this Act) the following:

''SEC. 134. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in subsection (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that—

''(1) is necessary for the operation of programs authorized by title II, IV, or VII; and

''(2) was in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Opportunity Act.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 114. IN-STATE TUITION RATES FOR ARMED FORCES MEMBERS, SPOUSES, AND DEPENDENT CHILDREN.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 134 (as added by section 113 of this Act) the following:

''SEC. 135. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY, SPOUSES, AND DEPENDENT CHILDREN.

''(a) REQUIREMENT.—In the case of a member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in a State that receives assistance under this Act, such State shall not charge such member (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.

''(b) CONTINUATION.—If a member of the armed forces (or the spouse or dependent child of a member) pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of subsection (a) shall continue to apply to such member, spouse, or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

''(c) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State that receives assistance under this Act for the first period of enrollment at such institution that begins after July 1, 2009.

''(d) DEFINITIONS.—In this section, the terms 'armed forces' and 'active duty for a period of more than 30 days' have the meanings given those terms in section 101 of title 10, United States Code.''.

SEC. 115. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 114 of this Act) the following:

''SEC. 136. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than five States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than five eligible entities to enable the eligible entities to—

''(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than three years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with section 444 of the General Education Provisions Act (Family Educational Rights and Privacy Act of 1974) (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the three-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within a State;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education; and

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than six months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems, to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 116. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 136 (as added by section 115 of this Act) the following new section:

''SEC. 137. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

''(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide—

''(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the five most recent preceding academic years for which satisfactory data are available; and

''(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the five most recent preceding academic years for which satisfactory data are available.

''(b) ADJUSTMENTS FOR BIENNIAL APPROPRIATIONS.—The Secretary shall take into consideration any adjustments to the calculations under subsection (a) that may be required to accurately reflect funding levels for postsecondary education in States with biennial appropriation cycles.

''(c) WAIVER.—The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforseen decline in the financial resources of a State or State educational agency, as appropriate.

''(d) VIOLATION OF MAINTENANCE OF EFFORT.—Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (c) any amount that would otherwise be available to the State under section 781 until such State has made significant efforts to correct such violation.''.

SEC. 117. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operational'' and inserting ''administrative and oversight''; and

(B) in paragraph (2)(D), by striking ''of the operational functions'' and inserting ''and administration'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the information systems administered by the PBO, and other functions performed by the PBO'' and inserting ''the Federal student financial assistance programs authorized under title IV''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) assist the Chief Operating Officer in identifying goals for—

''(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

''(ii) the updating of such systems to current technology.'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''administration of the information and financial systems that support'' and inserting ''the administration of Federal''; and

(II) by striking ''this title'' and inserting ''title IV'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''of the delivery system for Federal student assistance'' and inserting ''for the Federal student financial assistance programs authorized under title IV'';

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

''(ii) the design and technical specifications for software development and procurement for systems supporting the Federal student financial assistance programs authorized under title IV;'';

(III) in clause (iii), by striking ''delivery'' and inserting ''administration'';

(IV) in clause (iv)—

(aa) by inserting ''the Federal'' after ''supporting'';

(bb) by striking ''under this title'' and inserting ''authorized under title IV''; and

(cc) by striking ''and'' after the semicolon;

(V) in clause (v), by striking ''systems that support those programs.'' and inserting ''the administration of the Federal student financial assistance programs authorized under title IV; and''; and

(VI) by adding at the end the following:

''(vi) ensuring the integrity of the Federal student financial assistance programs authorized under title IV.''; and

(iii) in subparagraph (B), by striking ''operations and services'' and inserting ''activities and functions''; and

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PERFORMANCE PLAN AND REPORT'' and inserting ''PERFORMANCE PLAN, REPORT, AND BRIEFING'';

(B) in paragraph (1)(C)—

(i) by striking ''this title'' each place the term appears and inserting ''under title IV'';

(ii) in clause (iii), by striking ''information and delivery''; and

(iii) in clause (iv)—

(I) by striking ''Developing an'' and inserting ''Developing''; and

(II) by striking ''delivery and information system'' and inserting ''systems'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''the'' after ''PBO and''; and

(ii) in subparagraph (B), by striking ''Officer'' and inserting ''Officers'';

(D) in paragraph (3), by inserting ''students,'' after ''consult with''; and

(E) by adding at the end the following:

''(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Secretary shall, upon request, provide a briefing to the members of the authorizing committees on the steps the Department has taken to ensure—

''(A) the integrity of the student loan programs; and

''(B) that lenders and guaranty agencies are adhering to the requirements of title IV.'';

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(ii) in subparagraph (C), by striking ''this'';

(5) in subsection (f)—

(A) in paragraph (2), by striking ''to borrowers'' and inserting ''to students, borrowers,''; and

(B) in paragraph (3)(A), by striking ''(1)(A)'' and inserting ''(1)'';

(6) in subsection (g)(3), by striking ''not more than 25'';

(7) in subsection (h), by striking ''organizational effectiveness'' and inserting ''effectiveness'';

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking '', including transition costs''.

SEC. 118. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for information systems supporting the programs authorized under title IV''; and

(ii) by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(3) through the Chief Operating Officer—

''(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

''(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.'';

(2) by striking subsection (c)(2) and inserting the following:

''(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.'';

(3) in subsection (d)(2)(B), by striking ''on Federal Government contracts'';

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking ''SOLE SOURCE.—'' and inserting ''SINGLE-SOURCE BASIS.—''; and

(ii) by striking ''sole-source'' and inserting ''single-source''; and

(B) in paragraph (7), by striking ''sole-source'' and inserting ''single-source'';

(5) in subsection (h)(2)(A), by striking ''sole-source'' and inserting ''single-source''; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.''.

SEC. 119. CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

(a) PROHIBITION.—No Federal funds received under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), as a condition for receiving such funding, shall annually certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are implemented and enforced.

SEC. 120. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (as amended by this title) (20 U.S.C. 1001 et seq.) is further amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATION LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) AGENT.—The term 'agent' means an officer or employee of a covered institution or an institution-affiliated organization.

''(2) COVERED INSTITUTION.—The term 'covered institution' means any institution of higher education, as such term is defined in section 102, that receives any Federal funding or assistance.

''(3) EDUCATION LOAN.—The term 'education loan' (except when used as part of the term 'private education loan') means—

''(A) any loan made, insured, or guaranteed under part B of title IV;

''(B) any loan made under part D of title IV; or

''(C) a private education loan.

''(4) ELIGIBLE LENDER.—The term 'eligible lender' has the meaning given such term in section 435(d).

''(5) INSTITUTION-AFFILIATED ORGANIZATION.—The term 'institution-affiliated organization'—

''(A) means any organization that—

''(i) is directly or indirectly related to a covered institution; and

''(ii) is engaged in the practice of recommending, promoting, or endorsing education loans for students attending such covered institution or the families of such students;

''(B) may include an alumni organization, athletic organization, foundation, or social, academic, or professional organization, of a covered institution; and

''(C) notwithstanding subparagraphs (A) and (B), does not include any lender with respect to any education loan secured, made, or extended by such lender.

''(6) LENDER.—The term 'lender' (except when used as part of the terms 'eligible lender' and 'private educational lender')—

''(A) means—

''(i) in the case of a loan made, insured, or guaranteed under part B of title IV, an eligible lender;

''(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

''(iii) in the case of a private education loan, a private educational lender as defined in section 140 of the Truth in Lending Act; and

''(B) includes any other person engaged in the business of securing, making, or extending education loans on behalf of the lender.

''(7) OFFICER.—The term 'officer' includes a director or trustee of a covered institution or institution-affiliated organization, if such individual is treated as an employee of such covered institution or institution-affiliated organization, respectively.

''(8) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement'—

''(A) means an arrangement or agreement between a lender and a covered institution or an institution-affiliated organization of such covered institution—

''(i) under which a lender provides or otherwise issues education loans to the students attending such covered institution or the families of such students; and

''(ii) that relates to such covered institution or such institution-affiliated organization recommending, promoting, or endorsing the education loan products of the lender; and

''(B) does not include—

''(i) arrangements or agreements with respect to loans under part D of title IV; or

''(ii) arrangements or agreements with respect to loans that originate through the auction pilot program under section 499(b).

''(9) PRIVATE EDUCATION LOAN.—The term 'private education loan' has the meaning given the term in section 140 of the Truth in Lending Act.

''SEC. 152. RESPONSIBILITIES OF COVERED INSTITUTIONS, INSTITUTION-AFFILIATED ORGANIZATIONS, AND LENDERS.

''(a) RESPONSIBILITIES OF COVERED INSTITUTIONS AND INSTITUTION-AFFILIATED ORGANIZATIONS.—

''(1) DISCLOSURES BY COVERED INSTITUTIONS AND INSTITUTION-AFFILIATED ORGANIZATIONS.—

''(A) PREFERRED LENDER ARRANGEMENT DISCLOSURES.—In addition to the disclosures required by subsections (a)(27) and (h) of section 487 (if applicable), a covered institution, or an institution-affiliated organization of such covered institution, that participates in a preferred lender arrangement shall disclose—

''(i) on such covered institution's or institution-affiliated organization's website and in all informational materials described in subparagraph (C) that describe or discuss education loans—

''(I) the maximum amount of Federal grant and loan aid under title IV available to students, in an easy to understand format;

''(II) the information required to be disclosed pursuant to section 153(a)(2)(A)(i), for each type of loan described in section 151(3)(A) that is offered pursuant to a preferred lender arrangement of the institution or organization to students of the institution or the families of such students; and

''(III) a statement that such institution is required to process the documents required to obtain a loan under part B of title IV from any eligible lender the student selects; and

''(ii) on such covered institution's or institution-affiliated organization's website and in all informational materials described in subparagraph (C) that describe or discuss private education loans—

''(I) in the case of a covered institution, the information that the Board of Governors of the Federal Reserve System requires to be disclosed under section 128(e)(11) of the Truth in Lending Act (15 U.S.C. 1638(e)(11)), for each type of private education loan offered pursuant to a preferred lender arrangement of the institution to students of the institution or the families of such students; and

''(II) in the case of an institution-affiliated organization of a covered institution, the information the Board of Governors of the Federal Reserve System requires to be disclosed under section 128(e)(1) of the Truth in Lending Act (15 U.S.C. 1638(e)(1)), for each type of private education loan offered pursuant to a preferred lender arrangement of the organization to students of such institution or the families of such students.

''(B) PRIVATE EDUCATION LOAN DISCLOSURES.—A covered institution, or an institution-affiliated organization of such covered institution, that provides information regarding a private education loan from a lender to a prospective borrower shall—

''(i) provide the prospective borrower with the information the Board of Governors of the Federal Reserve System requires to be disclosed under section 128(e)(1) of the Truth in Lending Act (15 U.S.C. 1638(e)(1)) for such loan;

''(ii) inform the prospective borrower that—

''(I) the prospective borrower may qualify for loans or other assistance under title IV; and

''(II) the terms and conditions of loans made, insured, or guaranteed under title IV may be more favorable than the provisions of private education loans; and

''(iii) ensure that information regarding private education loans is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

''(C) INFORMATIONAL MATERIALS.—The informational materials described in this subparagraph are publications, mailings, or electronic messages or materials that—

''(i) are distributed to prospective or current students of a covered institution and families of such students; and

''(ii) describe or discuss the financial aid opportunities available to students at an institution of higher education.

''(2) USE OF INSTITUTION NAME.—A covered institution, or an institution-affiliated organization of such covered institution, that enters into a preferred lender arrangement with a lender regarding private education loans shall not agree to the lender's use of the name, emblem, mascot, or logo of such institution or organization, or other words, pictures, or symbols readily identified with such institution or organization, in the marketing of private education loans to students attending such institution in any way that implies that the loan is offered or made by such institution or organization instead of the lender.

''(3) USE OF LENDER NAME.—A covered institution, or an institution-affiliated organization of such covered institution, that enters into a preferred lender arrangement with a lender regarding private education loans shall ensure that the name of the lender is displayed in all information and documentation related to such loans.

''(b) LENDER RESPONSIBILITIES.—

''(1) DISCLOSURES BY LENDERS.—

''(A) DISCLOSURES TO BORROWERS.—

''(i) FEDERAL EDUCATION LOANS.—For each education loan that is made, insured, or guaranteed under part B or D of title IV (other than a loan made under section 428C or a Federal Direct Consolidation Loan), at or prior to the time the lender disburses such loan, the lender shall provide the prospective borrower or borrower, in writing (including through electronic means), with the disclosures described in subsections (a) and (c) of section 433.

''(ii) PRIVATE EDUCATION LOANS.—For each of a lender's private education loans, the lender shall comply with the disclosure requirements under section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)).

''(B) DISCLOSURES TO THE SECRETARY.—

''(i) IN GENERAL.—Each lender of a loan made, insured, or guaranteed under part B of title IV shall, on an annual basis, report to the Secretary—

''(I) any reasonable expenses paid or provided under section 435(d)(5)(D) or paragraph (3)(B) or (7) of section 487(e) to any agent of a covered institution who—

''(aa) is employed in the financial aid office of a covered institution; or

''(bb) otherwise has responsibilities with respect to education loans or other financial aid of the institution; and

''(II) any similar expenses paid or provided to any agent of an institution-affiliated organization who is involved in the practice of recommending, promoting, or endorsing education loans.

''(ii) CONTENTS OF REPORTS.—Each report described in clause (i) shall include—

''(I) the amount for each specific instance in which the lender provided such expenses;

''(II) the name of any agent described in clause (i) to whom the expenses were paid or provided;

''(III) the dates of the activity for which the expenses were paid or provided; and

''(IV) a brief description of the activity for which the expenses were paid or provided.

''(iii) REPORT TO CONGRESS.—The Secretary shall summarize the information received from the lenders under this subparagraph in a report and transmit such report annually to the authorizing committees.

''(2) CERTIFICATION BY LENDERS.—Not later than 18 months after the date of enactment of the Higher Education Opportunity Act—

''(A) in addition to any other disclosure required under Federal law, each lender of a loan made, insured, or guaranteed under part B of title IV that participates in one or more preferred lender arrangements shall annually certify the lender's compliance with the requirements of this Act; and

''(B) if an audit of a lender is required pursuant to section 428(b)(1)(U)(iii), the lender's compliance with the requirements under this section shall be reported on and attested to annually by the auditor of such lender.

''SEC. 153. LOAN INFORMATION TO BE DISCLOSED AND MODEL DISCLOSURE FORM FOR COVERED INSTITUTIONS, INSTITUTION-AFFILIATED ORGANIZATIONS, AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) DUTIES OF THE SECRETARY.—

''(1) DETERMINATION OF MINIMUM DISCLOSURES.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Higher Education Opportunity Act, the Secretary, in coordination with the Board of Governors of the Federal Reserve System, shall determine the minimum information that lenders, covered institutions, and institution-affiliated organizations of such covered institutions participating in preferred lender arrangements shall make available regarding education loans described in section 151(3)(A) that are offered to students and the families of such students.

''(B) CONSULTATION AND CONTENT OF MINIMUM DISCLOSURES.—In carrying out subparagraph (A), the Secretary shall—

''(i) consult with students, the families of such students, representatives of covered institutions (including financial aid administrators, admission officers, and business officers), representatives of institution-affiliated organizations, secondary school guidance counselors, lenders, loan servicers, and guaranty agencies;

''(ii) include, in the minimum information under subparagraph (A) that is required to be made available, the information that the Board of Governors of the Federal Reserve System requires to be disclosed under section 128(e)(1) of the Truth in Lending Act (15 U.S.C. 1638(e)(1)), modified as necessary to apply to such loans; and

''(iii) consider the merits of requiring each covered institution, and each institution-affiliated organization of such covered institution, with a preferred lender arrangement to provide to prospective borrowers and the families of such borrowers the following information for each type of education loan offered pursuant to such preferred lender arrangement:

''(I) The interest rate and terms and conditions of the loan for the next award year, including loan forgiveness and deferment.

''(II) Information on any charges, such as origination and Federal default fees, that are payable on the loan, and whether those charges will be—

''(aa) collected by the lender at or prior to the disbursal of the loan, including whether the charges will be deducted from the proceeds of the loan or paid separately by the borrower; or

''(bb) paid in whole or in part by the lender.

''(III) The annual and aggregate maximum amounts that may be borrowed.

''(IV) The average amount borrowed from the lender by students who graduated from such institution in the preceding year with certificates, undergraduate degrees, graduate degrees, and professional degrees, as applicable, and who obtained loans of such type from the lender for the preceding year.

''(V) The amount the borrower may pay in interest, based on a standard repayment plan and the average amount borrowed from the lender by students who graduated from such institution in the preceding year and who obtained loans of such type from the lender for the preceding year, for—

''(aa) borrowers who take out loans under section 428;

''(bb) borrowers who take out loans under section 428B or 428H, who pay the interest while in school; and

''(cc) borrowers who take out loans under section 428B or 428H, who do not pay the interest while in school.

''(VI) The consequences for the borrower of defaulting on a loan, including limitations on the discharge of an education loan in bankruptcy.

''(VII) Contact information for the lender.

''(VIII) Other information suggested by the persons and entities with whom the Secretary has consulted under clause (i).

''(2) REQUIRED DISCLOSURES.—After making the determinations under paragraph (1), the Secretary, in coordination with the Board of Governors of the Federal Reserve System and after consultation with the public, shall—

''(A)(i) provide that the information determined under paragraph (1) shall be disclosed by covered institutions, and institution-affiliated organizations of such covered institutions, with preferred lender arrangements to prospective borrowers and the families of such borrowers regarding the education loans described in section 151(3)(A) that are offered pursuant to such preferred lender arrangements; and

''(ii) make clear that such covered institutions and institution-affiliated organizations may provide the required information on a form designed by the institution or organization instead of the model disclosure form described in subparagraph (B);

''(B) develop a model disclosure form that may be used by covered institutions, institution-affiliated organizations, and preferred lenders that includes all of the information required under subparagraph (A)(i) in a format that—

''(i) is easily usable by students, families, institutions, institution-affiliated organizations, lenders, loan servicers, and guaranty agencies; and

''(ii) is similar in format to the form developed by the Board of Governors of the Federal Reserve System under paragraphs (1) and (5)(A) of section 128(e), in order to permit students and the families of students to easily compare private education loans and education loans described in section 151(3)(A); and

''(C) update such model disclosure form periodically, as necessary.

''(b) DUTIES OF LENDERS.—Each lender that has a preferred lender arrangement with a covered institution, or an institution-affiliated organization of such covered institution, with respect to education loans described in section 151(3)(A) shall annually, by a date determined by the Secretary, provide to such covered institution or such institution-affiliated organization, and to the Secretary, the information the Secretary requires pursuant to subsection (a)(2)(A)(i) for each type of education loan described in section 151(3)(A) that the lender plans to offer pursuant to such preferred lender arrangement to students attending such covered institution, or to the families of such students, for the next award year.

''(c) DUTIES OF COVERED INSTITUTIONS AND INSTITUTION-AFFILIATED ORGANIZATIONS.—

''(1) PROVIDING INFORMATION TO STUDENTS AND FAMILIES.—

''(A) IN GENERAL.—Each covered institution, and each institution-affiliated organization of such covered institution, that has a preferred lender arrangement shall provide the following information to students attending such institution, or the families of such students, as applicable:

''(i) The information the Secretary requires pursuant to subsection (a)(2)(A)(i), for each type of education loan described in section 151(3)(A) offered pursuant to a preferred lender arrangement to students of such institution or the families of such students.

''(ii)(I) In the case of a covered institution, the information that the Board of Governors of the Federal Reserve System requires to be disclosed under section 128(e)(11) of the Truth in Lending Act (15 U.S.C. 1638(e)(11)) to the covered institution, for each type of private education loan offered pursuant to such preferred lender arrangement to students of such institution or the families of such students.

''(II) In the case of an institution-affiliated organization, the information the Board of Governors of the Federal Reserve System requires to be disclosed under section 128(e)(1) of the Truth in Lending Act (15 U.S.C. 1638(e)(1)), for each type of private education loan offered pursuant to such preferred lender arrangement to students of the institution with which such organization is affiliated or the families of such students.

''(B) TIMELY PROVISION OF INFORMATION.—The information described in subparagraph (A) shall be provided in a manner that allows for the students or the families to take such information into account before selecting a lender or applying for an education loan.

''(2) ANNUAL REPORT.—Each covered institution, and each institution-affiliated organization of such covered institution, that has a preferred lender arrangement, shall—

''(A) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with such covered institution or organization—

''(i) the information described in clauses (i) and (ii) of paragraph (1)(A); and

''(ii) a detailed explanation of why such covered institution or institution-affiliated organization entered into a preferred lender arrangement with the lender, including why the terms, conditions, and provisions of each type of education loan provided pursuant to the preferred lender arrangement are beneficial for students attending such institution, or the families of such students, as applicable; and

''(B) ensure that the report required under subparagraph (A) is made available to the public and provided to students attending or planning to attend such covered institution and the families of such students.

''(3) CODE OF CONDUCT.—

''(A) IN GENERAL.—Each covered institution, and each institution-affiliated organization of such covered institution, that has a preferred lender arrangement, shall comply with the code of conduct requirements of subparagraphs (A) through (C) of section 487(a)(25).

''(B) APPLICABLE CODE OF CONDUCT.—For purposes of subparagraph (A), an institution-affiliated organization of a covered institution shall—

''(i) comply with the code of conduct developed and published by such covered institution under subparagraphs (A) and (B) of section 487(a)(25);

''(ii) if such institution-affiliated organization has a website, publish such code of conduct prominently on the website; and

''(iii) administer and enforce such code of conduct by, at a minimum, requiring that all of such organization's agents with responsibilities with respect to education loans be annually informed of the provisions of such code of conduct.

''SEC. 154. LOAN INFORMATION TO BE DISCLOSED AND MODEL DISCLOSURE FORM FOR INSTITUTIONS PARTICIPATING IN THE WILLIAM. D. FORD FEDERAL DIRECT LOAN PROGRAM.

''(a) PROVISION OF DISCLOSURES TO INSTITUTIONS BY THE SECRETARY.—Not later than 180 days after the development of the model disclosure form under section 153(a)(2)(B), the Secretary shall provide each institution of higher education participating in the William D. Ford Direct Loan Program under part D of title IV with a completed model disclosure form including the same information for Federal Direct Stafford Loans, Federal Direct Unsubsidized Stafford Loans, and Federal Direct PLUS loans made to, or on behalf of, students attending each such institution as is required on such form for loans described in section 151(3)(A).

''(b) DUTIES OF INSTITUTIONS.—

''(1) IN GENERAL.—Each institution of higher education participating in the William D. Ford Direct Loan Program under part D of title IV shall—

''(A) make the information the Secretary provides to the institution under subsection (a) available to students attending or planning to attend the institution, or the families of such students, as applicable; and

''(B) if the institution provides information regarding a private education loan to a prospective borrower, concurrently provide such borrower with the information the Secretary provides to the institution under subsection (a).

''(2) CHOICE OF FORMS.—In providing the information required under paragraph (1), an institution of higher education may use a comparable form designed by the institution instead of the model disclosure form developed under section 153(a)(2)(B).''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) by inserting before part A the following:

''SEC. 200. DEFINITIONS.

''In this title:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(5) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(6) ELIGIBLE PARTNERSHIP.—Except as otherwise provided in section 251, the term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii)(I) a high-need school or a consortium of high-need schools served by the high-need local educational agency; or

''(II) as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution, which may include an existing teacher professional development program with proven outcomes within a four-year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies consistent with the requirements of this title; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

''(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(9) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families;

''(iii) that meets the eligibility requirements for funding under the Small, Rural School Achievement Program under section 6211(b) of the Elementary and Secondary Education Act of 1965; or

''(iv) that meets the eligibility requirements for funding under the Rural and Low-Income School Program under section 6221(b) of the Elementary and Secondary Education Act of 1965; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(11) HIGH-NEED SCHOOL.—

''(A) IN GENERAL.—The term 'high-need school' means a school that, based on the most recent data available, meets one or both of the following:

''(i) The school is in the highest quartile of schools in a ranking of all schools served by a local educational agency, ranked in descending order by percentage of students from low-income families enrolled in such schools, as determined by the local educational agency based on one of the following measures of poverty:

''(I) The percentage of students aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary.

''(II) The percentage of students eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

''(III) The percentage of students in families receiving assistance under the State program funded under part A of title IV of the Social Security Act.

''(IV) The percentage of students eligible to receive medical assistance under the Medicaid program.

''(V) A composite of two or more of the measures described in subclauses (I) through (IV).

''(ii) In the case of—

''(I) an elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act; or

''(II) any other school that is not an elementary school, the other school serves students not less than 45 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act.

''(B) SPECIAL RULE.—

''(i) DESIGNATION BY THE SECRETARY.—The Secretary may, upon approval of an application submitted by an eligible partnership seeking a grant under this title, designate a school that does not qualify as a high-need school under subparagraph (A) as a high-need school for the purpose of this title. The Secretary shall base the approval of an application for designation of a school under this clause on a consideration of the information required under clause (ii), and may also take into account other information submitted by the eligible partnership.

''(ii) APPLICATION REQUIREMENTS.—An application for designation of a school under clause (i) shall include—

''(I) the number and percentage of students attending such school who are—

''(aa) aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary;

''(bb) eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act;

''(cc) in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

''(dd) eligible to receive medical assistance under the Medicaid program;

''(II) information about the student academic achievement of students at such school; and

''(III) for a secondary school, the graduation rate for such school.

''(12) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(13) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(14) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first two years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with teachers in the same department or field, including mentor teachers, as well as time for information-sharing among teachers, principals, administrators, other appropriate instructional staff, and participating faculty in the partner institution.

''(C) The application of empirically-based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly on the expertise of teacher mentors, faculty, and researchers to support the integration of empirically-based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically-based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the applicability of such data in classroom instruction.

''(I) Regular and structured observation and evaluation of new teachers by multiple evaluators, using valid and reliable measures of teaching skills.

''(15) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(16) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a two-year institution of higher education offering a dual program with a four-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b) before the first publication of such report card; and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; and

''(B) that requires—

''(i) each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means principles of research that—

''(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

''(C) include, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

''(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

''(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management (including approaches that improve the schoolwide climate for learning, which may include positive behavioral interventions and supports);

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides paid release time for mentors, as applicable;

''(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(F) promotes empirically-based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(G) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(22) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for one academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

''(23) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) effectively teach higher-order analytical, evaluation, problem-solving, and communication skills;

''(D) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically-based practice and scientifically valid research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(E) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation);

''(F) effectively manage a classroom, including the ability to implement positive behavioral interventions and support strategies;

''(G) communicate and work with parents, and involve parents in their children's education; and

''(H) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early childhood education programs.'';

(2) by striking part A and inserting the following:

''PART A—TEACHER QUALITY PARTNERSHIP GRANTS

''SEC. 201. PURPOSES.

''The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of prospective and new teachers by improving the preparation of prospective teachers and enhancing professional development activities for new teachers;

''(3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 209, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention of general education and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program to be carried out with grant funds, as described in subsection (c), will prepare prospective and new teachers with strong teaching skills;

''(3) a description of how such program will prepare prospective and new teachers to understand and use research and data to modify and improve classroom instruction;

''(4) a description of—

''(A) how the eligible partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including programs funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation; and

''(B) how the activities of the partnership will be consistent with State, local, and other education reform activities that promote teacher quality and student academic achievement;

''(5) an assessment that describes the resources available to the eligible partnership, including—

''(A) the integration of funds from other related sources;

''(B) the intended use of the grant funds; and

''(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the eligible partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e), based on the needs identified in paragraph (1), with the goal of improving student academic achievement;

''(C) if the partnership chooses to use funds under this section for a project or activities under subsection (f) or (g), how the partnership will carry out such project or required activities based on the needs identified in paragraph (1), with the goal of improving student academic achievement;

''(D) the partnership's evaluation plan under section 204(a);

''(E) how the partnership will align the teacher preparation program under subsection (c) with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(F) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act;

''(G) how the partnership will prepare general education and special education teachers to teach students who are limited English proficient;

''(H) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of high-need schools served by the high-need local educational agency in the partnership to—

''(i) provide high-quality professional development activities to strengthen the content knowledge and teaching skills of elementary school and secondary school teachers; and

''(ii) train other classroom teachers to implement literacy programs that incorporate the essential components of reading instruction;

''(I) how the partnership will design, implement, or enhance a year-long and rigorous teaching preservice clinical program component;

''(J) how the partnership will support in-service professional development strategies and activities; and

''(K) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood education programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program will effectively prepare teachers, including providing content expertise and expertise in teaching, as appropriate;

''(B) a demonstration of the eligible partnership's capability and commitment to, and the accessibility to and involvement of faculty in, the use of empirically-based practice and scientifically valid research on teaching and learning;

''(C) a description of how the teacher preparation program will design and implement an induction program to support, through not less than the first two years of teaching, all new teachers who are prepared by the teacher preparation program in the partnership and who teach in the high-need local educational agency in the partnership, and, to the extent practicable, all new teachers who teach in such high-need local educational agency, in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary school or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section—

''(1) shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or a combination of such programs; and

''(2) may use grant funds to carry out a leadership development program under subsection (f).

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) new or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically-based practice and scientifically valid research related to teaching and learning and the applicability of such practice and research, including through the effective use of technology, instructional techniques, and strategies consistent with the principles of universal design for learning, and through positive behavioral interventions and support strategies to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically-based practice and scientifically valid research, where applicable, about teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) understand and can implement research-based teaching practices in classroom instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve classroom instruction;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general education and special education teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities,

students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students;

''(V) can effectively participate as a member of the individualized education program team, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act; and

''(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that prospective teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities and for individuals preparing to teach students with disabilities as described in section 602(10)(D) of the Individuals with Disabilities Education Act;

''(iv) developing and implementing an induction program;

''(v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and

''(vi) implementing program and curriculum changes, as applicable, to ensure that prospective teachers have the requisite content knowledge, preparation, and degree to teach Advanced Placement or International Baccalaureate courses successfully.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality preservice clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership, and identified by the eligible partnership; and

''(ii) closely supervised interaction between prospective teachers and faculty, experienced teachers, principals, other administrators, and school leaders at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

''(C) Provide high-quality teacher mentoring.

''(D) Be offered over the course of a program of teacher preparation.

''(E) Be tightly aligned with course work (and may be developed as a fifth year of a teacher preparation program).

''(F) Where feasible, allow prospective teachers to learn to teach in the same local educational agency in which the teachers will work, learning the instructional initiatives and curriculum of that local educational agency.

''(G) As applicable, provide training and experience to enhance the teaching skills of prospective teachers to better prepare such teachers to meet the unique needs of teaching in rural or urban communities.

''(H) Provide support and training for individuals participating in an activity for prospective or new teachers described in this paragraph or paragraph (1) or (3), and for individuals who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or performance pay, based on the mentor's extra skills and responsibilities.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

''(A) individuals from under represented populations;

''(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and the instruction of limited English proficient students; and

''(C) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

''(6) LITERACY TRAINING.—Strengthening the literacy teaching skills of prospective and, as applicable, new elementary school and secondary school teachers—

''(A) to implement literacy programs that incorporate the essential components of reading instruction;

''(B) to use screening, diagnostic, formative, and summative assessments to determine students' literacy levels, difficulties, and growth in order to improve classroom instruction and improve student reading and writing skills;

''(C) to provide individualized, intensive, and targeted literacy instruction for students with deficiencies in literacy skills; and

''(D) to integrate literacy skills in the classroom across subject areas.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Placing graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents who participate in the teaching residency program receive—

''(i) effective preservice preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) support required through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for new teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may be relieved from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on, but not limited to, observations of the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative and diagnostic assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures that are valid and reliable and that, when feasible, may include valid, reliable, and objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring new or prospective literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities—

''(I) that are aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of such agency, in exchange for a commitment by such agency to hire qualified graduates from the teaching residency program; and

''(II) which may include consideration of applicants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first two years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

''(I) be a recent graduate of a four-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPENDS OR SALARIES; APPLICATIONS; AGREEMENTS; REPAYMENTS.—

''(i) STIPENDS OR SALARIES.—A teaching residency program under this subsection shall provide a one-year living stipend or salary to teaching residents during the one-year teaching residency program.

''(ii) APPLICATIONS FOR STIPENDS OR SALARIES.—Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

''(iii) AGREEMENTS TO SERVE.—Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

''(I) serve as a full-time teacher for a total of not less than three academic years immediately after successfully completing the one-year teaching residency program;

''(II) fulfill the requirement under subclause (I) by teaching in a high-need school served by the high-need local educational agency in the eligible partnership and teach a subject or area that is designated as high need by the partnership;

''(III) provide to the eligible partnership a certificate, from the chief administrative officer of the local educational agency in which the resident is employed, of the employment required in subclauses (I) and (II) at the beginning of, and upon completion of, each year or partial year of service;

''(IV) meet the requirements to be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, or section 602 of the Individuals with Disabilities Education Act, when the applicant begins to fulfill the service obligation under this clause; and

''(V) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

''(iv) REPAYMENTS.—

''(I) IN GENERAL.—A grantee carrying out a teaching residency program under this paragraph shall require a recipient of a stipend or salary under clause (i) who does not complete, or who notifies the partnership that the recipient intends not to complete, the service obligation required by clause (iii) to repay such stipend or salary to the eligible partnership, together with interest, at a rate specified by the partnership in the agreement, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

''(II) OTHER TERMS AND CONDITIONS.—Any other terms and conditions specified by the eligible partnership may include reasonable provisions for pro-rata repayment of the stipend or salary described in clause (i) or for deferral of a teaching resident's service obligation required by clause (iii), on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, being called to active duty in the Armed Forces of the United States, or other extraordinary circumstances.

''(III) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

''(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership that receives a grant under this section may carry out an effective school leadership program, which may be carried out in partnership with a local educational agency located in a rural area and that shall include all of the following activities:

''(A) Preparing individuals enrolled or preparing to enroll in school leadership programs for careers as superintendents, principals, early childhood education program directors, or other school leaders (including individuals preparing to work in local educational agencies located in rural areas who may perform multiple duties in addition to the role of a school leader).

''(B) Promoting strong leadership skills and, as applicable, techniques for school leaders to effectively—

''(i) create and maintain a data-driven, professional learning community within the leader's school;

''(ii) provide a climate conducive to the professional development of teachers, with a focus on improving student academic achievement and the development of effective instructional leadership skills;

''(iii) understand the teaching and assessment skills needed to support successful classroom instruction and to use data to evaluate teacher instruction and drive teacher and student learning;

''(iv) manage resources and school time to improve student academic achievement and ensure the school environment is safe;

''(v) engage and involve parents, community members, the local educational agency, businesses, and other community leaders, to leverage additional resources to improve student academic achievement; and

''(vi) understand how students learn and develop in order to increase academic achievement for all students.

''(C) Ensuring that individuals who participate in the school leadership program receive—

''(i) effective preservice preparation as described in subparagraph (D);

''(ii) mentoring; and

''(iii) if applicable, full State certification or licensure to become a school leader.

''(D) Developing and improving a sustained and high-quality preservice clinical education program to further develop the leadership skills of all prospective school leaders involved in the program. Such clinical education program shall do the following:

''(i) Incorporate year-long opportunities for enrichment, including—

''(I) clinical learning in high-need schools served by the high-need local educational agency or a local educational agency located in a rural area in the eligible partnership and identified by the eligible partnership; and

''(II) closely supervised interaction between prospective school leaders and faculty, new and experienced teachers, and new and experienced school leaders, in such high-need schools.

''(ii) Integrate pedagogy and practice and promote effective leadership skills, meeting the unique needs of urban, rural, or geographically isolated communities, as applicable.

''(iii) Provide for mentoring of new school leaders.

''(E) Creating an induction program for new school leaders.

''(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become school leaders through the activities of the eligible partnership, which may include an emphasis on recruiting into school leadership professions—

''(i) individuals from underrepresented populations;

''(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and school leader shortage areas; and

''(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with a record of academic distinction.

''(2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM.—In order to be eligible for the school leadership program under this subsection, an individual shall be enrolled in or preparing to enroll in an institution of higher education, and shall—

''(A) be a—

''(i) recent graduate of an institution of higher education;

''(ii) mid-career professional from outside the field of education with strong content knowledge or a record of professional accomplishment;

''(iii) current teacher who is interested in becoming a school leader; or

''(iv) school leader who is interested in becoming a superintendent; and

''(B) submit an application to the leadership program.

''(g) PARTNERSHIP WITH DIGITAL EDUCATION CONTENT DEVELOPER.—An eligible partnership that receives a grant under this section may use grant funds provided to carry out the activities described in subsection (d) or (e), or both, to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), or another entity that develops digital educational content, for the purpose of improving the quality of pre-baccalaureate teacher preparation programs or to enhance the quality of preservice training for prospective teachers.

''(h) EVALUATION AND REPORTING.—The Secretary shall—

''(1) evaluate the programs assisted under this section; and

''(2) make publicly available a report detailing the Secretary's evaluation of each such program.

''(i) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities carried out under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation as described in paragraph (1), regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if the eligible partnership submits to the Secretary a written consent of such changes signed by all members of the eligible partnership.

''(j) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(k) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be

expended to carry out activities under this section.

"SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of five years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than one grant during a five-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the five-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—The Secretary, in funding applications under this part, shall give priority—

''(A) to eligible partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such program; and

''(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

''(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than two percent of the funds provided to administer the grant.

"SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish, and include in such application, an evaluation plan that includes strong and measurable performance objectives. The plan shall include objectives and measures for increasing—

''(1) achievement for all prospective and new teachers, as measured by the eligible partnership;

''(2) teacher retention in the first three years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of highly qualified teachers hired by the high-need local educational agency who are members of underrepresented groups;

''(C) the percentage of highly qualified teachers hired by the high-need local educational agency who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

''(D) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of highly qualified teachers hired by the high-need local educational agency who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

''(G) as applicable, the percentage of teachers trained—

''(i) to integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

''(ii) to use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student academic achievement.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, faculty, and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information, including through electronic means, about the activities carried out with funds under this part.

''(c) REVISED APPLICATION.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures of the grant, as appropriate, by the end of the third year of a grant under this part, then the Secretary—

''(1) shall cancel the grant; and

''(2) may use any funds returned or available because of such cancellation under paragraph (1) to—

''(A) increase other grant awards under this part; or

''(B) award new grants to other eligible partnerships under this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

"SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, the following:

''(A) GOALS AND ASSURANCES.—

''(i) For the most recent year for which the information is available for the institution—

''(I) whether the goals set under section 206 have been met; and

''(II) a description of the activities the institution implemented to achieve such goals.

''(ii) A description of the steps the institution is taking to improve its performance in meeting the annual goals set under section 206.

''(iii) A description of the activities the institution has implemented to meet the assurances provided under section 206.

''(B) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments used for teacher certification or licensure by the State in which the program is located and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken such assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the two-year period preceding such year, for each of such assessments—

''(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all students who passed such assessment;

''(iii) the percentage of students who have taken such assessment who enrolled in and completed the traditional teacher preparation program or alternative routes to State certification or licensure program, as applicable;

''(iv) the average scaled score for all students who took such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(C) PROGRAM INFORMATION.—A description of—

''(i) the criteria for admission into the program;

''(ii) the number of students in the program (disaggregated by race, ethnicity, and gender);

''(iii) the average number of hours of supervised clinical experience required for those in the program;

''(iv) the number of full-time equivalent faculty and students in the supervised clinical experience; and

''(v) the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(D) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(E) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

''(F) USE OF TECHNOLOGY.—A description of the activities, including activities consistent with the principles of universal design for learning, that prepare teachers to integrate technology effectively into curricula and instruction, and to use technology effectively to collect, manage, and analyze data in order to improve teaching and learning for the purpose of increasing student academic achievement.

''(G) TEACHER TRAINING.—A description of the activities that prepare general education and special education teachers to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students who are limited English proficient.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $27,500 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(B), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a three-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, and make widely available to the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, an annual State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subjects, areas, or grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and, as applicable, State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State, including those that offer an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions and entities who have taken the assessment who pass such assessment;

''(iii) the percentage of students who have taken the assessment who enrolled in and completed a teacher preparation program; and

''(iv) the average scaled score of individuals participating in such a program, or who have completed such a program during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

''(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the two-year period preceding the date for which the determination is made, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the two-year period preceding the first year for which the annual State report card is provided, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State—

''(i) the criteria for admission into the program;

''(ii) the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student);

''(iii) the average number of hours of supervised clinical experience required for those in the program; and

''(iv) the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) A description of the extent to which teacher preparation programs are addressing shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to teach students with disabilities effectively, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

''(K) A description of the activities that prepare teachers to—

''(i) integrate technology effectively into curricula and instruction, including activities consistent with the principles of universal design for learning; and

''(ii) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of increasing student academic achievement.

''(L) The extent to which teacher preparation programs prepare teachers, including general education and special education teachers, to effectively teach students who are limited English proficient.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) DATA QUALITY.—The Secretary shall prescribe regulations to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall annually provide to the authorizing committees, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (L) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to the authorizing committees that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than one State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than ten scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish, and make publicly available, information with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a three-year period.

''(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"SEC. 206. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary or by the State educational agency, including mathematics, science, special education, and instruction of limited English proficient students.

''(b) ASSURANCES.—Each institution described in subsection (a) shall provide assurances to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom;

''(3) prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;

''(4) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(5) prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an institution to create a new teacher preparation area of concentration or degree program or adopt a specific curriculum in complying with this section.

"SEC. 207. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall conduct an assessment to identify low-performing teacher preparation programs in the State and to assist such programs through the provision of technical assistance. Each such State shall provide the Secretary with an annual list of low-performing teacher preparation programs and an identification of those programs at risk of being placed on such list, as applicable. Such assessment shall be described in the report under section 205(b). Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part, including progress in meeting the goals of—

''(1) increasing the percentage of highly qualified teachers in the State, including increasing professional development opportunities;

''(2) improving student academic achievement for elementary and secondary students; and

''(3) raising the standards for entry into the teaching profession.

''(b) TERMINATION OF ELIGIBILITY.—Any teacher preparation program from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) may not be permitted to accept or enroll any student who receives aid under title IV in the institution's teacher preparation program;

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval; and

''(4) shall be reinstated upon demonstration of improved performance, as determined by the State.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

''SEC. 208. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not reveal personally identifiable information.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965, in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act, the Secretary shall—

''(1) to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2009 and such sums as may be necessary for each of the two succeeding fiscal years.''; and

(3) by striking part B and inserting the following:

''PART B—ENHANCING TEACHER EDUCATION

''SEC. 230. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''Subpart 1—Preparing Teachers for Digital Age Learners

''SEC. 231. PROGRAM AUTHORIZED.

''(a) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible consortia to pay the Federal share of the costs of projects to—

''(1) serve graduate teacher candidates who are prepared to use modern information, communication, and learning tools to—

''(A) improve student learning, assessment, and learning management; and

''(B) help students develop learning skills to succeed in higher education and to enter the workforce;

''(2) strengthen and develop partnerships among the stakeholders in teacher preparation to transform teacher education and ensure technology-rich teaching and learning environments throughout a teacher candidate's preservice education, including clinical experiences; and

''(3) assess the effectiveness of departments, schools, and colleges of education at institutions of higher education in preparing teacher candidates for successful implementation of technology-rich teaching and learning environments, including environments consistent with the principles of universal design for learning, that enable kindergarten through grade 12 students to develop learning skills to succeed in higher education and to enter the workforce.

''(b) AMOUNT AND DURATION.—A grant, contract, or cooperative agreement under this subpart—

''(1) shall be for not more than $2,000,000;

''(2) shall be for a three-year period; and

''(3) may be renewed for one additional year.

''(c) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of any project funded under this subpart shall not exceed 75 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

''(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In this subpart, the term 'eligible consortium' means a consortium of members that includes the following:

''(1) Not less than one institution of higher education that awards baccalaureate or masters degrees and prepares teachers for initial entry into teaching.

''(2) Not less than one State educational agency or local educational agency.

''(3) A department, school, or college of education at an institution of higher education.

''(4) A department, school, or college of arts and sciences at an institution of higher education.

''(5) Not less than one entity with the capacity to contribute to the technology-related reform of teacher preparation programs, which may be a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity.

''SEC. 232. USES OF FUNDS.

''(a) IN GENERAL.—An eligible consortium that receives a grant or enters into a contract or cooperative agreement under this subpart shall use funds made available under this subpart to carry out a project that—

''(1) develops long-term partnerships among members of the consortium that are focused on effective teaching with modern digital tools and content that substantially connect preservice preparation of teacher candidates with high-need schools; or

''(2) transforms the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—In carrying out a project under subsection (a)(1), an eligible consortium shall—

''(1) provide teacher candidates, early in their preparation, with field experiences with technology in educational settings;

''(2) build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workforce;

''(3) provide professional development in the use of technology for teachers, administrators, and content specialists who participate in field placement;

''(4) provide professional development of technology pedagogical skills for faculty of departments, schools, and colleges of education and arts and sciences;

''(5) implement strategies for the mentoring of teacher candidates by members of the consortium with respect to technology implementation;

''(6) evaluate teacher candidates during the first years of teaching to fully assess outcomes of the project;

''(7) build collaborative learning communities for technology integration within the consortium to sustain meaningful applications of technology in the classroom during teacher preparation and early career practice; and

''(8) evaluate the effectiveness of the project.

''(c) USES OF FUNDS FOR TRANSFORMATION GRANTS.—In carrying out a project under subsection (a)(2), an eligible consortium shall—

''(1) redesign curriculum to require collaboration between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach content or methods courses for training teacher candidates;

''(2) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and science faculty and academic content specialists at the local educational agency to educate preservice teachers who can integrate technology and pedagogical skills in content areas;

''(3) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach courses to preservice teachers to—

''(A) develop and implement a plan for preservice teachers and continuing educators that demonstrates effective instructional strategies and application of such strategies in the use of digital tools to transform the teaching and learning process; and

''(B) better reach underrepresented preservice teacher populations with programs that connect such preservice teacher populations with applications of technology;

''(4) collaborate among faculty and students to create and disseminate case studies of technology applications in classroom settings with a goal of improving student academic achievement in high-need schools;

''(5) provide additional technology resources for preservice teachers to plan and implement technology applications in classroom settings that provide evidence of student learning; and

''(6) bring together expertise from departments, schools, or colleges of education, arts and science faculty, and academic content specialists at the local educational agency to share and disseminate technology applications in the classroom through teacher preparation and into early career practice.

''SEC. 233. APPLICATION REQUIREMENTS.

''To be eligible to receive a grant or enter into a contract or cooperative agreement under this subpart, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

''(1) A description of the project to be carried out with the grant, including how the project will—

''(A) develop a long-term partnership focused on effective teaching with modern digital tools and content that substantially connects preservice preparation of teacher candidates with high-need schools; or

''(B) transform the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(2) A demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

''(B) the support of the leadership of each organization that is a member of the consortium for the proposed project.

''(3) A description of how each member of the consortium will participate in the project.

''(4) A description of how the State educational agency or local educational agency will incorporate the project into the agency's technology plan, if such a plan already exists.

''(5) A description of how the project will be continued after Federal funds are no longer available under this subpart for the project.

''(6) A description of how the project will incorporate—

''(A) State teacher technology standards; and

''(B) State student technology standards.

''(7) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

''SEC. 234. EVALUATION.

''Not less than ten percent of the funds awarded to an eligible consortium to carry out a project under this subpart shall be used to evaluate the effectiveness of such project.

''Subpart 2—Honorable Augustus F. Hawkins Centers of Excellence

''SEC. 241. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that is a qualified teacher preparation program and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b));

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(vi) a Predominantly Black Institution (as defined in section 318);

''(vii) an Asian American and Native American Pacific Islander-serving institution (as defined in section 320(b)); or

''(viii) a Native American-serving, nontribal institution (as defined in section 319);

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 242 is located at an institution described in subparagraph (A).

''(2) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''SEC. 242. AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically valid research, and are able to use advanced technology effectively in the classroom, including use of instructional techniques to improve student academic achievement, by—

''(A) retraining or recruiting faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to serve in low-performing schools and close student achievement gaps, and that are based on rigorous academic content, scientifically valid research (including scientifically based reading research and mathematics research, as it becomes available), and challenging State academic content standards and student academic achievement standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals, respectively; or

''(B) induction and support for teachers and principals during their first three years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program, not to exceed the cost of attendance.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under section 202.

''(c) APPLICATION.—Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this subpart shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this subpart may use not more than two percent of the funds provided to administer the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

''Subpart 3—Preparing General Education Teachers to More Effectively Educate Students With Disabilities

''SEC. 251. TEACH TO REACH GRANTS.

''(a) AUTHORIZATION OF PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher candidates to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct students with disabilities in general education classrooms.

''(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of not more than five years.

''(3) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

''(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include—

''(A) one or more departments or programs at an institution of higher education—

''(i) that prepare elementary or secondary general education teachers;

''(ii) that have a program of study that leads to an undergraduate degree, a master's degree, or completion of a postbaccalaureate program required for teacher certification; and

''(iii) the graduates of which are highly qualified;

''(B) a department or program of special education at an institution of higher education;

''(C) a department or program at an institution of higher education that provides degrees in core academic subjects; and

''(D) a high-need local educational agency; and

''(2) may include a department or program of mathematics, earth or physical science, foreign language, or another department at the institution that has a role in preparing teachers.

''(c) ACTIVITIES.—An eligible partnership that receives a grant under this section—

''(1) shall use the grant funds to—

''(A) develop or strengthen an undergraduate, postbaccalaureate, or master's teacher preparation program by integrating special education strategies into the general education curriculum and academic content;

''(B) provide teacher candidates participating in the program under subparagraph (A) with skills related to—

''(i) response to intervention, positive behavioral interventions and supports, differentiated instruction, and data driven instruction;

''(ii) universal design for learning;

''(iii) determining and utilizing accommodations for instruction and assessments;

''(iv) collaborating with special educators, related services providers, and parents, including participation in individualized education program development and implementation; and

''(v) appropriately utilizing technology and assistive technology for students with disabilities; and

''(C) provide extensive clinical experience for participants described in subparagraph (B) with mentoring and induction support throughout the program that continues during the first two years of full-time teaching; and

''(2) may use grant funds to develop and administer alternate assessments of students with disabilities.

''(d) APPLICATION.—An eligible partnership seeking a grant under this section shall submit

an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(1) a self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities; and

''(2) an assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the local educational agency in which most graduates of the teacher preparation program are likely to teach after completion of the program under subsection (c)(1).

''(e) PEER REVIEW.—The Secretary shall convene a peer review committee to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall be recognized experts in the fields of special education, teacher preparation, and general education and shall not be in a position to benefit financially from any grants awarded under this section.

''(f) EVALUATIONS.—

''(1) BY THE PARTNERSHIP.—

''(A) IN GENERAL.—An eligible partnership receiving a grant under this section shall conduct an evaluation at the end of the grant period to determine—

''(i) the effectiveness of the general education teachers who completed a program under subsection (c)(1) with respect to instruction of students with disabilities in general education classrooms; and

''(ii) the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary schools and secondary schools.

''(B) REPORT TO THE SECRETARY.—Each eligible partnership performing an evaluation under subparagraph (A) shall report the findings of such evaluation to the Secretary.

''(2) REPORT BY THE SECRETARY.—Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to Congress and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.

''Subpart 4—Adjunct Teacher Corps

''SEC. 255. ADJUNCT TEACHER CORPS.

''(a) PURPOSE.—The purpose of this section is to create opportunities for professionals and other individuals with subject matter expertise in mathematics, science, or critical foreign languages to provide such subject matter expertise to secondary school students on an adjunct basis.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants on a competitive basis to eligible entities to identify, recruit, and train qualified individuals with subject matter expertise in mathematics, science, or critical foreign languages to serve as adjunct content specialists.

''(c) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than five years.

''(d) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a local educational agency; or

''(2) a partnership consisting of a local educational agency, serving as a fiscal agent, and a public or private educational organization or business.

''(e) USES OF FUNDS.—An eligible entity that receives a grant under this section is authorized to use such grant to carry out one or both of the following activities:

''(1) To develop the capacity of the eligible entity to identify, recruit, and train individuals with subject matter expertise in mathematics, science, or critical foreign languages who are not employed in the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct content specialists.

''(2) To provide preservice training and ongoing professional development to adjunct content specialists.

''(f) APPLICATIONS.—

''(1) APPLICATION REQUIRED.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—An application submitted under paragraph (1) shall include—

''(A) a description of—

''(i) the need for, and expected benefits of using, adjunct content specialists in the schools served by the local educational agency, which may include information on the difficulty the local educational agency faces in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

''(ii) measurable objectives for the activities supported by the grant, including the number of adjunct content specialists the eligible entity intends to place in schools and classrooms, and the gains in academic achievement expected as a result of the addition of such specialists;

''(iii) how the eligible entity will establish criteria for and recruit the most qualified individuals and public or private organizations and businesses to participate in the activities supported by the grant;

''(iv) how the eligible entity will provide preservice training and on-going professional development to adjunct content specialists to ensure that such specialists have the capacity to serve effectively;

''(v) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of the activities supported by the grant; and

''(vi) how the eligible entity will support and continue the activities supported by the grant after the grant has expired, including how such entity will seek support from other sources, such as State and local government and the private sector; and

''(B) an assurance that the use of adjunct content specialists will not result in the displacement or transfer of currently employed teachers nor a reduction in the number of overall teachers in the district.

''(g) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that demonstrate in the application for such a grant a plan to—

''(1) serve the schools served by the local educational agency that have a large number or percentage of students performing below grade level in mathematics, science, or critical foreign language courses;

''(2) serve local educational agencies that have a large number or percentage of students from low-income families; and

''(3) recruit and train individuals to serve as adjunct content specialists in schools that have an insufficient number of teachers in mathematics, science, or critical foreign languages.

''(h) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of such grant (in cash or in kind) to carry out the activities supported by such grant.

''(i) PERFORMANCE REPORT.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the activities supported by such grant, which shall contain such information as the Secretary may require, including any improvements in student academic achievement as a result of the use of adjunct content specialists.

''(j) EVALUATION.—The Secretary shall evaluate the activities supported by grants under this section, including the impact of such activities on student academic achievement, and shall report the results of such evaluation to the authorizing committees.

''(k) DEFINITION.—In this section, the term 'adjunct content specialist' means an individual who—

''(1) meets the requirements of section 9101(23)(B)(ii) of the Elementary and Secondary Education Act of 1965;

''(2) has demonstrated expertise in mathematics, science, or a critical foreign language, as determined by the local educational agency; and

''(3) is not the primary provider of instructional services to a student, unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of section 9101(23) of such Act.

''Subpart 5—Graduate Fellowships to Prepare Faculty in High-Need Areas at Colleges of Education

''SEC. 258. GRADUATE FELLOWSHIPS TO PREPARE FACULTY IN HIGH-NEED AREAS AT COLLEGES OF EDUCATION.

''(a) GRANTS BY SECRETARY.—The Secretary shall make grants to eligible institutions to enable such institutions to make graduate fellowship awards to qualified individuals in accordance with the provisions of this section.

''(b) ELIGIBLE INSTITUTIONS.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a doctoral degree.

''(c) APPLICATIONS.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(d) TYPES OF FELLOWSHIPS SUPPORTED.—

''(1) IN GENERAL.—An eligible institution that receives a grant under this section shall use the grant funds to provide graduate fellowships to individuals who are preparing for the professorate in order to prepare individuals to become highly qualified elementary school and secondary school mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient students.

''(2) TYPES OF STUDY.—A graduate fellowship provided under this section shall support an individual in pursuing postbaccalaureate study, which leads to a doctoral degree and may include a master's degree as part of such study, related to teacher preparation and pedagogy in one of the following areas:

''(A) Science, technology, engineering, or mathematics, if the individual has completed a master's degree in mathematics or science and is pursuing a doctoral degree in mathematics, science, or education.

''(B) Special education.

''(C) The instruction of limited English proficient students, including postbaccalaureate study in language instruction educational programs.

''(e) FELLOWSHIP TERMS AND CONDITIONS.—

''(1) SELECTION OF FELLOWS.—The Secretary shall ensure that an eligible institution that receives a grant under this section—

''(A) shall provide graduate fellowship awards to individuals who plan to pursue a career in instruction at an institution of higher education that has a teacher preparation program; and

''(B) may not provide a graduate fellowship to an otherwise eligible individual—

''(i) during periods in which such individual is enrolled at an institution of higher education unless such individual is maintaining satisfactory academic progress in, and devoting full-time study or research to, the pursuit of the degree for which the fellowship support was provided; or

''(ii) if the individual is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the individuals's progress toward the degree for which the fellowship support was provided.

''(2) AMOUNT OF FELLOWSHIP AWARDS.—

''(A) IN GENERAL.—An eligible institution that receives a grant under this section shall award stipends to individuals who are provided graduate fellowships under this section.

''(B) AWARDS BASED ON NEED.—A stipend provided under this section shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellowship recipient's demonstrated need, as determined by the institution of higher education where the fellowship recipient is enrolled.

''(3) SERVICE REQUIREMENT.—

''(A) TEACHING REQUIRED.—Each individual who receives a graduate fellowship under this section and earns a doctoral degree shall teach for one year at an institution of higher education that has a teacher preparation program for each year of fellowship support received under this section.

''(B) INSTITUTIONAL OBLIGATION.—Each eligible institution that receives a grant under this section shall provide an assurance to the Secretary that the institution has inquired of and determined the decision of each individual who has received a graduate fellowship to, within three years of receiving a doctoral degree, begin employment at an institution of higher education that has a teacher preparation program, as required by this section.

''(C) AGREEMENT REQUIRED.—Prior to receiving an initial graduate fellowship award, and upon the annual renewal of the graduate fellowship award, an individual selected to receive a graduate fellowship under this section shall sign an agreement with the Secretary agreeing to pursue a career in instruction at an institution of higher education that has a teacher preparation program in accordance with subparagraph (A).

''(D) FAILURE TO COMPLY.—If an individual who receives a graduate fellowship award under this section fails to comply with the agreement signed pursuant to subparagraph (C), the sum of the amounts of any graduate fellowship award received by such recipient shall, upon a determination of such a failure, be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing from the date of the fellowship award, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

''(E) MODIFIED SERVICE REQUIREMENT.—The Secretary may waive or modify the service requirement of this paragraph in accordance with regulations promulgated by the Secretary with respect to the criteria to determine the circumstances under which compliance with such service requirement is inequitable or represents a substantial hardship. The Secretary may waive the service requirement if compliance by the fellowship recipient is determined to be inequitable or represent a substantial hardship—

''(i) because the individual is permanently and totally disabled at the time of the waiver request; or

''(ii) based on documentation presented to the Secretary of substantial economic or personal hardship.

''(f) INSTITUTIONAL SUPPORT FOR FELLOWS.—An eligible institution that receives a grant under this section may reserve not more than ten percent of the grant amount for academic and career transition support for graduate fellowship recipients and for meeting the institutional obligation described in subsection (e)(3)(B).

''(g) RESTRICTION ON USE OF FUNDS.—An eligible institution that receives a grant under this section may not use grant funds for general operational overhead of the institution.

"PART C—GENERAL PROVISIONS

"SEC. 261. LIMITATIONS.

''(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

''(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.

''(d) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.''.

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, instruction courses designed to help retain students and move the students rapidly into core courses and through program completion, which may include remedial education and English language instruction'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' families.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking ''subsection (c) of this section'' and inserting ''subsection (d)'';

(2) in subsection (d)(2), by striking ''subdivision'' and inserting ''paragraph'';

(3) by redesignating subsection (g) as subsection (h); and

(4) by inserting after subsection (f) the following:

''(g) LOW-INCOME INDIVIDUAL.—For the purpose of this part, the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.''.

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).'';

(2) in subsection (c)(2)—

(A) by striking subparagraph (B) and inserting the following:

''(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;'';

(B) in subparagraph (C), by inserting before the semicolon at the end the following: ''or in tribal governance or tribal public policy'';

(C) in subparagraph (D), by inserting before the semicolon the following: ''and instruction in tribal governance or tribal public policy'';

(D) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(E) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' families;'';

(F) in subparagraph (L) (as redesignated by subparagraph (D)), by striking ''and'' after the semicolon;

(G) by inserting after subparagraph (L) (as redesignated by subparagraph (D) and amended by subparagraph (F)) the following:

''(M) developing or improving facilities for Internet use or other distance education technologies; and''; and

(H) in subparagraph (N) (as redesignated by subparagraph (D)), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (M)''; and

(3) by striking subsection (d) and inserting the following:

''(d) APPLICATION, PLAN, AND ALLOCATION.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—

''(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.

''(3) AWARDS AND ALLOCATIONS TO INSTITUTIONS.—

''(A) CONSTRUCTION GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding one-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(ii) PREFERENCE.—In providing grants under clause (i) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

''(B) ALLOTMENT OF REMAINING FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

''(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities.

''(II) The remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

''(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—No Tribal College or University that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of title V.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' families.''.

SEC. 305. PREDOMINANTLY BLACK INSTITUTIONS.

(a) IN GENERAL.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

''SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students;

''(B) has an average educational and general expenditure that is low, per full-time equivalent undergraduate student, in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

''(D) is legally authorized to provide, and provides, within the State an educational program for which the institution of higher education awards a baccalaureate degree or, in the case of a junior or community college, an associate's degree;

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation; and

''(F) is not receiving assistance under part B or part A of title V.

''(2) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefit program;

''(C) attended a public or nonprofit private secondary school that—

''(i) is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) for the purpose of this paragraph and for such year of attendance, was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children meeting a measure of poverty under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

''(3) FIRST-GENERATION COLLEGE STUDENT.—The term 'first-generation college student' has the meaning given the term in section 402A(h).

''(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(h).

''(5) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(6) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

''(A) that is an eligible institution with not less than 1,000 undergraduate students;

''(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first-generation college students; and

''(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

''(7) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(c) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

''(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(1)(A) or (b)(1)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(1)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(1)(C).

''(d) AUTHORIZED ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

''(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

''(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for one or more of the following activities:

''(A) The activities described in paragraphs (1) through (12) of section 311(c).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

''(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

''(i) contribute to carrying out the purpose of this section; and

''(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

''(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

''(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved

under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than two years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

''(4) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section may not be less than $250,000.

''(B) INSUFFICIENT AMOUNT.—If the amounts appropriated to carry out this section for a fiscal year are not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be needed for such institution for the period for which such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotments to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

''(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(g) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.

''(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within ten years following the date on which the grant was awarded, shall be repaid to the Treasury.

''(i) SPECIAL RULE ON ELIGIBILITY.—No Predominantly Black Institution that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of title V.''.

(b) CONFORMING AMENDMENT.—Section 312(d) (20 U.S.C. 1058(d)) is amended by striking ''For the purpose'' and inserting ''Except as provided in section 318(b), for the purpose''.

SEC. 306. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 318 (as added by section 305 of this Act) the following:

''SEC. 319. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans and low-income individuals.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education, as defined in section 101(a), that, at the time of application—

''(A) is an eligible institution under section 312(b);

''(B) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(C) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans and low-income individuals.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries;

''(H) academic tutoring and counseling programs and student support services; and

''(I) education or counseling services designed to improve the financial and economic literacy of students or the students' families.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may reasonably require.

''(2) APPLICATIONS.—

''(A) AUTHORITY TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, continue to prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a five-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans and low-income individuals; and

''(ii) such other information and assurances as the Secretary may reasonably require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or part A of title V.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.

''(D) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this section shall be $200,000.''.

SEC. 307. ASSISTANCE TO ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 319 (as added by section 306 of this Act) the following:

''SEC. 320. ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders and low-income individuals.

''(b) DEFINITIONS.—In this section:

''(1) ASIAN AMERICAN.—The term 'Asian American' has the meaning given the term 'Asian' in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789).

''(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Native American Pacific Islander-serving institution' means an institution of higher education that—

''(A) is an eligible institution under section 312(b); and

''(B) at the time of application, has an enrollment of undergraduate students that is not less than 10 percent students who are Asian American or Native American Pacific Islander.

''(3) NATIVE AMERICAN PACIFIC ISLANDER.—The term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Asian American and Native American Pacific Islander-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Asian Americans and Native American Pacific Islanders and low-income individuals.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) joint use of facilities such as laboratories and libraries;

''(H) academic tutoring and counseling programs and student support services;

''(I) establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education;

''(J) establishing or improving an endowment fund;

''(K) academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are underrepresented;

''(L) conducting research and data collection for Asian American and Native American Pacific Islander populations and subpopulations;

''(M) establishing partnerships with community-based organizations serving Asian Americans and Native American Pacific Islanders; and

''(N) education or counseling services designed to improve the financial and economic literacy of students or the students' families.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—Each Asian American and Native American Pacific Islander-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Asian American and Native American Pacific Islander-serving institution as defined in subsection (b), along with such other information and data as the Secretary may reasonably require.

''(2) APPLICATIONS.—Any institution that is determined by the Secretary to be an Asian American and Native American Pacific Islander-serving institution may submit an application for assistance under this section to the Secretary. Such application shall include—

''(A) a five-year plan for improving the assistance provided by the Asian American and Native American Pacific Islander-serving institution to Asian American and Native American Pacific Islander students and low-income individuals; and

''(B) such other information and assurances as the Secretary may reasonably require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Asian American and Native American Pacific Islander-serving institution that receives funds under this section shall concurrently receive funds under any other provision of this part, part B, or title V.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(i) to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions; and

''(ii) give priority consideration to institutions for which not less than 10 percent of such institution's Asian American and Native American Pacific Islander students are low-income individuals.''.

SEC. 308. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting '', in consultation with the Commissioner for Education Statistics'' before ''and the Commissioner''.

SEC. 309. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''360(a)(2)'' and inserting ''399(a)(2)'';

(2) by redesignating paragraph (12) as paragraphs (15); and

(3) by inserting after paragraph (11) the following:

''(12) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

''(13) Education or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under title IV.

''(14) Services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.''.

SEC. 310. ALLOTMENTS.

(a) MINIMUM ALLOTMENT.—Subsection (d) of section 324 (20 U.S.C. 1063(d)) is amended to read as follows:

''(d) MINIMUM ALLOTMENT.—Notwithstanding subsections (a) through (c), and subject to subsection (h), if the amount of an award under this section for a part B institution, based on the data provided by the part B institution and the formula under subsections (a) through (c), would be—

''(1) an amount that is greater than $250,000 but less than $500,000, the Secretary shall award the part B institution an allotment in the amount of $500,000; and

''(2) an amount that is equal to or less than $250,000, the Secretary shall award the part B institution an allotment in the amount of $250,000.''.

(b) CONDITIONS FOR ALLOTMENTS.—Section 324 (20 U.S.C. 1063) is further amended by adding at the end the following new subsection:

''(h) CONDITIONS FOR ALLOTMENTS.—

''(1) STUDENT REQUIREMENTS FOR ALLOTMENT.—Notwithstanding any other provision of this section, a part B institution that would otherwise be eligible for funds under this part shall not receive an allotment under this part for a fiscal year, including the minimum allotment under subsection (d), if the part B institution, in the academic year preceding such fiscal year—

''(A) did not have any enrolled students who were Pell Grant recipients;

''(B) did not graduate any students; or

''(C) where appropriate, did not have any students who, within 5 years of graduation from the part B institution, were admitted to and in attendance at a graduate or professional school in a degree program in disciplines in which Blacks are underrepresented.

''(2) DATA REQUIREMENTS FOR ALLOTMENTS.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this part for a fiscal year, including the minimum allotment under subsection (d), unless the institution provides the Secretary with the data required by the Secretary and for purposes of the formula described in subsections (a) through (c), including—

''(A) the number of Pell Grant recipients enrolled in the part B institution in the academic year preceding such fiscal year;

''(B) the number of students who earned an associate or baccalaureate degree from the part B institution in the academic year preceding such fiscal year; and

''(C) where appropriate, the percentage of students who, within 5 years of graduation from the part B institution, were admitted to and in attendance at a graduate or professional school in a degree program in disciplines in which Blacks are underrepresented in the academic year preceding such fiscal year.''.

SEC. 311. PROFESSIONAL OR GRADUATE INSTITUTIONS.

(a) DURATION OF GRANT.—Section 326(b) (20 U.S.C. 1063b(b)) is amended by adding at the end the following: ''Any funds awarded for such five-year grant period that are obligated during such five-year period may be expended during the 10-year period beginning on the first day of such five-year period.''.

(b) AUTHORIZED ACTIVITIES.—Section 326(c) (20 U.S.C. 1063b(c)) is amended—

(1) in paragraph (5), by striking ''establish or improve'' and inserting ''establishing or improving'';

(2) in paragraph (6)—

(A) by striking ''assist'' and inserting ''assisting''; and

(B) by striking ''and'' after the semicolon;

(3) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(4) by adding at the end the following:

''(8) acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or addition to or improvement of campus facilities;

''(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under title IV;

''(10) services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose;

''(11) tutoring, counseling, and student service programs designed to improve academic success; and

''(12) other activities proposed in the application submitted under subsection (d) that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.''.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) in the matter preceding subparagraph (A), by inserting a colon after ''the following'';

(B) in subparagraph (Q), by striking ''and'' at the end;

(C) in subparagraph (R), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(S) Alabama State University qualified graduate programs;

''(T) Prairie View A&M University qualified graduate programs;

''(U) Delaware State University qualified graduate programs;

''(V) Langston University qualified graduate programs;

''(W) Bowie State University qualified graduate programs; and

''(X) University of the District of Columbia David A. Clarke School of Law.''.

(2) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking ''1998'' and inserting ''2008''; and

(B) by striking ''(Q) and (R)'' and inserting ''(S) through (X)''.

(3) ADDITIONAL ELIGIBILITY CHANGES.—Section 326(e)(2)(A) (20 U.S.C. 1063b(e)(2)(A)) is amended—

(A) by inserting ''in law or'' after ''instruction''; and

(B) by striking ''mathematics, or'' and inserting ''mathematics, psychometrics, or''.

(4) ONE GRANT PER INSTITUTION.—Section 326(e)(4) (20 U.S.C. 1063b(e)(4)) is amended by striking ''or university system''.

(d) FUNDING RULE.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(1) in paragraph (1)—

(A) by striking ''$26,600,000'' and inserting ''$56,900,000''; and

(B) by striking ''(P)'' and inserting ''(R)'';

(2) in paragraph (2)—

(A) by striking ''$26,600,000, but not in excess of $28,600,000'' and inserting ''$56,900,000, but not in excess of $62,900,000''; and

(B) by striking ''subparagraphs (Q) and (R)'' and inserting ''subparagraphs (S) through (X)''; and

(3) in the matter preceding subparagraph (A) of paragraph (3)—

(A) by striking ''$28,600,000'' and inserting ''$62,900,000''; and

(B) by striking ''(R)'' and inserting ''(X)''.

(e) HOLD HARMLESS RULE.—Section 326(g) (20 U.S.C. 1063(g)) is amended by striking ''1998'' each place it appears and inserting ''2008''.

(f) INTERACTION WITH OTHER GRANT PROGRAMS.—Section 326 (as amended by this section) (20 U.S.C. 1063) is further amended by adding at the end the following:

''(h) INTERACTION WITH OTHER GRANT PROGRAMS.—No institution that is eligible for and receives an award under section 512, 723, or 724 for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.''.

SEC. 312. UNEXPENDED FUNDS.

Section 327(b) (20 U.S.C. 1063c(b)) is amended to read as follows:

''(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the five-year period following the date of the initial grant award, may be carried over and expended during the succeeding five-year period, if such funds were obligated for a purpose for which the funds were paid during the five-year period following the date of the initial grant award.''.

SEC. 313. ENDOWMENT CHALLENGE GRANTS.

(a) AMOUNTS.—Section 331(b) (20 U.S.C. 1065(b)) is amended—

(1) in paragraph (2)(B)(i), by striking ''$500,000'' and inserting ''$1,000,000''; and

(2) in paragraph (5), by striking ''$50,000'' and inserting ''$100,000''.

(b) TECHNICAL ASSISTANCE.—Section 331 (20 U.S.C. 1065) is further amended by adding at the end the following:

''(i) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this section.''.

SEC. 314. HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING.

(a) DEFINITIONS.—Section 342 (20 U.S.C. 1066a) is amended—

(1) in paragraph (5)(G), by striking ''by a nationally recognized accrediting agency or association'' and inserting ''by an accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV''; and

(2) in paragraph (8), by inserting ''capital project'' after ''issuing taxable''.

(b) FEDERAL INSURANCE FOR BONDS.—Section 343(b) (20 U.S.C. 1066b(b)) is amended—

(1) in paragraph (8)(B)(ii)—

(A) by striking ''10'' and inserting ''5''; and

(B) by inserting ''within 120 days'' after ''loan proceeds'';

(2) in paragraph (10), by striking ''and'' after the semicolon;

(3) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(12) limit loan collateralization, with respect to any loan made under this part, to 100 percent of the loan amount, except as otherwise required by the Secretary.''.

(c) LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.—Section 344(a) (20 U.S.C. 1066c(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''$375,000,000'' and inserting ''$1,100,000,000'';

(2) in paragraph (1), by striking ''$250,000,000'' and inserting ''$733,333,333''; and

(3) in paragraph (2), by striking ''$125,000,000'' and inserting ''$366,666,667''.

(d) AUTHORITY OF THE SECRETARY.—Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (1), by striking ''enactment of the Higher Education Amendments of 1992,'' and inserting ''the date of enactment of the Higher Education Opportunity Act,'';

(2) by redesignating paragraphs (2) through (7) as paragraphs (4) through (9), respectively;

(3) by inserting after paragraph (1) the following:

''(2) shall ensure that—

''(A) the selection process for the designated bonding authority is conducted on a competitive basis; and

''(B) the evaluation and selection process is transparent;

''(3) shall—

''(A) review the performance of the designated bonding authority after the third year of the insurance agreement; and

''(B) following the review described in subparagraph (A), implement a revised competitive selection process, if determined necessary by the Secretary in consultation with the Advisory Board established pursuant to section 347;'';

(4) in paragraph (8) (as redesignated by paragraph (2)), by striking ''and'' after the semicolon;

(5) in paragraph (9) (as redesignated by paragraph (2)), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(10) not later than 120 days after the date of enactment of the Higher Education Opportunity Act, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.''.

(e) HBCU CAPITAL FINANCING ADVISORY BOARD.—Section 347 (20 U.S.C. 1066f) is amended—

(1) in subsection (b)(1)—

(A) by striking out ''9 members'' and inserting ''11 members'';

(B) in subparagraph (C), by striking ''Two'' and inserting ''Three''; and

(C) by adding at the end the following:

''(G) The president of the Thurgood Marshall College Fund, or the designee of the president.''; and

(2) by adding at the end the following:

''(c) ADDITIONAL RECOMMENDATIONS FROM ADVISORY BOARD.—

''(1) IN GENERAL.—In addition to the responsibilities of the Advisory Board described in subsection (a), the Advisory Board shall advise the Secretary and the authorizing committees regarding—

''(A) the fiscal status and strategic financial condition of not less than ten historically Black colleges and universities that have—

''(i) obtained construction financing through the program under this part and seek additional financing or refinancing under such program; or

''(ii) applied for construction financing through the program under this part but have not received financing under such program; and

''(B) the feasibility of reducing borrowing costs associated with the program under this part, including reducing interest rates.

''(2) REPORT.—Not later than six months after the date of enactment of the Higher Education Opportunity Act, the Advisory Board shall prepare and submit a report to the authorizing committees regarding the historically Black colleges and universities described in paragraph (1)(A) that includes administrative and legislative recommendations for addressing the issues related to construction financing facing such historically Black colleges and universities.''.

SEC. 315. PROGRAMS IN STEM FIELDS.

(a) YES PARTNERSHIPS; ENTRY INTO STEM FIELDS.—Part E of title III (20 U.S.C. 1067 et seq.) is amended—

(1) by redesignating subpart 2 as subpart 3; and

(2) by inserting after subpart 1 the following new subpart:

''Subpart 2—Programs in STEM Fields

''SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.

''(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of appropriations to carry out this subpart, the Secretary shall make grants to eligible partnerships (as described in subsection (f)) to support the engagement of underrepresented minority youth and youth who are low-income individuals (as such term is defined in section 302) in science, technology, engineering, and mathematics through outreach and hands-on, experiential-based learning projects that encourage students in kindergarten through grade 12 who are underrepresented minority youth or low-income individuals to pursue careers in science, technology, engineering, and mathematics.

''(b) MINIMUM GRANT AMOUNT.—A grant awarded to a partnership under this subpart shall be for an amount that is not less than $500,000.

''(c) DURATION.—A grant awarded under this subpart shall be for a period of five years.

''(d) NON-FEDERAL MATCHING SHARE REQUIRED.—A partnership receiving a grant under this subpart shall provide, from non-Federal sources, in cash or in-kind, an amount equal to 50 percent of the costs of the project supported by such grant.

''(e) DISTRIBUTION OF GRANTS.—In awarding grants under this subpart, the Secretary shall ensure that, to the maximum extent practicable, the projects funded under this subpart are located in diverse geographic regions of the United States.

''(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding the general eligibility provision in section 361, eligibility to receive grants under this subpart is limited to partnerships described in paragraph (5) of such section.

''SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.

''(a) AUTHORITY TO CONTRACT, SUBJECT TO APPROPRIATIONS.—The Secretary is authorized to enter into a contract with a firm with a demonstrated record of success in advertising to implement a campaign to expand the population of qualified individuals in science, technology, engineering, and mathematics fields (referred to in this section as 'STEM fields') by encouraging young Americans to enter such fields.

''(b) DESIGN OF CAMPAIGN.—The campaign under this section shall be designed to enhance the image of education and professions in the STEM fields and promote participation in the STEM fields, and may include—

''(1) monitoring trends in youths' attitudes toward pursuing education and professions in the STEM fields and their propensity toward entering the STEM fields;

''(2) determining what factors contribute to encouraging and discouraging Americans from pursuing study in STEM fields and entering the STEM fields professionally;

''(3) determining what specific factors limit the participation of groups currently underrepresented in STEM fields, including Latinos, African-Americans, and women; and

''(4) drawing from the market research performed under this section and implementing an advertising campaign to encourage young Americans to take up studies in STEM fields, beginning at an early age.

''(c) REQUIRED COMPONENTS.—The campaign under this section shall—

''(1) include components that focus tailored messages on appropriate age groups, starting with elementary school students; and

''(2) link participation in the STEM fields to the concept of service to one's country, so that young people will be encouraged to enter the STEM fields in order fulfill the obligation to be of service to their country.

''(d) PRIORITY.—The campaign under this section shall hold as a high priority making specific appeals to Hispanic Americans, African Americans, Native Americans, students with disabilities, and women, who are currently underrepresented in the STEM fields, in order to increase their numbers in the STEM fields, and shall tailor recruitment efforts to each specific group.

''(e) USE OF VARIETY OF MEDIA.—The campaign under this section shall make use of a variety of media, with an emphasis on television advertising, to reach its intended audience.

''(f) TEACHING.—The campaign under this section shall include a narrowly focused effort to attract current professionals in the STEM fields, through advertising in mediums likely to reach that specific group, into teaching in a STEM field in elementary schools and secondary schools.

''SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.

''The Secretary shall develop an evaluation and accountability plan for projects funded under this subpart. Such plan shall include, if

the Secretary determines that it is practical, an objective measure of the impact of such projects, such as a measure of whether underrepresented minority student enrollment in courses related to science, technology, engineering, and mathematics increases at the secondary and postsecondary levels.''.

(b) ELIGIBILITY FOR GRANTS.—Section 361 (20 U.S.C. 1067g) is amended—

(1) by striking ''or'' at the end of paragraph (3)(B);

(2) in paragraph (4)—

(A) in subparagraph (A), by striking ''institutions of higher education'' and inserting ''public and private nonprofit institutions of higher education'';

(B) in subparagraph (C), by inserting before the semicolon the following: '', the Department of Defense, or the National Institutes of Health'';

(C) by striking subparagraph (D) and inserting the following:

''(D) relevant offices of the National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, National Science Foundation, and National Institute of Standards and Technology;'';

(D) by striking the period at the end of subparagraph (E) and inserting ''; or''; and

(E) by adding at the end the following:

''(F) institutions of higher education that have State-sponsored centers for research in science, technology, engineering, and mathematics; or''; and

(3) by adding at the end the following:

''(5) only with respect to grants under subpart 2, partnerships of organizations, the membership of which shall include—

''(A) at least one institution of higher education eligible for assistance under this title or title V;

''(B) at least one high-need local educational agency (as defined in section 200); and

''(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, or State agencies.''.

SEC. 316. INVESTING IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

(a) REDESIGNATION AND RELOCATION.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) by redesignating part F of title III as part G of title III;

(2) by redesignating part J of title IV (as added by section 802 of the College Cost Reduction and Access Act) as part F of title III, and moving such part so that such part follows part E of title III; and

(3) by redesignating section 499A (as added by section 802 of such Act) as section 371.

(b) CONFORMING AMENDMENTS.—Section 371 (as redesignated by subsection (a)(3)) is amended—

(1) in subsection (b)(2)(C)(i), by striking ''title III'' each place the term appears and inserting ''this title''; and

(2) in subsection (c)(9)(F), by striking ''title III'' and inserting ''this title''.

(c) AVAILABILITY OF FUNDS.—Paragraph (1) of section 371(b) (as redesignated by subsection (a)(3)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) PROVISION OF FUNDS.—There shall be available to the Secretary to carry out this section, from funds in the Treasury not otherwise appropriated, $255,000,000 for each of the fiscal years 2008 and 2009. The authority to award grants under this section shall expire at the end of fiscal year 2009.

''(B) AVAILABILITY.—Funds made available under subparagraph (A) for a fiscal year shall remain available for the next succeeding fiscal year.''.

SEC. 317. TECHNICAL ASSISTANCE.

Section 391 (20 U.S.C. 1068) is amended by adding at the end the following:

''(e) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this title.''.

SEC. 318. WAIVER AUTHORITY.

Section 392 (20 U.S.C. 1068a) is amended by adding at the end the following:

''(c) WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY A GULF HURRICANE DISASTER.—

''(1) WAIVER AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, for any affected institution that was receiving assistance under this title at the time of a Gulf hurricane disaster, the Secretary shall, for each of the fiscal years 2009 through 2011 (and may, for each of the fiscal years 2012 and 2013)—

''(A) waive—

''(i) the eligibility data requirements set forth in section 391(d);

''(ii) the wait-out period set forth in section 313(d);

''(iii) the allotment requirements under section 324; and

''(iv) the use of the funding formula developed pursuant to section 326(f)(3);

''(B) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under this title at the time of a Gulf hurricane disaster are not adversely affected by any formula calculation for fiscal year 2009 or for any of the four succeeding fiscal years, as necessary; and

''(C) make available to each affected institution an amount that is not less than the amount made available to such institution under this title for fiscal year 2006, except that for any fiscal year for which the funds appropriated for payments under this title are less than the appropriated level for fiscal year 2006, the amount made available to such institutions shall be ratably reduced among the institutions receiving funds under this title.

''(2) DEFINITIONS.—In this subsection:

''(A) AFFECTED INSTITUTION.—The term 'affected institution' means an institution of higher education that—

''(i) is—

''(I) a part A institution (which term shall have the meaning given the term 'eligible institution' under section 312(b)); or

''(II) a part B institution, as such term is defined in section 322(2), or as identified in section 326(e);

''(ii) is located in an area affected by a Gulf hurricane disaster; and

''(iii) is able to demonstrate that, as a result of the impact of a Gulf hurricane disaster, the institution—

''(I) incurred physical damage;

''(II) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

''(III) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on August 29, 2005.

''(B) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).''.

SEC. 319. AUTHORIZATION OF APPROPRIATIONS.

Section 399(a) (20 U.S.C. 1068h(a)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316 through 320), $135,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316, $30,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317, $15,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318, $75,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

''(E) There are authorized to be appropriated to carry out section 319, $25,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(F) There are authorized to be appropriated to carry out section 320, $30,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326), $375,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326, $125,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C, $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(9), but including section 347), $185,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(9) such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''(5) PART E.—(A) There are authorized to be appropriated to carry out subpart 1 of part E, $12,000,000 for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out subpart 2 of part E, such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 320. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5) (20 U.S.C. 1066a(5))—

(A) in the matter preceding subparagraph (A), by inserting a comma after ''344(b)''; and

(B) in subparagraph (C), by striking ''equipment technology,,'' and inserting ''equipment, technology,'';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AUTHORIZED MAXIMUMS.—

(1) AMENDMENTS.—Section 401(b) (20 U.S.C. 1070a(b)) is amended—

(A) by amending paragraph (2)(A) to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—
''(i) $6,000 for academic year 2009–2010;
''(ii) $6,400 for academic year 2010–2011;
''(iii) $6,800 for academic year 2011–2012;
''(iv) $7,200 for academic year 2012–2013;
''(v) $7,600 for academic year 2013–2014; and
''(vi) $8,000 for academic year 2014–2015,
less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.'';

(B) by designating the paragraphs following paragraph (2), in the order in which such paragraphs appear, as paragraphs (3) through (8);

(C) in paragraph (4) (as designated by subparagraph (B)), by striking ''$400, except'' and all that follows through the period and inserting ''ten percent of the maximum basic grant level specified in the appropriate appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than five percent of such level but less than ten percent of such level shall be awarded a Federal Pell grant in the amount of ten percent of such level.'';

(D) by striking paragraph (5) (as designated by subparagraph (B)) and inserting the following:

''(5)(A) The Secretary shall award a student not more than two Federal Pell Grants during a single award year to permit such student to accelerate the student's progress toward a degree or certificate if the student is enrolled—

''(i) on at least a half-time basis for a period of more than one academic year, or more than two semesters or an equivalent period of time, during a single award year; and

''(ii) in a program of instruction at an institution of higher education for which the institution awards an associate or baccalaureate degree or a certificate.

''(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.'';

(E) in paragraph (7) (as designated by subparagraph (B)), by inserting before the period the following: ''or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense (as determined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program)''; and

(F) in paragraph (8) (as designated by subparagraph (B))—

(i) by amending subparagraph (D) to read as follows:

''(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.''; and

(ii) by amending subparagraph (F) to read as follows:

''(F) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by paragraph (1) shall take effect on July 1, 2009.

(B) SPECIAL RULE.—The amendments made by subparagraph (F) of paragraph (1) shall take effect on the date of enactment of this Act.

(b) MAXIMUM DURATION OF ELIGIBILITY.—Section 401(c) (20 U.S.C. 1070a(c)) is amended by adding at the end the following new paragraph:

''(5) The period during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or the equivalent of 18 semesters, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a term but was enrolled at a fraction of full-time, that only that same fraction of such semester or equivalent shall count towards such duration limits. The provisions of this paragraph shall apply only to a student who receives a Federal Pell Grant for the first time on or after July 1, 2008.''.

(c) CALCULATION OF FEDERAL PELL GRANT ELIGIBILITY.—

(1) AMENDMENT.—Section 401(f) (20 U.S.C. 1070a(f)) is amended by adding at the end the following new paragraph:

''(4)(A) Notwithstanding paragraph (1) or any other provision of this section, the expected family contribution of each student described in subparagraph (B) shall be deemed to be zero for the period during which each such student is eligible to receive a Federal Pell Grant under subsection (c).

''(B) Subparagraph (A) shall apply to any student at an institution of higher education—

''(i) whose parent or guardian was a member of the Armed Forces of the United States who died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(ii) who was less than 24 years of age, or was enrolled as a full-time or part-time student at an institution of higher education, as of the time of the parent or guardian's death.

''(C) Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of subparagraph (B).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2009.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 401A (as amended by Public Law 110–227) (20 U.S.C. 1070a–1) is amended—

(A) in subsection (c)(3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

''(i)(I) successfully completes, after January 1, 2006, but before July 1, 2009, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary; or

''(II) successfully completes, on or after July 1, 2009, a rigorous secondary school program of study that prepares students for college—

''(aa)(AA) that is recognized as such by the official designated for such recognition consistent with State law; and

''(BB) about which the designated official has reported to the Secretary, at such time as the Secretary may reasonably require, in order to assist financial aid administrators to determine that the student is an eligible student under this section; or

''(bb) that is recognized as such by the Secretary in regulations promulgated to carry out this section, as such regulations were in effect on May 6, 2008; and''; and

(ii) in subparagraph (B), by striking clause (i) and inserting the following:

''(i)(I) successfully completes, after January 1, 2005, but before July 1, 2009, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary; or

''(II) successfully completes, on or after July 1, 2009, a rigorous secondary school program of study that prepares students for college—

''(aa)(AA) that is recognized as such by the official designated for such recognition consistent with State law; and

''(BB) about which the designated official has reported to the Secretary, at such time as the Secretary may reasonably require, in order to assist financial aid administrators to determine that the student is an eligible student under this section; or

''(bb) that is recognized as such by the Secretary in regulations promulgated to carry out this section, as such regulations were in effect on May 6, 2008; and''; and

(B) by amending subsection (e)(2) to read as follows:

''(2) AVAILABILITY OF FUNDS.—The amounts made available by paragraph (1) for any fiscal year shall be available from October 1 of that fiscal year and remain available through September 30 of the succeeding fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(B) shall take effect on October 1, 2008.

(3) EFFECTIVE DATE AMENDMENT.—Section 10(b) of the Ensuring Continued Access to Student Loans Act of 2008 is amended by striking ''January 1'' and inserting ''July 1''.

(b) WAIVER OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.—Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by subsection (a), or to any regulations promulgated under those amendments.

(c) RELATED AMENDMENT TO THE ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008.—

(1) AMENDMENT.—Section 11 of the Ensuring Continued Access to Student Loans Act of 2008 is amended by striking ''sections 2 through 9 of''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the Ensuring Continued Access to Student Loans Act of 2008.

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''including community-based organizations with experience in serving disadvantaged youth'' after ''private agencies and organizations''; and

(ii) by striking ''in exceptional circumstances'' and inserting '', as appropriate to the purposes of the program'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5''; and

(ii) by amending subparagraph (A) to read as follows:

''(A) in order to synchronize the awarding of grants for programs under this chapter, the Secretary may, under such terms as are consistent with the purposes of this chapter, provide a one-time, limited extension of the length of such an award;''; and

(C) by striking paragraph (3) and inserting the following:

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) PRIOR EXPERIENCE.—In'' and inserting the following:

''(2) CONSIDERATIONS.—

''(A) PRIOR EXPERIENCE.—In'';

(ii) by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),''; and

(iii) by adding at the end the following new subparagraph:

''(B) PARTICIPANT NEED.—In making grants under this chapter, the Secretary shall consider

the number, percentages, and needs of eligible participants in the area, institution of higher education, or secondary school to be served to aid such participants in preparing for, enrolling in, or succeeding in postsecondary education, as appropriate to the particular program for which the eligible entity is applying.'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not'';

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(D) in paragraph (6), by adding at the end the following new sentence: ''The Secretary shall, as appropriate, require each applicant for funds under the programs authorized by this chapter to identify and make available services under such program, including mentoring, tutoring, and other services provided by such program, to foster care youth (including youth in foster care and youth who have left foster care after reaching age 13) or to homeless children and youths as defined in section 725 of the McKinney-Vento Homeless Assistance Act.''; and

(E) by adding at the end the following:

''(8) REVIEW AND NOTIFICATION BY THE SECRETARY.—

''(A) GUIDANCE.—Not later than 180 days after the date of enactment of the Higher Education Opportunity Act, the Secretary shall issue nonregulatory guidance regarding the rights and responsibilities of applicants with respect to the application and evaluation process for programs and projects assisted under this chapter, including applicant access to peer review comments. The guidance shall describe the procedures for the submission, processing, and scoring of applications for grants under this chapter, including—

''(i) the responsibility of applicants to submit materials in a timely manner and in accordance with the processes established by the Secretary under the authority of the General Education Provisions Act;

''(ii) steps the Secretary will take to ensure that the materials submitted by applicants are processed in a proper and timely manner;

''(iii) steps the Secretary will take to ensure that prior experience points for high quality service delivery are awarded in an accurate and transparent manner;

''(iv) steps the Secretary will take to ensure the quality and integrity of the peer review process, including assurances that peer reviewers will consider applications for grants under this chapter in a thorough and complete manner consistent with applicable Federal law; and

''(v) steps the Secretary will take to ensure that the final score of an application, including prior experience points for high quality service delivery and points awarded through the peer review process, is determined in an accurate and transparent manner.

''(B) UPDATED GUIDANCE.—Not later than 45 days before the date of the commencement of each competition for a grant under this chapter that is held after the expiration of the 180-day period described in subparagraph (A), the Secretary shall update and publish the guidance described in such subparagraph.

''(C) REVIEW.—

''(i) IN GENERAL.—With respect to any competition for a grant under this chapter, an applicant may request a review by the Secretary if the applicant—

''(I) has evidence of a specific technical, administrative, or scoring error made by the Department, an agent of the Department, or a peer reviewer, with respect to the scoring or processing of a submitted application; and

''(II) has otherwise met all of the requirements for submission of the application.

''(ii) TECHNICAL OR ADMINISTRATIVE ERROR.—In the case of evidence of a technical or administrative error listed in clause (i)(I), the Secretary shall review such evidence and provide a timely response to the applicant. If the Secretary determines that a technical or administrative error was made by the Department or an agent of the Department, the application of the applicant shall be reconsidered in the peer review process for the applicable grant competition.

''(iii) SCORING ERROR.—In the case of evidence of a scoring error listed in clause (i)(I), when the error relates to either prior experience points for high quality service delivery or to the final score of an application, the Secretary shall—

''(I) review such evidence and provide a timely response to the applicant; and

''(II) if the Secretary determines that a scoring error was made by the Department or a peer reviewer, adjust the prior experience points or final score of the application appropriately and quickly, so as not to interfere with the timely awarding of grants for the applicable grant competition.

''(iv) ERROR IN PEER REVIEW PROCESS.—

''(I) REFERRAL TO SECONDARY REVIEW.—In the case of a peer review process error listed in clause (i)(I), if the Secretary determines that points were withheld for criteria not required in Federal statute, regulation, or guidance governing a program assisted under this chapter or the application for a grant for such program, or determines that information pertaining to selection criteria was wrongly determined missing from an application by a peer reviewer, then the Secretary shall refer the application to a secondary review panel.

''(II) TIMELY REVIEW; REPLACEMENT SCORE.—The secondary review panel described in subclause (I) shall conduct a secondary review in a timely fashion, and the score resulting from the secondary review shall replace the score from the initial peer review.

''(III) COMPOSITION OF SECONDARY REVIEW PANEL.—The secondary review panel shall be composed of reviewers each of whom—

''(aa) did not review the application in the original peer review;

''(bb) is a member of the cohort of peer reviewers for the grant program that is the subject of such secondary review; and

''(cc) to extent practicable, has conducted peer reviews in not less than two previous competitions for the grant program that is the subject of such secondary review.

''(IV) FINAL SCORE.—The final peer review score of an application subject to a secondary review under this clause shall be adjusted appropriately and quickly using the score awarded by the secondary review panel, so as not to interfere with the timely awarding of grants for the applicable grant competition.

''(V) QUALIFICATION FOR SECONDARY REVIEW.—To qualify for a secondary review under this clause, an applicant shall have evidence of a scoring error and demonstrate that—

''(aa) points were withheld for criteria not required in statute, regulation, or guidance governing the Federal TRIO programs or the application for a grant for such programs; or

''(bb) information pertaining to selection criteria was wrongly determined to be missing from the application.

''(v) FINALITY.—

''(I) IN GENERAL.—A determination by the Secretary under clause (i), (ii), or (iii) shall not be reviewable by any officer or employee of the Department.

''(II) SCORING.—The score awarded by a secondary review panel under clause (iv) shall not be reviewable by any officer or employee of the Department other than the Secretary.

''(vi) FUNDING OF APPLICATIONS WITH CERTAIN ADJUSTED SCORES.—To the extent feasible based on the availability of appropriations, the Secretary shall fund applications with scores that are adjusted upward under clauses (ii), (iii), and (iv) to equal or exceed the minimum cut off score for the applicable grant competition.'';

(3) in subsection (e)—

(A) by striking ''(g)(2)'' each place it appears and inserting ''(h)(4)''; and

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

''(3) Notwithstanding this subsection and subsection (h)(4), individuals who are foster care youth (including youth in foster care and youth who have left foster care after reaching age 13), or homeless children and youths as defined in section 725 of the McKinney-Vento Homeless Assistance Act, shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F.'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—For competitions for grants under this chapter that begin on or after January 1, 2009, the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria described in paragraphs (2) and (3).

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school with a regular secondary school diploma in the standard number of years;

''(iv) the completion by such students of a rigorous secondary school program of study that will make such students eligible for programs such as the Academic Competitiveness Grants Program;

''(v) the enrollment of such students in an institution of higher education; and

''(vi) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students;

''(v) the completion by such students of a rigorous secondary school program of study that will make such students eligible for programs such as the Academic Competitiveness Grants Program;

''(vi) the enrollment of such students in an institution of higher education; and

''(vii) to the extent practicable, the postsecondary education completion of such students.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity

met or exceeded the entity's objectives regarding the percentage of such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which such students met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding the students served under the program who remain in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which each outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity's application approved by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for the outcome criterion.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''$900,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals that an eligible entity desires to serve through an application for a grant under this chapter, and that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) by striking '', any part of which occurred after January 31, 1955,''; and

(II) by striking ''or'' after the semicolon;

(ii) in subparagraph (B)—

(I) by striking ''after January 31, 1955,''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 30 days; or

''(D) was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code) on or after September 11, 2001.''; and

(D) in paragraph (6) (as redesignated by subparagraph (A)), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(B) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses;

''(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) connections to education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

''(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

''(1) academic tutoring, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) personal and career counseling or activities;

''(3) information and activities designed to acquaint youth with the range of career options available to the youth;

''(4) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

''(5) workshops and counseling for families of students served;

''(6) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

''(7) programs and activities as described in subsection (b) or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.''; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''talent search projects under this chapter'' and inserting ''projects under this section''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary and postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''REQUIRED SERVICES'' and inserting ''ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS''; and

(B) by striking ''upward bound project assisted under this chapter'' and inserting ''project assisted under this section'';

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

''(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

''(2) information, activities, and instruction designed to acquaint youth participating in the project with the range of career options available to the youth;

''(3) on-campus residential programs;

''(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

''(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

''(6) special services, including mathematics and science preparation, to enable veterans to make the transition to postsecondary education; and

''(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.'';

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) in the matter preceding paragraph (1), by striking ''upward bound projects under this chapter'' and inserting ''projects under this section'';

(B) in paragraph (2), by striking ''either low-income'' and all that follows through the semicolon and inserting ''low-income individuals, first generation college students, or students who have a high risk for academic failure;'';

(C) in paragraph (3), by striking ''and'' after the semicolon;

(D) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(5) require an assurance that no student will be denied participation in a project assisted under this section because the student will enter the project after the 9th grade.'';

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking ''during June, July, and August'' each place the term occurs and inserting ''during the summer school recess, for a period not to exceed three months''; and

(B) by striking ''(b)(10)'' and inserting ''(d)(5)''; and

(7) by adding at the end the following:

''(h) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Upon enactment of this subsection and except as otherwise expressly provided by amendment to this section, the Secretary shall not continue, implement, or enforce the absolute priority for the Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.''.

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' after the semicolon; and

(B) by striking paragraph (3) and inserting the following:

''(3) to foster an institutional climate supportive of the success of students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students; and

''(4) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

''(1) academic tutoring, directly or through other services provided by the institution, to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in postsecondary course selection;

''(3)(A) information on both the full range of Federal student financial aid programs and benefits (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(5) activities designed to assist students participating in the project in applying for admission to, and obtaining financial assistance for enrollment in, graduate and professional programs; and

''(6) activities designed to assist students enrolled in two-year institutions of higher education in applying for admission to, and obtaining financial assistance for enrollment in, a four-year program of postsecondary education.

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) individualized counseling for personal, career, and academic matters provided by assigned counselors;

''(2) information, activities, and instruction designed to acquaint students participating in the project with the range of career options available to the students;

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

''(4) mentoring programs involving faculty or upper class students, or a combination thereof;

''(5) securing temporary housing during breaks in the academic year for—

''(A) students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths; and

''(B) students who are in foster care or are aging out of the foster care system; and

''(6) programs and activities as described in subsection (b) or paragraphs (1) through (4) of this subsection that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''REQUIRED'' before ''SERVICES'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in subsection (d) (as redesignated by paragraph (2))—

(A) in the matter preceding paragraph (1), by striking ''postbaccalaureate achievement''; and

(B) in paragraph (2), by inserting after ''graduate education'' the following: '', including—

''(A) Alaska Natives, as defined in section 7306 of the Elementary and Secondary Education Act of 1965;

''(B) Native Hawaiians, as defined in section 7207 of such Act; and

''(C) Native American Pacific Islanders, as defined in section 320.'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2009 through 2014''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

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

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b) (20 U.S.C. 1070a–17(b)) is amended by adding at the end the following new paragraph:

''(5) Strategies for recruiting and serving hard to reach populations, including students who are limited English proficient, students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), students who are in foster care or are aging out of the foster care system, or other disconnected students.''.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ***''REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.''****;*

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—

''(1) IN GENERAL.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. Such report shall—

''(A) be submitted not later than 12 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(B) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(C) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(D) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(E) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.

''(2) INFORMATION.—The Secretary shall provide, with each report submitted under paragraph (1), information on the impact of the secondary review process described in section 402A(c)(8)(C)(iv), including the number and type of secondary reviews, the disposition of the secondary reviews, the effect on timing of awards, and any other information the Secretary determines is necessary.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—

''(A) AUTHORIZATION OF GRANTS AND CONTRACTS.—For the purpose of improving the effectiveness of the programs and projects assisted under this chapter, the Secretary shall make grants to, or enter into contracts with, institutions of higher education and other public and private institutions and organizations to rigorously evaluate the effectiveness of the programs and projects assisted under this chapter, including a rigorous evaluation of the programs and projects assisted under section 402C. The evaluation of the programs and projects assisted under section 402C shall be implemented not later than June 30, 2010.

''(B) CONTENT OF UPWARD BOUND EVALUATION.—The evaluation of the programs and projects assisted under section 402C that is described in subparagraph (A) shall examine the characteristics of the students who benefit most from the Upward Bound program under section 402C and the characteristics of the programs and projects that most benefit students.

''(C) IMPLEMENTATION.—Each evaluation described in this paragraph shall be implemented in accordance with the requirements of this section.

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of such individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as the evaluation's primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

''(3) SPECIAL RULE RELATED TO EVALUATION PARTICIPATION.—The Secretary shall not require an eligible entity, as a condition for receiving, or that receives, assistance under any program or project under this chapter to participate in an evaluation under this section that—

''(A) requires the eligible entity to recruit additional students beyond those the program or project would normally recruit; or

''(B) results in the denial of services for an eligible student under the program or project.

''(4) CONSIDERATION.—When designing an evaluation under this subsection, the Secretary shall continue to consider—

''(A) the burden placed on the program participants or the eligible entity; and

''(B) whether the evaluation meets generally accepted standards of institutional review boards.''.

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support, and maintain a commitment, to eligible low-income students, including students with disabilities, to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

''(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to secondary school students, including students with disabilities, to reduce—

''(A) the risk of such students dropping out of school; or

''(B) the need for remedial education for such students at the postsecondary level; and

''(2) information to students and their families about the advantages of obtaining a postsecondary education and, college financing options for the students and their families.'';

(2) in subsection (b), by striking paragraph (2) and inserting the following:

''(2) AWARD PERIOD.—The Secretary may award a grant under this chapter to an eligible entity described in paragraphs (1) and (2) of subsection (c) for—

''(A) six years; or

''(B) in the case of an eligible entity that applies for a grant under this chapter for seven years to enable the eligible entity to provide services to a student through the student's first year of attendance at an institution of higher education, seven years.

''(3) PRIORITY.—In making awards to eligible entities described in subsection (c)(1), the Secretary shall—

''(A) give priority to eligible entities that—

''(i) on the day before the date of enactment of the Higher Education Opportunity Act, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

''(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

''(B) ensure that students served under this chapter on the day before the date of enactment of the Higher Education Opportunity Act continue to receive assistance through the completion of secondary school.''; and

(3) in subsection (c), by striking paragraph (2) and inserting the following:

''(2) a partnership—

''(A) consisting of—

''(i) one or more local educational agencies; and

''(ii) one or more degree granting institutions of higher education; and

''(B) which may include not less than two other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.''.

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FUNDING RULES.—In awarding grants from the amount appropriated under section 404H for a fiscal year, the Secretary shall make available—

''(1) to eligible entities described in section 404A(c)(1), not less than 33 percent of such amount;

''(2) to eligible entities described in section 404A(c)(2), not less than 33 percent of such amount; and

''(3) to eligible entities described in paragraph (1) or (2) of section 404A(c), the remainder of such amount taking into consideration the number, quality, and promise of the applications for the grants, and, to the extent practicable—

''(A) the geographic distribution of such grant awards; and

''(B) the distribution of such grant awards between urban and rural applicants.'';

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g), as subsections (b), (c), and (d), respectively;

(4) in subsection (d)(1) (as redesignated by paragraph (3))—

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

(B) in subparagraph (B)—

(i) by inserting ''and provide the option of continued services through the student's first year of attendance at an institution of higher education to the extent the provision of such services was described in the eligible entity's application for assistance under this chapter'' after ''grade level''; and

(ii) by striking the period at the end and inserting ''; and''; and

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

''(C) provide services under this chapter to students who have received services under a

previous GEAR UP grant award but have not yet completed the 12th grade.''; and

(5) by adding at the end the following:

''(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.''.

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking ''**ELIGIBLE ENTITY PLANS**'' and inserting ''**APPLICATIONS**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''APPLICATION'';

(B) in paragraph (1)—

(i) by striking ''a plan'' and inserting ''an application''; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may reasonably require. Each such application shall, at a minimum—

''(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

''(B) describe, in the case of an eligible entity described in section 404A(c)(2) that chooses to provide scholarships, or an eligible entity described in section 404A(c)(1), how the eligible entity will meet the requirements of section 404E;

''(C) describe, in the case of an eligible entity described in section 404A(c)(2) that requests a reduced match percentage under subsection (b)(2), how such reduction will assist the entity to provide the scholarships described in subsection (b)(2)(A)(ii);

''(D) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

''(E) provide assurances that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages, or employment benefits;

''(F) describe, in the case of an eligible entity described in section 404A(c)(1) that chooses to use a cohort approach, or an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

''(i) how vacancies in the program under this chapter will be filled; and

''(ii) how the eligible entity will serve students attending different secondary schools;

''(G) describe how the eligible entity will coordinate programs under this chapter with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

''(H) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter;

''(I) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit; and

''(J) describe the sources of matching funds that will enable the eligible entity to meet the matching requirement described in subsection (b).'';

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1)—

(i) by striking ''a plan'' and inserting ''an application''; and

(ii) by striking ''such plan'' and inserting ''such application'';

(B) in paragraph (1)(A), by inserting ''and may be accrued over the full duration of the grant award period, except that the eligible entity shall make substantial progress towards meeting the matching requirement in each year of the grant award period'' after ''in cash or in-kind''; and

(C) in paragraph (2), by adding at the end the following new sentence: ''The Secretary may approve an eligible entity's request for a reduced match percentage—

''(A) at the time of application—

''(i) if the eligible entity demonstrates significant economic hardship that precludes the eligible entity from meeting the matching requirement; or

''(ii) if the eligible entity is described in section 404A(c)(2) and requests that contributions to the eligible entity's scholarship fund established under section 404E be matched on a two to one basis; or

''(B) in response to a petition by an eligible entity subsequent to a grant award under this section if the eligible entity demonstrates that the matching funds described in its application are no longer available and the eligible entity has exhausted all revenues for replacing such matching funds.''; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,''; and

(ii) by striking the semicolon at the end and inserting ''including—

''(A) the amount contributed to a student scholarship fund established under section 404E; and

''(B) the amount of the costs of administering the scholarship program under section 404E;'';

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

''SEC. 404D. ACTIVITIES.

''(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall provide comprehensive mentoring, outreach, and supportive services to students participating in the programs under this chapter. Such activities shall include the following:

''(1) Providing information regarding financial aid for postsecondary education to participating students in the cohort described in section 404B(d)(1)(A) or to priority students described in subsection (d).

''(2) Encouraging student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

''(3) Improving the number of participating students who—

''(A) obtain a secondary school diploma; and

''(B) complete applications for and enroll in a program of postsecondary education.

''(4) In the case of an eligible entity described in section 404A(c)(1), providing for the scholarships described in section 404E.

''(b) PERMISSIBLE ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out one or more of the following activities:

''(1) Providing tutors and mentors, who may include adults or former participants of a program under this chapter, for eligible students.

''(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

''(3) Providing supportive services to eligible students.

''(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core academic courses that reflect challenging State academic standards.

''(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

''(A) meeting challenging State academic standards;

''(B) successfully applying for postsecondary education;

''(C) successfully applying for student financial aid; and

''(D) developing graduation and career plans.

''(6) Providing special programs or tutoring in science, technology, engineering, or mathematics.

''(7) In the case of an eligible entity described in section 404A(c)(2), providing support for scholarships described in section 404E.

''(8) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

''(9) Providing an intensive extended school day, school year, or summer program that offers—

''(A) additional academic classes; or

''(B) assistance with college admission applications.

''(10) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

''(A) the identification of at-risk children;

''(B) after-school and summer tutoring;

''(C) assistance to at-risk children in obtaining summer jobs;

''(D) academic counseling;

''(E) financial literacy and economic literacy education or counseling;

''(F) volunteer and parent involvement;

''(G) encouraging former or current participants of a program under this chapter to serve as peer counselors;

''(H) skills assessments;

''(I) personal and family counseling, and home visits;

''(J) staff development; and

''(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

''(11) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

''(12) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

''(13) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(14) Disseminating information that promotes the importance of higher education, explains college preparation and admission requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

''(15) In the event that matching funds described in the application are no longer available, engaging entities described in section

404A(c)(2) in a collaborative manner to provide matching resources and participate in other activities authorized under this section.

''(c) ADDITIONAL PERMISSIBLE ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the permissible activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out one or more of the following activities:

''(1) Providing technical assistance to—

''(A) secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.

''(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

''(3) Providing administrative support to help build the capacity of eligible entities described in section 404A(c)(2) to compete for and manage grants awarded under this chapter.

''(4) Providing strategies and activities that align efforts in the State to prepare eligible students to attend and succeed in postsecondary education, which may include the development of graduation and career plans.

''(5) Disseminating information on the use of scientifically valid research and best practices to improve services for eligible students.

''(6)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

''(B) Identifying and disseminating information on best practices with respect to—

''(i) increasing parental involvement; and

''(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

''(7) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

''(8) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry-recognized certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

''(9) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

''(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as a priority student any student in secondary school who is—

''(1) eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

''(2) eligible for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.);

''(3) eligible for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.); or

''(4) otherwise considered by the eligible entity to be a disconnected student.

''(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.''.

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

''(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.'';

(4) in subsection (d) (as redesignated by paragraph (2)), by striking ''the lesser of'' and all that follows through the period at the end of paragraph (2) of such subsection (d) and inserting ''the minimum Federal Pell Grant award under section 401 for such award year.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

''(e) PORTABILITY OF ASSISTANCE.—

''(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall hold in reserve, for the students served by such grant as described in section 404B(d)(1)(A) or 404D(d), an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students the eligible entity estimates will meet the requirements of paragraph (2).

''(2) REQUIREMENT FOR PORTABILITY.—Funds held in reserve under paragraph (1) shall be made available to an eligible student when the eligible student has—

''(A) completed a secondary school diploma, its recognized equivalent, or another recognized alternative standard for individuals with disabilities; and

''(B) enrolled in an institution of higher education.

''(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student under this subsection may be used for—

''(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

''(B) in the case of an eligible student with special needs, expenses for special needs services that are incurred in connection with such enrollment or attendance.

''(4) RETURN OF FUNDS.—

''(A) REDISTRIBUTION.—

''(i) IN GENERAL.—Funds held in reserve under paragraph (1) that are not used by an eligible student within six years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

''(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i) of this subparagraph, an eligible entity has funds held in reserve under paragraph (1) that remain available, the eligible entity shall return such remaining reserved funds to the Secretary for distribution to other grantees under this chapter in accordance with the funding rules described in section 404B(a).

''(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity that does not receive assistance under this subpart for six fiscal years, the eligible entity shall return any funds held in reserve under paragraph (1) that are not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter.''; and

(6) in subsection (g)(4) (as redesignated by paragraph (2)), by striking ''early intervention component required under section 404D'' and inserting ''activities required under section 404D(a)''.

(f) 21ST CENTURY SCHOLAR CERTIFICATES.—Section 404F (20 U.S.C. 1070a–26) is amended by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—An eligible entity that receives a grant under this chapter shall provide certificates, to be known as 21st Century Scholar Certificates, to all students served by the eligible entity who are participating in a program under this chapter.

''(b) INFORMATION REQUIRED.—A 21st Century Scholar Certificate shall be personalized for each student and indicate the amount of Federal financial aid for college and the estimated amount of any scholarship provided under section 404E, if applicable, that a student may be eligible to receive.''.

(g) EVALUATION.—Section 404G(c) (20 U.S.C. 1070a–27(c)) is amended by adding at the end the following: ''Such evaluation shall include a separate analysis of—

''(1) the implementation of the scholarship component described in section 404E; and

''(2) the use of methods for complying with matching requirements described in paragraphs (1) and (2) of section 404C(c).''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 404H (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.''.

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is amended by striking ''$450'' and inserting ''$600''.

(c) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking ''such institution'' and all that follows through the period and inserting ''such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).''.

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

''(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $30,000,000, the excess amount shall be available to carry out section 415E.''.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (2), by striking ''not in excess of $5,000 per academic year'' and inserting ''not to exceed the lesser of $12,500 or the student's cost of attendance per academic year''; and

(2) in paragraph (9), by striking ''and'' after the semicolon;

(3) in paragraph (10)—

(A) by striking ''a direct appropriation of''; and

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

(4) by adding at the end the following:

''(11) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership Grants; and

''(B) funded by the Federal Government, the State, and, where applicable, other contributing partners.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties, including community-based organizations, in order to—

''(A) carry out activities under this section; and

''(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

''(2) provide need-based grants for access and persistence to eligible low-income students;

''(3) provide early notification to low-income students of the students' eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(B)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

''(B) DIFFERENT PERCENTAGES.—The Federal share under this section shall be determined in accordance with the following:

''(i) The Federal share of the cost of carrying out the activities under subsection (d) shall be 57 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State, and—

''(I) philanthropic organizations that are located in, or that provide funding in, the State; or

''(II) private corporations that are located in, or that do business in, the State.

''(ii) The Federal share of the cost of carrying out the activities under subsection (d) shall be 66.66 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State, and—

''(I) philanthropic organizations that are located in, or that provide funding in, the State; or

''(II) private corporations that are located in, or that do business in, the State.

''(C) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fairly evaluated.

''(ii) IN-KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this subparagraph, an in-kind contribution is a non-cash contribution that—

''(I) has monetary value, such as the provision of—

''(aa) room and board; or

''(bb) transportation passes; and

''(II) helps a student meet the cost of attendance at an institution of higher education.

''(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F, an in-kind contribution described in clause (ii) shall not be considered an asset or income of the student or the student's parent.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) An assurance that the State will provide matching funds, in cash or in kind, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (d). The State shall specify the methods by which matching funds will be paid. A State that uses non-Federal funds to create or expand partnerships with entities described in subsection (a)(1), in which such entities match State funds for student scholarships, may apply such matching funds from such entities toward fulfilling the State's matching obligation under this clause.

''(iii) An assurance that the State will use funds provided under this section to supplement, and not supplant, Federal and State funds available for carrying out the activities under this title.

''(iv) An assurance that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(v) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of how the State will compile information on degree completion of students receiving grants under this section.

''(vi) A description of the steps the State will take to ensure that students who receive grants under this section persist to degree completion.

''(vii) An assurance that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479(c), to identify eligible low-income students and award State grant aid to such students.

''(viii) An assurance that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government and the State, and, where applicable, other contributing partners.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than one public and one private degree-granting institution of higher education that are located in the State, if applicable;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than one—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree-granting institution of higher education that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT OF GRANTS.—The amount of a grant for access and persistence awarded by a State to a student under this section shall be not less than—

''(i) the average undergraduate tuition and mandatory fees at the public institutions of higher education in the State where the student resides that are of the same type of institution as the institution of higher education the student attends; minus

''(ii) other Federal and State aid the student receives.

''(C) SPECIAL RULES.—

''(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

''(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, grants awarded under this section may be used at institutions of higher education located in another State.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students in grades seven through 12 in the State, and their families, of their potential eligibility for student financial assistance, including an access and persistence grant, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notice under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's eligibility for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility for, and participation in, other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

''(IV) a nonbinding estimate of the total amount of financial aid that a low-income student with a similar income level may expect to receive, including an estimate of the amount of a grant for access and persistence and an estimate of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

''(aa) meet the requirement under paragraph (3);

''(bb) graduate from secondary school; and

''(cc) enroll at an institution of higher education—

''(AA) that is a partner in the partnership; or

''(BB) with respect to which attendance is permitted under subsection (d)(1)(C)(ii);

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

''(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that grant awards for access and persistence are contingent on—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(II) annual Federal and State spending for higher education; and

''(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

''(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student complies with the following subparagraph (A) or (B):

''(A) Meets not less than two of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero, as determined under part F, or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iii) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related State form, and is determined eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary award certificate for a grant for access and persistence with estimated award amounts; and

''(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student who receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

''(e) ADMINISTRATIVE COST ALLOWANCE.—A State that receives an allotment under this section may reserve not more than two percent of the funds made available annually through the allotment for State administrative functions required to carry out this section.

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(B)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart that are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) CONTINUATION AND TRANSITION.—For the two-year period that begins on the date of enactment of the Higher Education Opportunity Act, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of the Higher Education Opportunity Act to States that choose to apply for grants under such predecessor section.

''(k) REPORTS.—Not later than three years after the date of enactment of the Higher Education Opportunity Act and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''parents'' and inserting ''immediate family''; and

(II) by striking ''(or such part's predecessor authority)'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)'' ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with

other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending two-year institutions of higher education, encouraging the students to transfer to four-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION AND ALLOCATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary—

''(1) may reserve not more than a total of ½ of one percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a);

''(2) for any fiscal year for which the amount appropriated to carry out this section is equal to or greater than $40,000,000, shall, in awarding grants from the remainder of such amounts—

''(A) make available not less than 45 percent of such remainder for the high school equivalency programs and not less than 45 percent of such remainder for the college assistance migrant programs;

''(B) award the rest of such remainder for high school equivalency programs or college assistance migrant programs based on the number, quality, and promise of the applications; and

''(C) consider the need to provide an equitable geographic distribution of such grants; and

''(3) for any fiscal year for which the amount appropriated to carry out this section is less than $40,000,000, shall, in awarding grants from the remainder of such amounts make available the same percentage of funds to the high school equivalency program and to the college assistance migrant program as was made available for each such program for the fiscal year preceding the fiscal year for which the grant was made.'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Secretary shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education, as applicable;

''(2) not less often than once every two years, prepare and submit to the authorizing committees a report based on the most recently available data under paragraph (1); and

''(3) make such report available to the public.''; and

(8) by striking subsection (i) (as redesignated by paragraph (5)) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $75,000,000 for fiscal year 2009 and such sums as may be necessary for the each of the five succeeding fiscal years.''.

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), a grant''; and

(2) by adding at the end the following:

''(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.''.

(b) ELIGIBLE INSTITUTIONS.—Section 419N(b)(4) (20 U.S.C. 1070e(b)(4)) is amended by inserting '', except that for any fiscal year for which the amount appropriated to carry out this section is equal to or greater than $20,000,000, this sentence shall be applied by substituting '$250,000' for '$350,000'' before the period.

(c) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

''(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student—

''(A) who is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

''(B) who would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

''(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

''(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.''.

(d) PUBLICITY.—Section 419N(b) (20 U.S.C. 1070e(b)) is further amended by adding at the end the following new paragraph:

''(8) PUBLICITY.—The Secretary shall publicize the availability of grants under this section in appropriate periodicals, in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.''.

(e) REPORTING REQUIREMENTS.—Section 419N(e) (20 U.S.C. 1070e(e)) is amended—

(1) in paragraph (1)(A), by striking ''18 months,'' and all that follows through the end and inserting ''annually.''; and

(2) in paragraph (2)—

(A) by striking ''the third annual grant payment'' and inserting ''continuation awards''; and

(B) by striking ''the 18-month report'' and inserting ''the reports''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

SEC. 412. TEACH GRANTS.

(a) AMENDMENTS.—Subpart 9 of part A of title IV (20 U.S.C. 1070g et seq.) is amended—

(1) in section 420N (20 U.S.C. 1070g–2)—

(A) in subsection (b)—

(i) in paragraph (1)(E), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

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

''(3) contains, or is accompanied by, a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequence of the failure to complete the service obligation.''; and

(B) by adding at the end the following new subsection:

''(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

''(1) CHANGE OF HIGH-NEED DESIGNATION.—If a recipient of an initial grant under this subpart has acquired an academic degree, or expertise, in a field that was, at the time of the recipient's application for that grant, designated as high need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the service obligation described in subsection (b)(1) by teaching in that field.

''(2) EXTENUATING CIRCUMSTANCES.—The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of the recipient's service obligation may be excused from fulfilling that portion of the service obligation.''; and

(2) by adding at the end the following new section:

''SEC. 420P. PROGRAM REPORT.

''Not later than two years after the date of enactment of the Higher Education Opportunity Act and every two years thereafter, the Secretary shall prepare and submit to the authorizing committees a report on TEACH grants with respect to the schools and students served by recipients of such grants. Such report shall take into consideration information related to—

''(1) the number of TEACH grant recipients;

''(2) the degrees obtained by such recipients;

''(3) the location, including the school, local educational agency, and State, where the recipients completed the service agreed to under section 420N(b) and the subject taught;

''(4) the duration of such service; and

''(5) any other data necessary to conduct such evaluation.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(1) shall take effect on July 1, 2010.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED BY FEDERAL INSURANCE.

Section 424(a) (20 U.S.C. 1074(a)) is amended—

(1) by striking ''2012'' and inserting ''2014''; and

(2) by striking ''2016'' and inserting ''2018''.

SEC. 422. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

(a) DEFINITIONS.—

(1) AMENDMENTS.—Subparagraph (C) of section 428(a)(2) (20 U.S.C. 1078(a)(2)) is amended to read as follows:

''(C) For the purpose of this paragraph—

''(i) a student's cost of attendance shall be determined under section 472;

''(ii) a student's estimated financial assistance means, for the period for which the loan is sought—

''(I) the amount of assistance such student will receive under subpart 1 of part A (as determined in accordance with section 484(b)), subpart 3 of part A, and parts C and E; plus

''(II) other scholarship, grant, or loan assistance, but excluding—

''(aa) any national service education award or post-service benefit under title I of the National and Community Service Act of 1990; and

''(bb) any veterans' education benefits as defined in section 480(c); and

''(iii) the determination of need and of the amount of a loan by an eligible institution under subparagraph (B) with respect to a student shall be calculated in accordance with part F.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on July 1, 2010.

(b) DURATION OF AUTHORITY TO MAKE INTEREST SUBSIDIZED LOANS.—Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(1) by striking ''2012'' and inserting ''2014''; and

(2) by striking ''2016'' and inserting ''2018''.

(c) INSURANCE PROGRAM AGREEMENTS.—

(1) DEFERMENT INFORMATION REQUIREMENTS.—Section 428(b)(1)(Y) (20 U.S.C. 1078(b)(1)(Y)) is amended—

(A) by striking clause (i) and inserting the following:

''(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

''(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

''(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

''(III) receipt of student status information documenting that the borrower is enrolled on at least a half-time basis; or

''(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education;'';

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under subparagraph (M) of this paragraph, provide information to the borrower to assist the borrower in understanding the impact of the capitalization of interest on the borrower's loan principal and on the total amount of interest to be paid during the life of the loan.''.

(2) TRANSFER INFORMATION REQUIREMENTS.—Section 428(b)(2)(F)(i) (20 U.S.C. 1078(b)(2)(F)(i)) is amended—

(A) in subclause (III), by striking ''and'' after the semicolon;

(B) in subclause (IV), by striking ''and'' after the semicolon; and

(C) by adding at the end the following:

''(V) the effective date of the transfer;

''(VI) the date on which the current servicer (as of the date of the notice) will stop accepting payments; and

''(VII) the date on which the new servicer will begin accepting payments; and''.

(d) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—Paragraph (3) of section 428(b) (20 U.S.C. 1078(b)(3)) is amended to read as follows:

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition payment or reimbursement, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 428(j)), for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary schools or postsecondary educational institutions, or to the families of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title, any function that such institution is required to perform under this title, except that the guaranty agency may perform functions on behalf of such institution in accordance with section 485(b);

''(D) pay, on behalf of an institution of higher education, another person to perform any function that such institution is required to perform under this title, except that the guaranty agency may perform functions on behalf of such institution in accordance with section 485(b); or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.''.

(e) INFORMATION REGARDING INCOME-BASED REPAYMENT PLANS.—

(1) IN GENERAL.—Section 428(b)(9)(A) (20 U.S.C. 1078(b)(9)(A)) is amended—

(A) in clause (iii), by striking ''and'' after the semicolon;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(v) beginning July 1, 2009, an income-based repayment plan that enables a borrower who has a partial financial hardship to make a lower monthly payment in accordance with section 493C, except that the plan described in this clause shall not be available to a borrower for a loan under section 428B made on behalf of a dependent student or for a consolidation loan under section 428C, if the proceeds of such loan were used to discharge the liability of a loan under section 428B made on behalf of a dependent student.''.

(2) CONFORMING AMENDMENT.—Section 428(b)(1)(L)(i) (20 U.S.C. 1078(b)(1)(L)(i)) is amended by striking ''clause (ii) or (iii)'' and inserting ''clause (ii), (iii), or (v)''.

(f) FORBEARANCE INFORMATION REQUIREMENTS IN GUARANTY AGREEMENTS.—Section 428(c) (20 U.S.C. 1078(c)) is amended—

(1) in paragraph (2)(H)(i), by striking ''preclaims'' and inserting ''default aversion''; and

(2) in paragraph (3)(C)—

(A) in clause (i), by striking ''and'' after the semicolon;

(B) in clause (ii), by striking ''and'' after the semicolon; and

(C) by inserting after clause (ii) the following:

''(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to assist the borrower in understanding the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

''(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

''(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

''(II) the fact that interest will accrue on the loan for the period of forbearance;

''(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

''(IV) the option of the borrower to pay the interest that has accrued before the interest is capitalized; and

''(V) the borrower's option to discontinue the forbearance at any time; and''.

(g) APPLICABILITY OF USURY LAWS.—

(1) AMENDMENT.—Section 428(d) (20 U.S.C. 1078(d)) is amended by inserting ''and section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527)'' after ''this Act''.

(2) CONFORMING AMENDMENT.—Section 438 (20 U.S.C. 1087–1) is amended by adding at the end the following new subsection:

''(g) SPECIAL RULE.—With respect to any loan made under this part for which the interest rate is determined under the Servicemembers Civil Relief Act (50 U.S.C. App. 527), the applicable interest rate to be subtracted in calculating the special allowance for such loan under this section shall be the interest rate determined under that Act for such loan.''.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act, and the amendment made by paragraph (2) shall take effect for loans for which the first disbursement is made on or after July 1, 2008.

(h) REPEAL OF DUPLICATIVE NOTICE REQUIREMENT.—Subsection (e) of section 428 (20 U.S.C. 1078(e)) is repealed.

(i) INFORMATION ON DEFAULTS.—Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following:

''(4) PROVISION OF INFORMATION TO BORROWERS IN DEFAULT.—Each guaranty agency that has received a default claim from a lender regarding a borrower, shall provide the borrower in default, on not less than two separate occasions, with a notice, in simple and understandable terms, of not less than the following information:

''(A) The options available to the borrower to remove the borrower's loan from default.

''(B) The relevant fees and conditions associated with each option.''.

(j) AUTHORITY TO REQUIRE INCOME-BASED REPAYMENT.—Section 428(m) (20 U.S.C. 1078(m)) is amended—

(1) in the subsection heading, by inserting ''AND INCOME-BASED'' after ''INCOME CONTINGENT'';

(2) in paragraph (1)—

(A) by inserting ''or income-based repayment plan'' before '', the terms and conditions''; and

(B) by inserting ''or an income-based repayment plan under section 493C, as the case may be'' before the period at the end; and

(3) in the paragraph heading of paragraph (2), by inserting ''OR INCOME-BASED'' after ''INCOME CONTINGENT''.

SEC. 423. VOLUNTARY FLEXIBLE AGREEMENTS.

Section 428A(a) (20 U.S.C. 1078–1(a)) is amended by adding at the end the following:

''(3) REPORT REQUIRED.—

''(A) IN GENERAL.—The Secretary, in consultation with the guaranty agencies operating under voluntary flexible agreements, shall report on an annual basis to the authorizing committees regarding the program outcomes that the voluntary flexible agreements have had with respect to—

''(i) program integrity and program and cost efficiencies, delinquency prevention, and default aversion, including a comparison of such outcomes to such outcomes for each guaranty agency operating under an agreement under subsection (b) or (c) of section 428;

''(ii) consumer education programs described in section 433A; and

''(iii) the availability and delivery of student financial aid.

''(B) CONTENTS.—Each report described in subparagraph (A) shall include—

''(i) a description of each voluntary flexible agreement and the performance goals established by the Secretary for each agreement;

''(ii) a list of—

''(I) guaranty agencies operating under voluntary flexible agreements;

''(II) the specific statutory or regulatory waivers provided to each such guaranty agency; and

''(III) any other waivers provided to other guaranty agencies under paragraph (1);

''(iii) a description of the standards by which each guaranty agency's performance under the guaranty agency's voluntary flexible agreement was assessed and the degree to which each guaranty agency achieved the performance standards;

''(iv) an analysis of the fees paid by the Secretary, and the costs and efficiencies achieved under each voluntary flexible agreement; and

''(v) an identification of promising practices for program improvement that could be replicated by other guaranty agencies.''.

SEC. 424. FEDERAL PLUS LOANS.

(a) AMENDMENTS.—Section 428B (20 U.S.C. 1078–2) is amended—

(1) in subsection (a)(3)(B)(i), by striking subclause (II) and inserting the following:

''(II) does not otherwise have an adverse credit history, as determined by the lender in accordance with the regulations promulgated pursuant to paragraph (1)(A), as such regulations were in effect on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.''; and

(2) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

''(1) COMMENCEMENT OF REPAYMENT.—Repayment of principal on loans made under this section shall commence not later than 60 days after the date such loan is disbursed by the lender, subject to deferral—

''(A)(i) during any period during which the parent borrower or the graduate or professional student borrower meets the conditions required for a deferral under section 427(a)(2)(C) or 428(b)(1)(M); and

''(ii) upon the request of the parent borrower, during any period during which the student on whose behalf the loan was borrowed by the parent borrower meets the conditions required for a deferral under section 427(a)(2)(C)(i)(I) or 428(b)(1)(M)(i)(I); and

''(B)(i) in the case of a parent borrower, upon the request of the parent borrower, during the 6-month period beginning on the later of—

''(I) the day after the date the student on whose behalf the loan was borrowed ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

''(II) if the parent borrower is also a student, the day after the date such parent borrower ceases to carry at least one-half such a workload; and

''(ii) in the case of a graduate or professional student borrower, during the 6-month period beginning on the day after the date such student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution).

''(2) CAPITALIZATION OF INTEREST.—

''(A) IN GENERAL.—Interest on loans made under this section for which payments of principal are deferred pursuant to paragraph (1) shall, if agreed upon by the borrower and the lender—

''(i) be paid monthly or quarterly; or

''(ii) be added to the principal amount of the loan not more frequently than quarterly by the lender.

''(B) INSURABLE LIMITS.—Capitalization of interest under this paragraph shall not be deemed to exceed the annual insurable limit on account of the borrower.''.

(b) CONFORMING AMENDMENT.—Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking ''section'' and all that follows through ''428C'' and inserting ''section 428B or 428C''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect for loans for which the first disbursement is made on or after July 1, 2008.

SEC. 425. FEDERAL CONSOLIDATION LOANS.

(a) ELIGIBLE BORROWER.—Section 428C(a)(3)(B)(i)(V) (20 U.S.C. 1078–3(a)(3)(B)(i)(V)) is amended—

(1) in item (aa), by striking ''or'' after the semicolon;

(2) in item (bb), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(cc) for the purpose of using the no accrual of interest for active duty service members benefit offered under section 455(o).''.

(b) CONSOLIDATION LOAN LENDER AGREEMENTS.—

(1) IN GENERAL.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

''(F) that the lender shall disclose to a prospective borrower, in simple and understandable terms, at the time the lender provides an application for a consolidation loan—

''(i) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

''(ii) with respect to Federal Perkins Loans under part E—

''(I) that if a borrower includes a Federal Perkins Loan under part E in the consolidation loan, the borrower will lose all interest-free periods that would have been available for the Federal Perkins Loan, such as—

''(aa) the periods during which no interest accrues on such loan while the borrower is enrolled in school at least half-time;

''(bb) the grace period under section 464(c)(1)(A); and

''(cc) the periods during which the borrower's student loan repayments are deferred under section 464(c)(2);

''(II) that if a borrower includes a Federal Perkins Loan in the consolidation loan, the borrower will no longer be eligible for cancellation of part or all of the Federal Perkins Loan under section 465(a); and

''(III) the occupations listed in section 465 that qualify for Federal Perkins Loan cancellation under section 465(a);

''(iii) the repayment plans that are available to the borrower;

''(iv) the options of the borrower to prepay the consolidation loan, to pay such loan on a shorter schedule, and to change repayment plans;

''(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

''(vi) the consequences of default on the consolidation loan; and

''(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and''.

(2) CONSOLIDATION LOANS.—Section 428C(b)(5) (20 U.S.C. 1078–3(b)(5)) is amended—

(A) by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members program offered under section 455(o), the Secretary shall offer a Federal Direct Consolidation loan to any such borrower who applies for participation in such program.''; and

(B) by striking ''Such direct consolidation loan'' and inserting ''A direct consolidation loan offered under this paragraph''.

(3) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking ''section 428C(b)(1)(F)'' and inserting ''section 428C(b)(1)(G)''.

(c) TECHNICAL AMENDMENT.—Section 203(b)(2)(C) of the College Cost Reduction and Access Act (121 Stat. 794) is amended by striking ''the second sentence'' and inserting ''the third sentence''.

(d) INCOME-BASED REPAYMENT.—

(1) AMENDMENTS.—Section 428C(c) (20 U.S.C. 1078–3(c)) is amended—

(A) in the matter preceding clause (i) of paragraph (2)(A)—

(i) by striking ''or income-sensitive'' and inserting ''income-sensitive, or income-based''; and

(ii) by inserting ''or income-based'' after ''such income-sensitive''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) by inserting ''except in the case of an income-based repayment schedule under section 493C'', before ''a repayment''; and

(II) by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) an income-based repayment schedule under section 493C shall not be available to a consolidation loan borrower who used the proceeds of the loan to discharge the liability on a loan under section 428B, or a Federal Direct PLUS loan, made on behalf of a dependent student.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on July 1, 2009.

(e) EXTENSION OF CONSOLIDATION LOAN AUTHORITY.—Section 428C(e) (20 U.S.C. 1078–3(e)) is amended by striking ''2012'' and inserting ''2014''.

SEC. 426. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: ''Upon the sale of the loan to an eligible lender, the guaranty agency or other holder of the loan shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history.''; and

(B) by adding at the end the following:

''(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan.''; and

(2) by adding at the end the following:

''(c) FINANCIAL AND ECONOMIC LITERACY.—Each program described in subsection (b) shall include making available financial and economic education materials for a borrower who has rehabilitated a loan.''.

SEC. 427. REQUIREMENTS FOR DISBURSEMENT OF STUDENT LOANS.

(a) SPECIAL RULE.—Section 428G(a) (20 U.S.C. 1078–7(a)) is amended by adding at the end the following:

''(4) AMENDMENT TO SPECIAL RULE.—Beginning on October 1, 2011, the special rule under paragraph (3) shall be applied by substituting '15 percent' for '10 percent'.''.

(b) REQUIREMENTS FOR DISBURSEMENTS TO FIRST YEAR STUDENTS.—Section 428G(b) (20 U.S.C. 1078–7(b)) is amended by adding at the end the following:

''(3) AMENDMENT TO COHORT DEFAULT RATE EXEMPTION.—Beginning on October 1, 2011, the exemption to the requirements of paragraph (1) in the second sentence of such paragraph shall be applied by substituting '15 percent' for '10 percent'.''.

SEC. 428. UNSUBSIDIZED STAFFORD LOAN LIMITS.

(a) AMENDMENTS.—Section 428H(d) (20 U.S.C. 1078–8(d)) is amended—

(1) in paragraph (2)—

(A) in the paragraph heading, by striking ''GRADUATE AND PROFESSIONAL STUDENTS'' and inserting ''GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting '', or a student described in clause (ii),'' after ''graduate or professional student''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) notwithstanding paragraph (4), in the case of an independent student, or a dependent

student whose parents are unable to borrow under section 428B or the Federal Direct PLUS Loan Program, who has obtained a baccalaureate degree and who is enrolled in coursework specified in paragraph (3)(B) or (4)(B) of section 484(b)—

''(I) $7,000 for coursework necessary for enrollment in a graduate or professional program; and

''(II) $7,000 for coursework necessary for a professional credential or certification from a State required for employment as a teacher in an elementary or secondary school,''; and

(2) in paragraph (4)(A), by striking clause (iii) and inserting the following:

''(iii) in the case of such a student enrolled in coursework specified in—

''(I) section 484(b)(3)(B), $6,000; or

''(II) section 484(b)(4)(B), $7,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect for loans for which the first disbursement is made on or after July 1, 2008.

SEC. 429. LOAN FORGIVENESS FOR TEACHERS EMPLOYED BY EDUCATIONAL SERVICE AGENCIES.

Section 428J (20 U.S.C. 1078–10) is amended—

(1) in subsection (b)(1)(A)—

(A) by inserting ''or location'' after ''a school''; and

(B) by inserting ''or locations'' after ''schools'';

(2) in subsection (c)(1), by striking the second sentence;

(3) in subsection (c)(3)(B)(iii), by inserting ''or, in the case of a teacher who is employed by an educational service agency, as certified by the chief administrative officer of such agency,'' after ''borrower is employed,''; and

(4) in subsection (g), by striking paragraph (2) and inserting the following:

''(2) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and—

''(A) section 428K;

''(B) section 455(m);

''(C) section 460; or

''(D) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).''.

SEC. 430. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the qualified loan amount described in subsection (c) of the student loan obligation of a borrower who—

''(A) is employed full-time in an area of national need, as described in subsection (b); and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan or an excepted consolidation loan (as such terms are defined in section 493C(a))); and

''(B) to cancel a qualified loan amount for a loan made under part D of this title (other than an excepted PLUS loan or an excepted consolidation loan).

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

''(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual is employed in an area of national need if the individual meets the requirements of one of the following:

''(1) EARLY CHILDHOOD EDUCATORS.—The individual is employed full-time as an early childhood educator.

''(2) NURSES.—The individual is employed full-time—

''(A) as a nurse in a clinical setting; or

''(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(3) FOREIGN LANGUAGE SPECIALISTS.—The individual—

''(A) has obtained a baccalaureate or advanced degree in a critical foreign language; and

''(B) is employed full-time—

''(i) in an elementary school or secondary school as a teacher of a critical foreign language;

''(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language; or

''(iii) in an institution of higher education as a faculty member or instructor teaching a critical foreign language.

''(4) LIBRARIANS.—The individual is employed full-time as a librarian in—

''(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of the schools' total student enrollments composed of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

''(B) a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

''(5) HIGHLY QUALIFIED TEACHERS SERVING STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, LOW-INCOME COMMUNITIES, AND UNDERREPRESENTED POPULATIONS.—The individual—

''(A) is highly qualified, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(B) is employed full-time—

''(i) as a teacher educating students who are limited English proficient;

''(ii) as a teacher in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school;

''(iii) as a teacher and is an individual from an underrepresented population in the teaching profession, as determined by the Secretary; or

''(iv) as a teacher in an educational service agency, as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965.

''(6) CHILD WELFARE WORKERS.—The individual—

''(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

''(B) is employed full-time in public or private child welfare services.

''(7) SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.—The individual—

''(A) is employed full-time as a speech-language pathologist or audiologist in an eligible preschool program or a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; and

''(B) has, at a minimum, a graduate degree in speech-language pathology, audiology, or communication sciences and disorders.

''(8) SCHOOL COUNSELORS.—The individual is employed full-time as a school counselor (as such term is defined in section 5421(e) of the Elementary and Secondary Education Act of 1965), in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

''(9) PUBLIC SECTOR EMPLOYEES.—The individual is employed full-time in—

''(A) public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer);

''(B) emergency management (including as an emergency medical technician);

''(C) public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics); or

''(D) public interest legal services (including prosecution, public defense, or legal advocacy in low-income communities at a nonprofit organization).

''(10) NUTRITION PROFESSIONALS.—The individual—

''(A) is a licensed, certified, or registered dietician who has completed a degree in a relevant field; and

''(B) is employed full-time as a dietician with an agency of the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(11) MEDICAL SPECIALISTS.—The individual—

''(A) has received a degree from a medical school at an institution of higher education; and

''(B) has been accepted to, or currently participates in, a full-time graduate medical education training program or fellowship (or both) to provide health care services (as recognized by the Accreditation Council for Graduate Medical Education) that—

''(i) requires more than five years of total graduate medical training; and

''(ii) has fewer United States medical school graduate applicants than the total number of positions available in such program or fellowship.

''(12) MENTAL HEALTH PROFESSIONALS.—The individual—

''(A) has not less than a master's degree in social work, psychology, or psychiatry; and

''(B) is employed full-time providing mental health services to children, adolescents, or veterans.

''(13) DENTISTS.—The individual—

''(A)(i) has received a degree from an accredited dental school (as accredited by the Commission on Dental Accreditation);

''(ii) has completed residency training in pediatric dentistry, general dentistry, or dental public health; and

''(iii) is employed full-time as a dentist; or

''(B) is employed full-time as a member of the faculty at a program or school accredited by the Commission on Dental Accreditation.

''(14) STEM EMPLOYEES.—The individual is employed full-time in applied sciences, technology, engineering, or mathematics.

''(15) PHYSICAL THERAPISTS.—The individual—

''(A) is a physical therapist; and

''(B) is employed full-time providing physical therapy services to children, adolescents, or veterans.

''(16) SUPERINTENDENTS, PRINCIPALS, AND OTHER ADMINISTRATORS.—The individual is employed full-time as a school superintendent, principal, or other administrator in a local educational agency, including in an educational service agency, in which 30 percent or more of the schools are schools that qualify under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

''(17) OCCUPATIONAL THERAPISTS.—The individual is an occupational therapist and is employed full-time providing occupational therapy services to children, adolescents, or veterans.

''(c) QUALIFIED LOAN AMOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), for each school, academic, or calendar year of full-time employment in an area of national need described in subsection (b) that a borrower completes on or after the date of enactment of the Higher Education Opportunity Act, the Secretary shall forgive not more than $2,000 of the student loan obligation of the borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, respectively.

''(2) MAXIMUM AMOUNT.—The Secretary shall not forgive more than $10,000 in the aggregate for any borrower under this section, and no borrower shall receive loan forgiveness under this section for more than five years of service.

''(d) PRIORITY.—The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

''(f) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428J, 428L, 455(m), or 460.

''(g) DEFINITIONS.—In this section:

''(1) AUDIOLOGIST.—The term 'audiologist' means an individual who—

''(A) has received, at a minimum, a graduate degree in audiology from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

''(B)(i) provides audiology services under subsection (ll)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x(ll)(2)); or

''(ii) meets or exceeds the qualifications for a qualified audiologist under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4)).

''(2) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual who—

''(A) works directly with children in an eligible preschool program or eligible early childhood education program in a low-income community;

''(B) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

''(C) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

''(3) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that—

''(A) provides for the care, development, and education of infants, toddlers, or young children age five and under;

''(B) meets any applicable State or local government licensing, certification, approval, and registration requirements, and

''(C) is operated by—

''(i) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

''(ii) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(iii) a nonprofit or community based organization; or

''(iv) a child care program, including a home.

''(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

''(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

''(i) is licensed or regulated by the State; and

''(ii) serves two or more unrelated children who are not old enough to attend kindergarten;

''(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

''(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

''(5) LOW-INCOME COMMUNITY.—The term 'low-income community' means a school attendance area (as defined in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965)—

''(A) in which 70 percent of households earn less than 85 percent of the State median household income; or

''(B) that includes a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

''(6) NURSE.—The term 'nurse' means a nurse who meets all of the following:

''(A) The nurse graduated from—

''(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

''(ii) a nursing center; or

''(iii) an academic health center that provides nurse training.

''(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

''(C) The nurse holds one or more of the following:

''(i) A graduate degree in nursing, or an equivalent degree.

''(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iii) A nursing degree from an associate degree school of nursing (as defined in such section).

''(iv) A nursing degree from a diploma school of nursing (as defined in such section).

''(7) OCCUPATIONAL THERAPIST.—The term 'occupational therapist' means an individual who—

''(A) has received, at a minimum, a baccalaureate degree in occupational therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

''(B)(i) provides occupational therapy services under section 1861(g) of the Social Security Act (42 U.S.C. 1395x(g)); or

''(ii) meets or exceeds the qualifications for a qualified occupational therapist, as determined by State law.

''(8) PHYSICAL THERAPIST.—The term 'physical therapist' means an individual who—

''(A) has received, at a minimum, a graduate degree in physical therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

''(B)(i) provides physical therapy services under section 1861(p) of the Social Security Act (42 U.S.C. 1395x(p)); or

''(ii) meets or exceeds the qualifications for a qualified physical therapist, as determined by State law.

''(9) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—

''(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a); and

''(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1)), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to provide loan forgiveness in accordance with this section.''.

SEC. 431. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

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—

''(i) a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee; or

''(ii) a protection and advocacy system or client assistance program that provides legal assistance with respect to civil matters and receives funding under—

''(I) subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.);

''(II) section 112 or 509 of the Rehabilitation Act of 1973 (29 U.S.C. 732, 794e);

''(III) part A of title I of the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.);

''(IV) section 5 of the Assistive Technology Act of 1998 (29 U.S.C. 3004);

''(V) section 1150 of the Social Security Act (42 U.S.C. 1320b–21);

''(VI) section 1253 of the Public Health Service Act (42 U.S.C. 300d–53); or

''(VII) section 291 of the Help America Vote Act of 2002 (42 U.S.C. 15461);

''(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.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'student loan' means—

''(i) subject to clause (ii), a loan made, insured, or guaranteed under this part, part D, or part E; and

''(ii) 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.

''(B) EXCLUSION OF PARENT PLUS LOANS.—The term 'student loan' does not include any of the following loans:

''(i) A loan made to the parents of a dependent student under section 428B.

''(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

''(iii) A loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(I) a loan made to the parents of a dependent student under section 428B; or

''(II) a Federal Direct PLUS Loan made to the parents of a dependent student.

''(c) PROGRAM AUTHORIZED.—From amounts appropriated under subsection (i) for a fiscal year, 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 three 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 contrary to 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 three 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 five years or less and, for not less than 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 three years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same service, receive a reduction of loan obligations under both this section and section 428K or 455(m).

''(h) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.''.

SEC. 432. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking ***''CREDIT BUREAUS''*** *and inserting* ***''CONSUMER REPORTING AGENCIES''****;*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence—

(I) by striking ''the Secretary,'' and inserting ''the Secretary and''; and

(II) by striking ''agreements with credit bureau organizations'' and inserting ''an agreement with each consumer reporting agency'';

(ii) in the second sentence—

(I) by striking ''such organizations'' each place the term occurs and inserting ''such consumer reporting agencies''; and

(II) by striking ''insurance), by'' and inserting ''insurance) or by''; and

(iii) in the third sentence—

(I) by striking ''Secretary,'' and inserting ''Secretary or''; and

(II) by striking ''organizations'' and inserting ''consumer reporting agencies'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

''(1) that the loan is an education loan (as such term is defined in section 151);''; and

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)) the following:

''(3) information concerning the repayment status of the loan for inclusion in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);'';

(3) in subsection (b)—

(A) by striking ''organizations'' and inserting ''consumer reporting agencies''; and

(B) by striking ''subsection (a)(2)'' and inserting ''subsection (a)(4)'';

(4) in subsection (c)—

(A) in paragraph (2), by striking ''organizations'' and inserting ''consumer reporting agencies''; and

(B) in paragraph (4)—

(i) by striking ''subsection (a)(2)'' and inserting ''subsection (a)(4)''; and

(ii) in subparagraph (A), by striking ''credit bureau organizations'' and inserting ''consumer reporting agencies''; and

(5) in subsection (d), by striking ''credit bureau organization'' and inserting ''consumer reporting agency''.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(G) (20 U.S.C. 1077(a)(2)(G))—

(A) in clause (i), by striking ''credit bureau organizations'' and inserting ''consumer reporting agencies''; and

(B) in clause (ii), by striking ''organizations'' and inserting ''consumer reporting agencies'';

(2) in section 428(c)(3)(A)(iii) (20 U.S.C. 1078(c)(3)(A)(iii)), by striking ''credit bureau organization'' and inserting ''consumer reporting agency'';

(3) in section 428C(b)(4)(E) (20 U.S.C. 1078–3(b)(4)(E))—

(A) in clause (i), by striking ''credit bureau organizations'' and inserting ''consumer reporting agencies''; and

(B) in clause (ii), by striking ''organizations'' and inserting ''consumer reporting agencies'';

(4) in section 437(c)(5) (20 U.S.C. 1087(c)(5)), by striking ''credit bureaus'' and inserting ''consumer reporting agencies'';

(5) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in the subsection heading, by striking ''CREDIT BUREAU ORGANIZATIONS'' and inserting ''CONSUMER REPORTING AGENCIES'';

(B) in paragraph (1), by striking ''credit bureau organizations'' and inserting ''consumer reporting agencies'';

(C) in paragraph (2), by striking ''organizations'' and inserting ''consumer reporting agencies'';

(D) in paragraph (4)(A), by striking ''credit bureau organization'' each place the term occurs and inserting ''consumer reporting agency''; and

(E) in paragraph (5)—

(i) by striking ''credit bureau organizations'' and inserting ''consumer reporting agencies''; and

(ii) by striking ''such organizations'' and inserting ''such consumer reporting agencies'';

(6) in section 463A(a)(11) (20 U.S.C. 1087cc–1(a)(11)), by striking ''credit bureau or credit'' and inserting ''consumer''; and

(7) in section 464 (20 U.S.C. 10877dd)—

(A) in subsection (c)(1)(I), by striking ''credit bureau organizations'' and inserting ''consumer reporting agencies''; and

(B) in subsection (h)(1)(A), by striking ''credit bureau organization or credit'' and inserting ''consumer''.

SEC. 433. LEGAL POWERS AND RESPONSIBILITIES.

(a) SETTLEMENT OF CLAIMS.—Section 432(b) (20 U.S.C. 1082(b)) is amended by adding at the end the following: ''The Secretary may not enter into any settlement of any claim under this title that exceeds $1,000,000 unless—

''(1) the Secretary requests a review of the proposed settlement of such claim by the Attorney General; and

''(2) the Attorney General responds to such request, which may include, at the Attorney General's discretion, a written opinion related to such proposed settlement.''.

(b) COMMON FORMS AND FORMATS.—Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: ''Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.''.

SEC. 434. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

(a) AMENDMENT.—Section 433 (20 U.S.C. 1083) is amended to read as follows:

''SEC. 433. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

''(a) REQUIRED DISCLOSURE BEFORE DISBURSEMENT.—Each eligible lender, at or prior to the time such lender disburses a loan that is insured or guaranteed under this part (other than a loan made under section 428C), shall provide thorough and accurate loan information on such loan to the borrower in simple and understandable terms. Any disclosure required by this subsection may be made by an eligible lender by written or electronic means, including as part of the application material provided to the borrower, as part of the promissory note evidencing the loan, or on a separate written form provided to the borrower. Each lender shall provide to each borrower a telephone number, and may provide an electronic address, through which additional loan information can be obtained. The disclosure shall include—

''(1) a statement prominently and clearly displayed and in bold print that the borrower is receiving a loan that must be repaid;

''(2) the name of the eligible lender, and the address to which communications and payments should be sent;

''(3) the principal amount of the loan;

''(4) the amount of any charges, such as the origination fee and Federal default fee, and whether those fees will be—

''(A) collected by the lender at or prior to the disbursal of the loan;

''(B) deducted from the proceeds of the loan;

''(C) paid separately by the borrower; or

''(D) paid by the lender;

''(5) the stated interest rate on the loan;

''(6) for loans made under section 428H or to a student borrower under section 428B, an explanation—

''(A) that the borrower has the option to pay the interest that accrues on the loan while the borrower is a student at an institution of higher education; and

''(B) if the borrower does not pay such interest while attending an institution, when and how often interest on the loan will be capitalized;

''(7) for loans made to a parent borrower on behalf of a student under section 428B, an explanation—

''(A) that the parent has the option to defer payment on the loan while the student is enrolled on at least a half-time basis in an institution of higher education;

''(B) if the parent does not pay the interest on the loan while the student is enrolled in an institution, when and how often interest on the loan will be capitalized; and

''(C) that the parent may be eligible for a deferment on the loan if the parent is enrolled on at least a half-time basis in an institution of higher education;

''(8) the yearly and cumulative maximum amounts that may be borrowed;

''(9) a statement of the total cumulative balance, including the loan being disbursed, owed by the borrower to that lender, and an estimate of the projected monthly payment, given such cumulative balance;

''(10) an explanation of when repayment of the loan will be required and when the borrower will be obligated to pay interest that accrues on the loan;

''(11) a description of the types of repayment plans that are available for the loan;

''(12) a statement as to the minimum and maximum repayment terms which the lender may impose, and the minimum annual payment required by law;

''(13) an explanation of any special options the borrower may have for loan consolidation or other refinancing of the loan;

''(14) a statement that the borrower has the right to prepay all or part of the loan, at any time, without penalty;

''(15) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred;

''(16) a statement summarizing the circumstances in which a borrower may obtain forbearance on the loan;

''(17) a description of the options available for forgiveness of the loan, and the requirements to obtain loan forgiveness;

''(18) a definition of default and the consequences to the borrower if the borrower defaults, including a statement that the default will be reported to a consumer reporting agency; and

''(19) an explanation of any cost the borrower may incur during repayment or in the collection of the loan, including fees that the borrower may be charged, such as late payment fees and collection costs.

''(b) REQUIRED DISCLOSURE BEFORE REPAYMENT.—Each eligible lender shall, at or prior to the start of the repayment period on a loan made, insured, or guaranteed under section 428, 428B, or 428H, disclose to the borrower by written or electronic means the information required under this subsection in simple and understandable terms. Each eligible lender shall provide to each borrower a telephone number, and may provide an electronic address, through which additional loan information can be obtained. The disclosure required by this subsection shall be made not less than 30 days nor more than 150 days before the first payment on the loan is due from the borrower. The disclosure shall include—

''(1) the name of the eligible lender or loan servicer, and the address to which communications and payments should be sent;

''(2) the scheduled date upon which the repayment period is to begin or the deferment period under section 428B(d)(1) is to end, as applicable;

''(3) the estimated balance owed by the borrower on the loan or loans covered by the disclosure (including, if applicable, the estimated amount of interest to be capitalized) as of the scheduled date on which the repayment period is to begin or the deferment period under 428B(d)(1) is to end, as applicable;

''(4) the stated interest rate on the loan or loans, or the combined interest rate of loans with different stated interest rates;

''(5) information on loan repayment benefits offered for the loan or loans, including—

''(A) whether the lender offers any benefits that are contingent on the repayment behavior of the borrower, such as—

''(i) a reduction in interest rate if the borrower repays the loan by automatic payroll or checking account deduction;

''(ii) a reduction in interest rate if the borrower makes a specified number of on-time payments; and

''(iii) other loan repayment benefits for which the borrower could be eligible that would reduce the amount of repayment or the length of the repayment period;

''(B) if the lender provides a loan repayment benefit—

''(i) any limitations on such benefit;

''(ii) explicit information on the reasons a borrower may lose eligibility for such benefit;

''(iii) for a loan repayment benefit that reduces the borrower's interest rate—

''(I) examples of the impact the interest rate reduction would have on the length of the borrower's repayment period and the amount of repayment; and

''(II) upon the request of the borrower, the effect the reduction in interest rate would have with respect to the borrower's payoff amount and time for repayment; and

''(iv) whether and how the borrower can regain eligibility for a benefit if a borrower loses a benefit;

''(6) a description of all the repayment plans that are available to the borrower and a statement that the borrower may change from one plan to another during the period of repayment;

''(7) the repayment schedule for all loans covered by the disclosure, including—

''(A) the date the first installment is due; and

''(B) the number, amount, and frequency of required payments, which shall be based on a standard repayment plan or, in the case of a borrower who has selected another repayment plan, on the repayment plan selected by the borrower;

''(8) an explanation of any special options the borrower may have for loan consolidation or other refinancing of the loan and of the availability and terms of such other options;

''(9) except as provided in subsection (d)—

''(A) the projected total of interest charges which the borrower will pay on the loan or loans, assuming that the borrower makes payments exactly in accordance with the repayment schedule; and

''(B) if the borrower has already paid interest on the loan or loans, the amount of interest paid;

''(10) the nature of any fees which may accrue or be charged to the borrower during the repayment period;

''(11) a statement that the borrower has the right to prepay all or part of the loan or loans covered by the disclosure at any time without penalty;

''(12) a description of the options by which the borrower may avoid or be removed from default, including any relevant fees associated with such options; and

''(13) additional resources, including nonprofit organizations, advocates, and counselors (including the Student Loan Ombudsman of the Department) of which the lender is aware, where borrowers may receive advice and assistance on loan repayment.

''(c) SEPARATE NOTIFICATION.—Each eligible lender shall, at the time such lender notifies a borrower of approval of a loan which is insured or guaranteed under this part, provide the borrower with a separate notification which summarizes, in simple and understandable terms, the rights and responsibilities of the borrower with respect to the loan, including a statement of the consequences of defaulting on the loan and a statement that each borrower who defaults will be reported to a consumer reporting agency. The requirement of this subsection shall be in addition to the information required by subsection (a) of this section.

''(d) SPECIAL DISCLOSURE RULES ON PLUS LOANS, AND UNSUBSIDIZED LOANS.—Loans made under sections 428B and 428H shall not be subject to the disclosure of projected monthly payment amounts required under subsection (b)(7) if the lender, in lieu of such disclosure, provides the borrower with sample projections of monthly repayment amounts, assuming different levels of borrowing and interest accruals resulting from capitalization of interest while the borrower, or the student on whose behalf the loan is made, is in school, in simple and understandable terms. Such sample projections shall disclose the cost to the borrower of—

''(1) capitalizing the interest; and

''(2) paying the interest as the interest accrues.

''(e) REQUIRED DISCLOSURES DURING REPAYMENT.—

''(1) PERTINENT INFORMATION ABOUT A LOAN PROVIDED ON A PERIODIC BASIS.—Each eligible lender shall provide the borrower of a loan made, insured, or guaranteed under this part with a bill or statement (as applicable) that corresponds to each payment installment time period in which a payment is due and that includes, in simple and understandable terms—

''(A) the original principal amount of the borrower's loan;

''(B) the borrower's current balance, as of the time of the bill or statement, as applicable;

''(C) the interest rate on such loan;

''(D) the total amount the borrower has paid in interest on the loan;

''(E) the aggregate amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance;

''(F) a description of each fee the borrower has been charged for the most recently preceding installment time period;

''(G) the date by which the borrower needs to make a payment in order to avoid additional fees and the amount of such payment and the amount of such fees;

''(H) the lender's or loan servicer's address and toll-free phone number for payment and billing error purposes; and

''(I) a reminder that the borrower has the option to change repayment plans, a list of the names of the repayment plans available to the borrower, a link to the appropriate page of the Department's website to obtain a more detailed description of the repayment plans, and directions for the borrower to request a change in repayment plan.

''(2) INFORMATION PROVIDED TO A BORROWER HAVING DIFFICULTY MAKING PAYMENTS.—Each eligible lender shall provide to a borrower who has notified the lender that the borrower is having difficulty making payments on a loan made, insured, or guaranteed under this part with the following information in simple and understandable terms:

''(A) A description of the repayment plans available to the borrower, including how the borrower should request a change in repayment plan.

''(B) A description of the requirements for obtaining forbearance on a loan, including expected costs associated with forbearance.

''(C) A description of the options available to the borrower to avoid defaulting on the loan, and any relevant fees or costs associated with such options.

''(3) REQUIRED DISCLOSURES DURING DELINQUENCY.—Each eligible lender shall provide to a borrower who is 60 days delinquent in making payments on a loan made, insured, or guaranteed under this part with a notice, in simple and understandable terms, of the following:

''(A) The date on which the loan will default if no payment is made.

''(B) The minimum payment the borrower must make to avoid default.

''(C) A description of the options available to the borrower to avoid default, and any relevant fees or costs associated with such options, including a description of deferment and forbearance and the requirements to obtain each.

''(D) Discharge options to which the borrower may be entitled.

''(E) Additional resources, including nonprofit organizations, advocates, and counselors (including the Student Loan Ombudsman of the Department), of which the lender is aware, where the borrower can receive advice and assistance on loan repayment.

''(f) COST OF DISCLOSURE AND CONSEQUENCES OF NONDISCLOSURE.—

''(1) NO COST TO BORROWERS.—The information required under this section shall be available without cost to the borrower.

''(2) CONSEQUENCES OF NONDISCLOSURE.—The failure of an eligible lender to provide information as required by this section shall not—

''(A) relieve a borrower of the obligation to repay a loan in accordance with the loan's terms; or

''(B) provide a basis for a claim for civil damages.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as subjecting the lender to the Truth in Lending Act with regard to loans made under this part.

''(4) ACTIONS BY THE SECRETARY.—The Secretary may limit, suspend, or terminate the continued participation of an eligible lender in making loans under this part for failure by that lender to comply with this section.''.

(b) EFFECTIVE DATES.—

(1) REGULAR DISCLOSURE REQUIREMENTS AND DISCLOSURE REQUIREMENTS TO BORROWERS HAVING DIFFICULTY MAKING PAYMENTS.—Paragraphs (1) and (2) of section 433(e) of the Higher Education Act of 1965, as amended by subsection (a), shall apply with respect to loans for which the first payment is due on or after July 1, 2009.

(2) DISCLOSURE REQUIREMENTS FOR BORROWERS WITH DELINQUENT LOANS.—Section 433(e)(3) of the Higher Education Act of 1965, as amended by subsection (a), shall apply with respect to loans that become delinquent on or after July 1, 2009.

SEC. 435. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

''SEC. 433A. CONSUMER EDUCATION INFORMATION.

''(a) IN GENERAL.—Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency, shall develop and make available high-quality educational programs and materials to provide training for students and families in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Such programs and materials shall be in formats that are simple and understandable to students and families, and shall be provided before, during, and after the students' enrollment in an institution of higher education. The activities described in this section shall be considered default reduction activities for the purposes of section 422.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit—

''(1) a guaranty agency from using existing activities, programs, and materials in meeting the requirements of this section;

''(2) a guaranty agency from providing programs or materials similar to the programs or materials described in subsection (a) to an institution of higher education that provides loans exclusively through part D; or

''(3) a lender or loan servicer from providing outreach or financial aid literacy information in accordance with subsection (a).''.

SEC. 436. DEFINITIONS OF ELIGIBLE INSTITUTION AND ELIGIBLE LENDER.

(a) PARTICIPATION RATE INDEX.—

(1) AMENDMENTS.—Section 435(a) (20 U.S.C. 1085(a)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''paragraph (4)'' and inserting ''paragraph (5)''; and

(ii) in subparagraph (B)—

(I) by striking ''and'' at the end of clause (ii); and

(II) by striking clause (iii) and inserting the following:

''(iii) 25 percent for fiscal year 1994 through fiscal year 2011; and

''(iv) 30 percent for fiscal year 2012 and any succeeding fiscal year.'';

(B) by redesignating paragraph (6) as paragraph (8), and redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(C) by inserting after paragraph (2) the following new paragraph:

''(3) APPEALS FOR REGULATORY RELIEF.—An institution whose cohort default rate, calculated in accordance with subsection (m), is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) for any two consecutive fiscal years may, not later than 30 days after the date the institution receives notification from the Secretary, file an appeal demonstrating exceptional mitigating circumstances, as defined in paragraph (5). The Secretary shall issue a decision on any such appeal not later than 45 days after the date of submission of the appeal. If the Secretary determines that the institution demonstrates exceptional mitigating circumstances, the Secretary may not subject the institution to provisional certification based solely on the institution's cohort default rate.'';

(D) in paragraph (5)(A) (as redesignated by subparagraph (B)), by striking ''For purposes of paragraph (2)(A)(ii)'' and all that follows through ''following criteria:'' and inserting ''For purposes of this subsection, an institution of higher education shall be treated as having exceptional mitigating circumstances that make application of paragraph (2) inequitable, and that provide for regulatory relief under paragraph (3), if such institution, in the opinion of an independent auditor, meets the following criteria:'';

(E) by inserting after paragraph (6) (as redesignated by subparagraph (B)) the following:

''(7) DEFAULT PREVENTION AND ASSESSMENT OF ELIGIBILITY BASED ON HIGH DEFAULT RATES.—

''(A) FIRST YEAR.—

''(i) IN GENERAL.—An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) in any fiscal year shall establish a default prevention task force to prepare a plan to—

''(I) identify the factors causing the institution's cohort default rate to exceed such threshold;

''(II) establish measurable objectives and the steps to be taken to improve the institution's cohort default rate; and

''(III) specify actions that the institution can take to improve student loan repayment, including appropriate counseling regarding loan repayment options.

''(ii) TECHNICAL ASSISTANCE.—Each institution subject to this subparagraph shall submit the plan under clause (i) to the Secretary, who shall review the plan and offer technical assistance to the institution to promote improved student loan repayment.

''(B) SECOND CONSECUTIVE YEAR.—

''(i) IN GENERAL.—An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) for two consecutive fiscal years, shall require the institution's default prevention task force established under subparagraph (A) to review and revise the plan required under such subparagraph, and shall submit such revised plan to the Secretary.

''(ii) REVIEW BY THE SECRETARY.—The Secretary shall review each revised plan submitted in accordance with this subparagraph, and may direct that such plan be amended to include actions, with measurable objectives, that the Secretary determines, based on available data and analyses of student loan defaults, will promote student loan repayment.''; and

(F) in paragraph (8)(A) (as redesignated by subparagraph (B)) by striking ''0.0375'' and inserting ''0.0625''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(F) shall take effect for fiscal years beginning on or after October 1, 2011.

(b) TYPES OF LENDERS.—Section 435(d)(1)(A)(ii) (20 U.S.C. 1085(d)(1)(A)(ii)) is amended—

(1) by striking ''part, or (III)'' and inserting ''part, (III)''; and

(2) by inserting before the semicolon at the end the following: '', or (IV) it is a National or State chartered bank, or a credit union, with assets of less than $1,000,000,000''.

(c) DISQUALIFICATION.—Paragraph (5) of section 435(d) (20 U.S.C. 1085(d)(5)) is amended to read as follows:

''(5) DISQUALIFICATION FOR USE OF CERTAIN INCENTIVES.—The term 'eligible lender' does not include any lender that the Secretary determines, after notice and opportunity for a hearing, has—

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition payment or reimbursement, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements, to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary schools or postsecondary institutions, or to family members of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education any function that such institution of higher education is required to perform under this title, except that a lender shall be permitted to perform functions on behalf of such institution in accordance with section 485(b);

''(F) paid, on behalf of an institution of higher education, another person to perform any function that such institution of higher education is required to perform under this title, except that a lender shall be permitted to perform functions on behalf of such institution in accordance with section 485(b);

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;

''(H) offered, directly or indirectly, loans under this part as an inducement to a prospective borrower to purchase a policy of insurance or other product; or

''(I) engaged in fraudulent or misleading advertising.

It shall not be a violation of this paragraph for a lender to provide technical assistance to institutions of higher education comparable to the kinds of technical assistance provided to institutions of higher education by the Department.''.

(d) SCHOOL AS LENDER PROGRAM AUDIT.—Section 435(d) (20 U.S.C. 1085(d)) is further amended by adding at the end the following:

''(8) SCHOOL AS LENDER PROGRAM AUDIT.—Each institution serving as an eligible lender under paragraph (1)(E), and each eligible lender serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall annually complete and submit to the Secretary a compliance audit to determine whether—

''(A) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based grant programs, in accordance with paragraph (2)(A)(viii);

''(B) the institution or lender is using not more than a reasonable portion of the proceeds described in paragraph (2)(A)(viii) for direct administrative expenses; and

''(C) the institution or lender is ensuring that the proceeds described in paragraph (2)(A)(viii) are being used to supplement, and not to supplant, Federal and non-Federal funds that would otherwise be used for need-based grant programs.''.

(e) COHORT DEFAULT RATES.—

(1) AMENDMENTS.—Section 435(m) (20 U.S.C. 1085(m)) is amended—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking ''end of the following fiscal year'' and inserting ''end of the second fiscal year following the fiscal year in which the students entered repayment'';

(ii) in subparagraph (B), by striking ''such fiscal year'' and inserting ''such second fiscal year'';

(iii) in subparagraph (C), by striking ''end of the fiscal year immediately following the year in which they entered repayment'' and inserting ''end of the second fiscal year following the year in which they entered repayment'';

(B) in paragraph (2)(C)—

(i) by striking ''end of such following fiscal year is not considered as in default for the purposes of this subsection'' and inserting ''end of the second fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection''; and

(ii) by striking ''such following fiscal year'' and inserting ''such second fiscal year''; and

(C) in paragraph (4)—

(i) by amending the paragraph heading to read as follows: ''COLLECTION AND REPORTING OF COHORT DEFAULT RATES AND LIFE OF COHORT DEFAULT RATES.—''; and

(ii) by amending subparagraph (A) to read as follows:

''(A) The Secretary shall publish not less often than once every fiscal year a report showing cohort default data and life of cohort default rates for each category of institution, including: (i) four-year public institutions; (ii) four-year private nonprofit institutions; (iii) two-year public institutions; (iv) two-year private nonprofit institutions; (v) four-year proprietary institutions; (vi) two-year proprietary institutions; and (vii) less than two-year proprietary institutions. For purposes of this subparagraph, for any fiscal year in which one or more current and former students at an institution enter repayment on loans under section 428, 428B, or 428H, received for attendance at the institution, the Secretary shall publish the percentage of those current and former students who enter repayment on such loans (or on the portion of a loan made under section 428C that is used to repay any such loans) received for attendance at the institution in that fiscal year who default before the end of each succeeding fiscal year.''.

(2) EFFECTIVE DATE AND TRANSITION.—

(A) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect for purposes of calculating cohort default rates for fiscal year 2009 and succeeding fiscal years.

(B) TRANSITION.—Notwithstanding subparagraph (A), the method of calculating cohort default rates under section 435(m) of the Higher Education Act of 1965 as in effect on the day before the date of enactment of this Act shall continue in effect, and the rates so calculated shall be the basis for any sanctions imposed on institutions of higher education because of their cohort default rates, until three consecutive years of cohort default rates calculated in accordance with the amendments made by paragraph (1) are available.

SEC. 437. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087(a)) is amended—

(1) by striking ''(a) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—If a'' and inserting the following:

''(a) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

''(1) IN GENERAL.—If a'';

(2) by inserting '', or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''of the Secretary),''; and

(3) by adding at the end the following: ''The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to reinstate the obligation of, and resume collection on, loans discharged under this subsection in any case in which—

''(A) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

''(i) receives a loan made, insured, or guaranteed under this title; or

''(ii) has earned income in excess of the poverty line; or

''(B) the Secretary determines necessary.''.

(b) DISABILITY DETERMINATIONS.—Section 437(a) (20 U.S.C. 1087(a)) is further amended by adding at the end the following:

''(2) DISABILITY DETERMINATIONS.—A borrower who has been determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected condition and who provides documentation of such determination to the Secretary of Education, shall be considered permanently and totally disabled for the purpose of discharging such borrower's loans under this subsection, and such borrower shall not be required to present additional documentation for purposes of this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2010.

SEC. 438. CONFORMING AMENDMENTS FOR REPEAL OF SECTION 439.

(a) PART B AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended—

(1) in section 422A(d)(1) (20 U.S.C. 1072a(d)(1)), by striking ''437, and 439(q)'' and inserting ''and 437'';

(2) in section 428 (20 U.S.C. 1078)—

(A) in subsection (b)(1)(G)(i), by striking ''or 439(q)'';

(B) by striking subsection (h); and

(C) in subsection (j)(2)—

(i) by inserting ''and'' at the end of subparagraph (C);

(ii) by striking ''; and'' at the end of subparagraph (D) and inserting a period; and

(iii) by striking subparagraph (E); and

(3) in section 435(d)(1)(G) (20 U.S.C. 1085(d)(1)(G)), by striking ''428C, and 439(q),'' and inserting ''and 428C,''.

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(s)(4)(C)(ii)(I) of the Federal Deposit Insurance Act (12 U.S.C. 1828(s)(4)(C)(ii)(I)) is amended by striking ''as amended'' and inserting ''as such section existed on the day before the date of the repeal of such section''.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441 (42 U.S.C. 2751) is amended—

(1) in subsection (b), by striking ''$1,000,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''; and

(2) in subsection (c)(1), by inserting ''emergency preparedness and response,'' after ''public safety,''.

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(2) by adding at the end the following new subsection:

''(e) CIVIC EDUCATION AND PARTICIPATION ACTIVITIES.—

''(1) USE OF FUNDS.—Funds granted to an institution under this section may be used in accordance with such subsection to compensate (including compensation for time spent in training and travel directly related to civic education and participation activities) students employed in projects that—

''(A) teach civics in schools;

''(B) raise awareness of government functions or resources; or

''(C) increase civic participation.

''(2) PRIORITY FOR SCHOOLS.—To the extent practicable, an institution shall—

''(A) give priority to the employment of students participating in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and

''(B) ensure that any student compensated with the funds described in paragraph (1) receives appropriate training to carry out the educational services required.

''(3) FEDERAL SHARE.—The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.''.

SEC. 444. FLEXIBLE USE OF FUNDS.

Section 445 (42 U.S.C. 2755) is amended by adding at the end the following new subsection:

''(d) FLEXIBILITY IN THE EVENT OF A MAJOR DISASTER.—

''(1) IN GENERAL.—In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students, for the period of time (not to exceed one academic year)

in which the disaster-affected students were prevented from fulfilling the students' work-study obligations as described in paragraph (2)(A)(iii), as follows:

''(A) Payments may be made under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work study funds.

''(B) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under this part prior to the occurrence of the major disaster.

''(C) Any payments made to disaster-affected students under this subsection shall meet the matching requirements of section 443, unless such matching requirements are waived by the Secretary.

''(2) DEFINITIONS.—In this subsection:

''(A) The term 'disaster-affected student' means a student enrolled at an eligible institution who—

''(i) received a work-study award under this section for the academic year during which a major disaster occurred;

''(ii) earned Federal work-study wages from such eligible institution for such academic year;

''(iii) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such major disaster; and

''(iv) was unable to be reassigned to another work-study job.

''(B) The term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).''.

SEC. 445. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking ''$50,000'' and inserting ''$75,000''.

SEC. 446. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMUNITY SERVICE.

Section 447 (42 U.S.C. 2756a) is amended—

(1) by striking ''Each institution participating'' and inserting ''(a) COMMUNITY SERVICE-LEARNING.—Each institution participating''; and

(2) by adding at the end the following new subsection:

''(b) OFF-CAMPUS COMMUNITY SERVICE.—

''(1) GRANTS AUTHORIZED.—In addition to funds made available under section 443(b)(2)(A), the Secretary is authorized to award grants to institutions participating under this part to supplement off-campus community service employment.

''(2) USE OF FUNDS.—An institution shall ensure that funds granted to such institution under this subsection are used in accordance with section 443(b)(2)(A) to recruit and compensate students (including compensation for time spent in training and for travel directly related to such community service).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applications that support postsecondary students assisting with early childhood education activities and activities in preparation for emergencies and natural disasters.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 447. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) by striking ''work-learning'' each place it appears and inserting ''work-learning-service'';

(2) by striking subsection (e) and inserting the following:

''(e) DEFINITIONS.—For the purpose of this section—

''(1) the term 'work college' means an eligible institution that—

''(A) has been a public or private nonprofit, four-year, degree-granting institution with a commitment to community service;

''(B) has operated a comprehensive work-learning-service program for at least two years;

''(C) requires students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least five hours each week, or at least 80 hours during each period of enrollment, except summer school, unless the student is engaged in an institutionally organized or approved study abroad or externship program; and

''(D) provides students participating in the comprehensive work-learning-service program with the opportunity to contribute to their education and to the welfare of the community as a whole; and

''(2) the term 'comprehensive student work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''; and

(3) in subsection (f), by striking ''$5,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

PART D—FEDERAL DIRECT STUDENT LOAN

SEC. 451. TERMS AND CONDITIONS OF LOANS.

(a) INCOME-BASED REPAYMENT.—Section 455(d)(1) (20 U.S.C. 1087e(d)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) beginning on July 1, 2009, an income-based repayment plan that enables borrowers who have a partial financial hardship to make a lower monthly payment in accordance with section 493C, except that the plan described in this subparagraph shall not be available to the borrower of a Federal Direct PLUS Loan made on behalf of a dependent student or a Federal Direct Consolidation Loan, if the proceeds of such loan were used to discharge the liability on such Federal Direct PLUS Loan or a loan under section 428B made on behalf of a dependent student.''.

(b) PUBLIC SERVICE JOB DEFINITION.—

(1) IN GENERAL.—Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is amended to read as follows:

''(B) PUBLIC SERVICE JOB.—The term 'public service job' means—

''(i) a full-time job in emergency management, government (excluding time served as a member of Congress), military service, public safety, law enforcement, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization), early childhood education (including licensed or regulated childcare, Head Start, and State funded pre-kindergarten), public service for individuals with disabilities, public service for the elderly, public library sciences, school-based library sciences and other school-based services, or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

''(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b) and other faculty teaching in high-needs subject areas or areas of shortage (including nurse faculty, foreign language faculty, and part-time faculty at community colleges), as determined by the Secretary.''.

(2) INELIGIBILITY FOR DOUBLE BENEFITS.—Section 455(m) (20 U.S.C. 1087e(m)) is further amended by adding at the end the following:

''(4) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same service, receive a reduction of loan obligations under both this subsection and section 428J, 428K, 428L, or 460.''.

(c) IDENTITY FRAUD PROTECTION.—Section 455 (as amended by this section) (20 U.S.C. 1087e) is amended by adding at the end the following:

''(n) IDENTITY FRAUD PROTECTION.—The Secretary shall take such steps as may be necessary to ensure that monthly Federal Direct Loan statements and other publications of the Department do not contain more than four digits of the Social Security number of any individual.''.

(d) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—Section 455 (as amended by this section) (20 U.S.C. 1087e) is further amended by adding at the end the following:

''(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part and in accordance with paragraphs (2) and (4), interest shall not accrue for an eligible military borrower on a loan made under this part for which the first disbursement is made on or after October 1, 2008.

''(2) CONSOLIDATION LOANS.—In the case of any consolidation loan made under this part that is disbursed on or after October 1, 2008, interest shall not accrue pursuant to this subsection only on such portion of such loan as was used to repay a loan made under this part for which the first disbursement is made on or after October 1, 2008.

''(3) ELIGIBLE MILITARY BORROWER.—In this subsection, the term 'eligible military borrower' means an individual who—

''(A)(i) is serving on active duty during a war or other military operation or national emergency; or

''(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

''(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

''(4) LIMITATION.—An individual who qualifies as an eligible military borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

(e) DISCLOSURES.—Section 455 (as amended by this section) (20 U.S.C. 1087e) is further amended by adding at the end the following:

''(p) DISCLOSURES.—Each institution of higher education with which the Secretary has an agreement under section 453, and each contractor with which the Secretary has a contract under section 456, shall, with respect to loans under this part and in accordance with such regulations as the Secretary shall prescribe, comply with each of the requirements under section 433 that apply to a lender with respect to a loan under part B.''.

SEC. 452. FUNDS FOR ADMINISTRATIVE EXPENSES.

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) in paragraph (2)—

(A) in the heading of such paragraph, by striking ''2011'' and inserting ''2014''; and

(B) by striking ''2011'' and inserting ''2014''; and

(2) in paragraph (3), by striking ''2011'' and inserting ''2014''.

SEC. 453. GUARANTY AGENCY RESPONSIBILITIES AND PAYMENTS; REPORTS AND COST ESTIMATES.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i–1) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

''(d) GUARANTY AGENCY RESPONSIBILITIES AND PAYMENTS.—Notwithstanding any other provision of this Act, beginning on the date on which the Secretary purchases a loan under this section—

''(1) the guaranty agency that insured such loan shall cease to have any obligations, responsibilities, or rights (including rights to any payment) under this Act for any activity related to the administration of such loan that is carried out or required to be carried out on or after the date of such purchase; and

''(2) the insurance issued by such agency pursuant to section 428(b) for such loan shall cease to be effective with respect to any default on such loan that occurs on or after the date of such purchase.

''(e) REPORTS AND COST ESTIMATES.—The Secretary shall prepare, transmit to the authorizing committees, and make available to the public, the following:

''(1) QUARTERLY REPORTS.—

''(A) CONTENTS.—Not later than 60 days after the end of each quarter during the period beginning July 1, 2008, and ending September 30, 2009, a quarterly report on—

''(i) the number of loans the Secretary has agreed to purchase, or has purchased, using the authority provided under this section, and the total amount of outstanding principal and accrued interest of such loans, during such period; and

''(ii) the number of loans in which the Secretary has purchased a participation interest, and the total amount of outstanding principal and accrued interest of such loans, during such period.

''(B) DISAGGREGATED INFORMATION.—For each quarterly report, the information described in clauses (i) and (ii) of subparagraph (A) shall be disaggregated by lender and, for each lender, by category of institution (using the categories described in section 132(d)) and type of loan.

''(2) ESTIMATES OF PURCHASE PROGRAM COSTS.—Not later than February 15, 2010, an estimate of the costs associated with the program of purchasing loans described in paragraph (1)(A)(i) during the period beginning July 1, 2008, and ending September 30, 2009, and an estimate of the costs associated with the program of purchasing a participation interest in loans described in paragraph (1)(A)(ii) during such period. Each such estimate shall—

''(A) contain the same level of detail, and be reported in a similar manner, as the budget estimates provided for the loan program under part B and the direct student loan program under this part in the President's annual budget submission to Congress, except that current and future administrative costs shall also be reported;

''(B) include an estimate of the gross and net outlays that have been, or will be, incurred by the Federal Government (including subsidy and administrative costs, and any payments made by the Department to lenders, trusts, or other entities related to such activities) in purchasing such loans or purchasing a participation interest in such loans during such period (as applicable); and

''(C) include a comparison of—

''(i) the average amount of the gross and net outlays (including costs and payments) described in subparagraph (B) for each $100 of loans purchased or for which a participation interest was purchased (as applicable) during such period, disaggregated by type of loan; with

''(ii) the average amount of such gross and net outlays (including costs and payments) to the Federal Government for each $100 of comparable loans made under this part and part B during such period, disaggregated by part and by type of loan.

''(3) ANNUAL COST ESTIMATES.—Not later than February 15 of the fiscal year following each of the fiscal years 2008, 2009, and 2010, an annual estimate of the costs associated with the program of purchasing loans described in paragraph (1)(A)(i), and an annual estimate of the costs associated with the program of purchasing a participation interest in loans described in paragraph (1)(A)(ii), that includes the information described in paragraph (2) for such fiscal year.''.

SEC. 454. LOAN CANCELLATION FOR TEACHERS.

(a) IN GENERAL.—Section 460 (20 U.S.C. 1087j) is amended—

(1) in subsection (b)(1)(A)(i)—

(A) by inserting ''or location'' after ''a school''; and

(B) by inserting ''or locations'' after ''schools''; and

(2) in subsection (c)(3)(B)(iii), by inserting ''or, in the case of a teacher who is employed by an educational service agency, as certified by the chief administrative officer of such agency,'' after ''borrower is employed,''.

(b) PREVENTION OF DOUBLE BENEFITS.—Section 460(g)(2) (20 U.S.C. 1087j(g)(2)) is amended to read as follows:

''(2) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same voluntary service, receive a benefit under both this section and—

''(A) section 428J;

''(B) section 428K;

''(C) section 455(m); or

''(D) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).''.

(c) TECHNICAL AMENDMENTS.—Section 460(b) (as amended by subsection (a)(1)) (20 U.S.C. 1087j(b)) is further amended—

(1) by striking paragraph (2);

(2) by striking ''PROGRAM AUTHORIZED.—'' and all that follows through ''The Secretary shall'' and inserting ''PROGRAM AUTHORIZED.—The Secretary shall'';

(3) by redesignating subparagraph (B) as paragraph (2), and adjusting the margin accordingly; and

(4) by redesignating subparagraph (A) as paragraph (1), by redesignating clauses (i) and (ii) of such paragraph (as so redesignated) as subparagraphs (A) and (B), respectively, and by adjusting the margins accordingly.

(d) CONFORMING AMENDMENTS.—Section 460 (20 U.S.C. 1087j) is further amended—

(1) in subsection (c)(1), by striking ''(b)(1)(A)'' and inserting ''(b)(1)'';

(2) in subsection (c)(3)—

(A) in subparagraph (A)(i), by striking ''(b)(1)'' and inserting ''(b)''; and

(B) in subparagraph (B)(i), by striking ''(b)(1)'' and inserting ''(b)''; and

(3) in subsection (g)(3), by striking ''(b)(1)(A)(ii)'' and inserting ''(b)(1)(B)''.

PART E—FEDERAL PERKINS LOANS

SEC. 461. EXTENSION OF AUTHORITY.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking ''$250,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''$300,000,000 for fiscal year 2009 and for each of the five succeeding fiscal years.''; and

(2) in paragraph (2), by striking ''2003'' each place it appears and inserting ''2015''.

SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 463. AGREEMENTS WITH INSTITUTIONS.

(a) TRANSFERS FOR COLLECTION.—Section 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to read as follows:

''(B) if the institution is not one described in subparagraph (A), the Secretary may allow such institution to refer such note or agreement to the Secretary, without recompense, except that, once every six months, any sums collected on such a loan (less an amount not to exceed 30 percent of any such sums collected to cover the Secretary's collection costs) shall be repaid to such institution and treated as an additional capital contribution under section 462;''.

(b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C. 1087cc(a)(9)) is amended by inserting '', except that nothing in this paragraph shall be construed to permit the Secretary to require the assignment of loans to the Secretary other than as is provided for in paragraphs (4) and (5)'' before the period.

SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.

(a) LOAN LIMITS.—Section 464(a) (20 U.S.C. 1087dd(a)) is amended—

(1) in paragraph (2)(A)—

(A) by striking ''$4,000'' in clause (i) and inserting ''$5,500''; and

(B) by striking ''$6,000'' in clause (ii) and inserting ''$8,000''; and

(2) in paragraph (2)(B)—

(A) by striking ''$40,000'' in clause (i) and inserting ''$60,000'';

(B) by striking ''$20,000'' in clause (ii) and inserting ''$27,500''; and

(C) by striking ''$8,000'' in clause (iii) and inserting ''$11,000''.

(b) DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.—

(1) AMENDMENT.—Section 464 (20 U.S.C. 1087dd(c)) is further amended—

(A) in subsection (c)(1)(F), by striking ''canceled upon the death'' and all that follows through the semicolon and inserting ''cancelled—

''(i) upon the death of the borrower;

''(ii) if the borrower becomes permanently and totally disabled as determined in accordance with regulations of the Secretary;

''(iii) if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months; or

''(iv) if the borrower is determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability;''; and

(B) by adding at the end the following:

''(k) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under subsection (c)(1)(F). Notwithstanding subsection (c)(1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under subsection (c)(1)(F) in any case in which—

''(1) a borrower received a cancellation of liability under subsection (c)(1)(F) and after the cancellation the borrower—

''(A) receives a loan made, insured, or guaranteed under this title; or

''(B) has earned income in excess of the poverty line; or

''(2) the Secretary determines necessary.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on July 1, 2008.

(c) FORBEARANCE.—Section 464 (20 U.S.C. 1087dd) is further amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.'';

(2) in subsection (h)(1)(A), by striking ''12 ontime'' and inserting ''9 on-time''; and

(3) in subsection (j)(2), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

SEC. 465. CANCELLATION FOR PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

''(A) as a full-time teacher for service in an academic year (including such a teacher employed by an educational service agency)—

''(i) in a public or other nonprofit private elementary school or secondary school, which, for the purpose of this paragraph and for that year—

''(I) has been determined by the Secretary (pursuant to regulations of the Secretary and after consultation with the State educational agency of the State in which the school is located) to be a school in which the number of children meeting a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, exceeds 30 percent of the total number of children enrolled in such school; and

''(II) is in the school district of a local educational agency which is eligible in such year for assistance pursuant to part A of title I of the Elementary and Secondary Education Act of 1965; or

''(ii) in one or more public, or nonprofit private, elementary schools or secondary schools or locations operated by an educational service agency that have been determined by the Secretary (pursuant to regulations of the Secretary and after consultation with the State educational agency of the State in which the educational service agency operates) to be a school or location at which the number of children taught who meet a measure of poverty under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, exceeds 30 percent of the total number of children taught at such school or location;'';

(B) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(C) in subparagraph (C), by inserting '', including a system administered by an educational service agency'' after ''secondary school system'';

(D) by striking subparagraph (F) and inserting the following:

''(F) as a full-time law enforcement officer or corrections officer for service to local, State, or Federal law enforcement or corrections agencies, or as a full-time attorney employed in a defender organization established in accordance with section 3006A(g)(2) of title 18, United States Code;'';

(E) in subparagraph (H), by striking ''or'' after the semicolon;

(F) in subparagraph (I), by striking the period and inserting a semicolon; and

(G) by inserting before the matter following subparagraph (I) the following:

''(J) as a full-time fire fighter for service to a local, State, or Federal fire department or fire district;

''(K) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(L) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains one or more schools eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965; or

''(M) as a full-time speech language pathologist, if the pathologist has a masters degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), (L), or (M)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

SEC. 466. SENSE OF CONGRESS REGARDING FEDERAL PERKINS LOANS.

It is the sense of Congress that the Federal Perkins Loan Program, which provides low-interest loans to help needy students finance the costs of postsecondary education, is an important part of Federal student aid, and should remain a campus-based aid program at colleges and universities.

PART F—NEED ANALYSIS

SEC. 471. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087ll(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2010.

SEC. 472. DISCRETION TO MAKE ADJUSTMENTS.

(a) AMENDMENTS.—Section 479A(a) (as amended by Public Law 110–84) (20 U.S.C. 1087tt(a)) is amended—

(1) by striking ''medical or dental expenses'' and inserting ''medical, dental, or nursing home expenses'';

(2) by inserting ''or dependent care'' after ''child care'';

(3) by inserting ''student or'' before ''family member who is a dislocated worker''; and

(4) by striking the second to last sentence and inserting the following: ''In addition, nothing in this title shall be interpreted as limiting the authority of the student financial aid administrator in such cases (1) to request and use supplementary information about the financial status or personal circumstances of eligible applicants in selecting recipients and determining the amount of awards under this title, or (2) to offer a dependent student financial assistance under section 428H or a Federal Direct Unsubsidized Stafford Loan without requiring the parents of such student to file the financial aid form prescribed under section 483 if the student financial aid administrator verifies that the parent or parents of such student have ended financial support of such student and refuse to file such form.''.

(b) EFFECTIVE DATE AMENDMENT TO THE COLLEGE COST REDUCTION AND ACCESS ACT.—Section 603(b) of the College Cost Reduction and Access Act (Public Law 110–84) is amended by striking ''July 1, 2009'' and inserting ''the date of enactment of the Higher Education Opportunity Act''.

SEC. 473. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a) (as amended by Public Law 110–84) (20 U.S.C. 1087vv(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)'';

(B) by inserting ''subparagraph (B) and'' after ''provided in''; and

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

''(B) Notwithstanding section 478(a), the Secretary may provide for the use of data from the second preceding tax year when and to the extent necessary to carry out the simplification of applications (including simplification for a subset of applications) used for the estimation and determination of financial aid eligibility. Such simplification may include the sharing of data between the Internal Revenue Service and the Department, pursuant to the consent of the taxpayer.''; and

(2) in paragraph (2), by inserting ''no portion of veterans' education benefits received by an individual,'' after ''any program by an individual,''.

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b)(1)(E) (as amended by Public Law 110–84) (20 U.S.C. 1087vv(b)(1)(E)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(c) INDEPENDENT STUDENT.—Section 480(d)(1) (as amended by Public Law 110–84) (20 U.S.C. 1087vv(d)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;''; and

(2) by striking subparagraph (C) and inserting the following:

''(C) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;''.

(d) TREATMENT OF COOPERATIVE EDUCATION WORK INCOME.—Section 480(e) (as amended by Public Law 110–84) (20 U.S.C. 1087vv(e)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) any income earned from work under a cooperative education program offered by an institution of higher education;''.

(e) OTHER FINANCIAL ASSISTANCE.—Section 480(j)(1) (20 U.S.C. 1087vv(j)(1)) is amended—

(1) by striking ''veterans' education benefits as defined in subsection (c), and''; and

(2) by inserting before the period at the end the following: '', but excluding veterans' education benefits as defined in subsection (c)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2010.

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 481. DEFINITIONS.

Section 481 (20 U.S.C. 1088) is amended—

(1) in subsection (a)(2)(B), by inserting ''and that measures program length in credit hours or clock hours'' after ''baccalaureate degree''; and

(2) by adding at the end the following:

''(e) CONSUMER REPORTING AGENCY.—For purposes of this title, the term 'consumer reporting agency' has the meaning given the term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' in Section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

''(f) DEFINITION OF EDUCATIONAL SERVICE AGENCY.—For purposes of parts B, D, and E, the term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.''.

SEC. 482. MASTER CALENDAR.

(a) AMENDMENT.—Section 482 (20 U.S.C. 1089) is amended—

(1) in subsection (a)(1), by striking subparagraphs (B) and (C) and inserting the following:

''(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478 and 483(a)(5) published in the Federal Register;

''(C) by June 1: final modifications, updates, and notices pursuant to sections 478 and 483(a)(5) published in the Federal Register;''; and

(2) by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect on July 1, 2010.

SEC. 483. IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS AND PROCESSES.

(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483 (20 U.S.C. 1090) is amended—

(1) in subsection (a), by striking paragraphs (1) through (7) and inserting the following:

''(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'. The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and families to read and understand, and shall ensure that the FAFSA is available in formats accessible to individuals with disabilities.

''(2) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall develop, make available, and process—

''(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

''(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper form, to be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsection (b) or (c) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

''(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except that the Secretary shall not include a State's data if that State does not permit the State's resident applicants to use the EZ FAFSA for State assistance.

''(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (6) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (10).

''(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

''(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic version of the forms described in paragraph (3).

''(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable, accessible, and downloadable to students on the same website used to provide students with the electronic version of the forms described in paragraph (3).

''(iii) REQUESTS FOR PRINTED COPY.—The Secretary shall provide a printed copy of the full paper version of FAFSA upon request.

''(iv) REPORTING REQUIREMENT.—The Secretary shall maintain data, and periodically report to Congress, on the impact of the digital divide on students completing applications for aid under this title. The Secretary shall report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A). The Secretary's report shall specifically address the impact of the digital divide on the following student populations:

''(I) Independent students.

''(II) Traditionally underrepresented students.

''(III) Dependent students.

''(3) ELECTRONIC FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop an electronic version of the forms for applicants who do not meet the requirements of subsection (b) or (c) of section 479.

''(B) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic version of the form to be used by applicants meeting the requirements under subsection (b) or (c) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic version of the forms shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

''(iii) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

''(C) STATE DATA.—The Secretary shall include on the electronic version of the forms such items as may be necessary to determine eligibility for State financial assistance, as provided under paragraph (5), except the Secretary shall not require an applicant to enter data pursuant to this subparagraph that are required by any State other than the applicant's State of residence.

''(D) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic version of the forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (10).

''(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may continue to permit an electronic version of the form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (G).

''(G) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary may continue to assign to an applicant a personal identification number—

''(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

''(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(H) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—The Secretary shall continue to work with the Commissioner of Social Security to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(4) STREAMLINING.—

''(A) STREAMLINED REAPPLICATION PROCESS.—

''(i) IN GENERAL.—The Secretary shall continue to streamline reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

''(ii) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

''(iii) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(iv) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

''(B) REDUCTION OF DATA ELEMENTS.—

''(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA used for the 2009–2010 award year, the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance and consistent with efforts under subsection (c), shall continue to reduce the number of such data elements required to be entered by all applicants, with the goal of reducing such number by 50 percent.

''(ii) REPORT.—The Secretary shall submit a report on the process of this reduction to each of the authorizing committees by June 30, 2011.

''(5) STATE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(B), and (4)(A)(ii), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the form for the 2008–2009 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

''(i) which data items each State requires to award need-based State aid; and

''(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(B).

''(C) FEDERAL REGISTER NOTICE.—Beginning with the forms developed under paragraphs (2)(B) and (3)(B) for the award year 2010–2011, the Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

''(i) if the State agency is unable to permit applicants to utilize the simplified forms described in paragraphs (2)(B) and (3)(B); and

''(ii) of the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.

''(D) USE OF SIMPLIFIED FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(B), for applicants who meet the requirements of subsection (b) or (c) of section 479.

''(E) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(B) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

''(F) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

''(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

''(ii) not require any resident of such State to complete any data items previously required by that State under this section.

''(G) RESTRICTION.—The Secretary shall, to the extent practicable, not require applicants to complete any financial or nonfinancial data items that are not required—

''(i) by the applicant's State; or

''(ii) by the Secretary.

''(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a form for which a fee is charged shall be used to complete the form prescribed under this section, except that a Federal or State income tax form prepared by a paid income tax preparer or preparer service for the primary purpose of filing a Federal or State income tax return may be used to complete the form prescribed under this section.

''(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity may request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(G) for purposes of submitting a form developed under this subsection on an applicant's behalf.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

''(9) EARLY ESTIMATES.—The Secretary shall continue to—

''(A) permit applicants to enter data in such forms as described in this subsection in the years prior to enrollment in order to obtain a non-binding estimate of the applicant's family contribution (as defined in section 473);

''(B) permit applicants to update information submitted on forms described in this subsection, without needing to re-enter previously submitted information;

''(C) develop a means to inform applicants, in the years prior to enrollment, of student aid options for individuals in similar financial situations;

''(D) develop a means to provide a clear and conspicuous notice that the applicant's expected family contribution is subject to change and may not reflect the final expected family contribution used to determine Federal student financial aid award amounts under this title; and

''(E) consult with representatives of States, institutions of higher education, and other individuals with experience or expertise in student financial assistance application processes in making updates to forms used to provide early estimates under this paragraph.

''(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

''(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) to be so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

''(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.'';

(2) by striking subsections (b) and (e);

(3) by redesignating subsections (c) and (d) (as amended by section 103(b)(10)) as subsections (b) and (c), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking ''that is authorized'' and all that follows through the period at the end and inserting ''or other appropriate provider of technical assistance and information on postsecondary educational services for individuals with disabilities, including the National Technical Assistance Center under section 777. The Secretary shall continue to implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of subsection (b) or (c) of section 479 to submit an application over such system.''; and

(5) by adding at the end the following:

''(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

''(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

''(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), and for which a fee is charged, the preparer shall—

''(A) include, at the time the form is submitted to the Department, the name, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form; and

''(B) be subject to the same penalties as an applicant for purposely giving false or misleading information in the application.

''(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

''(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA are free forms that may be completed without professional assistance via paper or electronic version of the forms that are provided by the Secretary;

''(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA are free forms that may be completed without professional assistance via paper or electronic version of the forms that are provided by the Secretary;

''(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website that provides the electronic version of the forms developed under subsection (a); and

''(D) not produce, use, or disseminate any other form for the purpose of applying for Federal student financial aid other than the form developed by the Secretary under subsection (a).

''(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the forms required under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.

''(e) EARLY APPLICATION AND ESTIMATED AWARD DEMONSTRATION PROGRAM.—

''(1) PURPOSE AND OBJECTIVES.—The purpose of the demonstration program under this subsection is to measure the benefits, in terms of student aspirations and plans to attend an institution of higher education, and any adverse effects, in terms of program costs, integrity, distribution, and delivery of aid under this title, of implementing an early application system for all dependent students that allows dependent students to apply for financial aid using information from two years prior to the year of enrollment. Additional objectives associated with implementation of the demonstration program are the following:

''(A) To measure the feasibility of enabling dependent students to apply for Federal, State, and institutional financial aid in their junior year of secondary school, using information from two years prior to the year of enrollment, by completing any of the forms under this subsection.

''(B) To identify whether receiving final financial aid award estimates not later than the fall of the senior year of secondary school provides students with additional time to compete for the limited resources available for State and institutional financial aid and positively impacts the college aspirations and plans of these students.

''(C) To measure the impact of using income information from the years prior to enrollment on—

''(i) eligibility for financial aid under this title and for other State and institutional aid; and

''(ii) the cost of financial aid programs under this title.

''(D) To effectively evaluate the benefits and adverse effects of the demonstration program on program costs, integrity, distribution, and delivery of financial aid.

''(2) PROGRAM AUTHORIZED.—Not later than two years after the date of enactment of the Higher Education Opportunity Act, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

''(A) to complete an application under this subsection during the academic year that is two years prior to the year such students plan to enroll in an institution of higher education; and

''(B) based on the application described in subparagraph (A), to obtain, not later than one year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in the institution of higher education.

''(3) EARLY APPLICATION AND ESTIMATED AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, two years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than one year prior to the year of such planned enrollment—

''(A) provide each student who completes an early application with an estimated determination of such student's—

''(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

''(B) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4)(A).

''(4) PARTICIPANTS.—The Secretary shall include as participants in the demonstration program—

''(A) States selected through the application process described in paragraph (5);

''(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

''(C) secondary schools within the selected States that are interested in participating in the demonstration program, and that can commit resources to—

''(i) advertising the availability of the program;

''(ii) identifying students who might be interested in participating in the program;

''(iii) encouraging such students to apply; and

''(iv) participating in the evaluation of the program.

''(5) APPLICATIONS.—Each State that is interested in participating in the demonstration program shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

''(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

''(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education, an estimate of the award of State financial aid to such dependent students;

''(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

''(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

''(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, two years before the students' planned date of enrollment in an institution of higher education;

''(ii) serve different populations of students;

''(iii) in the case of institutions of higher education—

''(I) to the extent possible, are of varying types and sectors; and

''(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

''(aa) estimated institutional awards to participating dependent students; and

''(bb) estimated grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

''(E) a commitment to participate in the evaluation conducted by the Secretary; and

''(F) such other information as the Secretary may require.

''(6) SPECIAL PROVISIONS.—

''(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary for students participating in the demonstration program.

''(B) WAIVERS.—The Secretary is authorized to waive, for an institution of higher education participating in the demonstration program, any requirements under this title, or regulations prescribed under this title, that will make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

''(7) OUTREACH.—The Secretary shall make appropriate efforts to notify States of the demonstration program under this subsection. Upon determination of participating States, the Secretary shall continue to make efforts to notify institutions of higher education and dependent students within participating States of the opportunity to participate in the demonstration program and of the participation requirements.

''(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose and objectives of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

''(A) identify whether receiving financial aid estimates one year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

''(B) measure the extent to which using a student's income information from the year that is two years prior to the student's planned enrollment date had an impact on the ability of States and institutions of higher education to make financial aid awards and commitments;

''(C) determine what operational changes are required to implement the program on a larger scale;

''(D) identify any changes to Federal law that are necessary to implement the program on a permanent basis;

''(E) identify the benefits and adverse effects of providing early estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid; and

''(F) examine the extent to which estimated awards differ from actual awards made to students participating in the program.

''(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

''(f) REDUCTION OF INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

''(1) CONTINUATION OF CURRENT FAFSA SIMPLIFICATION EFFORTS.—The Secretary shall continue to examine—

''(A) how the Internal Revenue Service can provide to the Secretary income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers, and when in the application cycle the data can be made available;

''(B) whether data provided by the Internal Revenue Service can be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer; and

''(C) whether the data elements collected on the FAFSA that are needed to determine eligibility for student aid, or to administer the Federal student financial aid programs under this title, but are not needed to compute an expected family contribution, such as information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number, can be reduced without adverse effects.

''(2) REPORT ON FAFSA SIMPLIFICATION EFFORTS TO DATE.—Not later than 90 days after the date of enactment of the Higher Education Opportunity Act, the Secretary shall provide a written report to the authorizing committees on the work the Department has done with the Secretary of the Treasury regarding—

''(A) how the expected family contribution of a student can be calculated using substantially less income and asset information than was used on March 31, 2008;

''(B) the extent to which the reduced income and asset information will result in a redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or in a change in the composition of the group of recipients of such aid, and the amount of such redistribution;

''(C) how the alternative approaches for calculating the expected family contribution will—

''(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

''(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

''(D) how the Internal Revenue Service can provide to the Secretary of Education income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers, and when in the application cycle the data can be made available;

''(E) whether data provided by the Internal Revenue Service can be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

''(F) the extent to which the use of income data from two years prior to a student's planned enrollment date will change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that will minimize the change; and

''(G) the extent to which the data elements collected on the FAFSA on March 31, 2008, that are needed to determine eligibility for student aid or to administer the Federal student financial aid programs, but are not needed to compute an expected family contribution, such as information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number, can be reduced without adverse effects.

''(3) STUDY.—

''(A) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Opportunity Act, the Comptroller General shall convene a study group the membership of which shall include the Secretary of Education, the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

''(B) STUDY REQUIRED.—The Comptroller General, in consultation with the study group convened under subparagraph (A) shall—

''(i) review and build on the work of the Secretary of Education and the Secretary of the Treasury, and individuals with expertise in analysis of financial need, to assess alternative approaches for calculating the expected family contribution under the statutory need analysis formula in effect on the day before the date of enactment of the Higher Education Opportunity Act and under a new calculation that will use substantially less income and asset information than was used for the 2008–2009 FAFSA;

''(ii) conduct an additional analysis if necessary; and

''(iii) make recommendations to the authorizing committees.

''(C) OBJECTIVES OF STUDY.—The objectives of the study required under subparagraph (B) are—

''(i) to determine methods to shorten the FAFSA and make the FAFSA easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

''(ii) to identify changes to the statutory need analysis formula that will be necessary to reduce the amount of financial information students and families need to provide to receive a determination of eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title; and

''(iii) to review State and institutional needs and uses for data collected on the FAFSA, and to determine the best means of addressing such needs in the case of modification of the FAFSA as described in clause (i), or modification of the need analysis formula as described in clause (ii).

''(D) REQUIRED SUBJECTS OF STUDY.—The study required under subparagraph (B) shall examine—

''(i) with respect to simplification of the financial aid application process using the statutory requirements for need analysis—

''(I) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file a Federal income tax return for the prior taxable year;

''(II) information on State use of information provided on the FAFSA, including—

''(aa) whether a State uses, as of the time of the study, or can use, a student's expected family contribution based on data from two years prior to the student's planned enrollment date;

''(bb) the extent to which States and institutions will accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA to determine the distribution of State and institutional student financial aid funds;

''(cc) what data are used by States, as of the time of the study, to determine eligibility for State student financial aid, and whether the data are used for merit- or need-based aid;

''(dd) whether State data are required by State law, State regulations, or policy directives; and

''(ee) the extent to which any State-specific information requirements can be met by completion of a State application linked to the electronic version of the FAFSA; and

''(III) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds; and

''(ii) ways to reduce the amount of financial information students and families need to provide to receive a determination of eligibility for student financial aid, taking into account—

''(I) the amount of redistribution of Federal grants and subsidized loans under this title caused by such a reduction, and the benefits to be gained by having an application process that will be easier for students and their families;

''(II) students and families who do not file income tax returns;

''(III) the extent to which the full array of income and asset information collected on the FAFSA, as of the time of the study, plays an important role in the awarding of need-based State financial aid, and whether the State can use an expected family contribution generated by the FAFSA, instead of income and asset information or a calculation with reduced data elements, to support determinations of eligibility for such State aid programs and, if not, what additional information will be needed or what changes to the FAFSA will be required; and

''(IV) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds; and

''(V) changes to this Act or other laws that will be required to implement a modified need analysis system.

''(4) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

''(5) REPORTS.—

''(A) REPORTS ON STUDY.—The Secretary shall prepare and submit to the authorizing committees—

''(i) not later than one year after the date of enactment of the Higher Education Opportunity Act, an interim report on the progress of the study required under paragraph (3) that includes any preliminary recommendations by the study group established under such paragraph; and

''(ii) not later than two years after the date of enactment of the Higher Education Opportunity Act, a final report on the results of the study required under paragraph (3) that includes recommendations by the study group established under such paragraph.

''(B) REPORTS ON FAFSA SIMPLIFICATION EFFORTS.—The Secretary shall report to the authorizing committees, from time to time, on the progress of the simplification efforts under this subsection.

''(g) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic version of the forms described in subsection (a)(3) to improve access to the electronic version of the forms described in such subsection for applicants meeting the requirements of subsection (b) or (c) of section 479.

''(h) ADJUSTMENTS.—The Secretary shall disclose, on the form notifying a student of the student's expected family contribution, that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the expected contribution for the student or parent. Such disclosure shall specify—

''(1) the special circumstances under which a student or family member may qualify for such adjustment; and

''(2) additional information regarding the steps a student or family member may take in order to seek an adjustment under section 479A.''.

SEC. 484. MODEL INSTITUTION FINANCIAL AID OFFER FORM.

(a) MODEL FORMAT.—The Secretary of Education shall—

(1) not later than six months after the date of enactment of the Higher Education Opportunity Act, convene a group of students, families of students, secondary school guidance counselors, representatives of institutions of higher education (including financial aid administrators, registrars, and business officers), and nonprofit consumer groups for the purpose of offering recommendations for improvements that—

(A) can be made to financial aid offer forms; and

(B) include the information described in subsection (b);

(2) develop a model format for financial aid offer forms based on the recommendations of the group; and

(3) not later than one year after the date of enactment of the Higher Education Opportunity Act—

(A) submit recommendations to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); and

(B) make the recommendations and model format widely available.

(b) CONTENTS.—The recommendations developed under subsection (a) for model financial aid offer forms shall include, in a consumer-friendly manner that is simple and understandable, the following:

(1) Information on the student's cost of attendance, including the following:

(A) Tuition and fees.

(B) Room and board costs.

(C) Books and supplies.

(D) Transportation.

(2) The amount of financial aid that the student does not have to repay, such as scholarships, grants, and work-study assistance, offered to the student for such year, and the conditions of such financial aid.

(3) The types and amounts of loans under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a

et seq., 1087aa et seq.) for which the student is eligible for such year, and the applicable terms and conditions of such loans.

(4) The net amount that the student, or the student's family on behalf of the student, will have to pay for the student to attend the institution for such year, equal to—

(A) the cost of attendance for the student for such year; minus

(B) the amount of financial aid described in paragraphs (2) and (3) that is offered in the financial aid offer form.

(5) Where a student or the student's family can seek additional information regarding the financial aid offered.

(6) Any other information the Secretary of Education determines necessary so that students and parents can make informed student loan borrowing decisions.

SEC. 485. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B), by striking ''number,'' and all that follows through the semicolon and inserting ''number;''; and

(B) in paragraph (5)—

(i) by inserting ''or'' after ''a permanent resident of the United States,''; and

(ii) by striking ''citizen or permanent resident'' and all that follows through the semicolon and inserting ''citizen or permanent resident;'';

(2) in subsection (b)(1), by inserting '', or under section 428H pursuant to an exercise of discretion under section 479A'' after ''428C'';

(3) in subsection (d), by adding at the end the following:

''(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education upon satisfactory completion of six credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.'';

(4) by striking subsection (j);

(5) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or recognized associate, recognized baccalaureate, or recognized graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years beginning prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action based on a violation of this subsection against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.'';

(6) by striking subsection (q) and inserting the following:

''(q) USE OF INCOME DATA.—

''(1) MATCHING WITH IRS.—The Secretary, in cooperation with the Secretary of the Treasury, is authorized to obtain from the Internal Revenue Service such information reported on Federal income tax returns by applicants, or by any other person whose financial information is required to be provided on the Federal student financial aid application, as the Secretary determines is necessary for the purpose of—

''(A) prepopulating the Federal student financial aid application described in section 483; or

''(B) verifying the information reported on such student financial aid applications.

''(2) CONSENT.—The Secretary may require that applicants for financial assistance under this title provide a consent to the disclosure of the data described in paragraph (1) as a condition of the student receiving assistance under this title. The parents of an applicant, in the case of a dependent student, or the spouse of an applicant, in the case of an applicant who is married but files separately, may also be required to provide consent as a condition of the student receiving assistance under this title.'';

(7) in subsection (r)(2)—

(A) in subparagraph (A), by striking ''or'' at the end of clause (ii);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or'';

(8) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—

''(1) DEFINITIONS.—In this subsection the terms 'comprehensive transition and postsecondary program for students with intellectual disabilities' and 'student with an intellectual disability' have the meanings given the terms in section 760.

''(2) REQUIREMENTS.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401, subpart 3 of part A, or part C, a student with an intellectual disability shall—

''(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary program for students with intellectual disabilities at an institution of higher education;

''(B) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

''(3) AUTHORITY.—Notwithstanding any other provision of law unless such provision is enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 401, subpart 3 of part A, or part C (other than a provision of part F related to such a program), or any institutional eligibility provisions of this title, as the Secretary determines necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

''(4) REGULATIONS.—Notwithstanding regulations applicable to grant or work assistance awards made under section 401, subpart 3 of part A, and part C (other than a regulation under part F related to such an award), including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 481, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.''; and

(9) by adding after subsection (s) (as added by paragraph (7)) the following:

''(t) DATA ANALYSIS ON ACCESS TO FEDERAL STUDENT AID FOR CERTAIN POPULATIONS.—

''(1) DEVELOPMENT OF THE SYSTEM.—Within one year of enactment of the Higher Education Opportunity Act, the Secretary shall analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

''(2) RESULTS FROM ANALYSIS.—The results from the analysis of such information shall be made available on a continuous basis via the Department website and the Digest of Education Statistics.

''(3) DATA UPDATING.—The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.

''(4) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the authorizing committees, in each fiscal year, a report describing the results obtained by the establishment and operation of the data system authorized by this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2010, except that the amendments made by paragraphs (3), (4), and (8) of such subsection shall take effect on the date of enactment of this Act.

SEC. 486. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) in collecting any obligation arising from a loan made under part E, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''; and

(2) by adding at the end the following:

''(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased, or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.''.

SEC. 487. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by inserting after section 484B the following:

''SEC. 484C. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

''(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—In this section, the term 'service in the uniformed services' means service (whether voluntary or involuntary) on active duty in the Armed Forces, including such service by a member of the National Guard or Reserve, for a period of more than 30 days under a call or order to active duty of more than 30 days.

''(b) DISCRIMINATION AGAINST STUDENTS WHO SERVE IN THE UNIFORMED SERVICES PROHIBITED.—A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform, service in the uniformed services shall not be denied readmission to an institution of higher education on the basis of that membership, application for membership, performance of service, application for service, or obligation.

''(c) READMISSION PROCEDURES.—

''(1) IN GENERAL.—Any student whose absence from an institution of higher education is necessitated by reason of service in the uniformed services shall be entitled to readmission to the institution of higher education if—

''(A) the student (or an appropriate officer of the Armed Forces or official of the Department of Defense) gives advance written or verbal notice of such service to the appropriate official at the institution of higher education;

''(B) the cumulative length of the absence and of all previous absences from that institution of higher education by reason of service in the uniformed services does not exceed five years; and

''(C) except as otherwise provided in this section, the student submits a notification of intent to reenroll in the institution of higher education in accordance with the provisions of paragraph (4).

''(2) EXCEPTIONS.—

''(A) MILITARY NECESSITY.—No notice is required under paragraph (1)(A) if the giving of such notice is precluded by military necessity, such as—

''(i) a mission, operation, exercise, or requirement that is classified; or

''(ii) a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge.

''(B) FAILURE TO GIVE ADVANCE NOTICE.—Any student (or an appropriate officer of the Armed Forces or official of the Department of Defense) who did not give advance written or verbal notice of service to the appropriate official at the institution of higher education in accordance with paragraph (1)(A) may meet the notice requirement by submitting, at the time the student seeks readmission, an attestation to the student's institution of higher education that the student performed service in the uniformed services that necessitated the student's absence from the institution of higher education.

''(3) APPLICABILITY.—This section shall apply to a student who is absent from an institution of higher education by reason of service in the uniformed services if such student's cumulative period of service in the Armed Forces (including the National Guard or Reserve), with respect to the institution of higher education for which a student seeks readmission, does not exceed five years, except that any such period of service shall not include any service—

''(A) that is required, beyond five years, to complete an initial period of obligated service;

''(B) during which such student was unable to obtain orders releasing such student from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such student; or

''(C) performed by a member of the Armed Forces (including the National Guard and Reserves) who is—

''(i) ordered to or retained on active duty under section 688, 12301(a), 12301(g), 12302, 12304, or 12305 of title 10, United States Code, or under section 331, 332, 359, 360, 367, or 712 of title 14, United States Code;

''(ii) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;

''(iii) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 12304 of title 10, United States Code;

''(iv) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the Armed Forces (including the National Guard or Reserve); or

''(v) called into Federal service as a member of the National Guard under chapter 15 of title 10, United States Code, or section 12406 of title 10, United States Code.

''(4) NOTIFICATION OF INTENT TO RETURN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a student referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the institution of higher education of the student's intent to return to the institution not later than three years after the completion of the period of service.

''(B) HOSPITALIZATION OR CONVALESCENCE.—A student who is hospitalized for or convalescing from an illness or injury incurred in or aggravated during the performance of service in the uniformed services shall notify the institution of higher education of the student's intent to return to the institution not later than two years after the end of the period that is necessary for recovery from such illness or injury.

''(C) SPECIAL RULE.—A student who fails to apply for readmission within the period described in this section shall not automatically forfeit such eligibility for readmission to the institution of higher education, but shall be subject to the institution of higher education's established leave of absence policy and general practices.

''(5) DOCUMENTATION.—

''(A) IN GENERAL.—A student who submits an application for readmission to an institution of higher education under this section shall provide to the institution of higher education documentation to establish that—

''(i) the student has not exceeded the service limitations established under this section; and

''(ii) the student's eligibility for readmission has not been terminated due to an exception in subsection (d).

''(B) PROHIBITED DOCUMENTATION DEMANDS.—An institution of higher education may not delay or attempt to avoid a readmission of a student under this section by demanding documentation that does not exist, or is not readily available, at the time of readmission.

''(6) NO CHANGE IN ACADEMIC STATUS.—A student who is readmitted to an institution of higher education under this section shall be readmitted with the same academic status as such student had when such student last attended the institution of higher education.

''(d) EXCEPTION FROM READMISSION ELIGIBILITY.—A student's eligibility for readmission to an institution of higher education under this section by reason of such student's service in the uniformed services terminates upon the occurrence of any of the following events:

''(1) A separation of such person from the Armed Forces (including the National Guard and Reserves) with a dishonorable or bad conduct discharge.

''(2) A dismissal of such person permitted under section 1161(a) of title 10, United States Code.

''(3) A dropping of such person from the rolls pursuant to section 1161(b) of title 10, United States Code.''.

SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) INFORMATION DISSEMINATION ACTIVITIES.—Section 485(a) (20 U.S.C. 1092(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G)—

(i) by striking ''program, and'' and inserting ''program,''; and

(ii) by inserting '', and (iv) any plans by the institution for improving the academic program of the institution'' after ''instructional personnel''; and

(B) by striking subparagraph (M) and inserting the following:

''(M) the terms and conditions of the loans that students receive under parts B, D, and E;'';

(C) in subparagraph (N), by striking ''and'' after the semicolon;

(D) in subparagraph (O), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws; and

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system;

''(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who—

''(i) are male;

''(ii) are female;

''(iii) receive a Federal Pell Grant; and

''(iv) are a self-identified member of a major racial or ethnic group;

''(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

''(S) the types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

''(T) the fire safety report prepared by the institution pursuant to subsection (i);

''(U) the retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering such institution; and

''(V) institutional policies regarding vaccinations.''; and

(2) by striking paragraph (4) and inserting the following:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''; and

(3) by adding at the end the following:

''(7)(A)(i) Subject to clause (ii), the information disseminated under paragraph (1)(L), or reported under subsection (e), shall be disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under part B or D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under part B or D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting will not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.

''(ii) The requirements of clause (i) shall not apply to two-year, degree-granting institutions

of higher education until academic year 2011-2012.

''(B)(i) In order to assist two-year degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e), the Secretary, in consultation with the Commissioner for Education Statistics, shall, not later than 90 days after the date of enactment of the Higher Education Opportunity Act, convene a group of representatives from diverse institutions of higher education, experts in the field of higher education policy, state higher education officials, students, and other stakeholders in the higher education community, to develop recommendations regarding the accurate calculation and reporting of the information required to be disseminated or reported under paragraph (1)(L) and subsection (e) by two-year, degree-granting institutions of higher education. In developing such recommendations, the group of representatives shall consider the mission and role of two-year degree-granting institutions of higher education, and may recommend additional or alternative measures of student success for such institutions in light of the mission and role of such institutions.

''(ii) The Secretary shall widely disseminate the recommendations required under this subparagraph to two-year, degree-granting institutions of higher education, the public, and the authorizing committees not later than 18 months after the first meeting of the group of representatives convened under clause (i).

''(iii) The Secretary shall use the recommendations from the group of representatives convened under clause (i) to provide technical assistance to two-year, degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e).

''(iv) The Secretary may modify the information required to be disseminated or reported under paragraph (1)(L) or subsection (e) by a two-year, degree-granting institution of higher—

''(I) based on the recommendations received under this subparagraph from the group of representatives convened under clause (i);

''(II) to include additional or alternative measures of student success if the goals of the provisions of paragraph (1)(L) and subsection (e) can be met through additional means or comparable alternatives; and

''(III) during the period beginning on the date of enactment of the Higher Education Opportunity Act, and ending on June 30, 2011.''.

(b) EXIT COUNSELING.—Subsection (b)(1)(A) of section 485 (20 U.S.C. 1092(b)(1)(A)) is amended to read as follows:

''(b) EXIT COUNSELING FOR BORROWERS.—(1)(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans under section 428B made on behalf of a student) or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made on behalf of a student) or made under part E of this title prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

''(i) information on the repayment plans available, including a description of the different features of each plan and sample information showing the average anticipated monthly payments, and the difference in interest paid and total payments, under each plan;

''(ii) debt management strategies that are designed to facilitate the repayment of such indebtedness;

''(iii) an explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans;

''(iv) for any loan forgiveness or cancellation provision of this title, a general description of the terms and conditions under which the borrower may obtain full or partial forgiveness or cancellation of the principal and interest, and a copy of the information provided by the Secretary under section 485(d);

''(v) for any forbearance provision of this title, a general description of the terms and conditions under which the borrower may defer repayment of principal or interest or be granted forbearance, and a copy of the information provided by the Secretary under section 485(d);

''(vi) the consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

''(vii) information on the effects of using a consolidation loan under section 428C or a Federal Direct Consolidation Loan to discharge the borrower's loans under parts B, D, and E, including at a minimum—

''(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(II) the effects of consolidation on a borrower's underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;

''(III) the option of the borrower to prepay the loan or to change repayment plans; and

''(IV) that borrower benefit programs may vary among different lenders;

''(viii) a general description of the types of tax benefits that may be available to borrowers; and

''(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans; and''.

(c) DEPARTMENTAL PUBLICATION OF DESCRIPTIONS OF ASSISTANCE PROGRAMS.—Section 485(d) (20 U.S.C. 1092(d)) is amended—

(1) in paragraph (1)—

(A) by inserting after ''under this title.'' the following: ''Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for loans made, insured, or guaranteed under part B and income-contingent and income-based repayment plans for loans made under part D.''; and

(B) by inserting after ''tax-exempt organization.'' the following: ''The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest.''; and

(2) by adding at the end the following:

''(4) The Secretary shall widely publicize the location of the information described in paragraph (1) among the public, eligible institutions, and eligible lenders, and promote the use of such information by prospective students, enrolled students, families of prospective and enrolled students, and borrowers.''.

(d) DISCLOSURE OF ATHLETICALLY RELATED GRADUATION RATES.—Section 485(e)(3) (20 U.S.C. 1092(e)(3)) is amended to read as follows:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''.

(e) CRIMINAL OFFENSES REPORTED.—Section 485(f) (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', other than a foreign institution higher education,'' after ''under this title'';

(B) in subparagraph (C), by striking clauses (i) and (ii) and inserting the following:

''(i) the law enforcement authority of campus security personnel;

''(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

''(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.'';

(C) in subparagraph (F)(ii)—

(i) by striking ''clause (i), and'' and inserting ''clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of''; and

(ii) by inserting a comma after ''any person''; and

(D) by adding at the end the following new subparagraph:

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

''(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;

''(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) test emergency response and evacuation procedures on an annual basis.'';

(2) by redesignating paragraph (15) as paragraph (18); and

(3) by inserting after paragraph (14) the following:

''(15) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

''(17) Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this title to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.''.

(f) REPORT.—Section 485(g)(4) (20 U.S.C. 1092(g)(4)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(3) in subparagraph (B) (as redesignated by paragraph (2)), by striking ''and the report to Congress described in subparagraph (B)''; and

(4) in subparagraph (C) (as redesignated by paragraph (2)), by striking ''the information reported under subparagraph (B) and''.

(g) ADDITIONAL REQUIREMENTS.—Section 485 (20 U.S.C. 1092) is further amended by adding at the end the following new subsections:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose, in a readable and comprehensible manner, the transfer of

credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each eligible institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make the statistics submitted under paragraph (1)(A) to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;

''(ii) disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

''(j) MISSING PERSON PROCEDURES.—

''(1) OPTION AND PROCEDURES.—Each institution of higher education that provides on-campus housing and participates in any program under this title shall—

''(A) establish a missing student notification policy for students who reside in on-campus housing that—

''(i) informs each such student that such student has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by the institution under subparagraph (B);

''(ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours;

''(iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing in accordance with such procedures;

''(iv) informs each such residing student that the institution will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; and

''(v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student's designation; and

''(B) establish official notification procedures for a missing student who resides in on-campus housing that—

''(i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours;

''(ii) requires any official missing person report relating to such student be referred immediately to the institution's police or campus security department; and

''(iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires—

''(I) such department to contact the individual identified by such student under subparagraph (A)(i);

''(II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and

''(III) if subclauses (I) or (II) do not apply to a student determined to be a missing person, inform the appropriate law enforcement agency.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

''(A) to provide a private right of action to any person to enforce any provision of this subsection; or

''(B) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

''(k) NOTICE TO STUDENTS CONCERNING PENALTIES FOR DRUG VIOLATIONS.—

''(1) NOTICE UPON ENROLLMENT.—Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 484(r).

''(2) NOTICE AFTER LOSS OF ELIGIBILITY.—An institution of higher education shall provide in a timely manner to each student who has lost eligibility for any grant, loan, or work-study assistance under this title as a result of the penalties listed under 484(r)(1) a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 484(r)(2).

''(l) ENTRANCE COUNSELING FOR BORROWERS.—

''(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time borrower of a loan made, insured, or guaranteed under part B (other than a loan made pursuant to section 428C or a loan made on behalf of a student pursuant to section 428B) or made under part D (other than a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student), ensure that the borrower receives comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan in accordance with subparagraph (B). Such information—

''(i) shall be provided in a simple and understandable manner; and

''(ii) may be provided—

''(I) during an entrance counseling session conduction in person;

''(II) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

''(III) online, with the borrower acknowledging receipt of the information.

''(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrower's understanding of the terms and conditions of the borrower's loans under part B

or D, using simple and understandable language and clear formatting.

''(2) INFORMATION TO BE PROVIDED.—The information to be provided to the borrower under paragraph (1)(A) shall include the following:

''(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

''(B) An explanation of the use of the master promissory note.

''(C) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.

''(D) In the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.

''(E) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment.

''(F) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation.

''(G) Sample monthly repayment amounts based on—

''(i) a range of levels of indebtedness of—

''(I) borrowers of loans under section 428 or 428H; and

''(II) as appropriate, graduate borrowers of loans under section 428, 428B, or 428H; or

''(ii) the average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution.

''(H) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.

''(I) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.

''(J) Information on the National Student Loan Data System and how the borrower can access the borrower's records.

''(K) The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.''.

SEC. 489. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking ''effectiveness.'' and inserting ''effectiveness;''; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

''(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

''(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

''(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

''(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

''(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

''(C) defines and explains the categories of information included in the data system;

''(D) provides a summary of the provisions of section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974) and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

''(E) explains the measures taken by the Department to safeguard the students' data; and

''(F) includes other information as determined appropriate by the Secretary;

''(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

''(A) submitted to the data system; and

''(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

''(5) regularly reviewing the data system to—

''(A) delete inactive users from the data system;

''(B) ensure that the data in the data system are not being used for marketing purposes; and

''(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

''(6) developing standardized protocols for limiting access to the data system that include—

''(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

''(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

''(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.''; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

''(e) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the authorizing committees a report describing—

''(A) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

''(B) the success of any new authorization protocols in more effectively preventing abuse of the data system;

''(C) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

''(D) any protocols developed under subsection (d)(6) during the preceding fiscal year.

''(2) STUDY.—

''(A) IN GENERAL.—The Secretary shall conduct a study regarding—

''(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

''(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

''(B) SUBMISSION OF STUDY.—Not later than three years after the date of enactment of the Higher Education Opportunity Act, the Secretary shall prepare and submit a report on the findings of the study under subparagraph (A) to the authorizing committees.''.

SEC. 490. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by inserting after section 485D (20 U.S.C. 1092c) the following:

''SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

''(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsection (b).

''(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

''(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

''(A) make special efforts to notify students who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)), or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

''(B) disseminate such informational materials, that are part of the system described in subsection (a), as the Secretary determines necessary.

''(2) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their families, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

''(3) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards, and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

''(A) is as accurate as possible;

''(B) includes specific information regarding the availability of financial aid for students

qualified as independent students, as defined in section 480(d); and

''(C) uses dissemination mechanisms suitable for adult learners.

''(4) PUBLIC AWARENESS CAMPAIGN.—Not later than two years after the date of enactment of the Higher Education Opportunity Act, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in college access and student financial aid, secondary schools, organizations that provide services to individuals that are or were homeless, to individuals in foster care, or to other disconnected individuals, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio, and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (3).''.

SEC. 491. DISTANCE EDUCATION DEMONSTRATION PROGRAMS.

Section 486(f)(3) (20 U.S.C. 1093(f)(3)) is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly; and

(2) by striking ''REPORTS.—'' and all that follows through ''House of Representatives on an annual basis'' and inserting ''ANNUAL REPORTS.—The Secretary shall provide reports to the authorizing committees on an annual basis''.

SEC. 492. ARTICULATION AGREEMENTS.

Part G of title IV is further amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

''SEC. 486A. ARTICULATION AGREEMENTS.

''(a) DEFINITION.—In this section, the term 'articulation agreement' means an agreement between or among institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree or program requirements.

''(b) PROGRAM TO ENCOURAGE ARTICULATION AGREEMENTS.—

''(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program for States, in cooperation with public institutions of higher education, to develop, enhance, and implement comprehensive articulation agreements between or among such institutions in a State, and (to the extent practicable) across State lines, by 2010. Such articulation agreements shall be made widely and publicly available on the websites of States and such institutions. In developing, enhancing, and implementing articulation agreements, States and public institutions of higher education may employ strategies, where applicable, including—

''(A) common course numbering;

''(B) a general education core curriculum;

''(C) management systems regarding course equivalency, transfer of credit, and articulation; and

''(D) other strategies identified by the Secretary.

''(2) TECHNICAL ASSISTANCE PROVIDED.—The Secretary shall provide technical assistance to States and public institutions of higher education for the purposes of developing and implementing articulation agreements in accordance with this subsection.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to articulation agreements.''.

SEC. 493. PROGRAM PARTICIPATION AGREEMENTS.

(a) PROGRAM PARTICIPATION AGREEMENT REQUIREMENTS.—

(1) VOTER REGISTRATION; 90-10 RULE; CODE OF CONDUCT; DISCIPLINARY PROCEEDINGS; PREFERRED LENDER LISTS; PRIVATE EDUCATION LOAN CERTIFICATION; COPYRIGHTED MATERIAL.—

(A) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is amended—

(i) in paragraph (23)—

(I) by moving subparagraph (C) two ems to the left; and

(II) by adding at the end the following:

''(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted exclusively to voter registration.''; and

(ii) by adding at the end the following:

''(24) In the case of a proprietary institution of higher education (as defined in section 102(b)), such institution will derive not less than ten percent of such institution's revenues from sources other than funds provided under this title, as calculated in accordance with subsection (d)(1), or will be subject to the sanctions described in subsection (d)(2).

''(25) In the case of an institution that participates in a loan program under this title, the institution will—

''(A) develop a code of conduct with respect to such loans with which the institution's officers, employees, and agents shall comply, that—

''(i) prohibits a conflict of interest with the responsibilities of an officer, employee, or agent of an institution with respect to such loans; and

''(ii) at a minimum, includes the provisions described in subsection (e);

''(B) publish such code of conduct prominently on the institution's website; and

''(C) administer and enforce such code by, at a minimum, requiring that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct.

''(26) The institution will, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

''(27) In the case of an institution that has entered into a preferred lender arrangement, the institution will at least annually compile, maintain, and make available for students attending the institution, and the families of such students, a list, in print or other medium, of the specific lenders for loans made, insured, or guaranteed under this title or private education loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In making such list, the institution shall comply with the requirements of subsection (h).

''(28)(A) The institution will, upon the request of an applicant for a private education loan, provide to the applicant the form required under section 128(e)(3) of the Truth in Lending Act (15 U.S.C. 1638(e)(3)), and the information required to complete such form, to the extent the institution possesses such information.

''(B) For purposes of this paragraph, the term 'private education loan' has the meaning given such term in section 140 of the Truth in Lending Act.

''(29) The institution certifies that the institution—

''(A) has developed plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents; and

''(B) will, to the extent practicable, offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property, as determined by the institution in consultation with the chief technology officer or other designated officer of the institution.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) with respect to section 487(a)(26) of the Higher Education Act of 1965 (as added by subparagraph (A)) shall apply with respect to any disciplinary proceeding conducted by an institution on or after the day that is one year after the date of enactment of this Act.

(b) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—Section 487(c)(1)(A)(i) (20 U.S.C. 1094(c)(1)(A)(i)) is amended by inserting before the semicolon at the end the following: '', except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receives less than $500,000 in loans under this title during the award year preceding the audit period''.

(c) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT; CODE OF CONDUCT; INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS; INSPECTOR GENERAL REPORT ON GIFT BAN VIOLATIONS; PREFERRED LENDER LIST REQUIREMENTS.—Section 487 (20 U.S.C. 1094) is further amended—

(1) by redesignating subsections (d) and (e) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In making calculations under subsection (a)(24), a proprietary institution of higher education shall—

''(A) use the cash basis of accounting, except in the case of loans described in subparagraph (D)(i) that are made by the proprietary institution of higher education;

''(B) consider as revenue only those funds generated by the institution from—

''(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

''(ii) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

''(I) conducted on campus or at a facility under the control of the institution;

''(II) performed under the supervision of a member of the institution's faculty; and

''(III) required to be performed by all students in a specific educational program at the institution; and

''(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, if the program—

''(I) is approved or licensed by the appropriate State agency;

''(II) is accredited by an accrediting agency recognized by the Secretary; or

''(III) provides an industry-recognized credential or certification;

''(C) presume that any funds for a program under this title that are disbursed or delivered to or on behalf of a student will be used to pay the

student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

''(ii) funds provided under a contractual arrangement with a Federal, State, or local government agency for the purpose of providing job training to low-income individuals who are in need of that training;

''(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986; or

''(iv) institutional scholarships described in subparagraph (D)(iii);

''(D) include institutional aid as revenue to the school only as follows:

''(i) in the case of loans made by a proprietary institution of higher education on or after July 1, 2008 and prior to July 1, 2012, the net present value of such loans made by the institution during the applicable institutional fiscal year accounted for on an accrual basis and estimated in accordance with generally accepted accounting principles and related standards and guidance, if the loans—

''(I) are bona fide as evidenced by enforceable promissory notes;

''(II) are issued at intervals related to the institution's enrollment periods; and

''(III) are subject to regular loan repayments and collections;

''(ii) in the case of loans made by a proprietary institution of higher education on or after July 1, 2012, only the amount of loan repayments received during the applicable institutional fiscal year, excluding repayments on loans made and accounted for as specified in clause (i); and

''(iii) in the case of scholarships provided by a proprietary institution of higher education, only those scholarships provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during each fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;

''(E) in the case of each student who receives a loan on or after July 1, 2008, and prior to July 1, 2011, that is authorized under section 428H or that is a Federal Direct Unsubsidized Stafford Loan, treat as revenue received by the institution from sources other than funds received under this title, the amount by which the disbursement of such loan received by the institution exceeds the limit on such loan in effect on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008; and

''(F) exclude from revenues—

''(i) the amount of funds the institution received under part C, unless the institution used those funds to pay a student's institutional charges;

''(ii) the amount of funds the institution received under subpart 4 of part A;

''(iii) the amount of funds provided by the institution as matching funds for a program under this title;

''(iv) the amount of funds provided by the institution for a program under this title that are required to be refunded or returned; and

''(v) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

''(2) SANCTIONS.—

''(A) INELIGIBILITY.—A proprietary institution of higher education that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in the programs authorized by this title for a period of not less than two institutional fiscal years. To regain eligibility to participate in the programs authorized by this title, a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements under section 498 for a minimum of two institutional fiscal years after the institutional fiscal year in which the institution became ineligible.

''(B) ADDITIONAL ENFORCEMENT.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if a proprietary institution of higher education fails to meet a requirement of subsection (a)(24) for any institutional fiscal year, then the institution's eligibility to participate in the programs authorized by this title becomes provisional for the two institutional fiscal years after the institutional fiscal year in which the institution failed to meet the requirement of subsection (a)(24), except that such provisional eligibility shall terminate—

''(i) on the expiration date of the institution's program participation agreement under this subsection that is in effect on the date the Secretary determines that the institution failed to meet the requirement of subsection (a)(24); or

''(ii) in the case that the Secretary determines that the institution failed to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years, on the date the institution is determined ineligible in accordance with subparagraph (A).

''(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose on the College Navigator website—

''(A) the identity of any proprietary institution of higher education that fails to meet a requirement of subsection (a)(24); and

''(B) the extent to which the institution failed to meet such requirement.

''(4) REPORT TO CONGRESS.—Not later than July 1, 2009, and July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under this title, as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of subsection (a)(24)—

''(A) the amount and percentage of such institution's revenues received from sources under this title; and

''(B) the amount and percentage of such institution's revenues received from other sources.

''(e) CODE OF CONDUCT REQUIREMENTS.—An institution of higher education's code of conduct, as required under subsection (a)(25), shall include the following requirements:

''(1) BAN ON REVENUE-SHARING ARRANGEMENTS.—

''(A) PROHIBITION.—The institution shall not enter into any revenue-sharing arrangement with any lender.

''(B) DEFINITION.—For purposes of this paragraph, the term 'revenue-sharing arrangement' means an arrangement between an institution and a lender under which—

''(i) a lender provides or issues a loan that is made, insured, or guaranteed under this title to students attending the institution or to the families of such students; and

''(ii) the institution recommends the lender or the loan products of the lender and in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution, an officer or employee of the institution, or an agent.

''(2) GIFT BAN.—

''(A) PROHIBITION.—No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift from a lender, guarantor, or servicer of education loans.

''(B) DEFINITION OF GIFT.—

''(i) IN GENERAL.—In this paragraph, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(ii) EXCEPTIONS.—The term 'gift' shall not include any of the following:

''(I) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

''(II) Food, refreshments, training, or informational material furnished to an officer or employee of an institution, or to an agent, as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of education loans to the institution, if such training contributes to the professional development of the officer, employee, or agent.

''(III) Favorable terms, conditions, and borrower benefits on an education loan provided to a student employed by the institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

''(IV) Entrance and exit counseling services provided to borrowers to meet the institution's responsibilities for entrance and exit counseling as required by subsections (b) and (l) of section 485, as long as—

''(aa) the institution's staff are in control of the counseling, (whether in person or via electronic capabilities); and

''(bb) such counseling does not promote the products or services of any specific lender.

''(V) Philanthropic contributions to an institution from a lender, servicer, or guarantor of education loans that are unrelated to education loans or any contribution from any lender, guarantor, or servicer that is not made in exchange for any advantage related to education loans.

''(VI) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

''(iii) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this paragraph, a gift to a family member of an officer or employee of an institution, to a family member of an agent, or to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

''(I) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

''(II) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

''(3) CONTRACTING ARRANGEMENTS PROHIBITED.—

''(A) PROHIBITION.—An officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.

''(B) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

''(i) an officer or employee of an institution who is not employed in the institution's financial aid office and who does not otherwise have responsibilities with respect to education loans, or an agent who does not have responsibilities

with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans;

''(ii) an officer or employee of the institution who is not employed in the institution's financial aid office but who has responsibility with respect to education loans as a result of a position held at the institution, or an agent who has responsibility with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans, if the institution has a written conflict of interest policy that clearly sets forth that officers, employees, or agents must recuse themselves from participating in any decision of the board regarding education loans at the institution; or

''(iii) an officer, employee, or contractor of a lender, guarantor, or servicer of education loans from serving on a board of directors, or serving as a trustee, of an institution, if the institution has a written conflict of interest policy that the board member or trustee must recuse themselves from any decision regarding education loans at the institution.

''(4) INTERACTION WITH BORROWERS.—The institution shall not—

''(A) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or

''(B) refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

''(5) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

''(A) PROHIBITION.—The institution shall not request or accept from any lender any offer of funds to be used for private education loans (as defined in section 140 of the Truth in Lending Act), including funds for an opportunity pool loan, to students in exchange for the institution providing concessions or promises regarding providing the lender with—

''(i) a specified number of loans made, insured, or guaranteed under this title;

''(ii) a specified loan volume of such loans; or

''(iii) a preferred lender arrangement for such loans.

''(B) DEFINITION OF OPPORTUNITY POOL LOAN.—In this paragraph, the term 'opportunity pool loan' means a private education loan made by a lender to a student attending the institution or the family member of such a student that involves a payment, directly or indirectly, by such institution of points, premiums, additional interest, or financial support to such lender for the purpose of such lender extending credit to the student or the family.

''(6) BAN ON STAFFING ASSISTANCE.—

''(A) PROHIBITION.—The institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

''(B) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit the institution from requesting or accepting assistance from a lender related to—

''(i) professional development training for financial aid administrators;

''(ii) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

''(iii) staffing services on a short-term, nonrecurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

''(7) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

''(f) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

''(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

''(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

''(g) INSPECTOR GENERAL REPORT ON GIFT BAN VIOLATIONS.—The Inspector General of the Department shall—

''(1) submit an annual report to the authorizing committees identifying all violations of an institution's code of conduct that the Inspector General has substantiated during the preceding year relating to the gift ban provisions described in subsection (f)(2); and

''(2) make the report available to the public through the Department's website.

''(h) PREFERRED LENDER LIST REQUIREMENTS.—

''(1) IN GENERAL.—In compiling, maintaining, and making available a preferred lender list as required under subsection (a)(27), the institution will—

''(A) clearly and fully disclose on such preferred lender list—

''(i) not less than the information required to be disclosed under section 153(a)(2)(A);

''(ii) why the institution has entered into a preferred lender arrangement with each lender on the preferred lender list, particularly with respect to terms and conditions or provisions favorable to the borrower; and

''(iii) that the students attending the institution, or the families of such students, do not have to borrow from a lender on the preferred lender list;

''(B) ensure, through the use of the list of lender affiliates provided by the Secretary under paragraph (2), that—

''(i) there are not less than three lenders of loans made under part B that are not affiliates of each other included on the preferred lender list and, if the institution recommends, promotes, or endorses private education loans, there are not less than two lenders of private education loans that are not affiliates of each other included on the preferred lender list; and

''(ii) the preferred lender list under this paragraph—

''(I) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the preferred lender list; and

''(II) if a lender is an affiliate of another lender on the preferred lender list, describes the details of such affiliation;

''(C) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the best interests of the borrowers, including—

''(i) payment of origination or other fees on behalf of the borrower;

''(ii) highly competitive interest rates, or other terms and conditions or provisions of loans under this title or private education loans;

''(iii) high-quality servicing for such loans; or

''(iv) additional benefits beyond the standard terms and conditions or provisions for such loans;

''(D) exercise a duty of care and a duty of loyalty to compile the preferred lender list under this paragraph without prejudice and for the sole benefit of the students attending the institution, or the families of such students;

''(E) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delay in loan certification under this title for those borrowers who choose a lender that is not included on the preferred lender list; and

''(F) comply with such other requirements as the Secretary may prescribe by regulation.

''(2) LENDER AFFILIATES LIST.—

''(A) IN GENERAL.—The Secretary shall maintain and regularly update a list of lender affiliates of all eligible lenders, and shall provide such list to institutions for use in carrying out paragraph (1)(B).

''(B) USE OF MOST RECENT LIST.—An institution shall use the most recent list of lender affiliates provided by the Secretary under subparagraph (A) in carrying out paragraph (1)(B).''.

(d) DEFINITIONS.—Section 487(i) (as redesignated by subsection (c)(1)) (20 U.S.C. 1087(i)) is further amended—

(1) by striking ''(i) DEFINITION OF ELIGIBLE INSTITUTION.—For the purpose of this section, the'' and inserting the following:

''(i) DEFINITIONS.—For the purpose of this section:

''(1) AGENT.—The term 'agent' has the meaning given the term in section 151.

''(2) AFFILIATE.—The term 'affiliate' means a person that controls, is controlled by, or is under common control with another person. A person controls, is controlled by, or is under common control with another person if—

''(A) the person directly or indirectly, or acting through one or more others, owns, controls, or has the power to vote five percent or more of any class of voting securities of such other person;

''(B) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(C) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person's education loans.

''(3) EDUCATION LOAN.—The term 'education loan' has the meaning given the term in section 151.

''(4) ELIGIBLE INSTITUTION.—The''; and

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

''(5) OFFICER.—The term 'officer' has the meaning given the term in section 151.

''(6) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement' has the meaning given the term in section 151.''.

SEC. 494. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary shall continue the voluntary participation of any experimental sites in existence as of July 1, 2007, unless the Secretary determines that such site's participation has not been successful in carrying out the purposes of this section. Any activities approved by the Secretary prior to such date that have not been successful in carrying out the purposes of this section shall be discontinued not later than June 30, 2009.'';

(2) in paragraph (2), by striking the matter preceding subparagraph (A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 494A. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking ''413D.'' and inserting ''413D or 462 (or both); and''; and

(3) by adding at the end ''(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.''.

SEC. 494B. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b)(1) (20 U.S.C. 1096(b)(1)) is amended by striking ''offsetting the administrative costs of'' and inserting ''administering''.

SEC. 494C. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

(a) AMENDMENTS.—Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

''(i) of their eligibility for assistance under this title; and

''(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance;

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students; and

''(F) to collect information on Federal regulations, and on the impact of Federal regulations on student financial assistance and on the cost of receiving a postsecondary education, and to make recommendations to help streamline the regulations for institutions of higher education from all sectors.'';

(2) by striking subsection (c) and inserting the following new subsection:

''(c) MEMBERSHIP.—(1) The Advisory Committee shall consist of 11 members appointed as follows:

''(A) Four members shall be appointed by the President pro tempore of the Senate, of whom two members shall be appointed from recommendations by the Majority Leader of the Senate, and two members shall be appointed from recommendations by the Minority Leader of the Senate.

''(B) Four members shall be appointed by the Speaker of the House of Representatives, of whom two members shall be appointed from recommendations by the Majority Leader of the House of Representatives, and two members shall be appointed from recommendations by the Minority Leader of the House of Representatives.

''(C) Three members shall be appointed by the Secretary, of whom at least one member shall be a student.

''(2) Each member of the Advisory Committee, with the exception of a student member, shall be appointed on the basis of technical qualifications, professional experience, and demonstrated knowledge in the fields of higher education, student financial aid, financing post-secondary education, and the operations and financing of student loan guarantee agencies.

''(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon publication of such appointment in the Congressional Record.'';

(3) in subsection (d)—

(A) in paragraph (6), by striking '', but nothing in this section shall authorize the committee to perform such studies, surveys, or analyses'';

(B) in paragraph (8), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (9) as paragraph (11); and

(D) by inserting after paragraph (8) (as amended by subparagraph (B)) the following:

''(9) provide an annual report to the authorizing committees that provides analyses and policy recommendations regarding—

''(A) the adequacy of need-based grant aid for low- and moderate-income students; and

''(B) the postsecondary enrollment and graduation rates of low- and moderate-income students;

''(10) develop and maintain an information clearinghouse to help institutions of higher education understand the regulatory impact of the Federal Government on institutions of higher education from all sectors, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations; and'';

(4) in subsection (e)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''3'' and inserting ''4''; and

(B) in paragraph (2), by striking ''A member of the Advisory Committee shall'' and all that follows through ''on the Advisory Committee.'' and inserting ''A member of the Advisory Committee serving on the date of enactment of the Higher Education Opportunity Act shall be permitted to serve the duration of the member's term, regardless of whether the member was previously appointed to more than one term.'';

(5) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''and simplifications'' after ''delivery processes''; and

(ii) by striking ''including the implementation of a performance-based organization within the Department, and report to Congress regarding such modernization on not less than an annual basis,''; and

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) conduct a review and analysis of regulations in accordance with subsection (l); and

''(5) conduct a study in accordance with subsection (m).'';

(6) in subsection (k), by striking ''2004'' and inserting ''2014''; and

(7) by adding at the end the following:

''(l) REVIEW AND ANALYSIS OF REGULATIONS.—

''(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and the authorizing committees for consideration of future legislative action regarding redundant or outdated regulations consistent with the Secretary's requirements under section 498B.

''(2) REVIEW AND ANALYSIS OF REGULATIONS.—

''(A) REVIEW OF CURRENT REGULATIONS.—To meet the requirements of subsection (d)(10), the Advisory Committee shall conduct a review and analysis of the regulations issued by Federal agencies that are in effect at the time of the review and that apply to the operations or activities of institutions of higher education from all sectors. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the two most recent award years prior to the date of enactment of Higher Education Opportunity Act less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

''(B) REVIEW AND COLLECTION OF FUTURE REGULATIONS.—The Advisory Committee shall—

''(i) monitor all Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education; and

''(ii) provide a succinct description of each regulation or proposed regulation that is generally relevant to institutions of higher education from all sectors.

''(C) MAINTENANCE OF PUBLIC WEBSITE.—The Advisory Committee shall develop and maintain an easy to use, searchable, and regularly updated website that—

''(i) provides information collected in subparagraph (B);

''(ii) provides an area for the experts and members of the public to provide recommendations for ways in which the regulations may be streamlined; and

''(iii) publishes the study conducted by the National Research Council of the National Academy of Sciences under section 1106 of the Higher Education Opportunity Act.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In carrying out the review, analysis, and development of the website required under paragraph (2), the Advisory Committee shall consult with the Secretary, other Federal agencies, relevant representatives of institutions of higher education, individuals who have expertise and experience with Federal regulations, and the review panels described in subparagraph (B).

''(B) REVIEW PANELS.—The Advisory Committee shall convene not less than two review panels of representatives of the groups involved in higher education, including individuals involved in student financial assistance programs under this title, who have experience and expertise in the regulations issued by the Federal Government that affect all sectors of higher education, in order to review the regulations and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

''(4) PERIODIC UPDATES TO THE AUTHORIZING COMMITTEES.—The Advisory Committee shall—

''(A) submit, not later than two years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Opportunity Act, a report to the authorizing committees and the Secretary detailing the review panels' findings and recommendations with respect to the review of regulations; and

''(B) provide periodic updates to the authorizing committees regarding—

''(i) the impact of all Federal regulations on all sectors of higher education; and

''(ii) suggestions provided through the website for streamlining or eliminating duplicative regulations.

''(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review and analysis required by this subsection.

''(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

''(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

''(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow two-year institutions of higher education to offer baccalaureate degrees.

''(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

''(A) The impact of such programs on baccalaureate attainment rates.

''(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

''(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

''(D) The ways in which nontraditional students can be specifically targeted by such programs.

''(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

''(4) CONSULTATION.—

''(A) IN GENERAL.—In performing the study described in this subsection, the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

''(B) CONSULTATION WITH THE AUTHORIZING COMMITTEES.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this subsection.

''(5) REPORTS TO AUTHORIZING COMMITTEES.—

''(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than one year after the date of enactment of the Higher Education Opportunity Act, describing the progress made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

''(B) FINAL REPORT.—The Advisory Committee shall, not later than three years after the date of enactment of the Higher Education Opportunity Act, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).''.

(b) CONFORMING AMENDMENTS.—Subsections (a)(1), (b), and (d)(6) of section 491 (20 U.S.C. 1098) are each amended by striking ''Congress'' and inserting ''authorizing committees''.

SEC. 494D. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

(a) REGIONAL MEETINGS.—Section 492(a) (20 U.S.C. 1098a(a)) is amended—

(1) in paragraph (1), by inserting ''State student grant agencies,'' after ''institutions of higher education,''; and

(2) in paragraph (2), by striking '', as amended by the Higher Education Amendments of 1998''.

(b) NEGOTIATED RULEMAKING.—Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended—

(1) in the first sentence, by striking ''as amended by the Higher Education Amendments of 1998''; and

(2) in the third sentence—

(A) by striking ''To the extent possible, the Secretary'' and inserting ''The Secretary''; and

(B) by inserting ''with demonstrated expertise or experience in the relevant subjects under negotiation,'' after ''select individuals''.

SEC. 494E. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

Section 493A (20 U.S.C. 1098c) is repealed.

SEC. 494F. TECHNICAL AMENDMENT OF INCOME-BASED REPAYMENT.

Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amended by striking ''or is already in default'' and inserting ''or had been in default''.

PART H—PROGRAM INTEGRITY

SEC. 495. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

''(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education or correspondence courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education or correspondence education in the areas identified in paragraph (5), except that—

''(I) the agency or association shall not be required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education institutions or programs in order to meet the requirements of this subparagraph; and

''(II) in the case that the agency or association is recognized by the Secretary, the agency or association shall not be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education or correspondence education, provided that the agency or association notifies the Secretary in writing of the change in scope; and

''(ii) the agency or association requires an institution that offers distance education or correspondence education to have processes through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by amending subparagraph (A) to read as follows:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings, which comply with due process procedures that provide—

''(A) for adequate written specification of—

''(i) requirements, including clear standards for an institution of higher education or program to be accredited; and

''(ii) identified deficiencies at the institution or program examined;

''(B) for sufficient opportunity for a written response, by an institution or program, regarding any deficiencies identified by the agency or association to be considered by the agency or association—

''(i) within a timeframe determined by the agency or association; and

''(ii) prior to final action in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution or program, for an opportunity for the institution or program to appeal any adverse action under this section, including denial, withdrawal, suspension, or termination of accreditation, taken against the institution or program, prior to such action becoming final at a hearing before an appeals panel that—

''(i) shall not include current members of the agency's or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy;

''(D) for the right to representation and participation by counsel for an institution or program during an appeal of the adverse action;

''(E) for a process, in accordance with written procedures developed by the agency or association, through which an institution or program, before a final adverse action based solely upon a failure to meet a standard or criterion pertaining to finances, may on one occasion seek review of significant financial information that was unavailable to the institution or program prior to the determination of the adverse action, and that bears materially on the financial deficiencies identified by the agency or association;

''(F) in the case that the agency or association determines that the new financial information submitted by the institution or program under subparagraph (E) meets the criteria of significance and materiality described in such subparagraph, for consideration by the agency or association of the new financial information prior to the adverse action described in such subparagraph becoming final; and

''(G) that any determination by the agency or association made with respect to the new financial information described in subparagraph (E) shall not be separately appealable by the institution or program.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(3) requires an institution to submit for approval to the accrediting agency a teach-out plan upon the occurrence of any of the following events:

''(A) the Department notifies the accrediting agency of an action against the institution pursuant to section 487(f);

''(B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of the institution; or

''(C) the institution notifies the accrediting agency that the institution intends to cease operations;'';

(D) by striking paragraph (7) (as redesignated by subparagraph (B)) and inserting the following:

''(7) makes available to the public and the State licensing or authorizing agency, and submits to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution or placement on probation of an institution;'';

(E) in paragraph (8) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(9) confirms, as a part of the agency's or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.'';

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.'';

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).''; and

(5) by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—Nothing in subsection (a)(5) shall be construed to restrict the ability of—

''(1) an accrediting agency or association to set, with the involvement of its members, and to apply, accreditation standards for or to institutions or programs that seek review by the agency or association; or

''(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review.

''(q) REVIEW OF SCOPE CHANGES.—The Secretary shall require a review, at the next available meeting of the National Advisory Committee on Institutional Quality and Integrity, of any change in scope undertaken by an agency or association under subsection (a)(4)(B)(i)(II) if the enrollment of an institution that offers distance education or correspondence education that is accredited by such agency or association increases by 50 percent or more within any one institutional fiscal year.''.

SEC. 496. ELIGIBILITY AND CERTIFICATION PROCEDURES.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting ''and'' after the semicolon; and

(2) by adding at the end the following:

''(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

''(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out described in section 487(f), if such teach-out has been approved by the institution's accrediting agency.

''(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

''(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

''(B) to assume the liabilities of the closed institution.''.

SEC. 497. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

''(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

''(A) a written statement addressing the institution of higher education's response;

''(B) a written statement of the basis for such report or determination; and

''(C) a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.''.

SEC. 498. REVIEW OF REGULATIONS.

Section 498B (20 U.S.C. 1099c–2) is amended by striking subsection (d).

PART I—COMPETITIVE LOAN AUCTION PILOT PROGRAM

SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM EVALUATION.

Section 499 (20 U.S.C. 1099d) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (B)—

(i) in clause (i), by striking ''and'' after the semicolon;

(ii) in clause (ii), by striking the period at the end of the sentence and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) a commitment from such eligible lender that, if the lender has a winning bid under subparagraph (F), the lender will enter into the agreement required under subparagraph (G).'';

(B) by striking subparagraph (G) and inserting the following:

''(G) AGREEMENT WITH SECRETARY; COMPLIANCE.—

''(i) AGREEMENT.—Each eligible lender having a winning bid under subparagraph (F) shall enter into an agreement with the Secretary under which the eligible lender—

''(I) agrees to originate eligible Federal PLUS Loans under this paragraph to each borrower who—

''(aa) seeks an eligible Federal PLUS Loan under this paragraph to enable a dependent student to attend an institution of higher education within the State;

''(bb) is eligible for an eligible Federal PLUS Loan; and

''(cc) elects to borrow from the eligible lender; and

''(II) agrees to accept a special allowance payment (after the application of section 438(b)(2)(I)(v)) from the Secretary with respect to the eligible Federal PLUS Loans originated under subclause (I) in the amount proposed in the second lowest winning bid described in subparagraph (F) for the applicable State auction.

''(ii) COMPLIANCE.—If an eligible lender with a winning bid under subparagraph (F) fails to enter into the agreement required under clause (i), or fails to comply with the terms of such agreement, the Secretary may sanction such eligible lender through one or more of the following:

''(I) The assessment of a penalty on such eligible lender for any eligible Federal PLUS Loans that such eligible lender fails to originate under this paragraph in accordance with the agreement required under clause (i), in the amount of the additional costs (including the amounts of any increase in special allowance payments) incurred by the Secretary in obtaining another eligible lender to originate such eligible Federal PLUS Loans. The Secretary shall collect such penalty by—

''(aa) reducing the amount of any payments otherwise due to such eligible lender from the Secretary by the amount of the penalty; or

''(bb) requesting any other Federal agency to reduce the amount of any payments due to such eligible lender from such agency by the amount of the penalty, in accordance with section 3716 of title 31, United States Code.

''(II) A prohibition of bidding by such lender in other auctions under this section.

''(III) The limitation, suspension, or termination of such eligible lender's participation in the loan program under part B.

''(IV) Any other enforcement action the Secretary is authorized to take under part B.''; and

(C) by striking subparagraph (J) and inserting the following:

''(J) GUARANTEE AGAINST LOSSES.—Each eligible Federal PLUS Loan originated under this paragraph shall be insured by a guaranty agency in accordance with part B, except that, notwithstanding section 428(b)(1)(G), such insurance shall be in an amount equal to 99 percent of the unpaid principal and interest due on the loan.''; and

(2) by adding at the end the following new subsections:

''(c) REQUIRED INITIAL EVALUATION.—The Secretary and Secretary of the Treasury shall jointly conduct an evaluation, in consultation with the Office of Management and Budget, the Congressional Budget Office, and the Comptroller General, of the pilot program carried out by the Secretary under this section. The evaluation shall determine—

''(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the PLUS loan program under section 428B in the absence of the pilot program;

''(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

''(3) the number and volume of loans made under the pilot program in each State;

''(4) the effect of the transition to and operation of the pilot program on the ability of—

''(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

''(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

''(C) parents to obtain loans made through the pilot program in a timely and efficient manner;

''(5) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

''(6) the feasibility of using the mechanism piloted to operate the other loan programs under part B of this title.

''(d) REPORTS.—

''(1) IN GENERAL.—The Secretary and the Secretary of the Treasury shall submit to the authorizing committees—

''(A) not later than September 1, 2010, a preliminary report regarding the findings of the evaluation described in subsection (c);

''(B) not later than September 1, 2012, an interim report regarding such findings; and

''(C) not later than September 1, 2013, a final report regarding such findings.

''(2) CONTENTS.—The Secretary shall include, in each report required under subparagraphs (A), (B), and (C) of paragraph (1), any recommendations, that are based on the findings of the evaluation under subsection (c), for—

''(A) improving the operation and administration of the auction; and

''(B) improving the operation and administration of other loan programs under part B.''.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), (12), (13), and (14), as paragraphs (7), (8), (9), (10), (11), (12), (13), (14), and (16), respectively;

(2) in paragraph (5), by inserting '', including innovative and customized instruction courses (which may include remedial education and English language instruction) designed to help retain students and move the students rapidly into core courses and through program completion'' before the period at the end;

(3) by inserting after paragraph (5) the following:

''(6) Articulation agreements and student support programs designed to facilitate the transfer from two-year to four-year institutions.'';

(4) by inserting after paragraph (14) (as redesignated by paragraph (1)) the following:

''(15) Providing education, counseling services, or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under title IV.''; and

(5) in paragraph (11) (as redesignated by paragraph (1)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''.

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) AMENDMENTS.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PURPOSES.

''The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions of higher education that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

''SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 513.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined in section 502); and

''(2) offers a postbaccalaureate certificate or postbaccalaureate degree granting program.

''SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for one or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for low-income postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and postbaccalaureate degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and postbaccalaureate degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed five years.

''(c) LIMITATION.—The Secretary may not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) CONFORMING AMENDMENTS.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) in section 502—

(A) in subsection (a)(2)(A)(ii), by striking ''section 512(b)'' and inserting ''section 522(b)''; and

(B) in subsection (b)(2), by striking ''section 512(a)'' and inserting ''section 522(a)'';

(2) in section 521(c)(6) (as redesignated by subsection (a)(2)), by striking ''section 516'' and inserting ''section 526''; and

(3) in section 526 (as redesignated by subsection (a)(2)), by striking ''section 518'' and inserting ''section 528''.

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking ''section 503'' and inserting ''sections 503 and 513''.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PARTS A AND C.—There are authorized to be appropriated to carry out parts A and C $175,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B $100,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS; PURPOSES; CONSULTATION; SURVEY.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking ''**AND PURPOSES**'' and inserting ''**; PURPOSES; CONSULTATION; SURVEY**'';

(2) in subsection (a)(3), by striking ''post-Cold War'';

(3) in subsection (b)(1)(D), by inserting '', including through linkages with overseas institutions'' before the semicolon; and

(4) by adding at the end the following:

''(c) CONSULTATION.—

''(1) IN GENERAL.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies.

''(2) CONSIDERING RECOMMENDATIONS; PROVIDING INFORMATION.—The Secretary—

''(A) may take into account the recommendations described in paragraph (1); and

''(B) shall—

''(i) provide information collected under paragraph (1) when requesting applications for funding under this title; and

''(ii) make available to applicants a list of areas identified as areas of national need.

''(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have completed programs under this title to determine postgraduate employment, education, or training. All grantees, where applicable, shall administer such survey once every two years and report survey results to the Secretary.''.

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

''(i) comprehensive foreign language and area or international studies centers and programs; and

''(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.'';

(B) in paragraph (2)—

(i) by striking ''and'' at the end of subparagraph (G);

(ii) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(iii) by inserting after subparagraph (H) the following new subparagraphs:

''(I) supporting instructors of the less commonly taught languages; and

''(J) projects that support students in the science, technology, engineering, and mathematics fields to achieve foreign language proficiency.''; and

(C) in paragraph (4)—

(i) in subparagraph (C)—

(I) by striking ''Programs of linkage or outreach'' and inserting ''Partnerships or programs of linkage and outreach''; and

(II) by inserting '', including Federal or State scholarship programs for students in related areas'' before the period at the end;

(ii) in subparagraph (E)—

(I) by striking ''foreign area'' and inserting ''area studies'';

(II) by striking ''of linkage and outreach''; and

(III) by striking ''(C), and (D)'' and inserting ''(D), and (E)'';

(iii) by redesignating subparagraphs (C) through (E) (as so amended) as subparagraphs (D) through (F), respectively; and

(iv) by inserting after subparagraph (B) the following:

''(C) Programs of linkage or outreach between or among—

''(i) postsecondary programs or departments in foreign language, area studies, or other international fields; and

''(ii) State educational agencies or local educational agencies.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''GRADUATE''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

''(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

''(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

''(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

''(I) predissertation level study;

''(II) preparation for dissertation research;

''(III) dissertation research abroad; or

''(IV) dissertation writing.''; and

(3) by striking subsection (d) and inserting the following:

''(d) ALLOWANCES.—

''(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

''(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

''(A) are closely linked to the overall goals of the recipient's course of study; and

''(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.

''(e) APPLICATION.—Each institution of higher education or consortium of such institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each such application shall include—

''(1) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs; and

''(2) a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in areas of need in the education, business, and nonprofit sectors.''.

SEC. 603. LANGUAGE RESOURCE CENTERS.

Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting ''reflect the purposes of this part and'' after ''shall''.

SEC. 604. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking ''combinations'' each place it appears and inserting ''consortia'';

(2) in subsection (a)(2)—

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

''(ii) pre-service teacher training and in-service teacher professional development;'';

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(C) by inserting after subparagraph (H) the following new subparagraph:

''(I) the provision of grants for educational programs abroad that—

''(i) are closely linked to the program's overall goals; and

''(ii) have the purpose of promoting foreign language fluency and knowledge of world regions;'';

(3) in subsection (a)(4)(B), by inserting ''that demonstrates a need for a waiver or reduction'' before the period at the end;

(4) in subsection (a)(6), by inserting ''reflect the purposes of this part and'' after ''shall'';

(5) in subsection (a)(7)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

''(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable; and

''(G) a description of how the applicant will encourage service in areas of national need, as identified by the Secretary.''; and

(6) in subsection (c)—

(A) by striking ''(c) FUNDING SUPPORT.—The Secretary'' and inserting the following:

''(c) FUNDING SUPPORT.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''10'' and inserting ''20''; and

(C) by adding at the end the following:

''(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than ten percent of such funds for the activity described in subsection (a)(2)(I).''.

SEC. 605. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, as described in the grantee's application;

''(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

''(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''.

SEC. 606. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''or consortia of such institutions or libraries'' and inserting ''or partnerships between such institutions and other such institutions, libraries, or nonprofit educational organizations'';

(B) by striking ''new electronic technologies'' and inserting ''electronic technologies'';

(C) by inserting ''from foreign sources'' after ''disseminate information'';

(D) by striking ''(a) AUTHORITY.— The Secretary'' and inserting the following:

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary''; and

(E) by adding at the end the following:

''(2) GRANT RECIPIENTS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

''(A) An institution of higher education.

''(B) A public or nonprofit private library.

''(C) A partnership of an institution of higher education and one or more of the following:

''(i) Another institution of higher education.

''(ii) A library.

''(iii) A nonprofit educational organization.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''to facilitate access to'' and inserting ''to acquire, facilitate access to,'';

(B) in paragraph (3), by inserting ''or standards for'' after ''means of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

''(A) the institutions of higher education, libraries, and partnerships receiving grants under this section; and

''(B) institutions of higher education, nonprofit educational organizations, and libraries overseas; and

''(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants awarded under this section.''; and

(3) in subsection (c), by striking ''institution or consortium'' and inserting ''institution of higher education, library, or partnership''.

SEC. 607. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking ''evaluates the applications for comprehensive and undergraduate language and area centers and programs.'' and inserting ''evaluates—

''(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

''(2) the applications for undergraduate foreign language and area or international studies centers and programs.''; and

(2) in subsection (b), by adding at the end the following: ''In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, and generate information for and disseminate information to the public. The Secretary shall also consider an applicant's record of placing students into postgraduate employment, education, or training in areas of national need and an applicant's stated efforts to increase the number of such students that go into such placements.''.

SEC. 608. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

''(e) APPLICATION.—Each center desiring to receive a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.''.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended—

(1) by striking ''$80,000,000'' and inserting ''such sums as may be necessary'';

(2) by striking ''1999'' and inserting ''2009''; and

(3) by striking ''4'' and inserting ''five''.

SEC. 610. CONFORMING AMENDMENTS.

(a) Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking ''combinations'' each place it appears and inserting ''consortia''.

(b) Section 612 (20 U.S.C. 1130–1) is further amended by striking ''combination'' each place it appears and inserting ''consortium''.

SEC. 611. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) PURPOSE.—The purpose of this section is to coordinate the programs of the Federal Government in the areas of research, education, and training in international business and trade competitiveness.'';

(2) in subsection (c)(2)——

(A) in subparagraph (E), by inserting ''(including those that are eligible to receive assistance under part A or B of title III or under title V)'' after ''other institutions of higher education'';

(B) by striking ''and'' at the end of subparagraph (E);

(C) by redesignating subparagraph (F) as subparagraph (G); and

(D) by inserting the following new subparagraph after subparagraph (E):

''(F) programs encouraging the advancement and understanding of technology-related disciplines, including manufacturing software systems and technology management; and''; and

(3) in subsection (f)(3), by inserting '', and that diverse perspectives will be made available to students in programs under this section'' before the semicolon.

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: ''Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a)—

(A) by striking ''$11,000,000'' and inserting ''such sums as may be necessary'';

(B) by striking ''1999'' and inserting ''2009''; and

(C) by striking ''4'' and inserting ''five''; and

(2) in subsection (b)—

(A) by striking ''$7,000,000'' and inserting ''such sums as may be necessary'';

(B) by striking ''1999'' and inserting ''2009''; and

(C) by striking ''4'' and inserting ''five''.

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (a), by striking the second sentence and inserting the following: ''The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States.'';

(2) in subsection (b)(1)—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (A) the following:

''(B) A tribally controlled college or university or Alaska Native or Native Hawaiian-serving institution eligible for assistance under part A or B of title III, or an institution eligible for assistance under title V.

''(C) An institution of higher education that serves substantial numbers of underrepresented minority students.''; and

(3) in subsection (c)—

(A) by striking ''(c) APPLICATION.—Each'' and inserting the following:

''(c) APPLICATION.—

''(1) IN GENERAL.—Each''; and

(B) by adding at the end the following:

''(2) CONTENT OF APPLICATION.—Each application submitted under paragraph (1) shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable.''.

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking ''Tribally Controlled Colleges or Universities'' and inserting ''tribally controlled colleges or universities''; and

(B) by striking ''international affairs programs.'' and inserting ''international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking ''as defined in section 322 of this Act''; and

(2) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities, Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions''.

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking ''***MASTERS***'' in the heading of such section and inserting ''***ADVANCED***'';

(2) by striking ''a masters degree in international relations'' and inserting ''an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives''; and

(3) by striking ''The masters degree program designed by the consortia'' and inserting ''The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and''.

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking ''as defined in section 322 of this Act'';

(B) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities, Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions'';

(C) by striking ''an international'' and inserting ''international,''; and

(D) by striking ''the United States Information Agency'' and inserting ''the Department of State'';

(2) in subsection (b)—

(A) by inserting ''and'' after the semicolon at the end of paragraph (2);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) in subsection (c)(1)—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

''SEC. 626. FINANCIAL ASSISTANCE.

''(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to low-income students to facilitate the participation of the students in the Institute's programs under this part.

''(b) SUMMER STIPENDS.—

''(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

''(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

''(c) RALPH BUNCHE SCHOLARSHIP.—

''(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

''(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

''(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

''(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.''.

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking ''annually prepare a report'' and inserting ''prepare a report once every two years''.

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking ''annual report described in section 626'' and inserting ''report described in section 627''.

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended—

(1) by striking ''$10,000,000'' and inserting ''such sums as may be necessary'';

(2) by striking ''1999'' and inserting ''2009''; and

(3) by striking ''4 succeeding'' and inserting ''five succeeding''.

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking ''comprehensive language and area center'' and inserting ''comprehensive foreign language and area or international studies center'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

''(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;'';

(6) in paragraph (6), as redesignated by paragraph (2), by striking ''and'' after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

''(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801); and''; and

(8) in paragraph (10), as redesignated by paragraph (2)—

(A) by striking ''undergraduate language and area center'' and inserting ''undergraduate foreign language and area or international studies center''; and

(B) by striking the semicolon and inserting a period.

SEC. 622. NEW PROVISIONS.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

''SEC. 632. SPECIAL RULE.

''The Secretary may waive or reduce the non-Federal share required under this title for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.''.

''SEC. 633. RULE OF CONSTRUCTION.

''Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

''SEC. 634. ASSESSMENT.

''The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title.

''SEC. 635. EVALUATION, OUTREACH, AND INFORMATION.

''The Secretary may use not more than one percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

''SEC. 636. REPORT.

''The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a report once every two years that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.

''SEC. 637. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to support programs in institutions of higher education that—

''(1) encourage students to develop—

''(A) an understanding of science and technology; and

''(B) foreign language proficiency;

''(2) foster future international scientific collaboration;

''(3) provide for professional development opportunities for elementary school and secondary school teachers of critical foreign languages to increase the number of highly qualified teachers in critical foreign languages; and

''(4) increase the number of United States students who achieve the highest level of proficiency in foreign languages critical to the security and competitiveness of the Nation.

''(b) DEVELOPMENT.—The Secretary shall develop a program for the awarding of grants to institutions of higher education that develop innovative programs for the teaching of foreign languages, which may include the preparation of teachers to teach foreign languages.

''(c) REGULATIONS AND REQUIREMENTS.—The Secretary shall promulgate regulations for the awarding of grants under subsection (b). Such regulations may require institutions of higher education to use grant funds for, among other things—

''(1) the development of an on-campus cultural awareness program by which students attend classes taught in a foreign language and study the science and technology developments and practices in a non-English speaking country;

''(2) immersion programs where students take science or technology related course work in a non-English speaking country;

''(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science technology;

''(4) if applicable, recruiting highly qualified teachers in critical foreign languages, and providing professional development activities for such teachers at the elementary school and secondary school levels; and

''(5) providing innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.

''(d) GRANT DISTRIBUTION.—In distributing grants to institutions of higher education under this section, the Secretary shall give priority to—

''(1) institutions that have programs focusing on curricula that combine the study of foreign languages and the study of science and technology and produce graduates who have both skills; and

''(2) institutions teaching critical foreign languages.

''(e) REPORT ON BEST PRACTICES.—Not later than one year after the date of enactment of this section, the Secretary shall—

''(1) conduct a study to identify the best practices to strengthen the role of institutions of higher education that receive funding under title III or title V in increasing the critical foreign language education efforts in the United States; and

''(2) submit a report on the results of such study to the authorizing committees.

''(f) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each subsequent fiscal year.

''SEC. 638. REPORTING BY INSTITUTIONS.

''(a) APPLICABILITY.—The data requirement in subsection (b) shall apply to an institution of higher education that receives funds for a center or program under this title if—

''(1) the amount of the contribution (including cash and the fair market value of any property) received from any foreign government or from a foreign private sector corporation or foundation during any fiscal year exceeds $250,000 in the aggregate; and

''(2) the aggregate contribution, or a significant part of the aggregate contribution, is to be used by a center or program receiving funds under this title.

''(b) DATA REQUIRED.—The Secretary shall require an institution of higher education referred to in subsection (a) to report information listed in subsection (a) to the Secretary consistent with the requirements of section 117.''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting '', including those areas critical to United States national and homeland security needs, such as science, technology, engineering, and mathematics'' before the semicolon.

SEC. 702. JACOB K. JAVITS FELLOWSHIP PROGRAM.

(a) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or for not more than 12 months (in any other case), but without payment of the stipend.''.

(b) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) appoint members who represent the various geographic regions of the United States;

''(iii) ensure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences; and

''(iv) ensure that such individuals include representatives from institutions that are eligible for one or more of the grants under title III or V.''.

(c) STIPENDS.—

(1) Section 703 (20 U.S.C. 1134b) is amended—

(A) in subsection (a)—

(i) by striking ''1999–2000'' and inserting ''2009–2010''; and

(ii) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program for such academic year''; and

(B) in subsection (b), by striking paragraph (1)(A) and inserting the following:

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008–2009, adjusted for academic year 2009–2010 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''fiscal year 1999'' and all that follows through the period at the end and inserting ''fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart.''.

SEC. 703. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) INSTITUTIONAL ELIGIBILITY.—Section 712 (20 U.S.C. 1135a) is amended by striking subsection (b) and inserting the following:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources; and

''(4) an assessment of current (as of the time of the designation) and future professional workforce needs of the United States.''.

(b) AWARDS TO GRADUATE STUDENTS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010''; and

(2) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program for such academic year''.

(c) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010''; and

(2) by striking ''1998–1999'' and inserting ''2008–2009''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''fiscal year 1999'' and all that follows through the period at the end and inserting ''fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart.''.

(e) TECHNICAL AMENDMENTS.—Subpart 2 of part A of title VII (as amended by this section) (20 U.S.C. 113 et seq.) is further amended—

(1) in section 711(a)(1) (20 U.S.C. 1135(a)(1)), by inserting '', including a master's or doctoral degree,'' after ''leading to a graduate degree'';

(2) in section 712(a) (20 U.S.C. 1135a(a)), by inserting '', including a master's or doctoral degree,'' after ''leading to a graduate degree'';

(3) in section 713(b)(5)(C) (20 U.S.C. 1135b(b)(5)(C)), by inserting ''at the institution'' before the semicolon; and

(4) in section 714(c) (20 U.S.C. 1135c(c))—

(A) by striking ''716(a)'' and inserting ''715(a)''; and

(B) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

SEC. 704. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) PROGRAM AUTHORITY.—

(1) Section 721(a) (20 U.S.C. 1136(a)) is amended—

(A) by inserting ''secondary school and'' after ''disadvantaged''; and

(B) by inserting ''and admission to law practice'' before the period at the end.

(b) ELIGIBILITY.—Section 721(b) (20 U.S.C. 1136(b)) is amended in the matter preceding paragraph (1), by inserting ''secondary school student or'' before ''college student''.

(c) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) in paragraph (1), by inserting ''secondary school and'' before ''college students'';

(2) by striking paragraph (2) and inserting the following:

''(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success in, and promote the students' admission to and completion of, law school;'';

(3) in paragraph (4), by striking ''and'' after the semicolon; and

(4) by striking paragraph (5) and inserting the following:

''(5) to motivate and prepare such students—

''(A) with respect to law school studies and practice in low-income communities; and

''(B) to provide legal services to low-income individuals and families; and

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

''(B) who have successfully completed a comparable summer institute program that is certified by the Council on Legal Education Opportunity.''.

(d) SERVICES PROVIDED.—Section 721(d) (20 U.S.C. 1136(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''pre-college programs, undergraduate'' before ''pre-law'';

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting ''law school'' before ''graduation''; and

(B) by striking subparagraph (D) and inserting the following:

''(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and course selection;'';

(3) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(4) by inserting after paragraph (1) the following:

''(2) summer academic programs for secondary school students who have expressed interest in a career in the law;''; and

(5) in paragraph (7) (as redesignated by paragraph (3)), by inserting ''and Associates'' after ''Thurgood Marshall Fellows''.

(e) DURATION.—Section 721(e)(1) (20 U.S.C. 1136(e)(1)) is amended by inserting '', including before and during undergraduate study'' before the semicolon.

(f) SUBCONTRACTS AND SUBGRANTS.—Section 721(f) (20 U.S.C. 1136(f)) is amended—

(1) by inserting ''national and State bar associations,'' after ''agencies and organizations,''; and

(2) by striking ''and organizations.'' and inserting ''organizations, and associations.''.

(g) STIPENDS.—Section 721(g) (20 U.S.C. 1136(g)) is amended to read as follows:

''(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Thurgood Marshall Fellow or Associate may be eligible for such a fellowship or stipend only if the Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''fiscal year 1999'' and all that follows through the period at the end and inserting ''fiscal year 2009 and each of the five succeeding fiscal years.''.

(i) REPEAL OF CONTINUATION AWARDS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 705. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) addressing the under-representation of women and minorities in the higher education professoriate will require consistent inter-institutional cooperation, data gathering, analysis, and self-evaluation; and

(2) institutions eligible for funds under part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) should be encouraged to consider the feasibility and potential design of an inter-institution monitoring organization addressing under-representation by race, ethnicity, and gender in postsecondary faculty and administrators.

SEC. 706. MASTERS DEGREE PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND PREDOMINANTLY BLACK INSTITUTIONS.

(a) TECHNICAL AMENDMENTS.—Part A of title VII (as amended by this title) (20 U.S.C. 1134 et seq.) is further amended—

(1) by redesignating subpart 4 as subpart 5;

(2) in the heading of section 731, by striking ''***SUBPARTS 1, 2, AND 3***'' and inserting ''***SUBPARTS 1 THROUGH 4***''; and

(3) in section 731—

(A) in subsections (a) and (b), by striking ''subparts 1, 2, and 3'' each place the term appears and inserting ''subparts 1 through 4''; and

(B) in subsection (d), by striking ''subpart 1, 2, or 3'' and inserting ''subpart 1, 2, 3, or 4''.

(b) MASTER'S DEGREE PROGRAMS.—Part A of title VII (as amended by this title) (20 U.S.C. 1134 et seq.) is further amended by inserting after subpart 3 the following:

''Subpart 4—Masters Degree Programs at Historically Black Colleges and Universities and Predominantly Black Institutions

''SEC. 723. MASTERS DEGREE PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

''(a) GRANT PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines for Black Americans.

''(2) ASSURANCE OF NON-FEDERAL MATCHING FUNDS.—No grant in excess of $1,000,000 may be made under this section unless the institution provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no institution shall be required to match any portion of the first $1,000,000 of the institution's award from the Secretary. After funds are made available to each eligible institution under the funding rules described in subsection (f), the Secretary shall distribute, on a pro rata basis, any amounts which were not so made available (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.

''(3) MINIMUM AWARD.—Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than $500,000.

''(4) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

''(b) INSTITUTIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Institutions eligible for grants under subsection (a) are the following:

''(A) Albany State University.

''(B) Alcorn State University.

''(C) Claflin University.

''(D) Coppin State University.

''(E) Elizabeth City State University.

''(F) Fayetteville State University.

''(G) Fisk University.

''(H) Fort Valley State University.

''(I) Grambling State University.

''(J) Kentucky State University.

''(K) Mississippi Valley State University.

''(L) Savannah State University.

''(M) South Carolina State University.

''(N) University of Arkansas, Pine Bluff.

''(O) Virginia State University.

''(P) West Virginia Sate University.

''(Q) Wilberforce University.

''(R) Winston-Salem State University.

''(2) QUALIFIED MASTERS DEGREE PROGRAM.—

''(A) IN GENERAL.—For the purposes of this section, the term 'qualified masters degree program' means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines

in which African Americans are underrepresented and has students enrolled in such program of instruction at the time of application for a grant under this section.

''(B) ENROLLMENT EXCEPTION.—Notwithstanding the enrollment requirement contained in subparagraph (A), an institution may use an amount equal to not more than 10 percent of the institution's grant under this section for the development of a new qualified masters degree program.

''(3) INSTITUTIONAL CHOICE.—The president or chancellor of the institution may decide which graduate school or qualified masters degree program will receive funds under the grant in any one fiscal year, if the allocation of funds among the schools or programs is delineated in the application for funds submitted to the Secretary under this section.

''(4) ONE GRANT PER INSTITUTION.—The Secretary shall not award more than one grant under this section in any fiscal year to any institution of higher education.

''(c) APPLICATION.—An eligible institution listed in subsection (b)(1) desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

''(1) demonstrate how the grant funds under this section will be used to improve graduate educational opportunities for Black and low-income students, and lead to greater financial independence; and

''(2) provide, in the case of applications for grants in excess of $1,000,000, the assurances required under subsection (a)(2) and specify the manner in which the eligible institution is going to pay the non-Federal share of the cost of the application.

''(d) USES OF FUNDS.—A grant under this section may be used for—

''(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

''(3) purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

''(4) scholarships, fellowships, and other financial assistance for needy graduate students to permit the enrollment of the students in, and completion of, a masters degree in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented;

''(5) establishing or improving a development office to strengthen and increase contributions from alumni and the private sector;

''(6) assisting in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331;

''(7) funds and administrative management, and the acquisition of equipment, including software, for use in strengthening funds management and management information systems;

''(8) acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or improvement of, or an addition to, campus facilities;

''(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under title IV;

''(10) tutoring, counseling, and student service programs designed to improve academic success;

''(11) faculty professional development, faculty exchanges, and faculty participation in professional conferences and meetings; and

''(12) other activities proposed in the application submitted under subsection (c) that—

''(A) contribute to carrying out the purposes of this section; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''(e) INTERACTION WITH OTHER GRANT PROGRAMS.—No institution that is eligible for and receives an award under section 326, 512, or 724 for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.

''(f) FUNDING RULE.—Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

''(1) the first $9,000,000 (or any lesser amount appropriated) shall be available only for the purposes of making minimum grants under subsection (a)(3) to eligible institutions listed in subparagraphs (A) through (R) of subsection (b)(1), except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced;

''(2) after the application of paragraph (1), an amount shall be available for the purpose of making minimum grants under subsection (a)(3) to eligible institutions listed in subsection (b)(1) that do not receive a grant under paragraph (1), if any, except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced; and

''(3) any amount in excess of $9,000,000 shall be made available to each of the eligible institutions identified in subparagraphs (A) through (R) of subsection (b)(1), pursuant to a formula developed by the Secretary that uses the following elements:

''(A) The ability of the institution to match Federal funds with non-Federal funds.

''(B) The number of students enrolled in the qualified masters degree program at the eligible institution in the previous academic year.

''(C) The average cost of attendance per student, for all full-time students enrolled in the qualified masters degree program at such institution.

''(D) The number of students in the previous year who received a degree in the qualified masters degree program at such institution.

''(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African Americans receiving masters degrees in the disciplines related to the programs for the previous year.

''(g) HOLD HARMLESS RULE.—Notwithstanding paragraphs (2) and (3) of subsection (f), no eligible institution identified in subsection (b)(1) that receives a grant under this section for fiscal year 2009 and that is eligible to receive a grant for a subsequent fiscal year shall receive a grant amount for any such subsequent fiscal year that is less than the grant amount received for fiscal year 2009, unless—

''(1) the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs that received grants under this section for such fiscal year and that are eligible to receive a grant in such subsequent fiscal year; or

''(2) the institution cannot provide sufficient matching funds to meet the requirements of this section.

''SEC. 724. MASTERS DEGREE PROGRAMS AT PREDOMINANTLY BLACK INSTITUTIONS.

''(a) GRANT PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines for Black Americans.

''(2) ASSURANCE OF NON-FEDERAL MATCHING FUNDS.—No grant in excess of $1,000,000 may be made under this section unless the institution provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no institution shall be required to match any portion of the first $1,000,000 of the institution's award from the Secretary. After funds are made available to each eligible institution under the funding rules described in subsection (f), the Secretary shall distribute, on a pro rata basis, any amounts which were not so made available (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.

''(3) MINIMUM AWARD.—Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than $500,000.

''(4) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

''(b) INSTITUTIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Institutions eligible for grants under subsection (a) are the following:

''(A) Chicago State University.

''(B) Columbia Union College.

''(C) Long Island University, Brooklyn campus.

''(D) Robert Morris College.

''(E) York College, The City University of New York.

''(2) QUALIFIED MASTERS DEGREE PROGRAM.—

''(A) IN GENERAL.—For the purposes of this section, the term 'qualified masters degree program' means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented and has students enrolled in such program of instruction at the time of application for a grant under this section.

''(B) ENROLLMENT EXCEPTION.—Notwithstanding the enrollment requirement contained in subparagraph (A), an institution may use an amount equal to not more than 10 percent of the institution's grant under this section for the development of a new qualified masters degree program.

''(3) INSTITUTIONAL CHOICE.—The president or chancellor of the institution may decide which graduate school or qualified masters degree program will receive funds under the grant in any one fiscal year, if the allocation of funds among the schools or programs is delineated in the application for funds submitted to the Secretary under this section.

''(4) ONE GRANT PER INSTITUTION.—The Secretary shall not award more than one grant under this section in any fiscal year to any institution of higher education.

''(c) APPLICATION.—An eligible institution listed in subsection (b)(1) desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

''(1) demonstrate how the grant funds under this section will be used to improve graduate educational opportunities for Black and low-income students and lead to greater financial independence; and

''(2) provide, in the case of applications for grants in excess of $1,000,000, the assurances required under subsection (a)(2) and specify the manner in which the eligible institution is going

to pay the non-Federal share of the cost of the application.

''(d) USES OF FUNDS.—A grant under this section may be used for—

''(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

''(3) purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

''(4) scholarships, fellowships, and other financial assistance for needy graduate students to permit the enrollment of the students in, and completion of, a masters degree in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented;

''(5) establishing or improving a development office to strengthen and increase contributions from alumni and the private sector;

''(6) assisting in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331;

''(7) funds and administrative management, and the acquisition of equipment, including software, for use in strengthening funds management and management information systems;

''(8) acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or improvement of, or an addition to, campus facilities;

''(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under title IV;

''(10) tutoring, counseling, and student service programs designed to improve academic success;

''(11) faculty professional development, faculty exchanges, and faculty participation in professional conferences and meetings; and

''(12) other activities proposed in the application submitted under subsection (c) that—

''(A) contribute to carrying out the purposes of this section; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''(e) INTERACTION WITH OTHER GRANT PROGRAMS.—No institution that is eligible for and receives an award under section 326, 512, or 723 for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.

''(f) FUNDING RULE.—Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

''(1) the first $2,500,000 (or any lesser amount appropriated) shall be available only for the purposes of making minimum grants under subsection (a)(3) to eligible institutions listed in subparagraphs (A) through (E) of subsection (b)(1), except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced;

''(2) after the application of paragraph (1), an amount shall be available for the purpose of making minimum grants under subsection (a)(3) to eligible institutions described in subsection (b)(1) that do not receive a grant under paragraph (1), if any, except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced; and

''(3) any amount in excess of $2,500,000 shall be made available to each of the eligible institutions identified in subparagraphs (A) through (E) of subsection (b)(1), pursuant to a formula developed by the Secretary that uses the following elements:

''(A) The ability of the institution to match Federal funds with non-Federal funds.

''(B) The number of students enrolled in the qualified masters degree program at the eligible institution in the previous academic year.

''(C) The average cost of attendance per student, for all full-time students enrolled in the qualified masters degree program at such institution.

''(D) The number of students in the previous year who received a degree in the qualified masters degree program at such institution.

''(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African Americans receiving masters degrees in the disciplines related to the programs for the previous year.

''(g) HOLD HARMLESS RULE.—Notwithstanding paragraphs (2) and (3) of subsection (f), no eligible institution identified in subsection (b)(1) that receives a grant under this section for fiscal year 2009 and that is eligible to receive a grant in a subsequent fiscal year shall receive a grant amount in any such subsequent fiscal year that is less than the grant amount received for fiscal year 2009, unless—

''(1) the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs that received grants under this section for such fiscal year and that are eligible to receive a grant in such subsequent fiscal year; or

''(2) the institution cannot provide sufficient matching funds to meet the requirements of this section.

''SEC. 725. AUTHORIZATION OF APPROPRIATIONS.

''(a) MASTERS DEGREE PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—There are authorized to be appropriated to carry out section 723 such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''(b) MASTERS DEGREE PROGRAMS AT PREDOMINANTLY BLACK INSTITUTIONS.—There are authorized to be appropriated to carry out section 724 such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 707. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) the encouragement of reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all students, including nontraditional students;

''(2) the creation of institutions, programs, and joint efforts involving paths to career and professional training, including—

''(A) efforts that provide academic credit for programs; and

''(B) combinations of academic and experiential learning;

''(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on communications technology, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);'';

(2) by striking paragraph (6) and inserting the following:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;'';

(3) in paragraph (7), by striking ''and'' after the semicolon;

(4) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through postsecondary program completion;

''(10) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with a significant population of students identified as late-entering limited English proficient students, to establish programs that—

''(A) result in increased secondary school graduation rates of limited English proficient students; and

''(B) increase the number of participating late-entering limited English proficient students who pursue postsecondary education;

''(11) the creation of consortia that join diverse institutions of higher education to design and offer curricular and cocurricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths;

''(12) the provision of support and assistance for demonstration projects to provide comprehensive support services to ensure that homeless students, or students who were in foster care or were a ward of the court at any time before the age of 13, enroll and succeed in postsecondary education, including providing housing to such students during periods when housing at the institution of higher education is closed or generally unavailable to other students; and

''(13) the support of efforts to work with institutions of higher education, and nonprofit organizations, that seek to promote cultural diversity in the entertainment media industry, including through the training of students in production, marketing, and distribution of culturally relevant content.''.

(b) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—Section 741 (20 U.S.C. 1138) is further amended by adding at the end the following:

''(c) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award one grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a four-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.''.

(c) PROHIBITION.—Section 741 (20 U.S.C. 1138) is further amended by adding after subsection (c) (as added by subsection (b) of this section) the following:

''(d) PROHIBITION.—

''(1) IN GENERAL.—No funds made available under this part shall be used to provide direct financial assistance in the form of grants or scholarships to students who do not meet the requirements of section 484(a).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a student who does not meet the requirements of section 484(a) from participating in programs funded under this part.''.

(d) PRIORITY.—Section 741 (20 U.S.C. 1138) is further amended by adding after subsection (d) (as added by subsection (c) of this section) the following:

''(e) PRIORITY.—In making grants under this part to any institution of higher education after the date of enactment of the Higher Education Opportunity Act, the Secretary may give priority to institutions that meet or exceed the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) for any new facilities construction or major renovation of the institution after such date, except that this subsection shall not apply with respect to barns or greenhouses or similar structures owned by the institution.''.

(e) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—Section 741 (20 U.S.C. 1138) is further amended by adding after subsection (e) (as added by subsection (d) of this section) the following:

''(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall enter into a contract with a nonprofit organization with demonstrated success in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) DEFINITION OF ELIGIBLE STUDENT.—In this subsection, the term 'eligible student' means an individual who is enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102) and is—

''(A) a dependent student who is a child of—

''(i) an individual who is—

''(I) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(ii) a veteran who—

''(I) served or performed, as described in clause (i), since September 11, 2001; and

''(II) died, or has been disabled, as a result of such service or performance; or

''(B) an independent student who—

''(i) is a spouse of an individual who is—

''(I) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481);

''(ii) was (at the time of death of the veteran) a spouse of a veteran who—

''(I) served or performed, as described in clause (i), since September 11, 2001; and

''(II) died as a result of such service or performance; or

''(iii) is a spouse of a veteran who—

''(I) served or performed, as described in clause (i), since September 11, 2001; and

''(II) has been disabled as a result of such service or performance.

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an award year shall be the lesser of $5,000, or the student's cost of attendance (as defined in section 472).

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that the nonprofit organization receiving a contract under this subsection may use not more than one percent of such amounts for the administrative costs of the contract.''.

(f) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended to read as follows:

''(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

''(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost reduction.

''(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

''(3) Articulation between two- and four-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from two- to four-year institutions of higher education.

''(4) Development, evaluation, and dissemination of model courses, including model courses that—

''(A) provide students with a broad and integrated knowledge base;

''(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

''(C) include study of a foreign language that leads to reading and writing competency in the foreign language.

''(5) International cooperation and student exchanges among postsecondary educational institutions.

''(6) Support of centers to incorporate education in quality and safety into the preparation of medical and nursing students, through grants to medical schools, nursing schools, and osteopathic schools. Such grants shall be used to assist in providing courses of instruction that specifically equip students to—

''(A) understand the causes of, and remedies for, medical error, medically induced patient injuries and complications, and other defects in medical care;

''(B) engage effectively in personal and systemic efforts to continually reduce medical harm; and

''(C) improve patient care and outcomes, as recommended by the Institute of Medicine.''.

(g) AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.—Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

(h) TECHNICAL FIPSE AMENDMENTS.—Part B of title VII (20 U.S.C. 1138 et seq.) is further amended—

(1) in section 742 (20 U.S.C. 1138a)—

(A) in subsection (b)—

(i) by striking ''(b) MEMBERSHIP.—'' and all that follows through ''The Secretary'' and inserting ''(b) MEMBERSHIP.—The Secretary''; and

(ii) by striking paragraph (2);

(B) in subsection (c), by striking ''and the Director'' each place the term appears; and

(C) in subsection (d), by striking ''Director'' and inserting ''Secretary'';

(2) in section 743 (20 U.S.C. 1138b)—

(A) by striking ''(a) TECHNICAL EMPLOYEES.—''; and

(B) by striking subsection (b); and

(3) in section 744(a) (20 U.S.C. 1138c(a)), by striking ''Director'' each place the term appears and inserting ''Secretary''.

SEC. 708. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 709. PROGRAMS TO PROVIDE STUDENTS WITH DISABILITIES WITH A QUALITY HIGHER EDUCATION.

Title VII (20 U.S.C. 1133 et seq.) is further amended—

(1) by redesignating section 771 (20 U.S.C. 1141) as section 781; and

(2) by striking part D of title VII (20 U.S.C. 1140 et seq.) and inserting the following:

''PART D—PROGRAMS TO PROVIDE STUDENTS WITH DISABILITIES WITH A QUALITY HIGHER EDUCATION

''SEC. 760. DEFINITIONS.

''In this part:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—

''(A) offered by an institution of higher education;

''(B) designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment;

''(C) includes an advising and curriculum structure; and

''(D) requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components and occurring through one or more of the following activities:

''(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

''(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

''(iv) Participation in internships or work-based training in settings with nondisabled individuals.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student—

''(A) with mental retardation or a cognitive impairment, characterized by significant limitations in—

''(i) intellectual and cognitive functioning; and

''(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

''(B) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.

''Subpart 1—Demonstration Projects to Support Postsecondary Faculty, Staff, and Administrators in Educating Students With Disabilities

''SEC. 761. PURPOSE.

''It is the purpose of this subpart to support model demonstration projects to provide technical assistance or professional development for

postsecondary faculty, staff, and administrators in institutions of higher education to enable such faculty, staff, and administrators to provide students with disabilities with a quality postsecondary education.

"SEC. 762. GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.

''(a) COMPETITIVE GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 765, the Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to institutions of higher education to enable the institutions to carry out the activities under subsection (b).

''(2) AWARDS FOR PROFESSIONAL DEVELOPMENT AND TECHNICAL ASSISTANCE.—Not less than two grants, contracts, cooperative agreements, or a combination of such awards shall be awarded to institutions of higher education that provide professional development and technical assistance in order for students with learning disabilities to receive a quality postsecondary education.

''(b) DURATION; ACTIVITIES.—

''(1) DURATION.—A grant, contract, or cooperative agreement under this subpart shall be awarded for a period of three years.

''(2) AUTHORIZED ACTIVITIES.—A grant, contract, or cooperative agreement awarded under this subpart shall be used to carry out one or more of the following activities:

''(A) TEACHING METHODS AND STRATEGIES.—The development of innovative, effective, and efficient teaching methods and strategies, consistent with the principles of universal design for learning, to provide postsecondary faculty, staff, and administrators with the skills and supports necessary to teach and meet the academic and programmatic needs of students with disabilities, in order to improve the retention of such students in, and the completion by such students of, postsecondary education. Such methods and strategies may include in-service training, professional development, customized and general technical assistance, workshops, summer institutes, distance learning, and training in the use of assistive and educational technology.

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the skill and supports necessary to ensure the successful and smooth transition of students with disabilities from secondary school to postsecondary education.

''(C) SYNTHESIZING RESEARCH AND INFORMATION.—The synthesis of research and other information related to the provision of postsecondary educational services to students with disabilities, including data on the impact of a postsecondary education on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.

''(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the ability to provide accessible distance education programs or classes that would enhance the access of students with disabilities to postsecondary education, including the use of accessible curricula and electronic communication for instruction and advising.

''(E) DISABILITY CAREER PATHWAYS.—

''(i) IN GENERAL.—The provision of information, training, and technical assistance to secondary and postsecondary faculty, staff, and administrators with respect to disability-related fields that would enable such faculty, staff, and administrators to—

''(I) encourage interest and participation in such fields, among students with disabilities and other students;

''(II) enhance awareness and understanding of such fields among students with disabilities and other students;

''(III) provide educational opportunities in such fields for students with disabilities and other students;

''(IV) teach practical skills related to such fields to students with disabilities and other students; and

''(V) offer work-based opportunities in such fields to students with disabilities and other students.

''(ii) DEVELOPMENT.—The training and support described in subclauses (I) through (V) of clause (i) may include offering students—

''(I) credit-bearing postsecondary-level coursework; and

''(II) career and educational counseling.

''(F) PROFESSIONAL DEVELOPMENT AND TRAINING SESSIONS.—The conduct of professional development and training sessions for postsecondary faculty, staff, and administrators from other institutions of higher education to enable such individuals to meet the educational needs of students with disabilities.

''(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development, consistent with the principles of universal design for learning.

''(3) MANDATORY EVALUATION AND DISSEMINATION.—An institution of higher education awarded a grant, contract, or cooperative agreement under this subpart shall evaluate and disseminate to other institutions of higher education, the information obtained through the activities described in subparagraphs (A) through (G) of paragraph (2).

''(c) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants, contracts, or cooperative agreements under this subpart, the Secretary shall consider the following:

''(1) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such awards.

''(2) RURAL AND URBAN AREAS.—Distributing such awards to urban and rural areas.

''(3) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

''(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Distributing the awards to institutions of higher education with demonstrated prior experience in, or exceptional programs for, meeting the postsecondary educational needs of students with disabilities.

''(d) REPORTS.—

''(1) INITIAL REPORT.—Not later than one year after the date of enactment of the Higher Education Opportunity Act, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report on all demonstration projects awarded grants under this part for any of fiscal years 1999 through 2008, including a review of the activities and program performance of such demonstration projects based on existing information as of the date of the report.

''(2) SUBSEQUENT REPORT.—Not later than three years after the date of the first award of a grant under this subpart after the date of enactment of the Higher Education Opportunity Act, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report that—

''(A) reviews the activities and program performance of the demonstration projects authorized under this subpart; and

''(B) provides guidance and recommendations on how effective projects can be replicated.

"SEC. 763. APPLICATIONS.

''Each institution of higher education desiring to receive a grant, contract, or cooperative agreement under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

''(1) a description of the activities authorized under this subpart that the institution proposes to carry out, and how such institution plans to conduct such activities in order to further the purpose of this subpart;

''(2) a description of how the institution consulted with a broad range of people within the institution to develop activities for which assistance is sought;

''(3) a description of how the institution will coordinate and collaborate with the office that provides services to students with disabilities within the institution; and

''(4) a description of the extent to which the institution will work to replicate the research-based and best practices of institutions of higher education with demonstrated effectiveness in serving students with disabilities.

"SEC. 764. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to impose any additional duty, obligation, or responsibility on an institution of higher education or on the institution's faculty, administrators, or staff than is required under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"SEC. 765. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

"Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education

"SEC. 766. PURPOSE.

''It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

"SEC. 767. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under section 769(a), the Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to enable the institutions or consortia to create or expand high quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) ADMINISTRATION.—The program under this section shall be administered by the office in the Department that administers other postsecondary education programs.

''(3) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) provide for an equitable geographic distribution of such grants;

''(2) provide grant funds for model comprehensive transition and postsecondary programs for students with intellectual disabilities that will serve areas that are underserved by programs of this type; and

''(3) give preference to applications submitted under subsection (b) that agree to incorporate into the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant one or more of the following elements:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally owned or

operated housing for students attending the institution, the integration of students with intellectual disabilities into the housing offered to nondisabled students.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living skills, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 777(b) in the evaluation of the model program;

''(6) partners with one or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act, including the use of funds available under part B of such Act to support the participation of such students in the model program;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education (or consortium) that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant. Such matching funds may be provided in cash or in-kind, and shall be in an amount of not less than 25 percent of the amount of such costs.

''(f) REPORT.—Not later than five years after the date of the first grant awarded under this section, the Secretary shall prepare and disseminate a report to the authorizing committees and to the public that—

''(1) reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities funded under this section; and

''(2) provides guidance and recommendations on how effective model programs can be replicated.

''SEC. 768. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to reduce or expand—

''(1) the obligation of a State or local educational agency to provide a free appropriate public education, as defined in section 602 of the Individuals with Disabilities Education Act; or

''(2) eligibility requirements under any Federal, State, or local disability law, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), or the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

''SEC. 769. AUTHORIZATION OF APPROPRIATIONS AND RESERVATION.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''(b) RESERVATION OF FUNDS.—For any fiscal year for which appropriations are made for this subpart, the Secretary shall reserve funds to enter into a cooperative agreement to establish the coordinating center under section 777(b), in an amount that is—

''(1) not less than $240,000 for any year in which the amount appropriated to carry out this subpart is $8,000,000 or less; or

''(2) equal to 3 percent of the amount appropriated to carry out this subpart for any year in which such amount appropriated is greater than $8,000,000.

''Subpart 3—Commission on Accessible Materials; Programs to Support Improved Access to Materials

''SEC. 771. DEFINITION OF STUDENT WITH A PRINT DISABILITY.

''In this subpart, the term 'student with a print disability' means a student with a disability who experiences barriers to accessing instructional material in nonspecialized formats, including an individual described in section 121(d)(2) of title 17, United States Code.

''SEC. 772. ESTABLISHMENT OF ADVISORY COMMISSION ON ACCESSIBLE INSTRUCTIONAL MATERIALS IN POSTSECONDARY EDUCATION FOR STUDENTS WITH DISABILITIES.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (in this section referred to as the 'Commission').

''(2) MEMBERSHIP.—

''(A) TOTAL NUMBER OF MEMBERS.—The Commission shall include not more than 19 members, who shall be appointed by the Secretary in accordance with in subparagraphs (B) and (C).

''(B) MEMBERS OF THE COMMISSION.—The Commission members shall include one representative from each of the following categories:

''(i) The Office of Postsecondary Education of the Department.

''(ii) The Office of Special Education and Rehabilitative Services of the Department.

''(iii) The Office for Civil Rights of the Department.

''(iv) The Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.

''(v) The Association on Higher Education and Disability.

''(vi) The Association of American Publishers.

''(vii) The Association of American University Presses.

''(viii) The National Council on Disability.

''(ix) Recording for the Blind and Dyslexic.

''(x) National organizations representing individuals with visual impairments.

''(xi) National organizations representing individuals with learning disabilities.

''(C) ADDITIONAL MEMBERS OF THE COMMISSION.—The Commission members shall include two representatives from each of the following categories:

''(i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, including representatives from both two-year and four-year institutions of higher education of different sizes.

''(ii) Producers of accessible materials, publishing software, and supporting technologies in specialized formats, such as Braille, audio or synthesized speech, and digital media.

''(iii) Individuals with visual impairments, including not less than one currently enrolled postsecondary student.

''(iv) Individuals with dyslexia or other learning disabilities related to reading, including not less than one currently enrolled postsecondary student.

''(D) TIMING.—The Secretary shall appoint the members of the Commission not later than 60 days after the Commission is established under paragraph (1).

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

''(4) MEETINGS.—

''(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

''(B) FIRST MEETING.—Not later than 60 days after the appointment of the members of the Commission under paragraph (2)(D), the Commission shall hold the Commission's first meeting.

''(5) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(b) DUTIES OF THE COMMISSION.—

''(1) STUDY.—

''(A) IN GENERAL.—The Commission shall conduct a comprehensive study to—

''(i) assess the barriers and systemic issues that may affect, and technical solutions available that may improve, the timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities, as well as the effective use of such materials by faculty and staff; and

''(ii) make recommendations related to the development of a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a timeframe comparable to the availability of instructional materials for postsecondary nondisabled students.

''(B) EXISTING INFORMATION.—To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information.

''(C) RECOMMENDATIONS.—

''(i) IN GENERAL.—The Commission shall develop recommendations—

''(I) to inform Federal regulations and legislation;

''(II) to support the model demonstration programs authorized under section 773;

''(III) to identify best practices in systems for collecting, maintaining, processing, and disseminating materials in specialized formats to students with print disabilities at costs comparable to instructional materials for postsecondary nondisabled students;

''(IV) to improve the effective use of such materials by faculty and staff, while complying with applicable copyright law; and

''(V) to modify the definitions of instructional materials, authorized entities, and eligible students, as such terms are used in applicable Federal law, for the purpose of improving services to students with disabilities.

''(ii) CONSIDERATIONS.—In developing the recommendations under subparagraph (C), the Commission shall consider—

''(I) how students with print disabilities may obtain instructional materials in accessible formats—

''(aa) within a timeframe comparable to the availability of instructional materials for nondisabled students; and

''(bb) to the maximum extent practicable, at costs comparable to the costs of such materials for nondisabled students;

''(II) the feasibility and technical parameters of establishing standardized electronic file formats, such as the National Instructional Materials Accessibility Standard as defined in section 674(e)(3) of the Individuals with Disabilities

Education Act, to be provided by publishers of instructional materials to producers of materials in specialized formats, institutions of higher education, and eligible students;

''(III) the feasibility of establishing a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such clearinghouse, repository, or network;

''(IV) the feasibility of establishing market-based solutions involving collaborations among publishers of instructional materials, producers of materials in specialized formats, and institutions of higher education;

''(V) solutions utilizing universal design; and

''(VI) solutions for low-incidence, high-cost requests for instructional materials in specialized formats.

''(2) REPORT.—Not later than one year after the Commission's first meeting, the Commission shall submit a report to the Secretary and the authorizing committees detailing the findings and recommendations of the study conducted under paragraph (1).

''(3) DISSEMINATION OF INFORMATION.—In carrying out the study under paragraph (1), the Commission shall disseminate information concerning the issues that are the subject of the study through—

''(A) the National Technical Assistance Center established under subpart 4; and

''(B) other means, as determined by the Commission.

''(c) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report under subsection (b)(2) to the Secretary and the authorizing committees.

''SEC. 773. MODEL DEMONSTRATION PROGRAMS TO SUPPORT IMPROVED ACCESS TO POSTSECONDARY INSTRUCTIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES.

''(a) PURPOSE.—It is the purpose of this section to support model demonstration programs for the purpose of encouraging the development of systems to improve the quality of postsecondary instructional materials in specialized formats and such materials' timely delivery to postsecondary students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

''(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

''(1) shall include—

''(A) an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, including the retention of such students in, and such students' completion of, postsecondary education; and

''(B) a public or private entity, other than an institution of higher education, with—

''(i) demonstrated expertise in developing accessible instructional materials in specialized formats for postsecondary students with print disabilities; and

''(ii) the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials in specialized formats; and

''(2) may include representatives of the publishing industry.

''(c) PROGRAM AUTHORIZED.—From amounts appropriated under section 775, the Secretary shall award grants or contracts, on a competitive basis, to not less than one eligible partnership to enable the eligible partnership to support the activities described in subsection (f) and, as applicable, subsection (g).

''(d) APPLICATION.—An eligible partnership that desires a grant or contract under this section shall submit an application at such time, in such manner, and in such format as the Secretary may prescribe. The application shall include information on how the eligible partnership will implement activities under subsection (f) and, as applicable, subsection (g).

''(e) PRIORITY.—In awarding grants or contracts under this section, the Secretary shall give priority to any applications that include the development and implementation of the procedures and approaches described in paragraphs (2) and (3) of subsection (g).

''(f) REQUIRED ACTIVITIES.—An eligible partnership that receives a grant or contract under this section shall use the grant or contract funds to carry out the following:

''(1) Supporting the development and implementation of the following:

''(A) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

''(B) Procedures and systems to facilitate and simplify request methods for accessible instructional materials in specialized formats from eligible students described in subparagraph (A), which may include a single point-of-entry system.

''(C) Procedures and systems to coordinate among institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate—

''(i) requests for such materials;

''(ii) the responses to such requests; and

''(iii) the delivery of such materials.

''(D) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

''(E) Systems to reduce duplicative conversions and improve sharing of the same instructional materials in specialized formats for multiple eligible students at multiple institutions of higher education.

''(F) Procedures to protect against copyright infringement with respect to the development, use, and distribution of instructional materials in specialized formats while maintaining accessibility for eligible students, which may include digital technologies such as watermarking, fingerprinting, and other emerging approaches.

''(G) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

''(2) Providing recommendations on how effective procedures and systems described in paragraph (1) may be disseminated and implemented on a national basis.

''(g) AUTHORIZED APPROACHES.—An eligible partnership that receives a grant or contract under this section may use the grant or contract funds to support the development and implementation of the following:

''(1) Approaches for the provision of instructional materials in specialized formats limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

''(2) Approaches supporting a unified search for instructional materials in specialized formats across multiple databases or lists of available materials.

''(3) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

''(h) REPORT.—Not later than three years after the date of the first grant or contract awarded under this section, the Secretary shall submit to the authorizing committees a report that includes—

''(1) the number of grants and contracts and the amount of funds distributed under this section;

''(2) a summary of the purposes for which the grants and contracts were provided and an evaluation of the progress made under such grants and contracts;

''(3) a summary of the activities implemented under subsection (f) and, as applicable, subsection (g), including data on the number of postsecondary students with print disabilities served and the number of instructional material requests executed and delivered in specialized formats; and

''(4) an evaluation of the effectiveness of programs funded under this section.

''(i) MODEL EXPANSION.—The Secretary may, on the basis of the reports under subsection (h) and section 772(b)(2) and any evaluations of the projects funded under this section, expand the program under this section to additional grant or contract recipients that use other programmatic approaches and serve different geographic regions, if the Secretary finds that the models used under this section—

''(1) are effective in improving the timely delivery and quality of materials in specialized formats; and

''(2) provide adequate protections against copyright infringement.

''SEC. 774. RULE OF CONSTRUCTION.

''Nothing in this subpart shall be construed to limit or preempt any State law requiring the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

''SEC. 775. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''(b) PRIORITY.—For the first fiscal year for which funds are made available under this section, the Secretary shall give priority to allocating funding for the purposes of section 772.

''Subpart 4—National Technical Assistance Center; Coordinating Center

''SEC. 776. PURPOSE.

''It is the purpose of this subpart to provide technical assistance and information on best and promising practices to students with disabilities, the families of students with disabilities, and entities awarded grants, contracts, or cooperative agreements under subpart 1, 2, or 3 to improve the postsecondary recruitment, transition, retention, and completion rates of students with disabilities.

''SEC. 777. NATIONAL TECHNICAL ASSISTANCE CENTER; COORDINATING CENTER.

''(a) NATIONAL CENTER.—

''(1) IN GENERAL.—From amounts appropriated under section 778, the Secretary shall award a grant to, or enter into a contract or cooperative agreement with, an eligible entity to provide for the establishment and support of a National Center for Information and Technical Support for Postsecondary Students with Disabilities (in this subsection referred to as the 'National Center'). The National Center shall carry out the duties set forth in paragraph (4).

''(2) ADMINISTRATION.—The program under this section shall be administered by the office in the Department that administers other postsecondary education programs.

''(3) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means an institution of higher education, a nonprofit organization, or partnership of two or more such institutions or organizations, with demonstrated expertise in—

''(A) supporting students with disabilities in postsecondary education;

''(B) technical knowledge necessary for the dissemination of information in accessible formats;

''(C) working with diverse types of institutions of higher education, including community colleges; and

''(D) the subjects supported by the grants, contracts, or cooperative agreements authorized in subparts 1, 2, and 3.

''(4) DUTIES.—The duties of the National Center shall include the following:

''(A) ASSISTANCE TO STUDENTS AND FAMILIES.—The National Center shall provide information and technical assistance to students with disabilities and the families of students with disabilities to support students across the broad spectrum of disabilities, including—

''(i) information to assist individuals with disabilities who are prospective students of an institution of higher education in planning for postsecondary education while the students are in secondary school;

''(ii) information and technical assistance provided to individualized education program teams (as defined in section 614(d)(1) of the Individuals with Disabilities Education Act) for secondary school students with disabilities, and to early outreach and student services programs, including programs authorized under subparts 2, 4, and 5 of part A of title IV, to support students across a broad spectrum of disabilities with the successful transition to postsecondary education;

''(iii) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

''(iv) information on student mentoring and networking opportunities for students with disabilities; and

''(v) effective recruitment and transition programs at postsecondary educational institutions.

''(B) ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—The National Center shall provide information and technical assistance to faculty, staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

''(i) collection and dissemination of best and promising practices and materials for accommodating and supporting students with disabilities, including practices and materials supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3;

''(ii) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting postsecondary students with disabilities across a range of academic fields, which may include universal design for learning and practices supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3; and

''(iii) development of technology-based tutorials for higher education faculty and staff, including new faculty and graduate students, on best and promising practices related to support and retention of students with disabilities in postsecondary education.

''(C) INFORMATION COLLECTION AND DISSEMINATION.—The National Center shall be responsible for building, maintaining, and updating a database of disability support services information with respect to institutions of higher education, or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education. Such database shall be available to the general public through a website built to high technical standards of accessibility practicable for the broad spectrum of individuals with disabilities. Such database and website shall include available information on—

''(i) disability documentation requirements;

''(ii) support services available;

''(iii) links to financial aid;

''(iv) accommodations policies;

''(v) accessible instructional materials;

''(vi) other topics relevant to students with disabilities; and

''(vii) the information in the report described in subparagraph (E).

''(D) DISABILITY SUPPORT SERVICES.—The National Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.

''(E) REVIEW AND REPORT.—Not later than three years after the establishment of the National Center, and every two years thereafter, the National Center shall prepare and disseminate a report to the Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities. Such report shall include—

''(i) a review of the activities and the effectiveness of the programs authorized under this part;

''(ii) annual enrollment and graduation rates of students with disabilities in institutions of higher education from publicly reported data;

''(iii) recommendations for effective postsecondary supports and services for students with disabilities, and how such supports and services may be widely implemented at institutions of higher education;

''(iv) recommendations on reducing barriers to full participation for students with disabilities in higher education; and

''(v) a description of strategies with a demonstrated record of effectiveness in improving the success of such students in postsecondary education.

''(F) STAFFING OF THE CENTER.—In hiring employees of the National Center, the National Center shall consider the expertise and experience of prospective employees in providing training and technical assistance to practitioners.

''(b) COORDINATING CENTER.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

''(A) higher education;

''(B) the education of students with intellectual disabilities;

''(C) the development of comprehensive transition and postsecondary programs for students with intellectual disabilities; and

''(D) evaluation and technical assistance.

''(2) IN GENERAL.—From amounts appropriated under section 778, the Secretary shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities, including institutions participating in grants authorized under subpart 2, to provide—

''(A) recommendations related to the development of standards for such programs;

''(B) technical assistance for such programs; and

''(C) evaluations for such programs.

''(3) ADMINISTRATION.—The program under this subsection shall be administered by the office in the Department that administers other postsecondary education programs.

''(4) DURATION.—The Secretary shall enter into a cooperative agreement under this subsection for a period of five years.

''(5) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this subsection shall establish and maintain a coordinating center that shall—

''(A) serve as the technical assistance entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities;

''(B) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(C) develop an evaluation protocol for such programs that includes qualitative and quantitative methodologies for measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(D) assist recipients of grants under subpart 2 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential shall take into consideration unique State factors;

''(E) develop recommendations for the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

''(F) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

''(G) develop model memoranda of agreement for use between or among institutions of higher education and State and local agencies providing funding for such programs;

''(H) develop mechanisms for regular communication, outreach and dissemination of information about comprehensive transition and postsecondary programs for students with intellectual disabilities under subpart 2 between or among such programs and to families and prospective students;

''(I) host a meeting of all recipients of grants under subpart 2 not less often than once each year; and

''(J) convene a workgroup to develop and recommend model criteria, standards, and components of such programs as described in subparagraph (E), that are appropriate for the development of accreditation standards, which workgroup shall include—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities;

''(iv) a representative from the National Advisory Committee on Institutional Quality and Integrity; and

''(v) a representative of a regional or national accreditation agency or association.

''(6) REPORT.—Not later than five years after the date of the establishment of the coordinating center under this subsection, the coordinating center shall report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in paragraph (5)(J).

''SEC. 778. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 710. SUBGRANTS TO NONPROFIT ORGANIZATIONS.

Section 781 (as redesignated by section 709(1)) (20 U.S.C. 1141) is amended—

(1) in subsection (a), by striking the second sentence and inserting the following: ''In addition to the amount authorized and appropriated under the preceding sentence, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.'';

(2) in subsection (b)(1), by inserting '', subject to the availability of appropriations,'' after ''the Secretary shall''; and

(3) in subsection (e), by inserting after ''of this Act)'' the following: '', or those nonprofit organizations that have agreements with the Secretary under section 435(j)''.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is further amended by adding at the end the following new title:

''TITLE VIII—ADDITIONAL PROGRAMS

''PART A—PROJECT GRAD

''SEC. 801. PROJECT GRAD.

''(a) PURPOSES.—The purposes of this section are—

''(1) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, postsecondary program attendance, and postsecondary completion rates for low-income students; and

''(2) to promote the establishment of new programs to implement such integrated education reform services.

''(b) DEFINITIONS.—In this section:

''(1) LOW-INCOME STUDENT.—The term 'low-income student' means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

''(2) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

''(c) CONTRACT AUTHORIZED.—From the amount appropriated to carry out this section, the Secretary is authorized to award a five-year contract to Project GRAD USA (referred to in this section as the 'contractor'), a nonprofit education organization that has as its primary purpose the improvement of secondary school graduation and postsecondary attendance and completion rates for low-income students. Such contract shall be used to carry out the requirements of subsection (d) and to implement and sustain integrated education reform services through subcontractor activities described in subsection (e)(3) at existing Project GRAD program sites and to promote the expansion to new sites.

''(d) REQUIREMENTS OF CONTRACT.—The Secretary shall enter into an agreement with the contractor that requires that the contractor shall—

''(1) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of low-income students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD programs described in subsection (e) and provide matching funds for such programs;

''(2) directly carry out—

''(A) activities to implement and sustain the literacy, mathematics, classroom management, social service, and postsecondary access programs further described in subsection (e)(3);

''(B) activities to build the organizational and management capacity of the subcontractors to effectively implement and sustain the programs;

''(C) activities for the purpose of improving and expanding the programs, including activities—

''(i) to further articulate a program for one or more grade levels and across grade levels;

''(ii) to tailor a program for a particular target audience; and

''(iii) to provide tighter integration across programs;

''(D) activities for the purpose of implementing new Project GRAD program sites;

''(E) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation and postsecondary attendance rates for low-income students; and

''(F) other activities directly related to improving secondary school graduation and postsecondary attendance and completion rates for low-income students; and

''(3) use contract funds available under this section to pay—

''(A) the amount determined under subsection (f); and

''(B) costs associated with carrying out the activities and providing the services, as provided in paragraph (2) of this subsection.

''(e) SUPPORTED PROGRAMS.—

''(1) DESIGNATION.—The subcontractor programs referred to in this subsection shall be known as Project GRAD programs.

''(2) FEEDER PATTERNS.—Each subcontractor shall implement a Project GRAD program and shall, with the agreement of the contractor—

''(A) identify or establish not less than one feeder pattern of public schools; and

''(B) provide the integrated educational reform services described in paragraph (3) at each identified feeder pattern.

''(3) INTEGRATED EDUCATION REFORM SERVICES.—The services provided through a Project GRAD program may include—

''(A) research-based programs in reading, mathematics, and classroom management;

''(B) campus-based social services programs, including a systematic approach to increase family and community involvement in the schools served by the Project GRAD program;

''(C) a postsecondary access program that includes—

''(i) providing postsecondary scholarships for students who meet established criteria;

''(ii) proven approaches for increasing student and family postsecondary awareness; and

''(iii) assistance for students in applying for higher education financial aid; and

''(D) such other services identified by the contractor as necessary to increase secondary school graduation and postsecondary attendance and completion rates.

''(f) USE OF FUNDS.—Of the funds made available to carry out this section, not more than five percent of such funds, or $4,000,000, whichever is less, shall be used by the contractor to pay for administration of the contract.

''(g) CONTRIBUTION AND MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The contractor shall provide to each subcontractor an average of $200 for each student served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(A) the resources or funds available in the area where the subcontractor will implement the Project GRAD program; and

''(B) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement, secondary school graduation, and postsecondary attendance and completion rates.

''(2) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to the amount received by the subcontractor from the contractor. Such matching funds may be provided in cash or in kind, fairly evaluated.

''(3) WAIVER AUTHORITY.—The contractor may waive, in whole or in part, the requirement of paragraph (2) for a subcontractor, if the subcontractor—

''(A) demonstrates that the subcontractor would not otherwise be able to participate in the program; and

''(B) enters into an agreement with the contractor with respect to the amount to which the waiver will apply.

''(h) EVALUATION.—

''(1) EVALUATION BY THE SECRETARY.—The Secretary shall select an independent entity to evaluate, every three years, the performance of students who participate in a Project GRAD program under this section. The evaluation shall—

''(A) be conducted using a rigorous research design for determining the effectiveness of the Project GRAD programs funded under this section; and

''(B) compare reading and mathematics achievement, secondary school graduation, and postsecondary attendance and completion rates of students who participate in a Project GRAD program funded under this section with those indicators for students of similar backgrounds who do not participate in such program.

''(2) EVALUATION BY CONTRACTOR AND SUBCONTRACTORS.—The contractor shall require each subcontractor to prepare an in-depth report of the results and the use of funds of each Project GRAD program funded under this section that includes—

''(A) data on the reading and mathematics achievement of students involved in the Project GRAD program;

''(B) data on secondary school graduation and postsecondary attendance and completion rates; and

''(C) such financial reporting as required by the Secretary to review the effectiveness and efficiency of the program.

''(3) AVAILABILITY OF EVALUATIONS.—Copies of any evaluation or report prepared under this subsection shall be made available to—

''(A) the Secretary; and

''(B) the authorizing committees.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART B—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

''SEC. 802. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated under subsection (f), the Secretary is authorized to award grants to States, on a competitive basis, to enable the States to encourage students to pursue a rigorous course of study, beginning in secondary school and continuing through the students' postsecondary education, in science, technology, engineering, mathematics, or a health-related field.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—A State that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. A State may submit an application to receive a grant under subsection (c) or (d), or both.

''(2) CONTENTS OF APPLICATION.—Each application shall include a description of—

''(A) the program or programs for which the State is applying;

''(B) if applicable, the priority set by the Governor pursuant to subsection (c)(4) or (d)(3); and

''(C) how the State will meet the requirements of subsection (e).

''(c) MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.—

''(1) GRANT FOR SCHOLARSHIPS.—The Secretary shall award grants under this subsection to provide scholarship support to eligible students.

''(2) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this subsection if the student—

''(A) meets the requirements of section 484(a);

''(B) is a full-time student in the student's first year of undergraduate study; and

''(C) has completed a rigorous secondary school curriculum in mathematics and science.

''(3) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in paragraph (2)(C).

''(4) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this subsection for particular eligible students, such as students attending schools in high-need local educational agencies (as defined in section 200), students who are from groups underrepresented in the fields of

mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or other high-need students.

''(5) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this subsection to provide scholarships—

''(A) in an amount that does not exceed $5,000 per student; and

''(B) for not more than one year of undergraduate study.

''(d) STEM OR HEALTH-RELATED SCHOLARS PROGRAM.—

''(1) GRANT FOR SCHOLARSHIPS.—The Secretary shall award grants under this subsection to provide scholarship support to eligible students.

''(2) ELIGIBLE STUDENTS.—A student is eligible for scholarship under this subsection if the student—

''(A) meets the requirements of section 484(a);

''(B) is a full-time student who has completed at least the first year of undergraduate study;

''(C) is enrolled in a program of undergraduate instruction leading to a bachelor's degree with a major in science, technology, engineering, mathematics, or a health-related field; and

''(D) has obtained a cumulative grade point average of at least a 3.0 (or the equivalent as determined under regulation prescribed by the Secretary) at the end of the most recently completed term.

''(3) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this subsection for students agreeing to work in areas of science, technology, engineering, mathematics, or health-related fields.

''(4) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this subsection to provide scholarships—

''(A) in an amount that does not exceed $5,000 per student for an academic year; and

''(B) in an aggregate amount that does not exceed $20,000 per student.

''(e) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

''(f) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''(g) DEFINITION.—The term 'Governor' means the chief executive officer of a State.

''PART C—BUSINESS WORKFORCE PARTNERSHIPS FOR JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

''SEC. 803. BUSINESS WORKFORCE PARTNERSHIPS FOR JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

''(a) PURPOSE.—The purpose of this section is to provide grants to institutions of higher education partnering with employers to—

''(1) provide relevant job skill training in high-growth and high-wage industries or occupations to nontraditional students; and

''(2) strengthen ties between degree credit offerings at institutions of higher education and business and industry workforce needs.

''(b) AUTHORIZATION.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (k), the Secretary shall award grants, on a competitive basis, to eligible partnerships for the purpose provided in subsection (a).

''(2) DURATION.—The Secretary shall award grants under this section for a period of not less than 36 months and not more than 60 months.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (c).

''(c) USE OF FUNDS.—In consultation with all of the members of an eligible partnership, grant funds provided under this section may be used to—

''(1) expand or create for-credit academic programs or programs of training that provide relevant job skill training for high-growth and high-wage occupations or industries, including offerings connected to registered apprenticeship programs and entrepreneurial training opportunities;

''(2) in consultation with faculty in the appropriate departments of an institution of higher education, adapt college offerings to the schedules and needs of working students, such as the creation of evening, weekend, modular, compressed, or distance learning formats;

''(3) purchase equipment that will facilitate the development of academic programs or programs of training that provide training for high-growth and high-wage occupations or industries;

''(4) strengthen outreach efforts that enable students, including students with limited English proficiency, to attend institutions of higher education with academic programs or programs of training focused on high-growth and high-wage occupations or industries;

''(5) expand worksite learning and training opportunities, including registered apprenticeships as appropriate; and

''(6) support other activities the Secretary determines to be consistent with the purpose of this section.

''(d) APPLICATION.—

''(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth and high-wage occupations or industries; and

''(B) how the eligible partnership has consulted with employers and, where applicable, labor organizations to identify local high-growth and high-wage occupations or industries.

''(e) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) give priority to applications focused on serving nontraditional students;

''(2) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

''(3) take into consideration the capability of an institution of higher education that is participating in an eligible partnership to—

''(A) offer one- or two-year high-quality programs of instruction and job skill training for students entering a high-growth and high-wage occupation or industry;

''(B) involve the local business community, and to place graduates in employment in high-growth and high-wage occupations or industries in the community; and

''(C) serve adult workers or displaced workers.

''(f) ADMINISTRATIVE COSTS.—A grantee under this section may use not more than five percent of the grant amount to pay administrative costs associated with activities funded by the grant.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

''(h) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the program under this section based on performance standards developed in consultation with the Department of Labor, and shall disseminate to the public the findings of such evaluation and information related to promising practices developed under this section.

''(i) REPORT TO CONGRESS.—Not later than 36 months after the first grant is awarded under this section, the Comptroller General shall report to the authorizing committees recommendations—

''(1) for changes to this Act and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Investment Act of 1998 (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education; and

''(2) for other changes to this Act and related Acts to otherwise strengthen the links between business and industry workforce needs, workforce development programs, and other degree credit offerings at institutions of higher education.

''(j) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—

''(A) IN GENERAL.—The term 'eligible partnership' means a partnership that includes—

''(i) one or more institutions of higher education, one of which serves as the fiscal agent and grant recipient for the eligible partnership;

''(ii) except as provided in subparagraph (B), an employer, group of employers, local board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or workforce intermediary, or any combination thereof; and

''(iii) where applicable, one or more labor organizations that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such an organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

''(B) STATE AND LOCAL BOARDS.—Notwithstanding subparagraph (A), if an institution of higher education that is participating in an eligible partnership under this section is located in a State that does not operate local boards, an eligible partnership may include a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)).

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an eligible partnership that is in existence on the date of enactment of the Higher Education Opportunity Act from applying for a grant under this section.

''(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student—

''(A) who is an independent student, as defined in section 480(d);

''(B) who attends an institution of higher education—

''(i) on less than a full-time basis;

''(ii) via evening, weekend, modular, or compressed courses; or

''(iii) via distance education methods; and

''(C) who—

''(i) enrolled for the first time in an institution of higher education three or more years after completing high school; or

''(ii) works full-time.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART D—CAPACITY FOR NURSING STUDENTS AND FACULTY

''SEC. 804. CAPACITY FOR NURSING STUDENTS AND FACULTY.

''(a) AUTHORIZATION.—From the amounts appropriated under subsection (f), the Secretary shall award grants to institutions of higher education that offer—

''(1) an accredited registered nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional students in such program; or

''(2) an accredited graduate-level nursing program to accommodate advanced practice degrees

for registered nurses or to accommodate students enrolled in such program to become teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine, for the four academic years preceding the academic year for which the determination is made, the average number of matriculated nursing program students, in each of the institution's accredited associate, baccalaureate, or advanced nursing degree programs at such institution for such academic years;

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number in each of the institution's accredited nursing programs determined under paragraph (1); and

''(3) with respect to the partnerships described in subsection (c)(2)(B), provide assurances that—

''(A) the individuals enrolled in the program will—

''(i) be registered nurses in pursuit of a master's or doctoral degree in nursing; and

''(ii) have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

''(B) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program, if the program requires a clinical site;

''(C) individuals enrolled in the program will—

''(i) maintain their employment on at least a part-time basis with the hospital or health facility that allowed them to participate in the program; and

''(ii) receive an income from the hospital or health facility, as at least a part-time employee, and release times or flexible schedules, to accommodate their program requirements, as necessary; and

''(D) upon completion of the program, recipients of scholarships described in subsection (c)(2)(B)(ii)(III) will be required to teach for two years in an accredited school of nursing for each year of support the individual received under this section.

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2009–2010, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number by which—

''(A) the number of matriculated nursing program students at such institution for such academic year, exceeds

''(B) the average number determined with respect to such institution under subsection (b)(1).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (D), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in accredited graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding accredited registered nurse programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding accredited registered nurse programs at the associate degree level.

''(B) OPTIONAL USES OF FUNDS.—Grants awarded under this section may be used to support partnerships with hospitals or health facilities to—

''(i) improve the alignment between nursing education and the emerging challenges of health care delivery by—

''(I) the purchase of distance learning technologies and expanding methods of delivery of instruction to include alternatives to onsite learning; and

''(II) the collection, analysis, and dissemination of data on educational outcomes and best practices identified through the activities described in this section; and

''(ii) ensure that students can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty by—

''(I) funding release time for qualified nurses enrolled in the graduate nursing program;

''(II) providing for faculty salaries; or

''(III) providing scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program.

''(C) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants under this section, the Secretary shall consider the following:

''(i) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(ii) URBAN AND RURAL AREAS.—Distributing such grants to urban and rural areas.

''(iii) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education, including institutions providing alternative methods of delivery of instruction in addition to on-site learning.

''(D) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain available after the Secretary awards grants under this section to all applicants for the particular category of accredited nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants that applied under the other categories of nursing programs.

''(E) LIMITATION.—Of the amount appropriated to carry out this section, the Secretary may award not more than ten percent of such amount for the optional purposes under subparagraph (B).

''(d) DEFINITION.—For purposes of this section:

''(1) HEALTH FACILITY.—The term 'health facility' means an Indian health service center, a Native Hawaiian health center, a hospital, a federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or an ambulatory surgical center.

''(2) ACCREDITED.—The terms 'accredited school of nursing' and 'accredited nursing program' have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

''(e) PROHIBITION.—

''(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART E—AMERICAN HISTORY FOR FREEDOM

''SEC. 805. AMERICAN HISTORY FOR FREEDOM.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (f), the Secretary is authorized to award three-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

''(1) traditional American history;

''(2) the history and nature of, and threats to, free institutions; or

''(3) the history and achievements of Western civilization.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

''(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

''(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

''(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

''(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how funds made available under this section will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

''(B) how the eligible institution will ensure that information about the activities funded under this section is widely disseminated pursuant to subsection (e)(1)(B);

''(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

''(D) how funds made available under this section shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

''(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this section.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration the capability of the eligible institution to—

''(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

''(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

''(3) sustain the activities funded under this section after the grant has expired.

''(e) USE OF FUNDS.—

''(1) REQUIRED USE OF FUNDS.—Funds provided under this section shall be used to—

''(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

''(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

''(ii) development, publication, and dissemination of instructional materials;

''(iii) research;

''(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

''(v) support for graduate and postgraduate fellowships, if applicable; or

''(vi) teacher preparation initiatives that stress content mastery regarding traditional

American history, free institutions, or Western civilization; and

''(B) conduct outreach activities to ensure that information about the activities funded under this section is widely disseminated—

''(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

''(ii) to graduate students (including students enrolled in teacher education programs, if applicable);

''(iii) to faculty;

''(iv) to local educational agencies; and

''(v) within the local community.

''(2) ALLOWABLE USES OF FUNDS.—Funds provided under this section may be used to support—

''(A) collaboration with entities such as—

''(i) local educational agencies, for the purpose of providing elementary and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

''(ii) nonprofit organizations whose mission is consistent with the purpose of this section, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

''(B) other activities that meet the purposes of this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART F—TEACH FOR AMERICA

''SEC. 806. TEACH FOR AMERICA.

''(a) DEFINITIONS.—For purposes of this section:

''(1) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 or section 602 of the Individuals with Disabilities Education Act.

''(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given such term in section 200.

''(b) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (f), the Secretary is authorized to award a five-year grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for two years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section to—

''(1) provide highly qualified teachers to high-need local educational agencies in urban and rural communities;

''(2) pay the costs of recruiting, selecting, training, and supporting new teachers; and

''(3) serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing preservice training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

''(C) Placing such teachers in schools and positions designated by high-need local educational agencies as high-need placements serving underserved students.

''(D) Providing ongoing professional development activities for such teachers' first two years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (b), except that funds may be used for non-programmatic costs in accordance with subsection (f)(2).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training such teachers received, the placement sites of such teachers, the professional development of such teachers, and the retention of such teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

''(B) STUDENT ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

''(C) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every three years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(D) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community. Further, the peer review standards shall ensure that reviewers are practicing researchers and have expertise in assessment systems, accountability, psychometric measurement and statistics, and instruction.

''(3) ACCOUNTING, FINANCIAL REPORTING, AND INTERNAL CONTROL SYSTEMS.—

''(A) IN GENERAL.—The grantee shall contract with an independent auditor to conduct a comprehensive review of the grantee's accounting, financial reporting, and internal control systems. Such review shall assess whether that grantee's accounting, financial reporting, and internal control systems are designed to—

''(i) provide information that is complete, accurate, and reliable;

''(ii) reasonably detect and prevent material misstatements, as well as fraud, waste, and abuse; and

''(iii) provide information to demonstrate the grantee's compliance with related Federal programs, as applicable.

''(B) REVIEW REQUIREMENTS.—Not later than 90 days after the grantee receives funds to carry out this section for the first fiscal year in which funds become available to carry out this section after the date of enactment of the Higher Education Opportunity Act, the independent auditor shall complete the review required by this paragraph.

''(C) REPORT.—Not later than 120 days after the grantee receives funds to carry out this section for the first fiscal year in which funds become available to carry out this section after the date of enactment of the Higher Education Opportunity Act, the independent auditor shall submit a report to the authorizing committees and the Secretary of the findings of the review required under this paragraph, including any recommendations of the independent auditor, as appropriate, with respect to the grantee's accounting, financial reporting, and internal control systems.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—The amount authorized to be appropriated to carry out this section shall not exceed—

''(A) $20,000,000 for fiscal year 2009;

''(B) $25,000,000 for fiscal year 2010; and

''(C) such sums as may be necessary for each of the four succeeding fiscal years.

''(2) LIMITATION.—The grantee shall not use more than 5 percent of Federal funds made available under this section for non-programmatic costs to carry out this section.

''PART G—PATSY T. MINK FELLOWSHIP PROGRAM

''SEC. 807. PATSY T. MINK FELLOWSHIP PROGRAM.

''(a) PURPOSE; DESIGNATION.—

''(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

''(b) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

''(c) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—From the amounts appropriated under subsection (f), the Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

''(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) APPLICATIONS MADE ON BEHALF.—The following entities may submit an application on behalf of an eligible institution:

''(i) A graduate school or department of such institution.

''(ii) A graduate school or department of such institution in collaboration with an undergraduate college or school of such institution.

''(iii) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(C) PARTNERSHIP.—In developing a grant application and carrying out the grant activities authorized under this section, an eligible institution may partner with a nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(3) SELECTION OF APPLICATIONS.—In awarding grants under paragraph (1), the Secretary shall—

''(A) take into account—

''(i) the number and distribution of minority and female faculty nationally;

''(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

''(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and private eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

''(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that are eligible for assistance under title III or title V, or to consortia of eligible institutions that include at least one eligible institution that is eligible for assistance under title III or title V.

''(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

''(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than ten fellowship awards.

''(E) INSUFFICIENT FUNDS.—If the amount appropriated is not sufficient to permit all grantees under this section to provide the minimum number of fellowships required by subparagraph (D), the Secretary may, after awarding as many grants to support the minimum number of fellowships as such amount appropriated permits, award grants that do not require the grantee to award the minimum number of fellowships required by such subparagraph.

''(5) INSTITUTIONAL ALLOWANCE.—

''(A) IN GENERAL.—

''(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

''(ii) AMOUNT.—Except as provided in subparagraph (C), for academic year 2009–2010 and succeeding academic years, an institutional allowance under this paragraph shall be in an amount equal to the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(B) USE OF FUNDS.—Institutional allowances may be expended at the discretion of the eligible institution and may be used to provide, except as prohibited under subparagraph (D), academic support and career transition services for individuals awarded fellowships by such institution.

''(C) REDUCTION.—The institutional allowance paid under subparagraph (A) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree program, or program for the highest possible degree available, and—

''(A) intend to pursue a career in instruction at—

''(i) an institution of higher education (as the term is defined in section 101);

''(ii) an institution of higher education (as the term is defined in section 102(a)(1)); and

''(iii) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(B) sign an agreement with the Secretary agreeing—

''(i) to begin employment at an institution described in subparagraph (A) not later than three years after receiving the doctoral degree or highest possible degree available, which three-year period may be extended by the Secretary for extraordinary circumstances; and

''(ii) to be employed by such institution for one year for each year of fellowship assistance received under this section.

''(2) REPAYMENT FOR FAILURE TO COMPLY.—In the event that any recipient of a fellowship under this section fails or refuses to comply with the agreement signed pursuant to paragraph (1)(B), the sum of the amounts of any fellowship received by such recipient shall, upon a determination of such a failure or refusal to comply, be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing from the date of the grant award, in accordance with terms and conditions specified by the Secretary in regulations under this section.

''(3) WAIVER AND MODIFICATION.—

''(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under paragraph (1)(B).

''(B) CONTENT.—The criteria under subparagraph (A) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(i) inequitable and represent an extraordinary hardship; or

''(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to fellows under the National Science Foundation Graduate Research Fellowship Program, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

''(1) to grant a preference to or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

''SEC. 808. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—From the amounts appropriated under subsection (c), the Secretary shall award a grant to one nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year postsecondary education enrollment rate trends of secondary school students, disaggregated by secondary school, in compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and five States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive assessment in the agencies and States of the factors known to contribute to improved postsecondary education enrollment rates, which factors shall include—

''(A) the local educational agency's and State's leadership strategies and capacities;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, guidance counselors, and administrators in supporting the transition of secondary students to postsecondary education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into postsecondary education;

''(E) the use of data systems by the local educational agency and the State to measure postsecondary education enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and schoolwide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the schoolwide postsecondary education enrollment rates of each of not less than ten local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the postsecondary education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing schoolwide postsecondary enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a postsecondary education transition data management system.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART I—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

''SEC. 811. PURPOSE.

''The purposes of this part are—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, administrators, and faculty; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, administrators, and faculty that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

''SEC. 812. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this part, the term 'early childhood education program' means—

''(1) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), including a migrant or seasonal Head Start program or an Indian Head Start program;

''(2) a State licensed or regulated child care program; or

''(3) a State prekindergarten program or a program authorized under section 619 or part C of the Individuals with Disabilities Education Act, that serves children from birth through age six and that addresses the children's cognitive (including language, early literacy, and prenumeracy), social, emotional, and physical development.

''SEC. 813. GRANTS AUTHORIZED.

''(a) IN GENERAL.—From the amounts appropriated under section 818, the Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

''(1) to establish a State Task Force described in section 814; and

''(2) to support activities of the State Task Force described in section 815.

''(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this part shall be awarded for a period of five years.

''SEC. 814. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, the State Head Start collaboration director, and any other entity or individual the Governor determines appropriate.

''SEC. 815. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high-quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program;

''(F) attainment of—

''(i) academic credit for coursework;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(G) specialized knowledge in the education of children with limited English proficiency and students with disabilities; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan may include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high-quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in undergraduate and graduate education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) in the case of an individual pursuing an undergraduate or graduate degree, enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between two- and four-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance for postsecondary education; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the capacity and quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

''SEC. 816. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 815;

''(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than two years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 815.

''SEC. 817. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

''(1) evaluate the activities that are assisted under this part in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 815(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

''SEC. 818. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART J—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

''SEC. 819. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purposes of this section are—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given such term in section 7306 of the Elementary and Secondary Education Act of 1965.

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) one or more colleges, schools, or departments of engineering;

''(B) one or more colleges of science or mathematics;

''(C) one or more institutions of higher education that offer two-year degrees; and

''(D) one or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through postsecondary education, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a)

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—From the amounts appropriated to carry out this section under subsection (i), the Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through postsecondary education, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for one or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities as are consistent with the purpose of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that, on the day before the date of enactment of the Higher Education Opportunity Act, provides one or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of five years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than six months after the end of the grant period.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART K—PILOT PROGRAMS TO INCREASE COLLEGE PERSISTENCE AND SUCCESS

''SEC. 820. PILOT PROGRAMS TO INCREASE COLLEGE PERSISTENCE AND SUCCESS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (i), the Secretary is authorized to award grants in accordance with this section, on a competitive basis, to eligible institutions to enable the institutions to develop programs to increase the persistence and success of low-income college students.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An eligible institution may submit an application to receive a grant under subsection (c) or (d) or both.

''(2) EVALUATION CONDITION.—Each eligible institution seeking a grant under this section shall agree to participate in the evaluation described in subsection (f).

''(3) PRIORITY FOR REPLICATION OF EVIDENCE-BASED POLICIES AND PRACTICES.—In awarding grants for the program under subsection (d), the Secretary shall give priority to applications submitted by eligible institutions that propose to replicate policies and practices that have proven effective in increasing persistence and degree completion by low-income students or students in need of developmental education.

''(c) PILOT PROGRAM TO INCREASE PERSISTENCE AND SUCCESS IN COMMUNITY COLLEGES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, as defined in section 101, that provides a one- or two-year program of study leading to a degree or certificate.

''(B) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(i) is eligible to receive assistance under section 401;

''(ii) is enrolled at least half-time;

''(iii) is not younger than age 19;

''(iv) is the parent of at least one dependent child, which dependent child is age 18 or younger;

''(v) has a secondary school diploma or its recognized equivalent; and

''(vi) does not have a degree or certificate from an institution of higher education.

''(2) USES OF FUNDS.—

''(A) SUPPORT.—The Secretary shall award grants under this subsection to eligible institutions to enable such institutions to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

''(B) REQUIRED USES.—Each eligible institution receiving a grant under this subsection shall use the grant funds—

''(i) to provide scholarships in accordance with paragraph (3); and

''(ii) to provide counseling services in accordance with paragraph (4) .

''(C) ALLOWABLE USES OF FUNDS.—Grant funds provided under this subsection may be used—

''(i) to conduct outreach to make students aware of the scholarships and counseling services available under this subsection and to encourage the students to participate in the program assisted under this subsection; and

''(ii) to provide incentives of $20 or less to applicants who complete the process of applying for assistance under this subsection, as compensation for the student's time.

''(3) SCHOLARSHIP REQUIREMENTS.—

''(A) IN GENERAL.—Each scholarship awarded under this subsection shall—

''(i) be awarded for one academic year consisting of two semesters or the equivalent;

''(ii) require the student to maintain, during the scholarship period, at least half-time enrollment and at least a 2.0 grade point average or the equivalent;

''(iii) be awarded in the amount of $1,000 for each of two semesters (prorated for quarters or other equivalents), or $2,000 for an academic year;

''(iv) not exceed the student's cost of attendance, as defined in section 472; and

''(v) be paid, for each of the two semesters, in increments of—

''(I) $250 upon enrollment (prorated for quarters or other equivalents);

''(II) $250 upon passing midterm examinations or comparable assessments (prorated for quarters or other equivalents); and

''(III) $500 upon passing courses (prorated for quarters or other equivalents).

''(B) NUMBER.—An eligible institution may award an eligible student not more than two scholarships under this subsection.

''(4) COUNSELING SERVICES.—

''(A) IN GENERAL.—Each eligible institution receiving a grant under this subsection shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this subsection. Each such counselor shall—

''(i) have a caseload of less than 125 students;

''(ii) use a proactive, team-oriented approach to counseling;

''(iii) hold a minimum of two meetings with each student each semester; and

''(iv) provide referrals to and follow-up with other student services staff, including financial aid and career services.

''(B) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this subsection shall be available to participating students during the daytime and evening hours.

''(d) STUDENT SUCCESS GRANT PILOT PROGRAM.—

''(1) DEFINITIONS.—

''(A) ELIGIBLE INSTITUTION.—In this subsection, the term 'eligible institution' means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this subsection, an average of not less than 50 percent of the institution's entering first-year students are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college level.

''(B) ELIGIBLE STUDENT.—In this subsection, the term 'eligible student' means a student who—

''(i) is eligible to receive assistance under section 401;

''(ii) is a first-year student at the time of entering the program;

''(iii) is assessed as needing developmental education to bring reading, writing, or mathematics skills up to college level; and

''(iv) is selected by an eligible institution to participate in the program.

''(2) STUDENT SUCCESS GRANT AMOUNT.—The Secretary shall award grants under this subsection to eligible institutions in an amount equal to $1,500 multiplied by the number of students the institution selects to participate in the program in such year. An institution shall not select more than 200 students to participate in the program under this subsection during such year.

''(3) REQUIRED USES.—An eligible institution that receives a grant under this subsection shall use the grant funds to assign a student success coach to each first-year student participating in the program to provide intensive career and academic advising, ongoing personal help in navigating college services (such as financial aid and registration), and assistance in connecting to community resources that can help students overcome family and personal challenges to success. Student success coaches—

''(A) shall work with not more than 50 new students during any academic period;

''(B) may be employees of academic departments, student services offices, community-based organizations, or other entities as determined appropriate by the institution; and

''(C) shall meet with each eligible student selected for the program before registration for courses.

''(4) ALLOWABLE USES.—An eligible institution that receives a grant under this subsection may use the grant funds to provide services and program innovations for students participating in the program, including the following:

''(A) College and career success courses provided at no charge to participating students. These courses may cover college success topics, including how to take notes, how to study, how to take tests, and how to budget time, and may also include a substantial career exploration component. Institutions may use such courses to help students develop a college and career success plan, so that by the end of the first semester the students have a clear sense of their career goals and what classes to take to achieve such goals.

''(B) Work-study jobs with private employers in the students' fields of study.

''(C) Learning communities that ensure that students participating in the program are clustered together for at least two courses beginning in the first semester after enrolling and have other opportunities to create and maintain bonds that allow them to provide academic and social support to each other.

''(D) Curricular redesign, which may include such innovations as blended or accelerated remediation classes that help student success grant recipients to attain college-level reading, writing, or math skills (or a combination thereof) more rapidly than traditional remediation formats allow, and intensive skills refresher classes, offered prior to each semester, to help students who have tested into remedial coursework to reach entry level assessment scores for the postsecondary programs they wish to enter.

''(E) Instructional support, such as learning labs, supplemental instruction, and tutoring.

''(F) Assistance with support services, such as child care and transportation.

''(5) REQUIRED NON-FEDERAL SHARE.—Each institution participating in the program under this subsection shall provide a non-Federal share of 25 percent of the amount of grant to carry out the activities of the program. The non-Federal share under this subsection may be provided in cash or in kind.

''(e) PERIOD OF GRANT.—The Secretary may award a grant under subsection (c) or (d) of this section for a period of five years.

''(f) TECHNICAL ASSISTANCE AND EVALUATION.—

''(1) CONTRACTOR.—From the funds appropriated under this section, the Secretary shall enter into a contract with one or more private, nonprofit entities to provide technical assistance to grantees and to conduct the evaluations required under paragraph (3).

''(2) EVALUATIONS.—The evaluations required under paragraph (3) shall be conducted by entities that are capable of designing and carrying out independent evaluations that identify the impact of the activities carried out by eligible institutions under this subpart on improving persistence and success of student participants under this subpart.

''(3) CONDUCT OF EVALUATIONS.—The Secretary shall conduct an evaluation of the impact of the persistence and success grant programs as follows:

''(A) PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.—The evaluation of the program under subsection (c) shall be conducted using a random assignment research design with the following requirements:

''(i) When students are recruited for the program, all students will be told about the program and the evaluation.

''(ii) Baseline data will be collected from all applicants for assistance under subsection (c).

''(iii) Students will be assigned randomly to two groups, which will consist of—

''(I) a program group that will receive the scholarship and the additional counseling services; and

''(II) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

''(B) STUDENT SUCCESS GRANT PROGRAM.—Eligible institutions receiving a grant to carry out the program under subsection (d) shall work with the evaluator to track persistence and completion outcomes for students in such program, specifically the proportion of these students who take and complete developmental education courses, the proportion who take and complete college-level coursework, and the proportion who complete certificates and degrees. The data shall be broken down by gender, race, ethnicity, and age and the evaluator shall assist institutions in analyzing these data to compare program participants to comparable nonparticipants, using statistical techniques to control for differences in the groups.

''(g) REPORT.—The Secretary shall—

''(1) provide a report to the authorizing committees that includes the evaluation and information on best practices and lessons learned during the pilot programs described in this section; and

''(2) disseminate the report to the public by making the report available on the Department's website.

''(h) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be use to supplement and not supplant other Federal, State, and local funds available to the institution to carrying out the activities described in subsections (c) and (d).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years. The Secretary may use not more than two percent of the amounts appropriated to provide the technical assistance and conduct the evaluations required under subsection (f).

''PART L—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 821. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of two years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only one grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the activities described in subsection (c) shall be 50 percent.

''(2) NON-FEDERAL SHARE.—An institution of higher education or consortium that receives a grant under this section shall provide the non-Federal share, which may be provided from State and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out one or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities;

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others; and

''(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

''(3) Coordinating with appropriate local entities for the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''SEC. 822. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary, in consultation with the Attorney General and the Secretary of Homeland Security, shall continue to—

''(1) advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) disseminate information concerning those policies, procedures, and practices.

''SEC. 823. PREPARATION FOR FUTURE DISASTERS PLAN BY THE SECRETARY.

''The Secretary shall continue to coordinate with the Secretary of Homeland Security and other appropriate agencies to develop and maintain procedures to address the preparedness, response, and recovery needs of institutions of higher education in the event of a natural or manmade disaster with respect to which the President has declared a major disaster or emergency (as such terms are defined in section 824).

''SEC. 824. EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary, in consultation with the Secretary of Homeland Security, is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education impacted by a major disaster or emergency declared by the President.

''(b) USE OF ASSISTANCE.—The Secretary shall, subject to the availability of appropriations, provide loans under this section to institutions of higher education after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for construction, replacement, renovation, and operations costs resulting from a major disaster or emergency declared by the President.

''(c) APPLICATION REQUIREMENTS.—To be considered for a loan under this section, an institution of higher education shall—

''(1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency declared by the President, and the monetary amount of such losses;

''(2) demonstrate that the institution had appropriate insurance policies prior to the major disaster or emergency and filed claims, as appropriate, related to the major disaster or emergency; and

''(3) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency prior to being eligible for a loan under this section.

''(d) AUDIT.—The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.

''(e) REDUCTION IN LOAN AMOUNTS.—To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a major disaster or emergency declared by the President, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

''(f) ESTABLISHMENT OF LOAN PROGRAM.—Prior to disbursing any loans under this section, the Secretary shall prescribe regulations that establish the Education Disaster and Emergency Relief Loan Program, including—

''(1) terms for the loan program;

''(2) procedures for an application for a loan;

''(3) minimum requirements for the loan program and for receiving a loan, including—

''(A) online forms to be used in submitting request for a loan;

''(B) information to be included in such forms; and

''(C) procedures to assist in filing and pursing a loan; and

''(4) any other terms and conditions the Secretary may prescribe after taking into consideration the structure of other existing capital financing loan programs under this Act.

''(g) DEFINITIONS.—In this section:

''(1) INSTITUTION AFFECTED BY A GULF HURRICANE DISASTER.—The term 'institution affected by a Gulf hurricane disaster' means an institution of higher education that—

''(A) is located in an area affected by a Gulf hurricane disaster; and

''(B) is able to demonstrate that the institution—

''(i) incurred physical damage resulting from the impact of a Gulf hurricane disaster; and

''(ii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane levels for 30 days or more on or after August 29, 2005.

''(2) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109-148, 119 Stat. 2808).

''(3) EMERGENCY.—The term 'emergency' has the meaning given such term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(1)).

''(4) INSTITUTIONS OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101.

''(5) MAJOR DISASTER.—The term 'major disaster' has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

''(h) EFFECTIVE DATE.—Loans provided to institutions of higher education pursuant to this section shall be available only with respect to major disasters or emergencies declared by the President that occur after the date of the enactment of the Higher Education Opportunity Act, except that loans may be provided pursuant to this section to an institution affected by a Gulf hurricane disaster with respect to such disaster.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''SEC. 825. GUIDANCE ON MENTAL HEALTH DISCLOSURES FOR STUDENT SAFETY.

''(a) GUIDANCE.—The Secretary shall continue to provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this Act and section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974) shall not be liable to any person for that disclosure.

''(b) INFORMATION TO CONGRESS.—The Secretary shall provide an update to the authorizing committees on the Secretary's activities under subsection (a) not later than 180 days after the date of enactment of the Higher Education Opportunity Act.

''SEC. 826. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974) or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''PART M—LOW TUITION

''SEC. 830. INCENTIVES AND REWARDS FOR LOW TUITION.

''(a) REWARDS FOR LOW TUITION.—

''(1) GRANTS.—From funds made available under subsection (e), the Secretary shall award grants to institutions of higher education that, for academic year 2009–2010 or any succeeding academic year—

''(A) have an annual tuition and fee increase, expressed as a percentage change, for the most recent academic year for which satisfactory data is available, that is in the lowest 20 percent of such increases for each category described in subsection (b);

''(B) are public institutions of higher education that have tuition and fees that are in the lowest quartile of for institutions in each category described in subsection (b)(1), (b)(4), or (b)(7); or

''(C) are public institutions of higher education that have a tuition and fee increase of less than $600 for a first-time, full-time undergraduate student.

''(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this

section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.

''(b) CATEGORIES OF INSTITUTIONS.—The categories of institutions described in subsection (a) shall be the following:

''(1) four-year public institutions of higher education;

''(2) four-year private, nonprofit institutions of higher education;

''(3) four-year private, for-profit institutions of higher education;

''(4) two-year public institutions of higher education;

''(5) two-year private, nonprofit institutions of higher education;

''(6) two-year private, for-profit institutions of higher education;

''(7) less than two-year public institutions of higher education;

''(8) less than two-year private, nonprofit institutions of higher education; and

''(9) less than two-year private, for-profit institutions of higher education.

''(c) REWARDS FOR GUARANTEED TUITION.—

''(1) BONUS.—For each institution of higher education that the Secretary determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount in the form of need-based aid first to students who are eligible for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year.

''(2) FOUR-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

''(A) for a public institution of higher education, such institution's tuition and fees are in the lowest quartile of institutions in the same category as described under subsection (b); or

''(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2009, and for each of the four succeeding continuous academic years, the tuition and fees charged to an undergraduate student will not exceed—

''(i) for a public institution of higher education, $600 per year for a full-time undergraduate student; or

''(ii) for any other institution of higher education—

''(I) the amount that the student was charged for an academic year at the time the student first enrolled in the institution of higher education, plus

''(II) the percentage change in tuition and fees at the institution for the three most recent academic years for which data is available, multiplied by the amount determined under subclause (I).

''(3) LESS-THAN FOUR-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

''(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of institutions in the same category as described under subsection (b); or

''(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2009, and for each of the 1.5 succeeding continuous academic years, the tuition and fees charged to an undergraduate student will not exceed—

''(i) for a public institution of higher education, $600 per year for a full-time undergraduate student; or

''(ii) for any other institution of higher education—

''(I) the amount that the student was charged for an academic year at the time the student first enrolled in the institution of higher education, plus

''(II) the percentage change in tuition and fees at the institution for the three most recent academic years for which data is available, multiplied by the amount determined under subclause (I).

''(d) DEFINITIONS.—In this section, the terms 'tuition and fees' and 'net price' have the meaning given to such terms in section 132 of this Act.

''(e) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART N—COOPERATIVE EDUCATION

''SEC. 831. STATEMENT OF PURPOSE; DEFINITION.

''(a) PURPOSE.—It is the purpose of this part to award grants to institutions of higher education or consortia of such institutions to encourage such institutions to develop and make available to their students work experience that will aid such students in future careers and will enable such students to support themselves financially while in school.

''(b) DEFINITION.—In this part the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

''SEC. 832. RESERVATIONS.

''(a) RESERVATIONS.—Of the amount appropriated to carry out this part in each fiscal year—

''(1) not less than 50 percent shall be available for awarding grants to institutions of higher education and consortia of such institutions described in section 833(a)(1)(A) for cooperative education under section 833;

''(2) not less than 25 percent shall be available for awarding grants to institutions of higher education described in section 833(a)(1)(B) for cooperative education under section 833;

''(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 834(a);

''(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 834(a); and

''(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 834(a).

''(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under this part shall not be used for the payment of compensation of students for employment by employers participating in a program under this part.

''SEC. 833. GRANTS FOR COOPERATIVE EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized, from the amount available to carry out this section under section 835 in each fiscal year and in accordance with the provisions of this part—

''(A) to award grants to institutions of higher education or consortia of such institutions that have not received a grant under this paragraph in the ten-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or consortia of institutions; and

''(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

''(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

''(3) AMOUNT OF GRANTS.—

''(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or consortia of such institutions in any fiscal year shall not exceed $500,000.

''(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount that bears the same ratio to the amount reserved pursuant to section 832(a)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 834 and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

''(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount that exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

''(iii) The minimum annual grant amount that an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

''(4) LIMITATION.—The Secretary shall not award grants pursuant to subparagraphs (A) and (B) of paragraph (1) to the same institution of higher education or consortia of such institution in any one fiscal year.

''(5) USES.—Grants awarded under paragraph (1)(B) shall be used exclusively—

''(A) to expand the quality of and participation in a cooperative education program;

''(B) for outreach to potential participants in new curricular areas; and

''(C) for outreach to potential participants including underrepresented and nontraditional populations.

''(b) APPLICATIONS.—Each institution of higher education or consortium of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

''(1) set forth the program or activities for which a grant is authorized under this section;

''(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the amount of grant funds to be used for such program or activities;

''(3) provide that the applicant will expend, during the fiscal year for which the grant is awarded for the purpose of such program or activities, not less than the amount expended for such purpose during the previous fiscal year;

''(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment that assures, that the applicant will continue the cooperative education program beyond the five-year period of Federal assistance described in subsection (c)(1) at a level that is not less than the total amount expended for such program during the first year such program was assisted under this section;

''(5) provide that, in the case of an institution of higher education that provides a two-year program that is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and

who carry at least one-half of the normal full-time academic workload;

''(6) provide that the applicant will—

''(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—

''(i) the number of unduplicated student applicants in the cooperative education program;

''(ii) the number of unduplicated students placed in cooperative education jobs;

''(iii) the number of employers who have hired cooperative education students;

''(iv) the income for students derived from working in cooperative education jobs; and

''(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

''(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;

''(7) describe the extent to which programs in the academic disciplines for which the application is made have satisfactorily met the needs of public and private sector employers;

''(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

''(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

''(10) provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

''(11) demonstrate a commitment to serving underserved populations at the institution; and

''(12) include such other information as may be necessary to carry out the provisions of this part.

''(c) DURATION OF GRANTS; FEDERAL SHARE.—

''(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a consortium of such institutions—

''(A) a grant pursuant to subsection (a)(1)(A) for more than five fiscal years; or

''(B) a grant pursuant to subsection (a)(1)(B) for more than five fiscal years.

''(2) FEDERAL SHARE.—The Federal share of a grant under subsection (a)(1)(A) may not exceed—

''(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

''(B) 70 percent of such cost in the second such year;

''(C) 55 percent of such cost in the third such year;

''(D) 40 percent of such cost in the fourth such year; and

''(E) 25 percent of such cost in the fifth such year.

''(3) SPECIAL RULE.—Notwithstanding any other provision of law, the Secretary may not waive the provisions of paragraphs (1) and (2).

''(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

''(e) FACTORS FOR SPECIAL CONSIDERATION OF APPLICATIONS.—

''(1) IN GENERAL.—In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or consortia of such institutions for programs that show the greatest promise of success because of—

''(A) the extent to which programs in the academic discipline with respect to which the application is made have satisfactorily met the needs of public and private sector employers;

''(B) the strength of the commitment of the institution of higher education or consortium of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or consortium has made to continue the program after the termination of Federal financial assistance;

''(C) the extent to which the institution or consortium of institutions is committed to extending cooperative education for students who can benefit; and

''(D) such other factors as are consistent with the purposes of this section.

''(2) ADDITIONAL SPECIAL CONSIDERATION.—The Secretary shall also give special consideration to applications from institutions of higher education or consortia of such institutions that demonstrate a commitment to serving underserved populations attending such institutions.

"SEC. 834. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

''(a) AUTHORIZATION.—From the amounts appropriated under section 835, the Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

''(1) from the amounts available in each fiscal year under section 832(a)(3), for the conduct of demonstration projects designed to demonstrate or determine the effectiveness of innovative methods of cooperative education;

''(2) from the amounts available in each fiscal year under section 832(a)(4), for the conduct of training and resource centers designed to—

''(A) train personnel in the field of cooperative education;

''(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

''(C) provide technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

''(D) encourage model cooperative education programs that furnish education and training in occupations in which there is a national need;

''(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to—

''(i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education; or

''(ii) establish and improve or expand comprehensive cooperative education programs; and

''(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

''(3) from the amounts available in each fiscal year under section 832(a)(5), for the conduct of research relating to cooperative education.

''(b) ADMINISTRATIVE PROVISION.—

''(1) IN GENERAL.—To carry out this section, the Secretary may—

''(A) make grants to or contracts with institutions of higher education or consortia of such institutions; and

''(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will contribute to the objectives of this section.

''(2) LIMITATION.—

''(A) CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

''(B) CONTRACTS WITH OTHER AGENCIES OR ORGANIZATIONS.—The Secretary may use not more than three percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

''(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only to supplement funds made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

"SEC. 835. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

"PART O—COLLEGE PARTNERSHIP GRANTS

"SEC. 841. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amount appropriated to carry out this section, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

''(b) ELIGIBLE PARTNERSHIPS.—For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

''(1) A consortia of institutions of higher education.

''(2) A State higher education agency.

''(c) PRIORITY.—The Secretary shall give priority to eligible partnerships that—

''(1) are located in a State that has employed strategies described in section 486A(d); or

''(2) include—

''(A) one or more junior or community colleges (as defined by section 312(f)) that award associate's degrees; and

''(B) one or more institutions of higher education that offer a baccalaureate or post-baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.

''(d) MANDATORY USE OF FUNDS.—Grants awarded under this part shall be used for—

''(1) the development of policies and programs to expand opportunities for students to earn bachelor's degrees, by facilitating the transfer of academic credits between institutions and expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;

''(2) academic program enhancements; and

''(3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.

''(e) OPTIONAL USE OF FUNDS.—Grants awarded under this part may be used for—

''(1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and

''(2) any service that facilitates the transition of students between the partner institutions.

''(f) PROHIBITION.—No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.

''(g) APPLICATIONS.—Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require.

''(h) DEFINITION.—For purposes of this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses

in transfer toward meeting specific degree requirements.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART P—JOBS TO CAREERS

''SEC. 851. GRANTS TO CREATE BRIDGES FROM JOBS TO CAREERS.

''(a) PURPOSE.—The purpose of this section is to provide grants on a competitive basis to institutions of higher education for the purpose of improving developmental education to help students move more rapidly into for-credit occupational courses and into better jobs that may require a certificate or degree.

''(b) AUTHORIZATION OF PROGRAM.—From amounts appropriated to carry out this section, the Secretary shall award grants, on a competitive basis, to institutions of higher education, as defined in section 101(a), to create workforce bridge programs between developmental courses and for-credit courses in occupational certificate programs that are articulated to degree programs. Such workforce bridge programs shall focus on—

''(1) improving developmental education, including English language instruction, by customizing developmental education to student career goals; and

''(2) helping students move rapidly from developmental coursework into for-credit occupational courses and through program completion.

''(c) APPLICATION.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(d) PRIORITIES.—The Secretary shall give priority to applications that—

''(1) are from institutions of higher education in which not less than 50 percent of the institution's entering first-year students who are subject to mandatory assessment are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college level; and

''(2) propose to replicate practices that have proven effective with adults, or propose to collaborate with adult education providers.

''(e) REQUIRED ACTIVITY.—An institution of higher education that receives a grant under this section shall use the grant funds to create workforce bridge programs to customize developmental education curricula, including English language instruction, to reflect the content of for-credit occupational certificate or degree programs, or clusters of such programs, in which developmental education students are enrolled or plan to enroll. Such workforce bridge programs shall integrate the curricula and the instruction of the developmental and college-level coursework.

''(f) PERMISSIBLE ACTIVITIES.—An institution of higher education that receives a grant under this section may use the grant funds to carry out one or more of the following activities:

''(1) Designing and implementing innovative ways to improve retention in and completion of developmental education courses, including enrolling students in cohorts, accelerating course content, dually enrolling students in developmental and college-level courses, tutoring, providing counseling and other supportive services, and giving small, material incentives for attendance and performance.

''(2) In consultation with faculty in the appropriate departments, reconfiguring courses offered on-site during standard academic terms for modular, compressed, or other alternative schedules, or for distance-learning formats, to meet the needs of working adults.

''(3) Developing counseling strategies that address the needs of students in remedial education courses, and including counseling students on career options and the range of programs available, such as certificate programs that are articulated to degree programs and programs designed to facilitate transfer to four-year institutions of higher education.

''(4) Improving the quality of teaching in remedial courses through professional development, reclassification of such teaching positions, or other means the institution of higher education determines appropriate.

''(5) Any other activities the institution of higher education and the Secretary determine will promote retention of, and completion by, students attending institutions of higher education.

''(g) GRANT PERIOD.—Grants made under this section shall be for a period of not less than three years and not more than five years.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to recipients of, and applicants for, grants under this section.

''(i) REPORT AND SUMMARY.—Each institution of higher education that receives a grant under this section shall report to the Secretary on the effectiveness of the program in enabling students to move rapidly from developmental coursework into for-credit occupational courses and through program completion. The Secretary shall summarize the reports, identify best practices, and disseminate the information from such summary and identification to the public.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART Q—RURAL DEVELOPMENT GRANTS FOR RURAL-SERVING COLLEGES AND UNIVERSITIES

''SEC. 861. GRANTS TO RURAL-SERVING INSTITUTIONS OF HIGHER EDUCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase enrollment and graduation rates of secondary school graduates and nontraditional students from rural areas at two-year and four-year institutions of higher education, and their articulation from two-year degree programs into four-year degree programs; and

''(2) to promote economic growth and development in rural America through partnership grants to consortia of rural-serving institutions of higher education, local educational agencies, and regional employers.

''(b) DEFINITIONS.—For the purposes of this section:

''(1) RURAL-SERVING INSTITUTION OF HIGHER EDUCATION.—The term 'rural-serving institution of higher education' means an institution of higher education that primarily serves rural areas.

''(2) RURAL AREA.—The term 'rural area' means an area that is defined, identified, or otherwise recognized as rural by a governmental agency of the State in which the area is located.

''(3) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means an individual who—

''(A) delays enrollment in an institution of higher education by three or more years after secondary school graduation;

''(B) attends an institution of higher education part-time; or

''(C) attends an institution of higher education and—

''(i) works full-time;

''(ii) is an independent student, as defined in section 480;

''(iii) has one or more dependents other than a spouse;

''(iv) is a single parent; or

''(v) does not have a secondary school diploma or the recognized equivalent of such a diploma.

''(4) REGIONAL EMPLOYER.—The term 'regional employer' means an employer within a rural area.

''(c) PARTNERSHIP.—

''(1) REQUIRED PARTNERS.—A rural-serving institution of higher education, or a consortium of rural-serving institutions of higher education, that receives a grant under this section shall carry out the activities of the grant in partnership with—

''(A) one or more local educational agencies serving a rural area; and

''(B) one or more regional employers or local boards (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) serving a rural area.

''(2) OPTIONAL PARTNERS.—A rural-serving institution of higher education, or a consortium of rural-serving institutions of higher education, that receives a grant under this section, may carry out the activities of the grant in partnership with—

''(A) an educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); or

''(B) a nonprofit organization with demonstrated expertise in rural education at the secondary and postsecondary levels.

''(d) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available under subsection (g), the Secretary is authorized to award grants, on a competitive basis, to eligible rural-serving institutions of higher education or a consortium of such institutions, to carry out the activities described in subsection (f).

''(2) DURATION.—A grant awarded under this section shall be awarded for a period not to exceed three years.

''(3) MAXIMUM AND MINIMUM GRANTS.—No grant awarded under this section shall be less than $200,000.

''(4) SPECIAL CONSIDERATIONS.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the most potential and propose the most promising and innovative approaches for—

''(A) increasing the percentage of graduates of rural secondary schools attending rural-serving institutions of higher education;

''(B) meeting the employment needs of regional employers with graduates of rural-serving institutions of higher education; and

''(C) improving the health of the regional economy of a rural area through a partnership of local educational agencies serving the rural area, rural-serving institutions of higher education, and regional employers.

''(5) LIMITATION.—A rural-serving institution of higher education shall not receive more than one grant under this section.

''(e) APPLICATIONS.—Each rural-serving institution of higher education desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(f) REQUIRED USE OF FUNDS.—A rural-serving institution of higher education that receives a grant under this section shall use grant funds for at least three of the following four purposes:

''(1) To improve postsecondary enrollment rates for rural secondary school students at rural-serving institutions of higher education, which may include—

''(A) programs to provide students and families with counseling related to applying for postsecondary education, and Federal and State financial assistance for postsecondary education;

''(B) programs that provide students and families of rural high schools access and exposure to campuses, classes, programs, and internships of rural-serving institutions of higher education, including covering the cost of transportation to and from such institutions; and

''(C) other initiatives that assist students and families in applying for and developing interest in attending rural-serving institutions of higher education.

''(2) To increase enrollment rates of nontraditional students in degree programs at rural-serving institutions of higher education, which may include—

''(A) programs to provide nontraditional students with counseling related to applying for postsecondary education, and Federal and State financial assistance for postsecondary education;

''(B) community outreach initiatives to encourage nontraditional students to enroll in a rural-serving institution of higher education; and

''(C) programs to improve the enrollment of nontraditional students in two-year degree programs and the transition of nontraditional students articulating from two-year degree programs to four-year degree programs.

''(3) To create or strengthen academic programs at rural-serving institutions of higher education to prepare graduates to enter into high-need occupations in the regional and local economies.

''(4) To provide additional career training to students of rural-serving institutions of higher education in fields relevant to the regional economy.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as many be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART R—CAMPUS-BASED DIGITAL THEFT PREVENTION

''SEC. 871. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) PROGRAM AUTHORITY.—From the amounts appropriated under subsection (d), the Secretary may make grants to institutions of higher education, or consortia of such institutions, and enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions, to reduce and eliminate the illegal downloading and distribution of intellectual property. Such grants or contracts may also be used for the support of higher education centers that will provide training, technical assistance, evaluation, dissemination, and associated services and assistance to the higher education community as determined by the Secretary and institutions of higher education.

''(b) AWARDS.—Grants and contracts shall be awarded under this section on a competitive basis.

''(c) APPLICATIONS.—An institution of higher education or a consortium of such institutions that desires to receive a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART S—TRAINING FOR REALTIME WRITERS

''SEC. 872. PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

''(a) AUTHORIZATION OF GRANT PROGRAM.—

''(1) IN GENERAL.—From the amounts appropriated to carry out this section, the Secretary shall award grants, on a competitive basis, to eligible entities under paragraph (2) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

''(2) ELIGIBLE ENTITIES.—For purposes of this section, an eligible entity is a court reporting program that—

''(A) has a curriculum capable of training realtime writers qualified to provide captioning services;

''(B) is accredited by an accrediting agency or association recognized by the Secretary; and

''(C) is participating in student aid programs under title IV.

''(3) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary shall give a priority to eligible entities that, as determined by the Secretary—

''(A) possess the most substantial capability to increase their capacity to train realtime writers;

''(B) demonstrate the most promising collaboration with educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

''(C) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.

''(4) DURATION OF GRANT.—A grant under this section shall be for a period of up to five years.

''(5) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under this subsection to an eligible entity may not exceed $1,500,000 for the period of the grant.

''(b) APPLICATION.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. The application shall contain the information set forth under paragraph (2).

''(2) INFORMATION.—Information in the application of an eligible entity for a grant under subsection (a) shall include the following:

''(A) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

''(B) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

''(C) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

''(D) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

''(E) A description of how the eligible entity will work with local boards (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

''(F) Additional information, if any, on the eligibility of the eligible entity for priority in the making of grants under subsection (a)(3).

''(G) Such other information as the Secretary may require.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity receiving a grant under subsection (a) shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

''(A) recruitment;

''(B) subject to paragraph (2), the provision of scholarships;

''(C) distance learning;

''(D) further developing and implementing both English and Spanish curricula to more effectively train individuals in realtime writing skills, and education in the knowledge necessary for the delivery of high quality closed captioning services;

''(E) mentoring students to ensure successful completion of the realtime training and providing assistance in job placement;

''(F) encouraging individuals with disabilities to pursue a career in realtime writing; and

''(G) the employment and payment of personnel for the purposes described in this paragraph.

''(2) SCHOLARSHIPS.—

''(A) AMOUNT.—The amount of a scholarship under paragraph (1)(B) shall be based on the amount of need of the scholarship recipient for financial assistance, as determined in accordance with part F of title IV.

''(B) AGREEMENT.—Each recipient of a scholarship under paragraph (1)(B) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for the purposes described in subsection (a)(1) for a period of time appropriate (as determined by the Secretary) for the amount of the scholarship received.

''(C) COURSEWORK AND EMPLOYMENT.—The Secretary shall establish requirements for coursework and employment for recipients of scholarships under paragraph (1)(B), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. The Secretary may waive, in whole or in part, the requirements for repayment of scholarship amounts on the basis of economic conditions which may affect the ability of scholarship recipients to find work as realtime writers.

''(3) ADMINISTRATIVE COSTS.—The recipient of a grant under this section may not use more than five percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Secretary shall use not more than five percent of the amount available for grants under this section in any fiscal year for administrative costs of the program.

''(4) SUPPLEMENT NOT SUPPLANT.—Grant amounts under this section shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

''(d) REPORT.—

''(1) IN GENERAL.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary, at the end of the grant period, a report on the activities of such entity with respect to the use of grant amounts during the grant period.

''(2) REPORT INFORMATION.—Each report of an eligible entity under paragraph (1) shall include—

''(A) an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers, using the performance measures submitted by the eligible entity in the application for the grant under subsection (b)(2); and

''(B) a description of the best practices identified by the eligible entity for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

''(3) SUMMARIES.—The Secretary shall summarize the reports submitted under paragraph (2) and make such summary available on the Department's website.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART T—CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS

''SEC. 873. MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS.

''(a) PURPOSE.—It is the purpose of this section to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the

academic, financial, physical, and social needs of veteran students.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to develop model programs to support veteran student success in postsecondary education.

''(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of three years.

''(c) USE OF GRANTS.—

''(1) REQUIRED ACTIVITIES.—An institution of higher education receiving a grant under this section shall use such grant to carry out a model program that includes—

''(A) establishing a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;

''(B) establishing a veteran student support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

''(C) providing a coordinator whose primary responsibility is to coordinate the model program carried out under this section;

''(D) monitoring the rates of veteran student enrollment, persistence, and completion; and

''(E) developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

''(2) OTHER AUTHORIZED ACTIVITIES.—An institution of higher education receiving a grant under this section may use such grant to carry out any of the following activities with respect to veteran students:

''(A) Outreach and recruitment of such students.

''(B) Supportive instructional services for such students, which may include—

''(i) personal, academic, and career counseling, as an ongoing part of the program;

''(ii) tutoring and academic skill-building instruction assistance, as needed; and

''(iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience.

''(C) Assistance in obtaining student financial aid.

''(D) Housing support for veteran students living in institutional facilities and commuting veteran students.

''(E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for veteran students.

''(F) Support for veteran student organizations and veteran student support groups on campus.

''(G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area.

''(H) Other support services the institution determines to be necessary to ensure the success of veterans in achieving educational and career goals.

''(d) APPLICATION; SELECTION.—

''(1) APPLICATION.—To be considered for a grant under this section, an institution of higher education shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) SELECTION CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—

''(A) the number of veteran students enrolled at an institution of higher education; and

''(B) the need for model programs to address the needs of veteran students at a wide range of institutions of higher education, including the need to provide—

''(i) an equitable distribution of such grants to institutions of higher education of various types and sizes;

''(ii) an equitable geographic distribution of such grants; and

''(iii) an equitable distribution of such grants among rural and urban areas.

''(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Secretary shall develop an evaluation and accountability plan for model programs funded under this section to objectively measure the impact of such programs, including a measure of whether postsecondary education enrollment, persistence, and completion for veterans increases as a result of such programs.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART U—UNIVERSITY SUSTAINABILITY PROGRAMS

''SEC. 881. SUSTAINABILITY PLANNING GRANTS AUTHORIZED.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the amounts appropriated to carry out this section, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make grants to eligible entities to establish sustainability programs to design and implement sustainability practices, including in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, transportation, and toxics management, and other aspects of sustainability that integrate campus operations with multidisciplinary academic programs and are applicable to the private and government sectors.

''(2) PERIOD OF GRANT.—The provision of payments under a grant under paragraph (1) shall extend over a period of not more than four fiscal years.

''(3) DEFINITION OF ELIGIBLE ENTITY.—For purposes of this part, the term 'eligible entity' means—

''(A) an institution of higher education; or

''(B) a nonprofit consortium, association, alliance, or collaboration operating in partnership with one or more institutions of higher education that received funds for the implementation of work associated with sustainability programs under this part.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—Such application shall include assurances that the eligible entity—

''(A) has developed a plan, including an evaluation component, for the program component established pursuant to subsection (c);

''(B) shall use Federal funds received from a grant under subsection (a) to supplement, not supplant, non-Federal funds that would otherwise be available for projects funded under this section;

''(C) shall provide, with respect to any fiscal year in which such entity receives funds from a grant under subsection (a)(1), non-Federal funds or an in-kind contribution in an amount equal to 20 percent of funds from such grant, for the purpose of carrying out the program component established pursuant to subsection (c); and

''(D) shall collaborate with business, government, and the nonprofit sectors in the development and implementation of its sustainability plan.

''(c) USE OF FUNDS.—

''(1) INDIVIDUAL INSTITUTIONS.—Grants made under subsection (a) may be used by an eligible entity that is an individual institution of higher education for the following purposes:

''(A) To develop and implement administrative and operations practices at an institution of higher education that test, model, and analyze principles of sustainability.

''(B) To establish multidisciplinary education, research, and outreach programs at an institution of higher education that address the environmental, social, and economic dimensions of sustainability.

''(C) To support research and teaching initiatives that focus on multidisciplinary and integrated environmental, economic, and social elements.

''(D) To establish initiatives in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, toxics management, transportation, and other aspects of sustainability.

''(E) To support student, faculty, and staff work at an institution of higher education to implement, research, and evaluate sustainable practices.

''(F) To expand sustainability literacy on campus.

''(G) To integrate sustainability curricula in all programs of instruction, particularly in business, architecture, technology, manufacturing, engineering, and science programs.

''(2) PARTNERSHIPS.—Grants made under subsection (a) may be used by an eligible entity that is a nonprofit consortium, association, alliance, or collaboration operating in partnership with one or more institutions of higher education for the following purposes:

''(A) To conduct faculty, staff and administrator training on the subjects of sustainability and institutional change.

''(B) To compile, evaluate, and disseminate best practices, case studies, guidelines and standards regarding sustainability.

''(C) To conduct efforts to engage external stakeholders such as business, alumni, and accrediting agencies in the process of building support for research, education, and technology development for sustainability.

''(D) To conduct professional development programs for faculty in all disciplines to enable faculty to incorporate sustainability content in their courses.

''(E) To create the analytical tools necessary for institutions of higher education to assess and measure their individual progress toward fully sustainable campus operations and fully integrating sustainability into the curriculum.

''(F) To develop educational benchmarks for institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

''(d) REPORTS.—An eligible entity that receives a grant under subsection (a) shall submit to the Secretary, for each fiscal year in which the entity receives amounts from such grant, a report that describes the work conducted pursuant to subsection (c), research findings and publications, administrative savings experienced, and an evaluation of the program.

''(e) ALLOCATION REQUIREMENT.—The Secretary may not make grants under subsection (a) to any eligible entity in a total amount that is less than $250,000 or more than $2,000,000.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART V—MODELING AND SIMULATION PROGRAMS

''SEC. 891. MODELING AND SIMULATION.

''(a) PURPOSE; DEFINITION.—

''(1) PURPOSE.—The purpose of this section is to promote the study of modeling and simulation at institutions of higher education, through the collaboration with new and existing programs, and specifically to promote the use of technology in such study through the creation of accurate models that can simulate processes or recreate real life, by—

''(A) establishing a task force at the Department of Education to raise awareness of and define the study of modeling and simulation;

''(B) providing grants to institutions of higher education to develop new modeling and simulation degree programs; and

''(C) providing grants for institutions of higher education to enhance existing modeling and simulation degree programs.

''(2) DEFINITION.—In this section, the term 'modeling and simulation' means a field of study related to the application of computer science and mathematics to develop a level of understanding of the interaction of the parts of a system and of a system as a whole.

''(b) ESTABLISHMENT OF TASK FORCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a task force within the Department to study modeling and simulation and to support the development of the modeling and simulation field. The activities of such task force shall include—

''(A) helping to define the study of modeling and simulation (including the content of modeling and simulation classes and programs);

''(B) identifying best practices for such study;

''(C) identifying core knowledge and skills that individuals who participate in modeling and simulation programs should acquire; and

''(D) providing recommendations to the Secretary with respect to—

''(i) the information described in subparagraphs (A) through (C); and

''(ii) a system by which grants under this section will be distributed.

''(2) TASK FORCE MEMBERSHIP.—The membership of the task force under this subsection shall be composed of representatives from—

''(A) institutions of higher education with established modeling and simulation degree programs;

''(B) the National Science Foundation;

''(C) Federal Government agencies that use modeling and simulation extensively, including the Department of Defense, the National Institutes of Health, the Department of Homeland Security, the Department of Health and Human Services, the Department of Energy, and the Department of Transportation;

''(D) private industries with a primary focus on modeling and simulation;

''(E) national modeling and simulation organizations; and

''(F) the Office of Science and Technology Policy.

''(c) ENHANCING MODELING AND SIMULATION AT INSTITUTIONS OF HIGHER EDUCATION.—

''(1) ENHANCEMENT GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enhance modeling and simulation degree programs at such eligible institutions.

''(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a three-year period, and such grant period may be extended for not more than two years if the Secretary determines that an eligible institution has demonstrated success in enhancing the modeling and simulation degree program at such eligible institution.

''(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

''(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in-kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) ELIGIBLE INSTITUTIONS.—For the purposes of this subsection, an eligible institution is an institution of higher education that—

''(A) has an established modeling and simulation degree program, including a major, minor, or career-track program; or

''(B) has an established modeling and simulation certificate or concentration program.

''(3) APPLICATION.—To be considered for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the enhancement of the modeling and simulation program at the institution of higher education;

''(B) an identification of designated faculty responsible for the enhancement of the institution's modeling and simulation program; and

''(C) a detailed plan for how the grant funds will be used to enhance the modeling and simulation program of the institution.

''(4) USES OF FUNDS.—A grant awarded under this subsection shall be used by an eligible institution to carry out the plan developed in accordance with paragraph (3)(C) to enhance modeling and simulation programs at the institution, which may include—

''(A) in the case of an institution that is eligible under paragraph (2)(B), activities to assist in the establishment of a major, minor, or career-track modeling and simulation program at the eligible institution;

''(B) expanding the multidisciplinary nature of the institution's modeling and simulation programs;

''(C) recruiting students into the field of modeling and simulation through the provision of fellowships or assistantships;

''(D) creating new courses to complement existing courses and reflect emerging developments in the modeling and simulation field;

''(E) conducting research to support new methodologies and techniques in modeling and simulation; and

''(F) purchasing equipment necessary for modeling and simulation programs.

''(d) ESTABLISHING MODELING AND SIMULATION PROGRAMS.—

''(1) ESTABLISHMENT GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Secretary is authorized to award grants to institutions of higher education to establish a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program.

''(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a three-year period, and such grant period may be extended for not more than two years if the Secretary determines that an eligible institution has demonstrated success in establishing a modeling and simulation degree program at such eligible institution.

''(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

''(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in-kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the establishment of a modeling and simulation program at the institution of higher education;

''(B) a detailed plan for how the grant funds will be used to establish a modeling and simulation program at the institution; and

''(C) a description of how the modeling and simulation program established under this subsection will complement existing programs and fit into the institution's current program and course offerings.

''(3) USES OF FUNDS.—A grant awarded under this subsection may be used by an eligible institution to—

''(A) establish, or work toward the establishment of, a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program at the eligible institution;

''(B) provide adequate staffing to ensure the successful establishment of the modeling and simulation program, which may include the assignment of full-time dedicated or supportive faculty; and

''(C) purchase equipment necessary for a modeling and simulation program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years. Of the amounts authorized to be appropriated for each fiscal year—

''(1) $1,000,000 is authorized to carry out the activities of the task force established pursuant to subsection (b); and

''(2) of the amount remaining after the allocation for paragraph (1)—

''(A) 50 percent is authorized to carry out the grant program under subsection (c); and

''(B) 50 percent is authorized to carry out the grant program under subsection (d).

''PART W—PATH TO SUCCESS

''SEC. 892. PATH TO SUCCESS.

''(a) PURPOSE.—The purpose of this section is to encourage community supported programs that—

''(1) leverage and enhance community support for at-risk young adults by facilitating the transition of such young adults who are eligible individuals into productive learning environments where such young adults can obtain the life, social, academic, career, and technical skills and credentials necessary to strengthen the Nation's workforce;

''(2) provide counseling, as appropriate, for eligible individuals participating in the programs to allow the eligible individuals to build a relationship with one or more guidance counselors during the period that the individuals are enrolled in the programs, including providing referrals and connections to community resources that help eligible individuals transition back into the community with the necessary life, social, academic, career, and technical skills after being in detention, or incarcerated, particularly resources related to health, housing, job training, and workplace readiness;

''(3) provide training and education for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars, training, and workshops throughout the community; and

''(4) provide each eligible individual participating in the programs with individual attention based on a curriculum that matches the interests and abilities of the individual to the resources of the program.

''(b) REENTRY EDUCATION PROGRAM.—

''(1) GRANT PROGRAM ESTABLISHED.—From the amounts appropriated under subsection (g), the Secretary is authorized to award grants to community colleges to enter into and maintain partnerships with juvenile detention centers and secure juvenile justice residential facilities to provide assistance, services, and education to eligible individuals who reenter the community and pursue, in accordance with the requirements of this section, at least one of the following:

''(A) A certificate of completion for a specialized area of study, such as career and technical training and other alternative postsecondary educational programs.

''(B) An associate's degree.

''(2) GRANT PERIOD.—A grant awarded under this part shall be for one four-year period, and may be renewed for an additional period as the Secretary determines to be appropriate.

''(3) APPLICATION.—A community college desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require. Such application shall include—

''(A) an assessment of the existing community resources available to serve at-risk youth;

''(B) a detailed description of the program and activities the community college will carry out with such grant; and

''(C) a proposed budget describing how the community college will use the funds made available by such grant.

''(4) PRIORITY.—In awarding grants under this part, the Secretary shall give priority to community colleges that propose to serve the highest number of priority individuals, and, among such community colleges, shall give priority to community colleges that the Secretary determines will best carry out the purposes of this part, based on the applications submitted in accordance with paragraph (3).

''(c) ALLOWABLE USES OF FUNDS.—A community college awarded a grant under this part may use such grant to—

''(1) pay for tuition and transportation costs of eligible individuals;

''(2) establish and carry out an education program that includes classes for eligible individuals that—

''(A) provide marketable life and social skills to such individuals;

''(B) meet the education program requirements under subsection (d), including as appropriate, courses necessary for the completion of a secondary school diploma or the recognized equivalent;

''(C) promote the civic engagement of such individuals; and

''(D) facilitate a smooth reentry of such individuals into the community;

''(3) create and carry out a mentoring program that is—

''(A) specifically designed to help eligible individuals with the potential challenges of the transitional period from detention to release;

''(B) created in consultation with guidance counselors, academic advisors, law enforcement officials, and other community resources; and

''(C) administered by a program coordinator, selected and employed by the community college, who shall oversee each individual's development and shall serve as the immediate supervisor and reporting officer to whom the academic advisors, guidance counselors, and volunteers shall report regarding the progress of each such individual;

''(4) facilitate employment opportunities for eligible individuals by entering into partnerships with public and private entities to provide opportunities for internships, apprenticeships, and permanent employment, as possible, for such individuals; and

''(5) provide training for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars and workshop series throughout the community.

''(d) EDUCATION PROGRAM REQUIREMENTS.—An education program established and carried out under subsection (c) shall—

''(1) include classes that are required for completion of a certificate, diploma, or degree described in subparagraph (A) or (B) of subsection (b)(1), including as appropriate courses necessary for the completion of a secondary school diploma or the recognized equivalent;

''(2) provide a variety of academic programs, with various completion requirements, to accommodate the diverse academic backgrounds, learning styles, and academic and career interests of the eligible individuals who participate in the education program;

''(3) offer flexible academic programs that are designed to improve the academic development and achievement of eligible individuals, and to avoid high attrition rates for such individuals; and

''(4) provide for a uniquely designed education plan for each eligible individual participating in the program, which shall require such individual to receive, at a minimum, a certificate or degree described in subparagraph (A) or (B) of subsection (b)(1) to successfully complete such program.

''(e) REPORTS.—Each community college awarded a grant under this part shall submit to the Secretary a report—

''(1) documenting the results of the program carried out with such grant; and

''(2) evaluating the effectiveness of activities carried out through such program.

''(f) DEFINITIONS.—In this section:

''(1) COMMUNITY COLLEGE.—The term 'community college' has the meaning given the term 'junior or community college' in section 312(f).

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A) is 16 to 25 years of age (inclusive); and

''(B)(i) has been convicted of a criminal offense; and

''(ii) is detained in, or has been released from, a juvenile detention center or secure juvenile justice residential facility.

''(3) GANG-RELATED OFFENSE.—

''(A) IN GENERAL.—The term 'gang-related offense' means an offense that involves the circumstances described in subparagraph (B) and that is—

''(i) a Federal or State felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than five years;

''(ii) a Federal or State crime of violence that has as an element the use or attempted use of physical force against the person of another for which the maximum penalty is not less than six months; or

''(iii) a conspiracy to commit an offense described in clause (i) or (ii).

''(B) CIRCUMSTANCES.—The circumstances described in this subparagraph are that the offense described in subparagraph (A) was committed by a person who—

''(i) participates in a criminal street gang (as defined in section 521(a) of title 18, United States Code) with knowledge that such gang's members engage in or have engaged in a continuing series of offenses described in subparagraph (A); and

''(ii) intends to promote or further the felonious activities of the criminal street gang or maintain or increase the person's position in the gang.

''(4) PRIORITY INDIVIDUAL.—The term 'priority individual' means an individual who—

''(A) is an eligible individual;

''(B) has been convicted of a gang-related offense; and

''(C) has served or is serving a period of detention in a juvenile detention center or secure juvenile justice residential facility for such offense.

''(5) GUIDANCE COUNSELOR.—The term 'guidance counselor' means an individual who works with at-risk youth on a one-on-one basis, to establish a supportive relationship with such at-risk youth and to provide such at-risk youth with academic assistance and exposure to new experiences that enhance their ability to become responsible citizens.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART X—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

''SEC. 893. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary of Health and Human Services shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

''(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary of Health and Human Services; or

''(C) a public or nonprofit entity that—

''(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

''(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary of Health and Human Services; and

''(2) prepare and submit to the Secretary of Health and Human Services an application, at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

''(c) CONSIDERATION OF APPLICATIONS.—The Secretary of Health and Human Services shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

''(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary of Health and Human Services;

''(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

''(3) any other consideration the Secretary of Health and Human Services determines necessary.

''(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary of Health and Human Services shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary of Health and Human Services.

''(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in

specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

''(f) DEFINITION OF PUBLIC HEALTH PRACTICE AREA.—In this section, the term 'public health practice area' includes the areas of bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

''PART Y—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

''SEC. 894. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to four State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section and consistent with section 401.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to four State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in the demonstration program under this section by carrying out a demonstration project under which eighth grade students described in subsection (b)(1)(B) receive a commitment early in the students' academic careers to receive a Federal Pell Grant.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the four participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the four demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to two cohorts of students, which shall consist of—

''(i) one cohort of eighth grade students who begin participating in the first academic year for which funds have been appropriated to carry out this section; and

''(ii) one cohort of eighth grade students who begin participating in the academic year succeeding the academic year described in clause (i).

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 eighth grade students who qualify for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, and are made available in accordance with the requirements of section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974).

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, provided that the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) for such academic year.

''(4) APPLICATION PROCESS.—Each State educational agency shall establish an application process to select local educational agencies within the State to participate in the demonstration project in accordance with subsection (d)(2).

''(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

''(D) such other information as the Secretary may require.

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing resources, in addition to any resources provided on students who receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students, including with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing resources on students who receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of students who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

''(i) were more likely to take a college-preparatory curriculum while in secondary school;

''(ii) submitted any applications to institutions of higher education; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of students participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact of the demonstration program on the parents of students eligible to participate in the program.

''(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration project assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for the State educational agency proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—A description of the outreach to students and the students' families at the beginning and end of each academic year of the demonstration project, at a minimum.

''(B) DISTRIBUTION.—A description of how the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration project of information regarding—

''(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) two-year public degree-granting institutions of higher education;

''(bb) four-year public degree-granting institutions of higher education; and

''(cc) four-year private degree-granting institutions of higher education;

''(II) component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each award year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific postsecondary education savings programs;

''(iv) State merit-based financial aid;

''(v) State need-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs under title IV, such as the Student Guide published by the Department (or any successor to such document).

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided annually to the two successive cohorts of students described in subsection (b)(1)(A) for the duration of the students' participation in the demonstration project.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

''(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such grant funds, be made available from non-Federal sources for students participating in the demonstration project under this section, and not to supplant such funds.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART Z—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

''SEC. 895. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (c), the Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

''(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

''(1) to facilitate the acquisition of a secure web-accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

''(2) to award scholarships to facilitate access to postsecondary education for students who cannot afford such education;

''(3) to support programmatic efforts associated with the web-based media projects of the archives;

''(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

''(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

''(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

''(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

''(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

''(9) to provide preservice and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

''(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

''(B) improve student achievement; and

''(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decisionmaking.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

''PART AA—MASTERS AND POSTBACCALAUREATE PROGRAMS

''SEC. 897. MASTERS DEGREE PROGRAMS.

''In addition to any amounts appropriated under section 725, there are authorized to be appropriated, and there are appropriated, out of any funds in the Treasury not otherwise appropriated, $11,500,000 for fiscal year 2009 and for each of the five succeeding fiscal years to carry out subpart 4 of part A of title VII in order to provide grants under sections 723 and 724, in the minimum amount authorized under such sections, to all institutions eligible for grants under such sections.

''SEC. 898. POSTBACCALAUREATE PROGRAMS.

''In addition to any amounts appropriated under part B of title V, there are authorized to be appropriated, and there are appropriated, out of any funds in the Treasury not otherwise appropriated, $11,500,000 for fiscal year 2009 and for each of the five succeeding fiscal years to carry out part B of title V.''.

SEC. 802. NATIONAL CENTER FOR RESEARCH IN ADVANCED INFORMATION AND DIGITAL TECHNOLOGIES.

(a) ESTABLISHMENT.—There shall be established, during the first fiscal year for which appropriations are made available under subsection (c), a nonprofit corporation to be known as the National Center for Research in Advanced Information and Digital Technologies, which shall not be an agency or establishment of the Federal Government. The Center shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (sec. 29–501 et seq., D.C. Official Code).

(b) PURPOSE.—The purpose of the Center shall be to support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, in order to provide Americans with the knowledge and skills needed to compete in the global economy.

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Center such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(2) ADDITIONAL FUNDS.—The Center is authorized—

(A) to accept funds from any Federal agency or entity;

(B) to accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made to the Center; and

(C) to enter into competitive contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.

(3) PROHIBITION.—The Center shall not accept gifts, devises, or bequests from a foreign government or foreign source.

(d) BOARD OF DIRECTORS; VACANCIES; COMPENSATION.—

(1) IN GENERAL.—A Board of the Center shall be established to oversee the administration of the Center.

(2) INITIAL COMPOSITION.—The initial Board shall consist of nine members to be appointed by the Secretary of Education from recommendations received from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate, who—

(A) reflect representation from the public and private sectors;

(B) shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Center;

(C) shall not be in a position to benefit financially directly from the contracts and grants to eligible institutions under subsection (f)(2); and

(D) may not be officers or employees of the Federal Government or a Members of Congress serving at the time of such appointment.

(3) VACANCIES AND SUBSEQUENT APPOINTMENTS.—To the extent not inconsistent with paragraph (2), in the case of a vacancy on the Board due to death, resignation, or removal, the vacancy shall be filled through nomination and selection by the sitting members of the Board after—

(A) taking into consideration the composition of the Board; and

(B) soliciting recommendations from the public.

(4) COMPENSATION.—Members of the Board shall serve without compensation but may be reimbursed for reasonable expenses for transportation, lodging, and other expenses directly related to their duties as members of the Board.

(5) ORGANIZATION AND OPERATION.—The Board shall incorporate and operate the Center in accordance with the laws governing tax exempt organizations in the District of Columbia.

(e) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Board shall appoint a Director of the Center after conducting a national, competitive search to find an individual with the appropriate expertise, experience, and knowledge to oversee the operations of the Center.

(2) STAFF.—In accordance with procedures established by the Board, the Director shall employ individuals to carry out the functions of the Center.

(3) COMPENSATION.—In no case shall the Director or any employee of the Center receive annual compensation that exceeds an amount equal to the annual rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(f) CENTER ACTIVITIES.—

(1) USES OF FUNDS.—The Director, after consultation with the Board, shall use the funds made available to the Center—

(A) to support research to improve education, teaching, and learning that is in the public interest, but that is determined unlikely to be undertaken entirely with private funds;

(B) to support—

(i) precompetitive research, development, and demonstrations;

(ii) assessments of prototypes of innovative digital learning and information technologies, as well as the components and tools needed to create such technologies; and

(iii) pilot testing and evaluation of prototype systems described in clause (ii); and

(C) to encourage the widespread adoption and use of effective, innovative digital approaches to improving education, teaching, and learning.

(2) CONTRACTS AND GRANTS.—

(A) IN GENERAL.—To carry out the activities described in paragraph (1), the Director, with the agreement of two-thirds of the members of the Board, may award, on a competitive basis, contracts and grants to four-year institutions of higher education, museums, libraries, nonprofit organizations, public institutions with or without for-profit partners, for-profit organizations, and consortia of any such entities.

(B) PUBLIC DOMAIN.—

(i) IN GENERAL.—The research and development properties and materials associated with any project funded by a grant or contract under this section shall be freely and nonexclusively available to the general public in a timely manner, consistent with regulations prescribed by the Secretary of Education.

(ii) EXEMPTION.—The Director may waive the requirements of clause (i) with respect to a project funded by a grant or contract under this section if—

(I) the Director and the Board (by a unanimous vote of the Board members) determine that the general public will benefit significantly due to the project not being freely and nonexclusively available to the general public in a timely manner; and

(II) the Board issues a public statement as to the specific reasons of the determination under subclause (I).

(C) PEER REVIEW.—Proposals for grants or contracts shall be evaluated on the basis of comparative merit by panels of experts who represent diverse interests and perspectives, and who are appointed by the Director based on recommendations from the fields served and from the Board.

(g) ACCOUNTABILITY AND REPORTING.—

(1) REPORT.—

(A) IN GENERAL.—Not later than December 30 of each year beginning in fiscal year 2009, the Director shall prepare and submit to the Secretary of Education and the authorizing committees a report that contains the information described in subparagraph (B) with respect to the preceding fiscal year.

(B) CONTENTS.—A report under subparagraph (A) shall include—

(i) a comprehensive and detailed report of the Center's operations, activities, financial condition, and accomplishments, and such recommendations as the Director determines appropriate;

(ii) evidence of coordination with the Department of Education, the National Science Foundation, Office of the Director of Defense Research and Engineering in the Department of Defense, and other related Federal agencies to carry out the operations and activities of the Center;

(iii) a comprehensive and detailed inventory of funds distributed from the Center during the fiscal year for which the report is being prepared; and

(iv) an independent audit of the Center's finances and operations, and of the implementation of the goals established by the Board.

(C) STATEMENT OF THE BOARD.—Each report under subparagraph (A) shall include a statement from the Board containing—

(i) a clear description of the plans and priorities of the Board for the subsequent year for activities of the Center; and

(ii) an estimate of the funds that will be expended by the Center for such year.

(2) TESTIMONY.—The Director and principal officers of the Center shall testify before the authorizing committees and the Committees on Appropriations of the House of Representatives and the Senate, upon request of such committees, with respect to—

(A) any report required under paragraph (1)(A); and

(B) any other matter that such committees may determine appropriate.

(h) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—The authority to award grants, enter into contracts, or otherwise expend funds under this section is subject to the availability of amounts deposited into the Center under subsection (c), or amounts otherwise appropriated for such purposes by an Act of Congress.

(i) DEFINITIONS.—For purposes of this section:

(1) AUTHORIZING COMMITTEES.—The term ''authorizing committees'' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(2) BOARD.—The term ''Board'' means the Board of the Center appointed under subsection (d)(1).

(3) CENTER.—The term ''Center'' means the National Center for Research in Advanced Information and Digital Technologies established under subsection (a).

(4) DIRECTOR.—The term ''Director'' means the Director of the Center appointed under subsection (e)(1).

SEC. 803. ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL.

(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary of Education (referred to in this section as the ''Secretary'') shall make grants on a competitive basis to not more than ten institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

(1) purchase of course materials that the entity will make available by rent to students;

(2) any equipment or software necessary for the conduct of a rental program;

(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

(4) building or acquiring extra storage space dedicated to course materials for rent.

(d) EVALUATION AND REPORT.—

(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 and 2010.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

*(1) by striking the section heading and inserting ''**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**'';*

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2)—

(i) by striking ''elementary and secondary education programs'' and inserting ''Clerc Center''; and

(ii) by striking ''section 618(a)(1)(A)'' and inserting ''section 618(a)(1)'';

(C) in paragraph (4), in subparagraph (C)—

(i) by moving the margins 2 ems to the left;

(ii) in clause (i), by striking ''(6)'' and inserting ''(8)''; and

(iii) in clause (vi), by striking ''(m)'' and inserting ''(o)''; and

(D) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)(1), by striking the second sentence; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"PART C—OTHER PROGRAMS

"SEC. 121. CULTURAL EXPERIENCES GRANTS.

''(a) IN GENERAL.—The Secretary is authorized to, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

''(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

''(1) enrich the lives of deaf and hard-of-hearing children and adults;

''(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

''(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following: ''; OTHER PROGRAMS''.

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is one year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through ''section 203'' and inserting ''of NTID programs and activities''.

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in the first sentence of subsection (a), by striking ''preparatory,'';

(2) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(3) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2009 through 2014''.

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' both places it appears and inserting ''fiscal years 2009 through 2014''.

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at the University or the NTID, who are residing outside of the United States, and are not enrolled in a degree program at the University or the NTID shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2009–2010 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country, or a country that was a developing country for any academic year during the student's period of uninterrupted enrollment in a degree program at the University or NTID, except that such a surcharge shall not be adjusted retroactively.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2009–2010, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good-faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $5,345, measured in 2005 United States dollars, as adjusted by the Secretary to reflect inflation since 2005.''.

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 913. NATIONAL STUDY ON THE EDUCATION OF THE DEAF.

(a) CONDUCT OF STUDY.—Subsection (a)(1) of section 211 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360) is amended by inserting after ''The Secretary shall'' the following: ''establish a commission on the education of the deaf (in this section referred to as the 'commission') to''.

(b) PUBLIC INPUT AND CONSULTATION.—Subsection (b) of such section is amended by striking ''Secretary'' each place the term appears and inserting ''commission''.

(c) REPORT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''Secretary'' and all that follows through ''1998'' and inserting ''commission shall report to the Secretary and Congress not later than 18 months after the date of the enactment of the Higher Education Opportunity Act''; and

(2) in paragraph (1)—

(A) by striking ''recommendations,'' and inserting ''recommendations relating to educated-related factors that contribute to successful postsecondary education experiences and employment for individuals who are deaf,''; and

(B) by striking ''Secretary'' and inserting ''commission''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended by striking ''$1,000,000 for each of the fiscal years 1999 and 2000'' and inserting ''such sums as may be necessary for each of the fiscal years 2009 and 2010''.

SEC. 914. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2009 through 2014''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2009 through 2014''.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking ''the Arms Control and Disarmament Agency,''.

(b) BOARD OF DIRECTORS.—

(1) AMENDMENTS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(A) by striking ''(b)(5)'' each place the term appears and inserting ''(b)(4)''; and

(B) in subsection (e), by adding at the end the following:

''(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if enacted on June 1, 2007, and shall apply to any member of the Board of Directors of the Institute of Peace confirmed by the Senate and sworn in as a member of the Board of Directors on or after such date.

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) in subsection (a)(1), by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2009 through 2014.''; and

(2) by adding at the end the following:

''(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.''.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998; THE HIGHER EDUCATION AMENDMENTS OF 1992

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.

(2) Part C (20 U.S.C. 1070 note).

(3) Part F (20 U.S.C. 1862 note).

(4) Part J.

(5) Section 861.

(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''SEC. 821. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.

''(a) DEFINITION.—In this section, the term 'incarcerated individual' means a male or female offender who is—

''(1) 35 years of age or younger; and

''(2) incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills through—

''(A) coursework to prepare such individuals to pursue a postsecondary education certificate, an associate's degree, or bachelor's degree while in prison;

''(B) the pursuit of a postsecondary education certificate, an associate's degree, or bachelor's degree while in prison; and

''(C) employment counseling and other related services, which start during incarceration and end not later than two years after release from incarceration; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for an incarcerated individual program that—

''(1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and career and technical training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed program is to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical training) and State industry programs;

''(6) describes how the proposed program will—

''(A) deliver services under this section; and

''(B) utilize technology to deliver such services; and

''(7) describes how incarcerated individuals will be selected so that only those eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives;

''(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic programs, and career and technical education programs; and

''(E) the service delivery methods being used for each course offering; and

''(2) provide for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—An incarcerated individual who has obtained a secondary school diploma or its recognized equivalent shall be eligible for participation in a program receiving a grant under this section if such individual—

''(1) is eligible to be released within seven years (including an incarcerated individual who is eligible for parole within such time);

''(2) is 35 years of age or younger; and

''(3) has not been convicted of—

''(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

''(B) murder, as described in section 1111 of title 18, United States Code.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating incarcerated individual for a period not to exceed seven years, not more than two years of which may be devoted to study in a graduate education degree program or to coursework to prepare such individuals to take college level courses. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than two years after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 through 2014.''.

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841 of the Higher Education Amendments of 1998 (20 U.S.C. 1153) is amended—

(1) in subsection (a), by inserting '', including the lessons to be drawn from such history'' after ''Railroad'';

(2) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) to establish a facility to—

''(A) house, display, interpret, and communicate information regarding the artifacts and other materials related to the history of the Underground Railroad, including the lessons to be drawn from such history;

''(B) maintain such artifacts and materials; and

''(C) make the efforts described in subparagraph (A) available, including through electronic means, to elementary and secondary schools, institutions of higher education, and the general public;

''(2) to demonstrate substantial public and private support for the operation of the facility through the implementation of a public-private partnership between one or more State or local public entities and one or more private entities, which public-private partnership shall provide matching funds from non-federal sources for the support of the facility in an amount equal to or greater than four times the amount of the grant awarded under this section;'';

(B) in paragraph (4)—

(i) by inserting ''and maintain'' after ''establish''; and

(ii) by inserting ''including the lessons to be drawn from the history of the Underground Railroad,'' after ''States,''; and

(C) in paragraph (5)—

(i) by inserting ''and maintain'' after ''establish''; and

(ii) by inserting '', including the lessons to be drawn from such history'' after ''Railroad''; and

(3) in subsection (c), by striking ''this section'' and all that follows through the period at the end and inserting ''$3,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.''.

SEC. 934. OLYMPIC SCHOLARSHIPS.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended—

(1) by striking ''1999'' and inserting ''2009''; and

(2) by striking ''4'' and inserting ''five''.

SEC. 935. ESTABLISHMENT OF A DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.

Section 205 of the Department of Education Organization Act (20 U.S.C. 3415) is amended to read as follows:

''OFFICE OF POSTSECONDARY EDUCATION

''SEC. 205. (a) There shall be in the Department an Office of Postsecondary Education, to be administered by the Assistant Secretary for Postsecondary Education appointed under section 202(b). The Assistant Secretary shall administer such functions affecting postsecondary education, both public and private, as the Secretary shall delegate, and shall serve as the principal adviser to the Secretary on matters affecting postsecondary education.

''(b) The Assistant Secretary for Postsecondary Education shall appoint a Deputy Assistant Secretary for International and Foreign Language Education to perform such functions affecting postsecondary, international, and foreign language education as the Secretary may prescribe. The Deputy Assistant Secretary for International and Foreign Language Education shall—

''(1) be an individual with extensive background and experience in international and foreign language education;

''(2) have responsibility for encouraging and promoting the study of foreign languages and the study of the cultures of other countries at the elementary, secondary, and postsecondary levels in the United States; and

''(3) coordinate with related international and foreign language education programs of other Federal agencies.''.

PART D—TRIBAL COLLEGE AND UNIVERSITIES; NAVAJO HIGHER EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) Eligible credits earned in a continuing education program—

''(A) shall be determined as one credit for every ten contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to ten percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3), the following:

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2009'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''five succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''five succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2009''; and

(2) by striking ''4 succeeding'' and inserting ''five succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2009''; and

(2) by striking ''4 succeeding'' and inserting ''five succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE V—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

''SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2009 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select two tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The two tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

''SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (8) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Opportunity Act.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institution to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

''SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2009 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) TECHNICAL AMENDMENTS.—

(A) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking ''Tribally Controlled College or University Assistance Act of 1978'' and inserting ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(B) NATIONAL MUSEUM OF THE AMERICAN INDIAN ACT.—Section 10(b)(2) of the National Museum of the American Indian Act (20 U.S.C. 80q-8(b)(2)) is amended by striking ''tribally controlled community colleges (as defined in section 2 of the Tribally Controlled Community College Assistance Act of 1978)'' and inserting ''tribally controlled colleges or universities (as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978)''.

(C) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 602(17)(B) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(17)(B)) is amended—

(i) by striking ''community college'' and inserting ''college or university''; and

(ii) by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(D) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended—

(i) in section 3(33) (20 U.S.C. 2302(33)), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978'';

(ii) in section 117 (20 U.S.C. 2327), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' each place the term appears and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''; and

(iii) in section 203(a)(1)(B)(i)(I)(bb)(AA) (20 U.S.C. 2373(a)(1)(B)(i)(I)(bb)(AA)), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(E) OMNIBUS EDUCATION RECONCILIATION ACT OF 1981.—Section 528 of the Omnibus Education Reconciliation Act of 1981 (20 U.S.C. 3489) is amended by striking ''the Tribally Controlled'' and all that follows through ''1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(F) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(i) in section 3301(3) (20 U.S.C. 7011(3)), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''; and

(ii) in section 7134(b)(1)(A) (20 U.S.C. 7454(b)(1)(A)), by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(G) AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.—Section 5404(a)(1) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 13d–2(a)(1)) is amended by striking ''the Tribally Controlled'' and all that follows through ''1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(H) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 403(b)(4)(A) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc(b)(4)(A)) is amended by striking ''the Tribally Controlled'' and all that follows through ''1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(I) INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(i) in section 113(b)(1) (25 U.S.C. 1616f(b)(1)), by striking ''tribally-controlled'' and all that follows through ''1978)'' and inserting ''tribally controlled colleges or universities (within the meaning of section 2(a)(4) of the Tribally Controlled Colleges and Universities Act of 1978)'';

(ii) in section 115(e) (25 U.S.C. 1616h(e)(2))—

(I) in paragraph (1)(A), by striking ''a tribally controlled community college'' and inserting ''a junior or community college that is a tribally controlled college or university''; and

(II) by striking paragraph (2) and inserting the following:

''(2) The term 'tribally controlled college or university' has the meaning given to such term by section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978.''; and

(iii) by striking paragraph (3) of section 711(g) (25 U.S.C. 1665j(g)) and inserting the following:

''(3) The term 'tribally controlled community college' means a community college that is a tribally controlled college or university, as such term is defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978.''.

(J) INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT.—Section 411(d)(5)(C) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3210(d)(5)(C)) is amended by striking ''tribally controlled'' and all that follows through the semicolon at the end and inserting ''tribally controlled college or university (within the meaning of section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978);''.

(K) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 3(11) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(11)) is amended by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(L) ATOMIC ENERGY ACT OF 1954.—Section 244(a)(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2015c(a)(3)) is amended by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally

Controlled Colleges and Universities Assistance Act of 1978''.

(M) DEPARTMENT OF ENERGY SCIENCE EDUCATION ENHANCEMENT ACT.—Section 3167(a)(5) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381c–1(a)(5)) is amended by striking ''the Tribally Controlled College Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

(N) ED 1.0 ACT.—The ED 1.0 Act (47 U.S.C. 902 note) is amended in subsection (a)(2)(C) by striking ''the Tribally Controlled College or University Assistance Act of 1978'' and inserting ''the Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the ''Navajo Nation Higher Education Act of 2008''.

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Dine College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2009 through 2014.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2009 through 2014 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2008''.

SEC. 952. 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 unit of local government who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government 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 unit of local government 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 the employee's 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.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'student loan' means—

''(i) 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.);

''(ii) 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

''(iii) 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)).

''(B) EXCLUSION OF PARENT PLUS LOANS.—The term 'student loan' does not include any of the following loans:

''(i) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078–2).

''(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

''(iii) 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 loan described in clause (i) or (ii).

''(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 three 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 three 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 three 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) REPORT BY INSPECTOR GENERAL.—Not later than three years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

''(1) the cost of the program authorized under this section; and

''(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

''(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.''.

PART F—INSTITUTIONAL LOAN REPAYMENT ASSISTANCE PROGRAMS

SEC. 961. INSTITUTIONAL LOAN FORGIVENESS PROGRAMS.

Notwithstanding any other provision of law—

(1) a public or private institution of higher education may provide an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment if—

(A) such repayment or forbearance is provided to such officer or employee in accordance with a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students or former students who perform public service; and

(B) in the case of a former student of the institution of higher education, the policy described in subparagraph (A) was in effect at the institution of higher education on the day before the date such officer or employee graduated from or otherwise ceased being a student at such institution; and

(2) an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia may receive repayment or forbearance permitted under paragraph (1).

PART G—MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM

SEC. 971. MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting after subsection (b) the following:

''(c) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program that awards grants, cooperative agreements, and contracts to eligible institutions to enable the eligible institutions in acquiring, and augmenting the institutions' use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

''(2) APPLICATION AND REVIEW PROCEDURES.—

''(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking technology will be made accessible to, and employed by, students, faculty, and administrators. The Secretary, consistent with subparagraph (C) and in consultation with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

''(B) ADVISORY COUNCIL.—The Secretary shall establish an advisory council to advise the Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review applications submitted to the program. In selecting the members of the advisory council, the Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

''(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

''(3) AWARDS.—

''(A) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract under this subsection.

''(B) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia, which may include other eligible institutions, a State or a State educational agency, local educational agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

''(C) PLANNING GRANTS.—The Secretary may provide funds to develop strategic plans to implement grants, cooperative agreements, or contracts awarded under this subsection.

''(D) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

''(E) NEED.—In awarding funds under this subsection, the Secretary shall give priority to the eligible institution with the greatest demonstrated need for assistance.

''(4) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

''(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the program described in paragraph (1);

''(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

''(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;

''(D) to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; or

''(E) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

''(5) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.

''(6) MATCHING REQUIREMENT.—The Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to 25 percent of the grant, cooperative agreement, or contract awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

''(7) ANNUAL REPORT AND ASSESSMENTS.—

''(A) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Secretary on its use of the grant, cooperative agreement, or contract.

''(B) INDEPENDENT ASSESSMENTS.—

''(i) CONTRACT TO CONDUCT ASSESSMENTS.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program established under paragraph (1). The assessments shall be conducted once every 3 years during the 10-year period following the date of enactment of this subsection.

''(ii) EVALUATIONS AND RECOMMENDATIONS.—The assessments described in clause (i) shall include—

''(I) an evaluation of the effectiveness of the program established under paragraph (1) in improving the education and training of students, faculty, and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program;

''(II) an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions;

''(III) an evaluation of the procedures established under paragraph (2)(A); and

''(IV) recommendations for improving the program, including recommendations concerning the continuing need for Federal support.

''(iii) REVIEW OF REPORTS.—In carrying out the assessments under this subparagraph, the National Academy of Public Administration shall review the reports submitted to the Secretary under subparagraph (A).

''(iv) REPORT TO CONGRESS.—Upon completion of each assessment under this subparagraph, the Secretary shall transmit the assessment to Congress along with a summary of the Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

''(8) DEFINITIONS.—In this subsection:

''(A) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.

''(B) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

''(i) a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution identified in subparagraph (A), (B), or (C) of section 326(e)(1) of such Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this clause;

''(ii) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(iii) a Tribal College or University, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(iv) an Alaska Native-serving institution, as defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(v) a Native Hawaiian-serving institution, as defined in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(vi) a Predominately Black Institution, as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e);

''(vii) a Native American-serving, nontribal institution, as defined in section 319 of the Higher Education Act of 1965 (20 U.S.C. 1059f);

''(viii) an Asian American and Native American Pacific Islander-serving institution, as defined in section 320 of the Higher Education Act of 1965 (20 U.S.C. 1059g); or

''(ix) a minority institution, as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), with an enrollment of needy students, as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d)).

''(C) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(D) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(E) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).

''(F) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), or Pacific Islander individual.

''(G) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(H) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

SEC. 972. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out section 5(c) of the Stevenson-Wydler Technology Innovation Act of 1980 such sums as may be necessary for each of the fiscal years 2009 through 2012.

TITLE X—PRIVATE STUDENT LOAN IMPROVEMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Private Student Loan Transparency and Improvement Act of 2008''.

SEC. 1002. REGULATIONS.

Not later than 365 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall issue regulations in final form to implement paragraphs (1), (2), (3), (4), (6), (7), and (8) of section 128(e) and section 140(c) of the Truth in Lending Act, as added by this title, which regulations shall become effective not later than 6 months after their date of issuance.

SEC. 1003. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) and as otherwise provided in this title, this title and the amendments made by this title shall become effective on the date of enactment of this Act.

(b) EFFECT NOTWITHSTANDING REGULATIONS.—Paragraphs (1), (2), (3), (4), (6), (7), and (8) of section 128(e) and section 140(c) of the Truth in Lending Act, as added by this title, shall become effective on the earlier of the date on which regulations issued under section 1002 become effective or 18 months after the date of enactment of this Act.

Subtitle A—Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest

SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.

(a) PREVENTING UNFAIR AND DECEPTIVE PRIVATE EDUCATIONAL LENDING PRACTICES AND CONFLICTS OF INTEREST.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''§ 140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest

''(a) DEFINITIONS.—As used in this section—

''(1) the term 'covered educational institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

''(B) includes an agent, officer, or employee of the educational institution;

''(2) the term 'gift'—

''(A)(i) means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having more than a de minimis monetary value, including services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred; and

''(ii) includes an item described in clause (i) provided to a family member of an officer, employee, or agent of a covered educational institution, or to any other individual based on that individual's relationship with the officer, employee, or agent, if—

''(I) the item is provided with the knowledge and acquiescence of the officer, employee, or agent; and

''(II) the officer, employee, or agent has reason to believe the item was provided because of the official position of the officer, employee, or agent; and

''(B) does not include—

''(i) standard informational material related to a loan, default aversion, default prevention, or financial literacy;

''(ii) food, refreshments, training, or informational material furnished to an officer, employee, or agent of a covered educational institution, as an integral part of a training session or through participation in an advisory council that is designed to improve the service of the private educational lender to the covered educational institution, if such training or participation contributes to the professional development of the officer, employee, or agent of the covered educational institution;

''(iii) favorable terms, conditions, and borrower benefits on a private education loan provided to a student employed by the covered educational institution, if such terms, conditions, or benefits are not provided because of the student's employment with the covered educational institution;

''(iv) the provision of financial literacy counseling or services, including counseling or services provided in coordination with a covered educational institution, to the extent that such counseling or services are not undertaken to secure—

''(I) applications for private education loans or private education loan volume;

''(II) applications or loan volume for any loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

''(III) the purchase of a product or service of a specific private educational lender;

''(v) philanthropic contributions to a covered educational institution from a private educational lender that are unrelated to private education loans and are not made in exchange for any advantage related to private education loans; or

''(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State;

''(3) the term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

''(4) the term 'postsecondary educational expenses' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll);

''(5) the term 'preferred lender arrangement' has the same meaning as in section 151 of the Higher Education Act of 1965;

''(6) the term 'private educational lender' means—

''(A) a financial institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) that solicits, makes, or extends private education loans;

''(B) a Federal credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752) that solicits, makes, or extends private education loans; and

''(C) any other person engaged in the business of soliciting, making, or extending private education loans;

''(7) the term 'private education loan'—

''(A) means a loan provided by a private educational lender that—

''(i) is not made, insured, or guaranteed under of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(ii) is issued expressly for postsecondary educational expenses to a borrower, regardless of whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the private educational lender; and

''(B) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling; and

''(8) the term 'revenue sharing' means an arrangement between a covered educational institution and a private educational lender under which—

''(A) a private educational lender provides or issues private education loans with respect to students attending the covered educational institution;

''(B) the covered educational institution recommends to students or others the private educational lender or the private education loans of the private educational lender; and

''(C) the private educational lender pays a fee or provides other material benefits, including profit sharing, to the covered educational institution in connection with the private education loans provided to students attending the covered educational institution or a borrower acting on behalf of a student.

''(b) PROHIBITION ON CERTAIN GIFTS AND ARRANGEMENTS.—A private educational lender may not, directly or indirectly—

''(1) offer or provide any gift to a covered educational institution in exchange for any advantage or consideration provided to such private educational lender related to its private education loan activities; or

''(2) engage in revenue sharing with a covered educational institution.

''(c) PROHIBITION ON CO-BRANDING.—A private educational lender may not use the name, emblem, mascot, or logo of the covered educational institution, or other words, pictures, or symbols readily identified with the covered educational institution, in the marketing of private education loans in any way that implies that the covered educational institution endorses the private education loans offered by the private educational lender.

''(d) ADVISORY BOARD COMPENSATION.—Any person who is employed in the financial aid office of a covered educational institution, or who otherwise has responsibilities with respect to private education loans or other financial aid of the institution, and who serves on an advisory board, commission, or group established by a private educational lender or group of such lenders shall be prohibited from receiving anything of value from the private educational lender or group of lenders. Nothing in this subsection prohibits the reimbursement of reasonable expenses incurred by an employee of a covered educational institution as part of their service on an advisory board, commission, or group described in this subsection.

''(e) PROHIBITION ON PREPAYMENT OR REPAYMENT FEES OR PENALTY.—It shall be unlawful for any private educational lender to impose a fee or penalty on a borrower for early repayment or prepayment of any private education loan.''.

(b) CONFORMING AMENDMENT TO TRUTH IN LENDING ACT.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end the following: ''The term 'creditor' includes a private educational lender (as that term is defined in section 140) for purposes of this title.''.

(c) DISCLOSURES OF REIMBURSEMENTS FOR SERVICE ON ADVISORY BOARDS.—

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092), as amended by this Act, is further amended by adding at the end the following:

''(m) DISCLOSURES OF REIMBURSEMENTS FOR SERVICE ON ADVISORY BOARDS.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall report, on an annual basis, to the Secretary, any reasonable expenses paid or provided under section 140(d) of the Truth in Lending Act to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. Such reports shall include—

''(A) the amount for each specific instance of reasonable expenses paid or provided;

''(B) the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;

''(C) the dates of the activity for which the expenses were paid or provided; and

''(D) a brief description of the activity for which the expenses were paid or provided.

''(2) REPORT TO CONGRESS.—The Secretary shall summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.''.

SEC. 1012. CIVIL LIABILITY.

(a) IN GENERAL.—Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''or 128(e)(7)'' after ''section 125''; and

(B) in the fourth sentence of the undesignated matter at the end—

(i) by striking ''125 or'' and inserting ''125,''; and

(ii) by inserting ''of subparagraphs (A), (B), (D), (F), or (J) of section 128(e)(2) (for purposes of paragraph (2) or (4) of section 128(e)), or paragraph (4)(C), (6), (7), or (8) of section 128(e),'' before ''or for failing'';

(2) in subsection (e), by inserting before the first period the following: ''or, in the case of a violation involving a private education loan (as that term is defined in section 140(a)), 1 year from the date on which the first regular payment of principal is due under the loan''; and

(3) by adding at the end the following:

''(j) PRIVATE EDUCATIONAL LENDER.—A private educational lender (as that term is defined in section 140(a)) has no liability under this section for failure to comply with section 128(e)(3)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall have the same effective date as provisions referred to in section 1003(b).

SEC. 1013. CLERICAL AMENDMENT.

The table of sections for chapter 2 of title I of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

''140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.''.

Subtitle B—Improved Disclosures for Private Education Loans

SEC. 1021. PRIVATE EDUCATION LOAN DISCLOSURES AND LIMITATIONS.

(a) TRUTH IN LENDING ACT.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following:

''(e) TERMS AND DISCLOSURE WITH RESPECT TO PRIVATE EDUCATION LOANS.—

''(1) DISCLOSURES REQUIRED IN PRIVATE EDUCATION LOAN APPLICATIONS AND SOLICITATIONS.—In any application for a private education loan, or a solicitation for a private education loan without requiring an application, the private educational lender shall disclose to the borrower, clearly and conspicuously—

''(A) the potential range of rates of interest applicable to the private education loan;

''(B) whether the rate of interest applicable to the private education loan is fixed or variable;

''(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof, if applicable;

''(D) requirements for a co-borrower, including any changes in the applicable interest rates without a co-borrower;

''(E) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower;

''(F) fees or range of fees applicable to the private education loan;

''(G) the term of the private education loan;

''(H) whether interest will accrue while the student to whom the private education loan relates is enrolled at a covered educational institution;

''(I) payment deferral options;

''(J) general eligibility criteria for the private education loan;

''(K) an example of the total cost of the private education loan over the life of the loan—

''(i) which shall be calculated using the principal amount and the maximum rate of interest actually offered by the private educational lender; and

''(ii) calculated both with and without capitalization of interest, if an option exists for postponing interest payments;

''(L) that a covered educational institution may have school-specific education loan benefits and terms not detailed on the disclosure form;

''(M) that the borrower may qualify for Federal student financial assistance through a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), in lieu of, or in addition to, a loan from a non-Federal source;

''(N) the interest rates available with respect to such Federal student financial assistance through a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(O) that, as provided in paragraph (6)—

''(i) the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days (or such longer period as the private educational lender may provide) following the date on which the application for the private education loan is approved and the borrower receives the disclosure documents required under this subsection for the loan; and

''(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the private educational lender during the period described in clause (i);

''(P) that, before a private education loan may be consummated, the borrower must obtain from the relevant institution of higher education the form required under paragraph (3), and complete, sign, and return such form to the private educational lender;

''(Q) that the consumer may obtain additional information concerning such Federal student financial assistance from their institution of higher education, or at the website of the Department of Education; and

''(R) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

''(2) DISCLOSURES AT THE TIME OF PRIVATE EDUCATION LOAN APPROVAL.—Contemporaneously with the approval of a private education loan application, and before the loan transaction is consummated, the private educational lender shall disclose to the borrower, clearly and conspicuously—

''(A) the applicable rate of interest in effect on the date of approval;

''(B) whether the rate of interest applicable to the private education loan is fixed or variable;

''(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof, if applicable;

''(D) the initial approved principal amount;

''(E) applicable finance charges, late fees, penalties, and adjustments to principal, based on borrower defaults or late payments, including limitations on the discharge of a private education loan in bankruptcy;

''(F) fees or range of fees applicable to the private education loan;

''(G) the maximum term under the private education loan program;

''(H) an estimate of the total amount for repayment, at both the interest rate in effect on the date of approval and at the maximum possible rate of interest offered by the private educational lender and applicable to the borrower, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof;

''(I) any principal and interest payments required while the student for whom the private education loan is intended is enrolled at a covered educational institution and unpaid interest that will accrue during such enrollment;

''(J) payment deferral options applicable to the borrower;

''(K) whether monthly payments are graduated;

''(L) that, as provided in paragraph (6)—

''(i) the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days (or such longer period as the private educational lender may provide) following the date on which the application for the private education loan is approved and the borrower receives the disclosure documents required under this subsection for the loan; and

''(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the private educational lender during the period described in clause (i);

''(M) that the borrower —

''(i) may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), in lieu of, or in addition to, a loan from a non-Federal source; and

''(ii) may obtain additional information concerning such assistance from their institution of higher education or the website of the Department of Education;

''(N) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

''(O) the maximum monthly payment, calculated using the maximum rate of interest actually offered by the private educational lender and applicable to the borrower, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof; and

''(P) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

''(3) SELF-CERTIFICATION OF INFORMATION.—

''(A) IN GENERAL.—Before a private educational lender may consummate a private education loan with respect to a student attending an institution of higher education, the lender shall obtain from the applicant for the private education loan the form developed by the Secretary of Education under section 155 of the Higher Education Act of 1965, signed by the applicant, in written or electronic form.

''(B) RULE OF CONSTRUCTION.—No other provision of this subsection shall be construed to require a private educational lender to perform any additional duty under this paragraph, other than collecting the form required under subparagraph (A).

''(4) DISCLOSURES AT THE TIME OF PRIVATE EDUCATION LOAN CONSUMMATION.—Contemporaneously with the consummation of a private education loan, a private educational lender shall make to the borrower each of the disclosures described in—

''(A) paragraph (2)(A) (adjusted, as necessary, for the rate of interest in effect on the date of consummation, based on the index used for the loan);

''(B) subparagraphs (B) through (K) and (M) through (P) of paragraph (2); and

''(C) paragraph (7).

''(5) FORMAT OF DISCLOSURES.—

''(A) MODEL FORM.—Not later than 2 years after the date of enactment of this subsection, the Board shall, based on consumer testing, and in consultation with the Secretary of Education, develop and issue model forms that may be used, at the option of the private educational lender, for the provision of disclosures required under this subsection.

''(B) FORMAT.—Model forms developed under this paragraph shall—

''(i) be comprehensible to borrowers, with a clear format and design;

''(ii) provide for clear and conspicuous disclosures;

''(iii) enable borrowers easily to identify material terms of the loan and to compare such terms among private education loans; and

''(iv) be succinct, and use an easily readable type font.

''(C) SAFE HARBOR.—Any private educational lender that elects to provide a model form developed under this subsection that accurately reflects the practices of the private educational lender shall be deemed to be in compliance with the disclosures required under this subsection.

''(6) EFFECTIVE PERIOD OF APPROVED RATE OF INTEREST AND LOAN TERMS.—

''(A) IN GENERAL.—With respect to a private education loan, the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days (or such longer period as the private educational lender may provide) following the date on which the application for the private education loan is approved and the borrower receives the disclosure documents required under this subsection for the loan, and the rates and terms of the loan may not be changed by the private educational lender during that period.

''(B) PROHIBITION ON CHANGES.—Except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the private educational lender prior to the earlier of—

''(i) the date of acceptance of the terms of the loan and consummation of the transaction by the borrower, as described in subparagraph (A); or

''(ii) the expiration of the period described in subparagraph (A).

''(7) RIGHT TO CANCEL.—With respect to a private education loan, the borrower may cancel the loan, without penalty to the borrower, at any time within 3 business days of the date on which the loan is consummated, and the private educational lender shall disclose such right to the borrower in accordance with paragraph (4).

''(8) PROHIBITION ON DISBURSEMENT.—No funds may be disbursed with respect to a private education loan until the expiration of the 3-day period described in paragraph (7).

''(9) BOARD REGULATIONS.—In issuing regulations under this subsection, the Board shall prevent, to the extent possible, duplicative disclosure requirements for private educational lenders that are otherwise required to make disclosures under this title, except that in any case in which the disclosure requirements of this subsection differ or conflict with the disclosure requirements of any other provision of this title, the requirements of this subsection shall be controlling.

''(10) DEFINITIONS.—For purposes of this subsection, the terms 'covered educational institution', 'private educational lender', and 'private education loan' have the same meanings as in section 140.

''(11) DUTIES OF LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.—Each private educational lender that has a preferred lender arrangement with a covered educational institution shall annually, by a date determined by the Board, in consultation with the Secretary of Education, provide to the covered educational institution such information as the Board determines to include in the model form developed under paragraph (5) for each type of private education loan that the lender plans to offer to students attending the covered educational institution, or to the families of such students, for the next award year (as that term is defined in section 481 of the Higher Education Act of 1965).''.

(b) SELF-CERTIFICATION FORM.—Part E of title I of the Higher Education Act of 1965, as added by this Act, is further amended by inserting after section 154 the following:

''SEC. 155. SELF-CERTIFICATION FORM FOR PRIVATE EDUCATION LOANS.

''(a) IN GENERAL.—The Secretary, in consultation with the Board of Governors of the Federal Reserve System, shall develop the self-certification form for private education loans that shall be used to satisfy the requirements of section 128(e)(3) of the Truth in Lending Act. Such form shall—

''(1) be developed in a standardized format;

''(2) be made available to the applicant by the relevant institution of higher education, in written or electronic form, upon request of the applicant;

''(3) contain only disclosures that—

''(A) the applicant may qualify for Federal student financial assistance through a program under title IV of this Act, or State or institutional student financial assistance, in place of, or in addition to, a private education loan;

''(B) the applicant is encouraged to discuss the availability of Federal, State, and institutional student financial assistance with financial aid officials at the applicant's institution of higher education;

''(C) a private education loan may affect the applicant's eligibility for free or low-cost Federal, State or institutional student financial assistance; and

''(D) the information that the applicant is required to provide on the form is available from officials at the financial aid office of the institution of higher education;

''(4) include a place to provide information on—

''(A) the applicant's cost of attendance at the institution of higher education, as determined by the institution under Part F of title IV;

''(B) the applicant's expected family contribution, as determined under Part F of title IV, as applicable, for students who have completed the free application for Federal student aid;

''(C) the applicant's estimated financial assistance, as determined by the institution, in accordance with title IV, as applicable;

''(D) the difference between the amounts under subparagraphs (A) and (C), as applicable; and

''(E) the sum of the amounts under subparagraphs (B) and (D), as applicable; and

''(5) include a place for the applicant's signature, in written or electronic form.

''(b) LIMIT ON LIABILITY.—Nothing in this section shall be construed to create a private right of action against an institution of higher education with respect to the form developed under subsection (a).''.

SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO ALL PRIVATE EDUCATION LOANS.

Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by inserting ''and other than private education loans (as that term is defined in section 140(a))'' after ''consumer''.

Subtitle C—College Affordability

SEC. 1031. COMMUNITY REINVESTMENT ACT CREDIT FOR LOW-COST LOANS.

(a) IN GENERAL.—Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

''(d) LOW-COST EDUCATION LOANS.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider, as a factor, low-cost education loans provided by the financial institution to low-income borrowers.''.

(b) REGULATIONS REQUIRED.—Not later than 1 year after the date of enactment of this Act, each appropriate Federal financial supervisory agency shall issue rules in final form to implement section 804(d) of the Community Reinvestment Act of 1977, as added by this section.

Subtitle D—Financial Literacy; Studies and Reports

SEC. 1041. DEFINITIONS.

As used in this subtitle—

(1) the terms ''covered educational institution'', ''private educational lender'', and ''private education loan'' have the same meanings as in section 140 of the Truth in Lending Act, as added by this Act;

(2) the term ''historically Black colleges and universities'' means a ''part B institution'', within the meaning of section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)); and

(3) the term ''land-grant colleges and universities'' has the same meaning as in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

SEC. 1042. COORDINATED EDUCATION EFFORTS.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary''), in coordination with the Secretary of Education, the Secretary of Agriculture (with respect to land-grant colleges and universities), and any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), shall seek to enhance financial literacy among students at covered educational institutions through—

(1) the development of initiatives, programs, and curricula that improve student awareness of the short- and long-term costs associated with education loans and other debt assumed while in college, their repayment obligations, and their rights as borrowers; and

(2) assisting such students in navigating the financial aid process.

(b) DUTIES.—For purposes of this section, the Secretary, working in conjunction with the Secretary of Education, the Secretary of Agriculture, and the Financial Literacy and Education Commission, shall—

(1) identify programs that promote or enhance financial literacy for college students, with specific emphasis on programs that impart the knowledge and ability for students to best navigate the financial aid process, including those that involve partnerships between nonprofit organizations, colleges and universities, State and local governments, and student organizations;

(2) evaluate the effectiveness of such programs in terms of measured results, including positive behavioral change among college students;

(3) promote the programs identified as being the most effective; and

(4) encourage covered educational institutions to implement financial education programs for their students, including those that have the highest evaluations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Financial Literacy and Education Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Health Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives on the state of financial education among students at covered educational institutions.

(2) CONTENT.—The report required by this subsection shall include a description of progress made in enhancing financial education with respect to student understanding of financial aid, including the programs and evaluations required by this section.

(3) APPEARANCE BEFORE CONGRESS.—The Secretary shall, upon request, provide testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives concerning the report required by this subsection.

TITLE XI—STUDIES AND REPORTS

SEC. 1101. STUDY ON FOREIGN GRADUATE MEDICAL SCHOOLS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study that examines the performance of students from the United States receiving Federal student financial aid to attend graduate medical schools located outside of the United States;

(2) provide data and make recommendations to the National Committee on Foreign Medical Education and Accreditation in a timely manner so as to assist the Secretary of Education in the Department of Education's review required under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(3) submit to the authorizing committees a report setting forth the conclusions of the study.

(b) CONTENTS.—The study conducted under this section shall include the following:

(1) The amount of Federal student financial aid dollars that are spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(2) The percentage of students of such medical schools who pass the examination sponsored by the Federation of State Medical Boards of the United States, Inc., and the National Board of Medical Examiners the first time.

(3) The percentage of students of such medical schools who pass the United States medical licensing examination after taking such examinations multiple times, disaggregated by the number of times the students had to take the examinations to pass.

(4) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(5) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(6) Recommendations regarding the percentage passing rate of the United States medical licensing examination that the United States should require of graduate medical schools located outside of the United States for Federal student financial aid purposes.

SEC. 1102. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including two- and four-year degree, certificate, professional, and graduate programs) at all types of institutions of higher education (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than six months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary education graduates could be encouraged to voluntarily submit information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from, or about, the employment experience of individuals who have recently completed a postsecondary educational program;

(C) the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the authorizing committees a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than two years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the authorizing committees a final report regarding such study, assessments, and recommendations.

SEC. 1103. STUDY ON IPEDS.

The Comptroller General of the United States shall—

(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (referred to in this section as the ''IPEDS'') survey, which shall—

(A) report on the time and cost burden of completing the IPEDS survey for four-year, two-year, and less than two-year institutions of higher education;

(B) present recommendations for reducing such burden; and

(C) report on the feasibility of collecting additional data from institutions for use in IPEDS, including information on the percentage of enrolled undergraduate students who graduate within two years (in the case of two-year institutions), and four, five, and six years (in the case of two- and four-year institutions), disaggregated by race and ethnic background and by income categories;

(2) not later than one year after the date of enactment of this Act, submit to the authorizing committees a preliminary report regarding the findings of the study described in paragraph (1); and

(3) not later than two years after the date of enactment of this Act, submit to the authorizing committees a final report regarding such findings.

SEC. 1104. REPORT AND STUDY ON ARTICULATION AGREEMENTS.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a study to review the articulation agreements at State-supported college and university systems, including junior or community colleges, as well as those at other institutions of higher education. Such study shall consider—

(1) the extent to which States and institutions have developed and implemented articulation agreements;

(2) with respect to the articulation agreements developed—

(A) the number and types of institutions participating in articulation agreements;

(B) the cost-savings to the participating institutions and to the students;

(C) what strategies are being employed, including common course numbering, general education core curriculum, and management systems;

(D) the effective use of technologies to contain costs, maintain quality of instruction, and inform students; and

(E) a description of the students to whom the articulation agreements are offered and, to the extent practicable, a description of the students who take advantage of the articulation agreements;

(3) best practices and innovative strategies employed to implement effective articulation agreements; and

(4) barriers to the implementation of articulation agreements, including technological and informational barriers.

(b) REPORT.—The Secretary of Education shall submit to the authorizing committees an interim report on the study required by subsection (a) not later than two years after the date of enactment of this Act and a final report on such study not later than January 1, 2013.

SEC. 1105. REPORT ON PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis of proprietary institutions of higher education subject to section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24)) and shall submit to the authorizing committees a report that provides the results of the analysis.

(b) CONTENTS OF REPORT.—The report shall provide—

(1) the number of institutions subject to section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24));

(2) the number and percentage of such institutions each year that do not comply with such section;

(3) the number of such institutions that are in compliance with such section at the time of submission of the report; and

(4) in the case of institutions that are in compliance with such section at the time of submission of the report, information on the extent to which such institutions' revenue is derived from funds provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), including information on the number of such institutions that derive not less than 85 percent of their revenues from funds provided under such title.

SEC. 1106. ANALYSIS OF FEDERAL REGULATIONS ON INSTITUTIONS OF HIGHER EDUCATION.

The Secretary of Education shall enter into an agreement with the National Research Council of the National Academy of Sciences for the conduct of a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply. The study shall be completed not later than two years after the date of enactment of this Act, and shall include information describing—

(1) by agency, the number of Federal regulations and reporting requirements affecting institutions of higher education;

(2) by agency, the estimated time required and costs to institutions of higher education (disaggregated by types of institutions) to comply with the regulations and reporting requirements described in paragraph (1); and

(3) by agency, recommendations for consolidating, streamlining, and eliminating redundant and burdensome Federal regulations and reporting requirements affecting institutions of higher education.

SEC. 1107. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education can be assessed, which may include elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance education program success, with respect to student achievement, in relation to the mission of the institution of higher education;

(3) identification of the benefits and limitations of distance education programs and campus-based programs for different students (including classification of types of students by age category) by assessing access, job placement rates, graduation rates, and other factors related to persistence, completion, and cost; and

(4) identification and analysis of factors that may make direct comparisons of distance education programs and campus-based education programs difficult.

(b) SCOPE.—The National Research Council shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The contract under subsection (a) shall require that the National Research Council submit to the authorizing committees—

(1) an interim report regarding the evaluation under subsection (a) not later than June 30, 2009; and

(2) a final report regarding such evaluation not later than June 30, 2010.

SEC. 1108. REVIEW OF COSTS AND BENEFITS OF ENVIRONMENTAL, HEALTH, AND SAFETY STANDARDS.

(a) REVIEW OF STANDARDS.—The Secretary of Education shall enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a national study that—

(1) reviews, analyzes, and compares existing standards in environmental, health, and safety areas, for the regulation of—

(A) industrial research and development facilities; and

(B) research and teaching laboratories and facilities at institutions of higher education; and

(2) based upon the review in paragraph (1), develops recommended frameworks for alternative regulatory standards, if any, for research and teaching laboratories and facilities at institutions of higher education that—

(A) maintain the overall level of protection of the environment, and of the health and safety of those using such laboratories and facilities;

(B) reflect the need to ensure consistent application of Federal laws; and

(C) take into account the educational and research activities of institutions of higher education.

(b) REPORT.—The National Research Council shall report to Congress regarding the recommended frameworks for alternative regulatory standards developed under subsection (a). Such report shall contain recommendations for statutory or regulatory changes needed to implement the different standards described in subsection (a), and the projected costs and benefits resulting from the adoption of such standards.

SEC. 1109. STUDY OF MINORITY MALE ACADEMIC ACHIEVEMENT.

(a) STUDY REQUIRED.—The Secretary of Education shall carry out the following:

(1) Commission and ensure the conduct of a national study of underrepresented minority males (particularly African American, Hispanic American, Native American, Native Hawaiian, and Alaska Native males) completing high school, and entering and graduating from colleges and universities in accordance with the following:

(A) The data comprising the study shall focus primarily on African American, Hispanic American, Native American, Native Hawaiian, and Alaska Native males and shall utilize existing data sources.

(B) The study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to

college, including the financing of college, and college persistence and graduation.

(C) The implementation of the study shall be in four stages based on the recommendations of the Commissioner for Education Statistics.

(2) Make specific recommendations to the authorizing committees and States on new approaches to increase—

(A) the number of minority males successfully preparing themselves for college study;

(B) the number of minority males graduating from high school and entering college; and

(C) the number of minority males graduating from college and entering careers in which they are underrepresented.

(b) SUBMISSION OF THE REPORT.—Not later than four years after the date of enactment of this Act, the Secretary of Education shall submit a report on the study required by subsection (a)(1), together with the recommendations required by subsection (a)(2), to the authorizing committees.

SEC. 1110. STUDY ON BIAS IN STANDARDIZED TESTS.

(a) STUDY.—The Secretary of Education shall enter into an agreement with the Board on Testing and Assessment of the National Academy of Sciences for the conduct of a study to identify any race, ethnicity, or gender bias in the content and construction of standardized tests that are used for admission to institutions of higher education.

(b) REPORT.—Not later than two years after the date of enactment of this Act, the Secretary of Education shall issue an interim report to the authorizing committees related to the progress of the study under subsection (a).

SEC. 1111. ENDOWMENT REPORT.

(a) ANALYSIS OF ENDOWMENTS.—The Comptroller General of the United States shall conduct a study on the amounts, uses, and public purposes of the endowments of institutions of higher education. The study shall include information (disaggregated by types of institutions) describing—

(1) the average and range of—

(A) the outstanding balance of such endowments; and

(B) the growth of such endowments over the last 20 years;

(2) the amount and percentage of endowment assets distributed on an annual basis for spending on education;

(3) the amount and percentage of endowment assets distributed on an annual basis for financial aid or for the purpose of reducing the costs of tuition, fees, textbooks, and room and board; and

(4) the extent to which the funds in such endowments are restricted, and the restrictions placed upon such funds.

(b) SUBMISSION OF REPORT.—The Comptroller General of the United States shall submit a report on the study required by subsection (a) to the authorizing committees not later than 18 months after the date of enactment of this Act.

SEC. 1112. STUDY OF CORRECTIONAL POSTSECONDARY EDUCATION.

(a) STUDY REQUIRED.—The Secretary of Education, in consultation with the Secretary of Labor and the Attorney General, shall—

(1) conduct a longitudinal study to assess the effects of correctional postsecondary education that—

(A) employs rigorous empirical methods that control for self-selection bias;

(B) measures a range of outcomes, including those related to employment and earnings, recidivism, engaged citizenship, impact on families of the incarcerated, and impact on the culture of the correctional institution;

(C) examines different delivery systems of postsecondary education, such as on-site and distance learning; and

(D) includes a projected cost-benefit analysis of the Federal investment in terms of reduction of future offending, reduction of future prison costs (construction and operational), increased tax payments by formerly incarcerated individuals, a reduction of welfare and other social service costs for successful formerly incarcerated individuals, and increased costs from the employment of formerly incarcerated individuals; and

(2) make specific recommendations to the authorizing committees and the relevant State agencies responsible for correctional education, such as the State superintendents of education and State secretaries of corrections, on best approaches to increase correctional education and its effectiveness.

(b) SUBMISSION OF REPORTS.—Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit an interim report on the progress of the study required by subsection (a)(1) to the authorizing committees. Not later than seven years after the date of enactment of this Act, the Secretary of Education shall submit a final report, together with the recommendations required by subsection (a)(2), to the authorizing committees.

SEC. 1113. STUDY OF AID TO LESS-THAN-HALF-TIME STUDENTS.

(a) STUDY REQUIRED.—The Secretary shall conduct a study on making and expanding the student aid available under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) to less-than-half-time students. The Secretary shall submit a report on the results of such study, including the Secretary's recommendations, to the authorizing committees not later than one year after the date of enactment of this Act.

(b) SUBJECTS FOR STUDY.—The study required by this section shall, at a minimum, examine the following:

(1) The existing sources of Federal aid for less-than-half-time students seeking a college degree or certificate.

(2) The demand for Federal aid for less-than-half-time students and whether the demand is satisfied by existing sources of Federal aid, taking into consideration not only the number of less-than-half-time students currently seeking a college degree or certificate, but also any increase in the number of less-than-half-time students that may result from an expansion of Federal aid for less-than-half-time students seeking a college degree or certificate.

(3) The potential costs to the Federal Government and the potential benefits that could be received by students resulting from expanding Federal aid for less-than-half-time students seeking a college degree or certificate.

(4) The barriers to expanding Federal aid for less-than-half-time students, including identifying—

(A) statutory and regulatory barriers, such as student eligibility, institutional eligibility, needs analysis, program integrity, and award amounts; and

(B) other factors that may limit participation in an expanded Federal aid program for less-than-half-time students.

(c) RECOMMENDATIONS TO BE PROVIDED.—The Secretary's recommendations under this section shall include recommendations for designing a demonstration student loan program tailored to less-than-half-time students. The recommendations shall include any required statutory or regulatory modifications, as well as proposed accountability mechanisms to protect students, institutions, and the Federal investment in higher education.

(d) DEFINITIONS.—In this section—

(1) the term ''Secretary'' means the Secretary of Education; and

(2) the term ''less-than-half-time student'' means a student who is carrying less than one-half the normal full-time work load for the course of study that the student is pursuing, as determined by the institution such student is attending.

SEC. 1114. STUDY ON REGIONAL SENSITIVITY IN THE NEEDS ANALYSIS FORMULA.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to review the methodology that is used to determine the expected family contribution under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.).

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall identify and evaluate the needs analysis formula under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.) and examine the need for regional sensitivity in need analysis. The study shall include—

(1) the factors that are used to determine a student's expected family contribution under part F of title IV of the Higher Education Act of 1965;

(2) the varying allowances that are made in calculating the expected family contribution;

(3) the effects of the income protection allowance on all aid recipients; and

(4) options for modifying the income protection allowance to reflect the significant differences in the cost of living in various parts of the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall report to the authorizing committees on the results of the study conducted under this section.

SEC. 1115. STUDY OF THE IMPACT OF STUDENT LOAN DEBT ON PUBLIC SERVICE.

(a) STUDY.—The Secretary of Education, in consultation with the Office of Management and Budget, is authorized to coordinate with an organization with expertise in the field of public service, such as the National Academy of Public Administrators or the American Society for Public Administration, to coordinate with interested parties to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Such study shall include—

(1) an assessment of the challenges to recruiting and retaining well-qualified public servants, including the impact of student loan debt;

(2) an evaluation of existing Federal programs to recruit and retain well-qualified public servants;

(3) an evaluation of whether additional Federal programs could increase the number of graduates of postsecondary and graduate education programs who enter careers in public service; and

(4) recommendations for programs that could encourage new graduates of postsecondary and graduate education programs to enter public service careers.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Education, in consultation with the Office of Management and Budget, shall submit to the authorizing committees a report related to the findings of the study conducted under subsection (a).

SEC. 1116. STUDY ON TEACHING STUDENTS WITH READING DISABILITIES.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the Center for Education of the National Academies for a scientifically-based study of the quality of teacher education programs—

(1) to determine if teachers are adequately prepared to meet the needs of students with reading and language processing disabilities, including dyslexia; and

(2) to determine the extent to which teacher education programs are based on the essential components of reading instruction and scientifically valid research.

(b) COMPONENTS.—The study conducted under subsection (a) shall be designed to provide statistically reliable information on—

(1) the number, type of courses, and credit hours required to meet the requirements of reading degree programs of teacher education programs; and

(2) the extent to which the content of the reading degree programs are based on—

(A) the essential components of reading instruction and scientifically valid research, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(B) early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity, including dyslexia, and the extent to which such strategies are effective in preventing reading failure before it occurs.

(c) SCOPE.—The Director of the Center for Education of the National Academy of Sciences shall select for participation in the study under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(d) INTERIM AND FINAL REPORTS.—The Director of the Center for Education of the National Academy of Sciences shall submit to the authorizing committees and the Secretary of Education—

(1) an interim report regarding the study under subsection (a) not later than one year after the date the Center for Education of the National Academies enters into an agreement with the Secretary of Education under this section; and

(2) a final report summarizing the findings, conclusions, and recommendations of such study not later than two years after the date the Center for Education of the National Academies enters into such agreement.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—Upon submission of the final report under subsection (d)(2), the Secretary of Education shall establish a task force to make policy recommendations to the Secretary regarding the findings of the report.

(2) MEMBERSHIP.—The membership of the task force established under paragraph (1) shall include chief State school officers, State reading consultants, master teachers, national reading experts, and researchers with expertise in relevant fields.

(3) PUBLIC HEARINGS.—The task force established under paragraph (1) shall hold public hearings to provide an opportunity for public comment on the recommendations made under paragraph (1).

SEC. 1117. REPORT ON INCOME CONTINGENT REPAYMENT THROUGH THE INCOME TAX WITHHOLDING SYSTEM.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Education and the Secretary of the Treasury shall conduct a study to determine the feasibility and benefits of developing a system through which a borrower who is repaying a loan through the income contingent repayment plan or the income-based repayment program may make payments on the loan using the income tax withholding system (referred to in this section as ''direct IDEA loans''). The goal of this program would be to—

(1) streamline the repayment process and provide greater flexibility for borrowers electing to use the direct IDEA loan;

(2) reduce the number of loan defaults by borrowers; and

(3) reduce the redundancy in reporting information pertaining to income contingent repayment and income-based repayment to the Department of Education, institutions, and applicants.

(b) EVALUATIONS.—In conducting the study under subsection (a), the Secretary of Education and the Secretary of the Treasury shall evaluate—

(1) the feasibility of implementing direct IDEA loans by the Department of Education and the Department of the Treasury;

(2) any advantages or disadvantages of direct IDEA loans on borrowers and taxpayers;

(3) the program structure necessary to administer direct IDEA loans; and

(4) whether the repayment programs that implement income contingent and income-based repayment collected through revenue services, such as programs in England, Australia, and New Zealand, could be effective in collecting loan payments under the income contingent and income-based repayment options in the United States.

(c) RECOMMENDATIONS.—Not later than one year after the date of enactment of this Act, the Secretary of Education and the Secretary of the Treasury shall provide a report on the study conducted under subsection (a) to Congress. The report shall include recommendations based on the factors examined in subsection (b) for implementing direct IDEA loans, including the necessary statutory changes needed to implement such repayment option.

SEC. 1118. DEVELOPING ADDITIONAL MEASURES OF DEGREE COMPLETION.

(a) IN GENERAL.—The Secretary of Education, in coordination with the Commissioner for Education Statistics and after consultation with representatives from diverse institutions of higher education, students, experts in the field of higher education policy, State higher education officials, and other stakeholders in the higher education community, shall issue a report with recommendations to Congress about alternatives ways to measure and report degree or program completion rates for institutions of higher education receiving funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(b) MEASURES TO TAKE INTO CONSIDERATION.—The alternative measures described in subsection (a) shall consider—

(1) the number of degrees awarded and the increase in number of degrees awarded disaggregated by race, ethnicity, gender, and income for all students who have earned a degree; and

(2) the increase in degrees awarded in high-need fields such as science, technology, engineering, mathematics, education, and nursing.

SEC. 1119. STUDY ON THE FINANCIAL AND COMPLIANCE AUDITS OF THE FEDERAL STUDENT LOAN PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall complete a study to examine all the financial and compliance audits and reviews required or conducted as part of the proper management of the Federal student loan programs under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.), whether each such audit or review is required under a law or is otherwise performed in order to evaluate a program.

(b) CONTENT OF STUDY.—

(1) COMPARISON OF AUDITS AND REVIEWS UNDER PARTS B AND D OF TITLE IV.—As part of the study under subsection (a), the Comptroller General of the United States shall compare the audits and reviews of programs under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) for purposes of—

(A) determining whether such audits and reviews are comparable among programs;

(B) determining whether such audits and reviews result in a level of protection of borrower interests and of Federal fiscal interests that is comparable for each program; and

(C) determining the extent to which the Department of Education ensures timely submission of required financial and compliance audits and reviews and compliance with statutory and regulatory requirements.

(2) ADDITIONAL CONTENT OF STUDY.—The study under subsection (a) shall—

(A) provide a list of the financial and compliance audits and reviews required or conducted as part of the proper management of the Federal student loan programs under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.);

(B) determine the frequency of each audit and review;

(C) provide a list of the entities and activities that are the subject of each audit and review, including institutions of higher education, servicers, secondary markets, guaranty agencies, the Department of Education and the contractors of the Department of Education, and any other entities that are required to participate in the audit or review;

(D) determine the degree of individual borrower level reconciliation required under Federal student loan programs under such parts B and D of title IV;

(E) make recommendations with respect to such audits and reviews to ensure—

(i) such audits and reviews are comparable among Federal student loan programs under such parts B and D of title IV; and

(ii) a level of protection of borrower interests and of Federal fiscal interests that is comparable for Federal student loan programs under such parts B and D of title IV, to the extent such comparability does not exist; and

(F) assess the extent to which the Department of Education makes appropriate use of such financial and compliance audits and reviews in the Department's administration and oversight of the Federal student loan programs under such parts B and D of title IV.

SEC. 1120. SUMMIT ON SUSTAINABILITY.

Not later than September 30, 2010, the Secretary of Education, in consultation with the Administrator of the Environmental Protection Agency, shall convene a summit of higher education experts working in the area of sustainable operations and programs, representatives from agencies of the Federal Government, and business and industry leaders to focus on efforts of national distinction that—

(1) encourage faculty, staff, and students at institutions of higher education to establish administrative and academic sustainability programs on campus;

(2) enhance research by faculty and students at institutions of higher education in sustainability practices and innovations that assist and improve sustainability;

(3) encourage institutions of higher education to work with community partners from the business, government, and nonprofit sectors to design and implement sustainability programs for application in the community and workplace;

(4) identify opportunities for partnerships involving institutions of higher education and the Federal Government to expand sustainable operations and academic programs focused on environmental and economic sustainability; and

(5) charge the summit participants or steering committee to submit a set of recommendations for addressing sustainability through institutions of higher education.

SEC. 1121. NURSING SCHOOL CAPACITY.

(a) FINDINGS.—Congress finds the following:

(1) Researchers in the field of public health have identified the need for a national study to identify constraints encountered by schools of nursing in graduating the number of nurses sufficient to meet the health care needs of the United States.

(2) The shortage of qualified registered nurses has adversely affected the health care system of the United States.

(3) Individual States have had varying degrees of success with programs designed to increase the recruitment and retention of nurses.

(4) Schools of nursing have been unable to provide a sufficient number of qualified graduates to meet the workforce needs.

(5) Many nurses are approaching the age of retirement, and the problem worsens each year.

(6) In 2004, an estimated 125,000 applications from qualified applicants were rejected by schools of nursing, due to a shortage of faculty and a lack of capacity for additional students.

(b) STUDY WITH RESPECT TO CONSTRAINTS WITH RESPECT TO SCHOOLS OF NURSING.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences to conduct a study for the purpose of—

(A) identifying constraints encountered by schools of nursing in admitting and graduating the number of registered nurses necessary to ensure patient safety and meet the need for quality assurance in the provision of health care; and

(B) developing recommendations to alleviate the constraints on a short-term and long-term basis.

(2) CERTAIN COMPONENTS.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such paragraph will include information on the following:

(A) The trends in applications for attendance at schools of nursing that are relevant to the purpose of the study, including trends regarding applicants who are accepted for enrollment and applicants who are not accepted, particularly qualified applicants who are not accepted.

(B) The number and demographic characteristics of entry-level and graduate students currently enrolled in schools of nursing, the retention rates at the schools, and the number of recent graduates from the schools, as compared to previous years and to the projected need for registered nurses based on two-year, five-year, and ten-year projections.

(C) The number and demographic characteristics of nurses who pursue graduate education in nursing and non-nursing programs but do not pursue faculty positions in schools of nursing, the reasons for not pursuing faculty positions, including any regulatory barriers to choosing to pursue such positions, and the effect of such decisions on the ability of the schools to obtain adequate numbers of faculty members.

(D) The extent to which—

(i) entry-level graduates of the schools of nursing are satisfied with their educational preparation, including their participation in nurse externships, internships, and residency programs; and

(ii) such entry-level graduates are able to effectively transition into the nursing workforce.

(E) The satisfaction of nurse managers and administrators with respect to the preparation and performance levels of entry-level graduates from the schools after one year, three years, and five years of practice, respectively.

(F) The extent to which the current salary, benefit structures, and characteristics of the workplace, including the number of nurses who are presently serving in faculty positions, influence the career path of nurses who have pursued graduate education.

(G) The extent to which the use of innovative technologies for didactic and clinical nursing education might provide for an increase in the ability of schools of nursing to train qualified nurses.

(3) RECOMMENDATIONS.—The Institute of Medicine may include in the recommendations developed under paragraph (1)(B) recommendations for legislative or administrative changes at the Federal or State level, and measures that can be taken in the private sector—

(A) to facilitate the recruitment of students into the nursing profession;

(B) to facilitate the retention of nurses in the workplace; and

(C) to improve the resources and ability of the education and health care systems to prepare a sufficient number of qualified registered nurses.

(4) METHODOLOGY OF STUDY.—

(A) SCOPE.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such paragraph will consider the perspectives of—

(i) nurses and physicians in each of the various types of inpatient, outpatient, and residential facilities in the health care delivery system;

(ii) faculty and administrators of schools of nursing;

(iii) providers of health plans or health insurance; and

(iv) consumers.

(B) CONSULTATION WITH RELEVANT ORGANIZATION.—The Secretary shall ensure that the agreement under paragraph (1) provides that relevant agencies and organizations with expertise on the nursing shortage will be consulted with respect to the study under such paragraph, including the following:

(i) The Agency for Healthcare Research and Quality.

(ii) The American Academy of Nursing.

(iii) The American Association of Colleges of Nursing.

(iv) The American Nurses Association.

(v) The American Organization of Nurse Executives.

(vi) The National Institute of Nursing Research.

(vii) The National League for Nursing.

(viii) The National Organization for Associate Degree Nursing.

(ix) The National Student Nurses Association.

(5) REPORT.—The Secretary shall ensure that the agreement under paragraph (1) provides that, not later than 18 months after the date of enactment of this section, the Institute of Medicine shall submit a report providing the findings and recommendations made in the study under this section to the Secretary and the authorizing committees.

(6) OTHER ORGANIZATION.—If the Institute of Medicine declines to conduct the study under paragraph (1), the Secretary may enter into an agreement with another appropriate private entity to conduct the study.

(c) DEFINITIONS.—In this section:

(1) TERMS IN PUBLIC HEALTH SERVICE ACT.—The terms ''collegiate school of nursing'', ''associate degree school of nursing'', and ''diploma school of nursing'' have the meanings given to such terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

(2) SCHOOL OF NURSING.—The term ''school of nursing'' means a collegiate school of nursing, an associate degree school of nursing, or a diploma school of nursing in a State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 1122. STUDY AND REPORT ON NONINDIVIDUAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' has the meaning given the term ''part B institution'' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) TRUTH IN LENDING ACT.—The terms ''covered educational institution'' and ''private education loan'' have the meanings given the terms in section 140 of the Truth in Lending Act, as added by title X.

(b) STUDY.—The Comptroller General of the United States shall conduct a study—

(1) on the impact on and benefits to borrowers of the inclusion of nonindividual factors, including cohort default rate, accreditation, and graduation rate at institutions of higher education, used in the underwriting criteria to determine the pricing of private education loans;

(2) to examine whether and to what extent the inclusion of such nonindividual factors—

(A) increases access to private education loans for borrowers who lack credit history or results in less favorable rates for such borrowers; and

(B) affects the types of private education loan products and rates available at certain institutions of higher education, including a comparison of such impact—

(i) on private and public institutions; and

(ii) on historically Black colleges and universities and institutions of higher education; and

(3) to assess the extent to which the use of such nonindividual factors in underwriting may have a disparate impact on the pricing of private education loans, based on gender, race, income level, and covered educational institution.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study required by this section.

SEC. 1123. FEASIBILITY STUDY FOR STUDENT LOAN CLEARINGHOUSE.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility of developing a national student loan clearinghouse on the website of the Department of Education that would provide for one or more of the following:

(1) A registry of real-time information on Federal student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private education loans (as defined in section 140 of the Truth in Lending Act)), for both undergraduate and graduate students, and parents of students, for use by prospective borrowers or any person desiring information regarding available interest rates, fees, and other terms from lenders.

(2) A mechanism whereby prospective borrowers could be matched with lenders that offer highly competitive products and loan servicing quality, including any procedures and safeguards necessary to minimize potentially adverse effects of multiple inquiries into participating borrowers' credit histories recorded by consumer reporting agencies.

(3) Options concerning the establishment and ongoing maintenance of such a system, including whether such a system should be operated by one or more entities, and methods to finance such a system at no or minimal cost to consumers and the Government.

(4) Other features that could help prospective borrowers make informed decisions in selecting lenders from whom to obtain Federal and private education loans.

(b) CONSULTATION.—In conducting the study under subsection (a), the Comptroller General of the United States shall consult with—

(1) the Secretary of Education;

(2) the Federal Trade Commission;

(3) representatives of student loan borrowers;

(4) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

(5) Federal and private educational lenders (as defined in section 140 of the Truth in Lending Act), loan servicers, and guaranty agencies; and

(6) other appropriate entities with relevant experience.

(c) REPORT.—Not later than two years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the authorizing committees a report on the study conducted under subsection (a).

SEC. 1124. STUDY ON DEPARTMENT OF EDUCATION OVERSIGHT OF INCENTIVE COMPENSATION BAN.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of efforts by the Secretary of Education to enforce the provisions of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)); and

(2) submit to the authorizing committees a report that provides the results of such study.

(b) CONTENT OF REPORT.—The report submitted under subsection (a) shall include—

(1) an analysis of the nature, extent, and effectiveness of the Secretary of Education's activities to enforce the provisions of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20));

(2) the number of institutions of higher education for which investigations were initiated by the Secretary for potential violations of such section since 1998;

(3) in cases where violations of such section by institutions of higher education were substantiated by the Secretary—

(A) the names of such institutions;

(B) the nature of the violations; and

(C) the penalty, if any, imposed by the Secretary for such violations;

(4) an analysis of the impact of the ''safe harbor'' regulations under section 668.14(b)(22)(ii)(A) through (L) of title 34, Code of Federal Regulations, promulgated under such section 487(a)(20), on the number and nature of cases examined by the Secretary for potential violations of such section 487(a)(20), including whether the number of cases examined by the Secretary has increased or decreased since such regulations went into effect;

(5) information on the extent to which the Secretary has considered efforts by States to examine unethical or unlawful student recruitment or admissions practices by institutions of higher education, including practices that violate the provisions of such section 487(a)(20); and

(6) information on the extent to which the Secretary reviews publicly-available documents, such as filings to the Securities and Exchange Commission, to monitor the compliance of institutions of higher education with the provisions of such section 487(a)(20).

SEC. 1125. DEFINITION OF AUTHORIZING COMMITTEES.

For purposes of this title, the term ''authorizing committees'' has the meaning given such term in section 103 of the Higher Education Act of 1965, as amended by this Act.

And the Senate agreed to the same.

GEORGE MILLER,
RUBÉN HINOJOSA,
JOHN F. TIERNEY,
DAVID WU,
TIMOTHY BISHOP,
JASON ALTMIRE,
JOHN YARMUTH,
JOE COURTNEY,
ROBERT E. ANDREWS,
BOBBY SCOTT,
SUSAN A. DAVIS,
DANNY K. DAVIS,
MAZIE K. HIRONO,
BART GORDON,
BRIAN BAIRD,
JOHN CONYERS, Jr.,
MAXINE WATERS,
BUCK MCKEON,
RIC KELLER,
THOMAS PETRI,
CATHY MCMORRIS RODGERS,
MIKE CASTLE,
MARK SOUDER,
VERNON J. EHLERS,
JUDY BIGGERT,
LOUIE GOHMERT,

Managers on the Part of the House.

TED KENNEDY,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
BARACK OBAMA,
BERNARD SANDERS,
SHERROD BROWN,
MICHAEL B. ENZI,
JUDD GREGG,
RICHARD BURR,
LISA MURKOWSKI,
ORRIN G. HATCH,
PAT ROBERTS,
WAYNE ALLARD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137), submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Section 1. Short title; table of contents

The Senate amendment and the House bill have different short Titles for the Act. The Senate amendment titles the Act the ''Higher Education Amendments of 2007.'' The House bill titles the Act the ''College Opportunity and Affordability Act of 2007.'' The Senate amendment lists ''references'' and ''general effective date'' as separate Sections in the table of contents. The House bill combines ''references'' and ''general effective date'' in one Section.

The Senate recedes with an amendment to title the conference report the ''Higher Education Opportunity Act.''

Section 2. References

The Senate amendment and the House bill provide that references are to the Higher Education Act of 1965 (HEA) unless otherwise expressly provided.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 3. General Effective Date

The Senate amendment and the House bill provide that the amendments in this Act are effective on the date of enactment, unless otherwise specified.

The Conferees adopt the provision as proposed by both the Senate and the House.

TITLE I—GENERAL PROVISIONS

Section 101. General definition of institution of higher education

The House bill amends the definition of an institution of higher education to explicitly include homeschooled students meeting the requirements of Section 484(d)(3).

The Senate amendment and the House bill modify the definition of an institution of higher education to include an additional type of educational degree. The Senate amendment and the House bill allow public or nonprofit private institutions of higher education to enroll students who are dually or concurrently enrolled in the institution and a secondary school as regular students.

The Senate recedes.

Section 102. Definition of institution of higher education for purposes of Title IV programs

The Senate amendment and the House bill retain the provision requiring proprietary institutions of higher education to receive at least ten percent of their revenues from non-Title IV sources. The requirement is moved from the section in Title I that defines institutions of higher education to the section in Title IV that contains program participation agreement requirements. The Senate amendment and the House bill allow proprietary institutions and postsecondary vocational institutions to admit students who are dually or concurrently enrolled in the institution and a secondary school as regular students.

The Conferees adopt the provisions as proposed by both the Senate and the House with an additional provision to allow for proprietary institutions to offer bachelor's degrees in liberal arts. In adding this provision, the Conferees do not intend to affect the eligibility of current programs or alter the method used by the Secretary in determining ''recognized occupations'' as required by 102(b)(1)(A)(i). The Conferees intend for the Secretary to continue to refer to the latest edition of the Dictionary of Occupational Titles published by the Department of Labor's Bureau of Labor Statistics in making this determination. Additionally, the Conferees understand that some programs offered by an institution may fit both the definitions in (A)(i) and (ii). The Conferees do not intend the terms ''gainful employment in a recognized occupation'' and ''liberal arts'' to be mutually exclusive.

The House bill adds nursing schools to the types of institutions of higher education located outside the United States that may be for-profit (proprietary) institutions of higher education and authorized to certify unsubsidized Stafford Loans and PLUS Loans to eligible students.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment clarifies that graduate medical schools located outside of the United States which, under current law, are eligible to participate in Title IV, Part B loan programs because they have a clinical training program that was approved by a state as of January 1, 1992, must have continuously operated a state approved clinical training program in not less than one state that has approved the program.

The House bill clarifies that graduate medical schools located outside of the United States which, under current law, are eligible to participate in Title IV, Part B because they have a clinical training program that was approved by a state as of January 1, 1992, must continue to operate a state approved clinical training program in not less than one state that has approved the program.

The Senate recedes.

The House bill adds a specific set of criteria that nursing schools located outside of the United States are required to meet in order to qualify to certify unsubsidized Stafford Loans and PLUS Loans for their students. Such nursing schools must have agreements with hospitals or nursing schools located in the United States that include provisions for students to complete their clinical training at those hospitals or schools. They must also agree to reimburse the Secretary for the costs of any loan defaults to the extent that the institution's cohort default rate exceeds five percent.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that to be eligible, nursing schools located outside of the United States must have agreements with hospitals or accredited schools of nursing located in the United States that require the nursing students to complete training and receive a degree from the partner accredited institution of higher education and to permit the eligible nursing schools to certify subsidized Stafford loans in addition to unsubsidized Stafford and PLUS loans. Also, such international nursing schools must agree to reimburse the Secretary for the cost of any loan defaults for students included in the school's cohort default rate the previous year. In addition, at least seventy-five percent of the students or graduates from such nursing schools must receive a passing score on the National Council Licensure Exam for Registered Nurses in the year prior to the year the school is eligible to certify Part B loans.

The House bill adds a third set of criteria that graduate medical schools located outside of the United States can meet in order to be eligible to offer unsubsidized Stafford Loans and PLUS Loans to their students. The House bill permits such eligibility for graduate medical schools outside the United States that have a clinical training program that was approved by the U.S. state prior to January 1, 2008, and agree to reimburse the

Secretary for the costs of any loan defaults included in the institution's cohort default rate during the previous fiscal year.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the advisory panel of medical experts to submit a report to the Secretary and the authorizing committees within one year after date of enactment of this Act that will provide recommendations for alternate eligibility criteria for participation in the loan programs by foreign medical schools that do not meet the current statutory criteria. 180 days after the submission of the report, the Secretary may issue proposed regulations that would establish alternate criteria for the eligibility of graduate medical schools located outside of the United States. The Secretary may issue final regulations no earlier than one year after the issuance of the proposed regulations.

The Senate amendment increases the pass rate percentage required for foreign medical schools to be eligible to certify student loan eligibility from sixty percent to seventy-five percent effective July 1, 2010.

The House bill contains no similar provision.

The House recedes.

Section 103. Additional definitions

The Senate amendment and the House bill include a definition of ''authorizing committees.''

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill contain definitions of ''critical foreign language'' that reference an August 2, 1985 Federal Register notice. The House definition includes ''Except as otherwise provided'' at the beginning of the definition. The House bill authorizes the Secretary of Education to update the list of critical languages.

The Senate recedes.

The House bill adds a definition for a ''high-need school.''

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the definition to Title II and modify the definition.

The House bill includes a definition for ''universal design.''

The Senate amendment contains no similar definition.

The Senate recedes with an amendment adopting the definition of the term as found in Section 3 of the Assistive Technology Act of 1998.

The House bill includes a definition for ''universal design for learning.''

The Senate amendment contains no similar definition.

The Senate recedes with an amendment to define ''universal design for learning'' as follows: a scientifically valid framework for guiding educational practice that provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and, reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

Section 104. Protection of student speech and association rights

The Senate amendment expands on the current sense of Congress on the protection of student speech and association rights in several ways, including by specifying that the diversity of institutions of higher education and educational missions is a strength of higher education in the United States; institutions of higher education have different missions and should design their academic programs in accordance with their educational goals; colleges should facilitate the free and open exchange of ideas; students should not be intimidated, harassed, discouraged from speaking out, or discriminated against; and students should be treated equally and fairly. The Senate amendment modifies current law to require that any sanctions on students be imposed ''objectively and fairly.''

The House bill contains no similar provisions.

The House recedes.

Section 105. Treatment of territories and territorial student assistance

The House bill changes the Title of Section 113. The House bill deletes Subsection (b), which expired September 30, 2004. That provision addressed the eligibility of institutions of higher education in the Freely Associated States for TRIO programs.

The Senate amendment contains no similar provisions.

The Senate recedes.

Section 106. National Advisory Committee on Institutional Quality and Integrity

The Senate amendment replaces the existing National Advisory Committee on Institutional Quality and Integrity (NACIQI) and establishes a new Committee with a new name—the Accreditation and Institutional Quality and Integrity Committee. The Senate amendment provides that the Committee is established ''to assess the process of accreditation and the institutional eligibility and certification'' of institutions of higher education.

The House bill contains the same provision except it does not rename the Committee.

The Senate recedes.

The Senate amendment specifies that NACIQI will have fifteen Committee members with five members appointed by the Secretary, five members appointed by the Speaker of the House (based on recommendations from the Majority and Minority leaders in the House), and five members appointed by the President pro tempore of the Senate (based on recommendations from the Majority and Minority Leaders in the Senate).

The House bill specifies that the NACIQI will have eighteen members with six members appointed by the Secretary, six members appointed by the Speaker of the House (three members based on recommendations from the House Majority Leader and three members based on recommendations from the House Minority Leader) and six members appointed by the President pro tempore of the Senate (three members based on recommendations from the Majority Leader in the Senate and three members based on recommendations from the Minority Leader in the Senate).

The Senate recedes.

The Senate amendment and the House bill establish qualifications for NACIQI members.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill establish six year terms and a process for filling vacancies for NACIQI members. The Senate amendment and the House bill require vacancies to be filled in the same manner as the original appointment and not later than ninety days after the vacancy occurs. If the vacancy occurs in a position to be filled by the Secretary, the Secretary must post a notice in the Federal Register not later than thirty days after the vacancy.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment creates initial terms for members, staggering the expiration of the terms of appointment. Members appointed by the Secretary will serve two-year terms.

The House bill creates initial terms for members, staggering the expiration of the terms of appointment. Members appointed by the Secretary will serve three year terms.

The Senate recedes.

The Senate amendment and the House bill establish the process for selecting a chairperson. The Senate amendment and the House bill retain all of the current functions of NACIQI, except for developing standards and criteria for specific categories of institutions of higher education for which no accrediting agency exists.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill adds the requirement that the NACIQI take into consideration complaints, and the resolution of such complaints by the Accreditation Ombudsman, when advising the Secretary about accrediting agencies of associations.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill retain the requirement that the NACIQI meet at least twice a year and that the Secretary publish the date of each meeting in the Federal Register. The Chairperson is required to establish the agenda, which must include an opportunity for public comment, and provide it to NACIQI members upon notification of the meeting. The Senate amendment and the House bill drop the requirement that the meeting date and agenda be approved by the Secretary.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment requires that the Secretary's designee be invited to all meetings. The designee may facilitate the flow of information between the NACIQI and the Secretary, but has no authority over the agenda.

The House bill contains no similar provision.

The House recedes with an amendment to strike the language clarifying that the designee may facilitate the flow of information between NACIQI and the Secretary, but has no authority over the agenda.

The Conferees recognize that the Federal Advisory Committee Act requires that the Secretary appoint a designated federal official to be present at meetings of NACIQI.

The Senate amendment and the House bill require the provisions of the Federal Advisory Committee Act, except Section 14, apply to the NACIQI. Section 14 addresses the termination, renewal, and continuation of federal advisory Committees.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill prohibits the NACIQI from basing a recommendation for the denial of an application for recognition by an accrediting agency on any reason other than those included in Section 496.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill require the Secretary to publish a notice in the Federal Register that contains information about NACIQI members, and to solicit nominations for NACIQI positions to be filled by the Secretary. The Senate amendment and the House bill require the NACIQI to provide an annual report to the Secretary that includes a detailed summary of the activities of the NACIQI, general information about the meetings, a list of NACIQI members and their contact information, and a list of NACIQI functions. Both the Senate amendment and the House bill sunset the NACIQI on September 30, 2012.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to remove the contact information for NACIQI members from the information to be provided in the annual report and to change the termination date of NACIQI to September 30, 2014.

The Senate amendment terminates the current NACIQI thirty days after enactment.

The House bill contains no similar provision.

The House recedes with an amendment to end the terms of current NACIQI members on the date of enactment of this Act.

The House bill establishes the new committee on January 1, 2009.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 107. Drug and alcohol abuse prevention

The Senate amendment and the House bill require an institution of higher education, in its biennial review, to determine the number of drug and alcohol-related incidents and fatalities that have occurred on the institution's property or as part of the institution's activities and that are reported to that institution of higher education.

The Senate and the House recede with an amendment to replace ''incidents'' with ''violations,'' amend the language to require that violations be reported to ''campus officials'' (as opposed to institutions), and replace ''property'' with ''campus.''

By requiring institutions to report drug and alcohol-related violations and fatalities, the Conferees intend to ensure that the information reported by institutions of higher education cover incidents that are located on the campus of the institution of higher education (as that term is defined by the Clery Act) and that are reported to officials at the institution of higher education. Officials shall include campus security and school administrators, and may include other employees at the institution of higher education if they are required to report or enforce institutional policies.

The House bill extends the authorization of appropriations for such sums as necessary for the Alcohol and Drug Abuse prevention grants to fiscal year 2009 and the five succeeding fiscal years.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill eliminates the National Recognition Awards.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 108. Prior rights and obligations

The Senate amendment changes the authorization period to fiscal year 2008 and each succeeding fiscal year. The House bill changes the authorization period to fiscal year 2009 and each succeeding fiscal year.

The Senate recedes.

Section 109. Diploma mills

The House bill included, in title VIII, provisions that defined diploma mills, required the Secretary to create a database of accrediting agencies and associations, eligible institutions, and credible foreign-degree granting institutions, required the Secretary of Education to develop a diploma mill task force and required the task force to submit a report to Congress on a plan to prevent diploma mills from being created.

The Senate amendment had no such provisions.

The Senate recedes with an amendment to move the definition of a diploma mill to Title I, require the Secretary to maintain information and resources on the Department's website to assist students and families in understanding what a diploma mill is and how to avoid a diploma mill and strike the other provisions.

Section 110. Improved information concerning the federal student financial aid website

The Senate amendment and the House bill require the Secretary to ensure that the homepage of the U.S. Department of Education's website includes a link to student financial aid information. The House bill further specifies that the link is to the federal student financial aid website at the Department of Education.

The Senate recedes.

The House bill authorizes the Secretary to use administrative funds for operations and expenses to promote the availability of the federal student financial aid website.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment requires the Secretary no later than 180 days after the date of enactment of this Act to contract with an independent organization with expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of information provided by the Department of Education on college financial planning and student financial aid on its website.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment requires the Secretary, not later than one year after the date of enactment of the Act, to implement the improvements to the college financial planning and student financial aid website developed by the contractor. The Senate amendment requires the Secretary to publicize the availability of information on the college financial planning and student financial aid website.

The House bill contains no similar provisions.

The House recedes with an amendment to remove the deadline and the references to the outside contractor, to specify that the Secretary shall continue to improve the usefulness and accessibility of information provided by the Department and to require that the access to additional sources of information be coordinated through the Department's database.

The House bill requires the Secretary to publish information on the federal student financial aid website about student financial assistance available from other federal departments and agencies. The House bill requires each federal department and agency to respond promptly to requests from the Secretary for information about student financial aid programs available through the department or agency. The House bill defines ''non-departmental student financial assistance program.''

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to require the Secretary to request information from other departments and agencies and to make such information easily accessible and searchable through the federal student financial aid website and to include links or other appropriate access to a national database on student financial assistance for the study of science, technology, engineering and math, and to information about all federal and state student financial assistance available to eligible members and veterans of the Armed Forces and their families. To identify the information useful for military members and veterans, the Secretary is required to coordinate with the Secretary of Defense and the Secretary of Veterans Affairs.

The House bill establishes ''maintenance of effort'' (MOE) requirements that, after July 1, 2008, states must meet to receive funding under the House-proposed ''Grants for Access and Persistence'' (GAP) program, which replaces the existing Special Leveraging Educational Assistance Partnership program. If a state does not meet the MOE requirements, the Secretary shall withhold funds that would be available to the state for the GAP program until the state has made significant efforts to meet those requirements. The House bill requires the Secretary to conduct a study of cost containment methods used by institutions of higher education, to disseminate information from the study, to publicly recognize institutions of higher education doing an effective job of cost containment, and to work with institutions of higher education to implement cost containment methods.

The Senate amendment contains no similar provisions.

The House recedes.

Section 111. Transparency in college tuition for consumers

The Senate amendment and the House bill set forth how ''net price'' is to be calculated under the transparency in college tuition section. The Senate definition focuses on tuition and fees ''paid by'' a full-time undergraduate student, while the House definition focuses on tuition and fees ''actually charged'' to a full-time undergraduate student.

The Senate and the House recede with an amendment to define ''net price'' as the average yearly price actually charged to a full-time, first-time undergraduate student receiving student aid, calculated by subtracting average grant aid from federal, state and institutional sources from the cost of attendance and to add a definition of cost of attendance for this section that means the average annual cost of tuition and fees, room and board, books and supplies, and transportation for first time, full-time degree or certificate seeking undergraduate students enrolled at an institution, as such data are currently reported by institutions to the Secretary and made available on the College Navigator website.

The Conferees recognize that a number of colleges and universities offer programs that reduce or eliminate student debt or otherwise significantly reduce the cost of college for students and that such programs shall be considered grant aid from institutional sources for the purposes of calculating net price under this Section. The Conferees also recognize that some public two-year institutions calculate tuition and fees for residents of the community college district using an in-district tuition and fee schedule. The Conferees intend for in-district tuition and fee rates to be used in calculating the net price, tuition and fees and cost of attendance for those community colleges in the same manner as in-state tuition and fees and in-state students are used in calculating the net price, tuition and fees and cost of attendance for four-year public institutions.

The Senate amendment and the House bill require the development of education price indices that reflect the annual change in tuition and fees for undergraduate students by institutional category and for all institutions of higher education overall.

The Senate and the House recede.

The Senate amendment and the House bill require the Secretary to report annually information on institutional tuition and fees. The House bill specifically requires that this information be made available on the College Navigator website.

The Senate recedes.

The Senate amendment requires the Secretary to develop and make publicly available a national list and a list for each state,

referred to as ''Higher Education Price Increase Watch Lists.'' The lists rank each institution of higher education that has an increase in tuition and fees in excess of the percentage increase in its applicable higher education price index based on the change in the tuition and fees over the preceding two years. The House bill requires the Secretary to publish three annual lists to be created at the national level by institutional category: the five percent of institutions of higher education with the highest tuition and fees; the five percent of institutions of higher education with the lowest tuition and fees; and the five percent of institutions of higher education with the highest percentage increase in tuition and fees over the most recent three-year period.

The Senate and the House recede with an amendment to require the Secretary to publish six lists, by institutional category: the five percent of institutions of higher education that have the highest tuition and fees for the most recent year; the five percent of institutions of higher education that have the highest net price for the most recent year; the five percent of institutions of higher education that have the largest percentage increase in tuition and fees over the most recent three years; the five percent of institutions of higher education that have the largest percentage increase in net price over the most recent three years; the ten percent of institutions of higher education that have the lowest tuition and fees for the most recent year; and the ten percent of institutions of higher education that have the lowest net price for the most recent year.

The Conferees recognize that many institutions of higher education have developed innovative tuition practices to restrain costs and increase the predictability of college expenses for students and parents. The Conferees commend the use of these innovative approaches, including the use of guaranteed tuition plans, and do not intend to subject institutions that use them to a reporting standard that portrays the cost of attendance in an inaccurate or misleading way. Therefore, in calculating the affordability and transparency lists in subsections (b)(3) and (b)(4) of Section 132, the Conferees direct the Secretary to develop a method for accurately representing the percentage change in tuition and fees and net price for students at institutions offering guaranteed tuition plans. However, the Conferees do not intend to otherwise change the applicability of these subsections to such institutions, or exempt such institutions from the requirements of subsection (d), where applicable.

For reporting purposes, the Senate amendment requires reporting by nine institutional categories. The House bill requires use of the nine institutional categories in the Senate amendment and an additional category that includes institutions of higher education overall.

The House recedes.

The House bill requires any institution of higher education that is in the five percent of institutions of higher education by sector, based on the percentage increase in tuition and fees over a three year period, to provide the Secretary with a description of the factors contributing to the increase in tuition and fees. These institutions of higher education are also required to establish a quality efficiency task force to review their operations, analyze their operating costs in comparison with costs at other institutions of higher education in the same category, identify and evaluate areas for cost reduction, develop annual benchmarks for costs reduction in the identified areas, and submit a report to the Secretary. If an institution of higher education fails to meet the benchmarks, it must also provide the Secretary a detailed explanation for why the benchmarks were not met. The House bill requires the Secretary to compile the information submitted by institutions of higher education, submit an annual report to the authorizing Committees, and publish the annual report on the College Navigator website.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to require institutions of higher education that appear on either or both lists of institutions of higher education with the greatest percentage increases in net price or in tuition and fees to submit to the Secretary a description of the major areas in the institution's budget with the greatest cost increases, an explanation of cost increases, and a description of the steps the institution of higher education will take to reduce costs in those major areas. If the cost increases were not in the exclusive control of the institution of higher education, the institution must include a description of the other entities that participate in the determination. Institutions of higher education that are required to submit such report and that appear on the same list for two consecutive years are required to submit a follow-up report describing the progress on the steps identified in the report submitted in the previous year.

The House bill exempts from the cost increase list and the reporting requirements those institutions of higher education whose tuition and fees are in the lowest quartile for institutions of higher education in their sector, and institutions of higher education whose total dollar increase in tuition and fees was less than $500 over the three year period.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to provide one exemption for institutions of higher education whose total dollar increase in tuition and fees or in net price was less than $600 over the three year period and, beginning in 2014 and every three years thereafter, to increase such dollar amount based on increases in the consumer price index.

The Senate amendment and the House bill require the Secretary to report annually on state higher education appropriations. The House bill specifically requires the Secretary to publish this information on the College Navigator website. The Senate amendment requires the Secretary to report on the percentage change in the state appropriations per enrolled student in a public institution of higher education compared with the percentage change in tuition and fees for each public institution of higher education for each of the previous five years, and the total amount of grant aid provided by the state to students attending an institution of higher education in the state. The House bill requires a similar comparison but bases it on full-time equivalent (FTE) students.

The Senate and the House recede with an amendment to base the five year percentage change in state spending and in tuition and fees on FTE students at public institutions of higher education in the state and to require one comparison chart for all public institutions of higher education in the state, rather than for each school separately. The Secretary is also required to report the percentage change in need-based and merit-based aid provided by each state to full-time students.

The Senate amendment and the House bill require the Secretary, in consultation with institutions of higher education, to develop a net price calculator. The Senate amendment permits institutions of higher education to use a net price calculator developed by the Secretary or to develop their own. The House bill requires institutions of higher education to use the single net price calculator developed by the Secretary. Both the Senate and the House require institutions of higher education to adopt and use a net price calculator not later than three years after the date of enactment of the Act.

The House recedes with an amendment to permit institutions of higher education to use their own calculator as long as it includes at least the same data elements as the one developed by the Secretary. A net price estimate must be accompanied by a disclaimer explaining that such estimate does not represent a final determination or actual award of financial assistance; shall not be binding on the Secretary, the institution of higher education, or the state; and that the estimate may change. Students must complete the Free Application for Federal Student Aid (FAFSA) in order to be eligible for, and receive, an actual financial aid award, which may include Federal grants, loans, or work-study assistance under Title IV.

The Senate amendment and the House bill include new requirements related to data collected from institutions of higher education. The Senate amendment requires the Secretary to develop a model document, known as the University and College Accountability Network (U–CAN), that institutions of higher education can use voluntarily to report basic information about the institution of higher education that would then be posted on the appropriate Department of Education website. The House bill would require the Secretary to post the data elements on the College Navigator website.

The Senate recedes.

The data elements required to be reported by institutions of higher education in the Senate amendment and the House bill are similar. The House bill requires institutions to report information on: the number of undergraduate students who have registered with the relevant institutional office as students with disabilities; graduation rates by income category; the number of full-time, part-time, and adjunct faculty, and the number of graduate teaching and research assistants with instructional responsibilities; average annual grant data by income category; and the institution's cohort default rate.

The Senate recedes with an amendment to require institutions of higher education to report: the percentage of undergraduate students who have formally registered as students with disabilities, unless the percentage is below three percent, in which case the institution may report ''three percent or less''; percentage of first-time, full-time students who receive degrees or certificates within the normal time for completion, and within 150 percent and 200 percent of the normal time; the number of full-time and part-time faculty and graduate teaching assistants with primarily instructional responsibilities; the average annual grant amount for a first-time, full-time undergraduate student who receives financial aid and is enrolled at the institution of higher education; and the institution's cohort default rate. The Secretary is required to provide, on each institution's College Navigator webpage, a link to the appropriate section of the Bureau of Labor Statistics website that provides regional data on starting salaries in all major occupations.

The Senate amendment requires data to be published for the preceding five academic years, while the House bill requires data to be published for the preceding three academic years. The Senate amendment requires net price data for one year, while the House bill requires data for the three preceding academic years.

The Senate recedes.

The Senate amendment requires the Secretary to consult with current and prospective college students and their families and

institutions of higher education in making improvements to the College Navigator website.

The House bill contains no similar provision.

The House recedes.

The Senate amendment includes an authorization of appropriations for carrying out this subsection.

The House bill contains no similar provision.

The Senate recedes.

The Conferees encourage the Secretary to continue to improve the College Navigator to maximize its usefulness for searching through data in a manner that is beneficial to the public. The Conferees also recognize that the Secretary currently collects information for the College Navigator for institutions of higher education that do not participate in Title IV programs and encourage the Secretary to continue to collect information from such institutions that choose to provide it.

The House bill requires the Secretary to include a higher education pricing summary page on the College Navigator website that can be sorted and searched by users and contains various data elements related to price.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include the net price on the summary page for the three most recent available academic years and, beginning July 1, 2010, the average net price by income category for students receiving federal student financial aid.

The Conferees note that the Secretary currently collects information on instructional spending and the Conferees do not intend to limit the Secretary in publishing this information on the pricing summary page.

The House bill establishes income categories for reporting purposes and requires the Secretary to update the income categories annually based on inflation. The House bill includes an exemption from reporting institutional aid data by income category at institutions of higher education where income data is not collected from recipients of institutional aid.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to change the income categories to: $0–30,000; $30,001–48,000; $48,001–75,000; $75,001–110,000; and $110,001 and up, and to require reporting only for students receiving federal student financial aid under Title IV.

The House bill includes a provision in title IV that would require all institutions that receive title IV aid to provide every incoming student with a multi-year tuition schedule or a single-year tuition schedule with non-binding estimates of tuition levels, after financial aid is awarded, for the following several years. The Secretary has the authority to waive this requirement if the institution can demonstrate that it has suffered economic distress, dramatic reduction of state or federal aid or other circumstances that the Secretary would deem valid.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the multi-year tuition concept to Title I and to require the Secretary to develop a multi-year tuition calculator to provide estimates of annual tuition and fees and the total amount of tuition prospective students may pay for the duration of their program of study, based on the average annual percentage change in the institution's tuition and fees for the three most recent academic years. The calculator shall be developed in such a manner to allow for the comparison of estimates across multiple institutions of higher education. Such calculation must include a separate disclaimer that the calculation is an estimate only and shall not be binding on the Secretary of Education, the institution of higher education, or the state and may change due to state appropriations or other factors and that the student must complete the FAFSA in order to be eligible for aid. In the case of an institution that offers a multi-year tuition guarantee program, the calculator must allow a prospective student to enter estimates of tuition and fees based on the provisions of the guarantee program.

The House bill requires a survey of student aid recipients to be conducted at least once every four years. The House bill also requires the survey to be conduced on a state-by-state basis. The House bill expands on the current goals of the survey by requiring the survey to: consider the impact of education loan debt on students' career choices; describe the role of the price of postsecondary education in students' decisions about which institution of higher education to attend; and describe how the cost of textbooks and other instructional materials affect the cost of postsecondary education for students. The House bill retains current law with respect to the survey design, except that it clarifies that the survey shall (rather than ''should'') be designed and administered in consultation with Congress and the postsecondary education community. The House bill requires the survey results to be made available in printed and electronic form.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill authorizes the Secretary to issue regulations to carry out the provisions in this Section.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill presents six findings related to higher education and the availability of consumer information about institutions of higher education. The House bill includes a sense of Congress stating that institutions of higher education should participate in efforts to provide concise and accessible online information to prospective students and their families.

The Senate amendment contains no similar provisions.

The House recedes.

Section 112. Textbook information

The House bill includes provisions that provide more information on the cost of textbooks designed to ensure that students have better and timelier access to course materials.

The House bill requires publishers to provide faculty members with price information, copyright dates of all previous editions in the preceding ten years, substantial content revisions made between the current and previous editions, and to disclose whether the textbook or supplemental materials are available in any other format.

The House bill requires publishers that sell a college textbook and supplemental material as a single product to offer the college textbook and each supplement as a separate item.

The House bill requires institutions of higher education to publish in course schedules for pre-registration and registration purposes, to the ''maximum extent practicable,'' the International Standard Book Number (ISBN) and the retail price of course materials.

The House bill requires an institution of higher education to provide upon request to any college bookstore its course schedule and materials required or recommended for each course.

The House bill provides that nothing about these programs supersedes an institution's autonomy with respect to the selection of course materials.

The House bill's textbook information program is effective as of July 1, 2008.

The Senate amendment contains no similar provisions.

The Senate recedes with amendments to the provisions to clarify the definitions of an integrated textbook and supplemental materials, and clarify that the provisions apply only to institutions receiving federal financial assistance. The amendments require a publisher to provide to faculty or others selecting textbooks, the wholesale price, and if available, the retail price at which books are made available to the public, respectively, and specify the copyright dates of the three previous editions need to be provided. The amendments also specify that an institution shall, to the maximum extent practicable, make the required textbook information, including ISBN information, available on its Internet course schedule in a manner of the institution's choosing. Further, an institution shall publish a link to this information in its written course schedule. The amendments also encourage institutions to disseminate information to students about institutional programs that would help students save money on textbooks, such as rental programs or buy-back programs, prohibit the Secretary of Education from promulgating regulations on the section, and require the Government Accountability Office to conduct a review of the implementation of these provisions.

The Conferees intend that the provisions in this section decrease the cost of textbooks for students in higher education by ensuring that faculty, students, and bookstores all have sufficient, relevant, and timely information to make informed purchasing decisions. The information provided as a result of these provisions should be provided in a consumer-friendly manner and should be easily accessible. The Conferees further recognize the shared goals of identifying ways to decrease the burden of textbook costs on students by all parties, and the innovation of institutions, publishers, and bookstores in working toward this goal.

The Conferees recognize the cost savings to students of used textbooks. Further the Conferees do not intend the definition of ''integrated textbooks'' to discourage faculty and students from using such textbooks in their courses. Textbooks without explicit third-party contract limitations should not be considered as integrated if an identical used textbook or used supplemental material is commonly available to a student, thus making the materials fully usable for its intended purpose and meeting the requirements of a course of instruction at an institution of higher education.

It is the intention of the Conferees that institutions of higher education that do not offer Internet course schedules are not required to create such schedules for the purposes of satisfying the requirements of this section; and that institutions my satisfy the requirements by providing a link to another appropriate website that satisfies the requirements of the paragraph, provided that such link is clearly and prominently located on the institution's Internet course schedule.

Further, the Conferees recognize the changing use of technology in the textbook marketplace. The provisions require institutions, to the maximum extent practicable, to disclose the ISBN information for each required textbook. As ISBN information changes, or is replaced by another standard identification system, the Conferees urge institutions to provide students with the most up-to-date and accurate information.

The Conferees understand that while regulations are prohibited in the context of implementation, enforcement and oversight, the Secretary of Education may need to develop non-regulatory guidance. The Conferees recognize that the Secretary has a variety of means by which to publicize these provisions, including publication in government materials, and should provide for the broad dissemination of such information through communication with institutions of higher education and other relevant stakeholders.

Section 113. Database of student information prohibited

The Senate amendment and the House bill prohibit the development, implementation, or maintenance of a federal database of personally identifiable information.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment exempts from the prohibition systems needed for the operation of programs authorized by Titles II, IV, or VII.

The House bill exempts from the prohibition systems needed for the operation of programs authorized by Titles II, IV, or VII and any data required to be collected by the Secretary under this Act.

The House recedes.

The Senate amendment and the House bill provide that nothing in this Act prohibits a state or consortium of states from developing, implementing, or maintaining state developed databases to track students over time.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees support the prohibition on the creation of a national database for the purpose of student tracking. This prohibition should not be construed to prohibit the Secretary from performing surveys that are necessary to monitor the operation of the student aid programs, in particular the National Postsecondary Student Aid Survey which is a valuable source of information on how students and families finance their postsecondary education.

Section 114. In-state tuition rates for armed forces members, spouses, and dependent children

The House bill prohibits public institutions of higher education from charging the dependents of members of the Armed Forces on active duty for more than thirty days, whose domicile or permanent duty station is in the same state, more than in-state tuition rates. The House bill requires public institutions of higher education to allow members of the Armed Forces or their dependents who are receiving an in-state tuition rate to continue to pay that rate while continuously enrolled at the institution of higher education even if there is a subsequent change in the permanent duty station of the member to a location outside the state.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to specify that the prohibitions apply to states that receive funds under the HEA and to strike the definition of state.

Section 115. State Higher Education Information System Pilot program

The Senate amendment and the House bill establish a State Higher Education Information System Pilot program to assist up to five states in developing state-level postsecondary data systems.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment authorizes such sums as may be necessary beginning in fiscal year 2008 and each of the five succeeding fiscal years.

The House bill authorizes such sums as may be necessary for fiscal year 2009 and each of the four succeeding fiscal years.

The House recedes with an amendment to replace fiscal year 2008 with fiscal year 2009.

Section 116. State commitment to affordable college education

The House amendment establishes ''maintenance of effort'' (MOE) requirements that, after July 1, 2008, states must meet to receive funding under the House-proposed ''Grants for Access and Persistence'' (GAP) program, which replaces the existing Special Leveraging Educational Assistance Partnership program. State funding provided for public institutions (for non-capital and non-research and development expenses or costs) must not be less than the average amount provided during the five most recent preceding academic years. States must also provide funding for student financial aid for students attending private institutions in the state in an amount not less than the average amount provided during the 5 most recent preceding academic years. If a state does not meet the MOE requirements, the Secretary shall withhold funds that would be available to the state for the GAP program until the state has made significant efforts to meet those requirements. States may receive a waiver of the requirements for exceptional or uncontrollable circumstances.

The Senate bill contains no similar provisions.

The Senate recedes with an amendment to require states to meet the MOE in order to receive an initial grant under the new College Access Challenge Grant program instead of the existing GAP program and to accommodate states with biennial appropriation cycles.

The Conferees understand states currently face increased deficits and challenging state budgets. It is not the intent of the conferees to compound state economic challenges, but rather to secure a strong federal-state partnership to increase access to higher education for middle- and low-income families. The conferees acknowledge that the Secretary has authority to provide a waiver for states meeting the threshold of ''exceptional or uncontrollable circumstances'' which include sudden and unforseen declines in a state's budget.

Section 117. Performance-Based Organization for the delivery of federal student financial assistance

The Senate amendment changes the description of the functions of the Performance-Based Organization (PBO) at the Department of Education from ''operational'' to ''administrative and oversight.'' The Senate amendment makes the PBO responsible for the administration of federal student financial assistance programs. The Senate amendment also directs the PBO to utilize procurement systems that streamline operations, improve internal controls, and enhance management.

The House bill contains no similar provisions.

The House recedes with an amendment to delete the requirement that the Chief Operating Officer of the PBO provide an annual briefing to the authorizing Committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under Title IV; but instead, requires a representative of the Secretary to provide a briefing at any time upon request of the authorizing Committees on the steps the Department has taken to ensure the integrity of the student loan programs, including lender and guaranty agency compliance with the requirements of Title IV.

Section 118. Procurement flexibility

The Senate amendment amends Section 142 by modifying the Chief Operating Officer duties, including the fee for service arrangements, and replacing the term ''sole source'' with the term ''single-source basis.''

The House bill contains no similar provision.

The House recedes.

Section 119. Certification regarding the use of certain federal funds

The Senate amendment specifies that federal funds received by an institution of higher education or other postsecondary educational institution may not be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in awarding a federal contract, making a federal grant or loan, entering into any federal cooperative agreement, or in extending, continuing, renewing, amending, or modifying any federal contract, grant, loan, or cooperative agreement. No federal student aid funding may be used to hire a lobbyist or to secure an earmark. Each institution of higher education or other postsecondary educational institution receiving federal funding must annually certify that these requirements have been met.

The House bill contains no such provision.

The House recedes with an amendment to clarify that the prohibition relates to funds received by an institution under the Higher Education Act.

The Conferees wish to clarify that this Section is not intended to prohibit an employee of an institution of higher education from receiving federal funds for participating in a peer review process for a Federal program.

Section 120. Institution and lender reporting and disclosure requirements

Both the Senate amendment and the House bill add a new Part E to Title I, instituting lender and institutional requirements relating to education loans.

The Senate and House recede with amendments to Part E as follows:

PART E—LENDER & INSTITUTION REQUIREMENTS RELATING TO EDUCATION LOANS

Section 151. Definitions

The Senate amendment defines ''cost of attendance'' as it is defined under Title IV, Section 472.

The House bill defines ''postsecondary educational expenses'' as defined under Title IV, Section 472.

Both the Senate and the House recede.

The Senate amendment defines ''covered institution'' as any educational institution that offers a postsecondary educational degree, certificate, or program of study (including an institution defined in Section 102) and receives any federal funding or assistance. The definition includes any employee or agent of the institution of higher education, or an organization or entity affiliated with, or directly or indirectly controlled by the institution of higher education.

The House bill defines ''covered institution'' as any educational institution that offers a postsecondary educational degree, certificate, or program of study (including an institution defined in Section 102) and receives any federal funding or assistance. The definition includes any employee or authorized agent of the institution of higher education, including an alumni association, booster club, or other organization directly or indirectly authorized by the institution of higher education.

The Senate and the House recede with an amendment to define ''covered institution'' as any institution of higher education as such term is defined in Section 102, that receives any federal funding or assistance. Definitions of ''agent'' and ''institution-affiliated organization'' are also added. An

''agent'' means an officer or employee of a covered institution or an institution—affiliated organization. An ''institution-affiliated organization'' means any organization that is directly or indirectly related to a covered institution and is engaged in the practice of recommending, promoting, or endorsing education loans for students attending such covered institution or the families of such students, except that the term does not include any lender with respect to any education loans secured, made or extended by such lender.

The Senate amendment defines ''educational loan'' as any loan made, insured, or guaranteed under Title IV.

The House bill defines ''educational loan'' as including any loan made, insured, or guaranteed under Title IV; or any educational loan that is not made, insured, or guaranteed under Title IV, but that is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends..

The Senate recedes with an amendment to replace ''educational loan'' with ''education loan'' and to specify that loans made, insured, or guaranteed under Title IV refer to loans made under Parts B and D of Title IV.

The Senate amendment defines ''educational loan arrangement'' as an arrangement or an agreement between a lender (of loans made under Title IV, and as defined under Section 151(5)) and a covered institution, under which a lender provides or issues (Title IV) educational loans to students attending a covered institution, or their parents; and which is related to the covered institution recommending, promoting, endorsing, or using the (Title IV) educational loans of the lender, and which involves the lender paying a fee or providing other material benefit to the institution of higher education or groups of students attending the institution of higher education.

The House bill defines ''preferred lender arrangement'' as an arrangement or agreement between a lender and a covered institution, under which a lender provides or issues educational loans to students attending a covered institution, or their parents; and which is related to the covered institution recommending, promoting, or endorsing, educational loan products of the lender; and which does not include arrangements with respect to the Direct Loan program loans, Perkins Loans, or Federal Family Education Loan (FFEL) parent PLUS Loans made in accordance with Section 499(b).

The Senate recedes with an amendment to change ''parents'' to ''families'' of students, strike the reference to Perkins Loans, and to include in the definition arrangements or agreements between a lender and an institution-affiliated organization.

The Senate amendment defines ''lender'' as a financial institution participating in the FFEL, and the Secretary for the Direct Loan program loans; and in each case, the term includes any individual, group, or entity acting on behalf of the lender with respect to a Title IV education loan.

The House bill defines ''lender'' as meaning a ''creditor;'' except that it does not include an issuer of credit secured by a dwelling or under an open end credit plan, and includes an agent of a lender.

Both the Senate and the House recede with an amendment to define the terms ''eligible lender'' and ''lender.'' The term ''eligible lender'' has the meaning given such term in section 435(d). The term ''lender'' means an eligible lender, in the case of a loan made, insured, or guaranteed under Part B of Title IV; the Secretary, in the case of any loan issued or provided to a student under Part D of Title IV; and, a private educational lender as defined in Section 140(a) of the Truth in Lending Act, in the case of a private education loan.

The Senate amendment defines ''officer'' as including a director or trustee of an institution of higher education.

The House bill defines ''officer'' as including a director or trustee of a covered institution if the individual is treated as an employee of the covered institution (see Section151(1)).

The Senate recedes with an amendment to include in the definition of ''officer'' a director or trustee of an institution-affiliated organization if such individual is treated as an employee.

The House bill defines ''private educational loan.''

The Senate amendment contains no similar provision.

The House recedes with an amendment to use the term ''private education loan'' in place of ''private educational loan'' and to refer to the definition used in Section 140(a) of the Truth in Lending Act.

Section 152. Responsibilities of covered institutions, institution-affiliated organizations and lenders

The Senate amendment institutes requirements for lenders and institutions of higher education participating in ''educational loan arrangements.'' The Senate provision is applicable to arrangements between lenders of Title IV educational loans and covered institutions of higher education.

The House bill institutes requirements for lenders and institutions of higher education participating in ''preferred lender arrangements.'' The House provision is applicable to arrangements between lenders (i.e., creditors) and covered institutions of higher education. The House provision applies to lenders of loans made, insured, or guaranteed under Title IV, and private educational loans, except that it does not apply to arrangements with respect to Direct loans, Perkins Loans, or parent PLUS loans made in accordance with Section 499(b).

The Senate recedes with an amendment to make no reference to Perkins Loans.

The House amendment prohibits a covered institution that enters into a preferred lender arrangement regarding private educational loans from agreeing to allow the lender to use the institution's name or likeness in the marketing of private educational loans to students attending the institution in any way that implies the institution's endorsement of the private educational loans.

The Senate bill contains no similar provision.

The Senate recedes with an amendment to extend the prohibition to institution-affiliated organizations of covered institutions.

The Senate amendment requires a covered institution that enters into an educational lender arrangement to disclose the name of the lender in documentation related to the loan.

The House bill contains no similar provision.

The House recedes with an amendment to require covered institutions, and institution-affiliated organizations of such institutions, that enter into a preferred lender arrangement with a lender regarding private education loans to ensure that the name of the lender is displayed in all information and documentation related to the loan.

The House bill requires FFEL lenders that participate in one or more ''preferred lender arrangements'' to annually certify compliance with requirements of the Act and to report on and attest to such compliance in its annual compliance audit.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that provides: ''If an audit is required pursuant to Section 428(b)(1)(U)(iii), the lender's compliance with requirements of this section shall be reported on and attested to annually by the auditor of such the lender.''

The Senate amendment requires lenders participating in educational loan arrangements, prior to providing a Title IV education loan to a student, to disclose to the student certain information about the terms and conditions of such loans. These disclosures must include: interest rates of educational loans and sample educational loan costs, by type of loan. For each type of educational loan offered, the disclosure must include information on: types of repayment plans available; availability of and conditions for no-penalty, early repayment; capitalization of interest; terms and conditions of deferment and forbearance; all available repayment benefits and the percentage of all borrowers who qualify for such benefits; the percent of borrowers who received such benefits in the preceding academic year; collection practices in cases of default; all fees, including late payment penalties, a borrower may be charged; and, such other information as the Secretary may require.

The House bill contains no similar provision.

The House recedes with an amendment to incorporate the disclosure requirements in the Senate amendment into the disclosures required under Subsections (a),(c) and (d) of Section 433. The revised disclosure requirements are applicable to loans made, insured or guaranteed under Parts B or D of Title IV, other than consolidation loans. Lenders of private education loans must comply with the disclosures required under Title X of this Act.

The Senate amendment requires lenders participating in education loan arrangements to annually report to the Secretary any reasonable expenses paid or given to an individual employed in the financial aid office of a covered institution, or who has responsibilities with respect to educational loans or other types of financial aid. The lenders must report the following: the amount of each specific instance of reimbursement; the name of each individual to whom a reimbursement was made; the date of the activity being reimbursed; and, a brief description of the activity being reimbursed. The Secretary shall annually compile such information into a report and transmit the report to the House Education and Labor Committee and the Senate Committee on Health, Education, Labor and Pensions.

The House bill contains no similar provision.

The House recedes with an amendment to require each FFEL lender, on an annual basis, to report to the Secretary any reasonable expenses paid or given under the exception clauses in 435(d)(5)(D), 487(e)(7) and 487(e)(3)(B) to any agent of a covered institution who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to education loans or other financial aid activities of the institution of higher education, and any similar expenses paid or provided to any agent of an institution-affiliated organization of a covered institution who is involved in the practice of recommending, promoting, or endorsing education loans. The report shall include: the amount for each specific instance in which the lender provided such reimbursement; the name of the agent for whom expenses were paid or to whom the reimbursement was made; the dates of the activity for which the expenses were paid or the reimbursement was made; and, a brief description of the activity for which the expenses were paid of the reimbursement was

made. The Secretary shall summarize the information contained in the lender reports and provide a report annually to the authorizing Committees.

The House bill requires the Secretary to display on the Department of Education website, and to provide to colleges and universities, specified information to be used for counseling and consumer information for prospective borrowers. The Secretary shall make such information widely known and shall promote its availability and use by prospective and current students and borrowers, and those entering repayment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify the types of information that must be reported and to change the placement of the provision.

Section 153. Loan information to be disclosed and model disclosure form for covered institutions, institution-affiliated organizations, and lenders participating in preferred lender arrangements

The Senate amendment and the House bill require the Secretary, not later than 180 days after enactment, to prepare a report on the adequacy of the information provided to students and their parents about education loans, after consulting with students, representatives of covered institutions of higher education (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies.

Both the Senate and the House recede with an amendment to strike the report requirement and instead to require the Secretary, not later than eighteen months after enactment, to coordinate with the Board of Governors of the Federal Reserve, and consult with students, their families, representatives of covered institutions (including financial aid administrators, admission officers, and business officers), representatives of institution-affiliated organizations, high school guidance counselors, lenders, loan servicers, and guaranty agencies, and to determine the minimum information that lenders, covered institutions, and institution-affiliated organizations participating in preferred lender arrangements must make available regarding education loans that are offered to students and their families. Both the Senate and House recede also with an amendment to change references from ''parents'' to ''families'' throughout the Section.

The Senate amendment and the House bill require the Secretary to develop a model format (Senate) or model disclosure form (House) to be used by lenders participating in ''preferred lender arrangements'' (House) or ''educational loan arrangements'' (Senate) for providing information to institutions of higher education and the Secretary, for each type of education loan provided by lenders to students attending a covered institution, and about why the covered institution believes the terms and conditions of each type of loan provided pursuant to the educational loan arrangement are beneficial to borrowers. The House bill requires the Secretary to prescribe this model format by regulation.

The Senate amendment requires the model format to provide certain information on the terms and conditions of loans, disaggregated by loan type, including interest rates and terms and conditions of loans for the forthcoming academic year; any benefits that are contingent on borrower repayment behavior; the average amount borrowed from the lender by students enrolled in the institution, by loan type, for the preceding academic year; the average interest rate on loans borrowed by such students for the preceding academic year; and the amount of interest that may be required to be paid according to a standard repayment period on the average amount borrowed from the lender by such students, on such type of loan, for the preceding academic year.

The House bill also requires the model disclosure form to provide information on the terms and conditions of loans, disaggregated by loan type, including the interest rate or range of rates, and whether rates are fixed or variable; the frequency and amount of interest rate adjustments; co-borrower requirements; any fees associated with the loan; available repayment terms; the opportunity for deferment or forbearance, including whether in-school deferment is available; any additional terms and conditions of the loan, including any benefits contingent on repayment behavior of the borrower; the annual percentage rate for such loans, determined in the manner required under Section 107 of the Truth in Lending Act (15 U.S.C. 1606); an example of the total cost of the educational loan over the life of the loan; consequences of default, including any limitations on loan discharge in bankruptcy; contact information for the lender; and, philanthropic contributions by the lender to the covered institution. The House bill requires this information to be provided for opportunity pool loans and requires private lenders, as well as FFEL lenders, to use the model format. The House bill additionally requires the model format to be easy for students and parents to understand; to be easily usable by lenders, institution of higher education, guaranty agencies, and servicers; to provide relevant information on federal and private educational loans; to be based on the report's findings, and to be developed in consultation with specified entities.

Both the Senate and the House recede with an amendment to require the Secretary to consider the merits of requiring covered institutions and institution-affiliated organizations that have preferred lender arrangements to provide prospective borrowers and families the following information for each type of loan made, insured or guaranteed under Title IV: the interest rate and terms and conditions of the loan for the next award year, including loan forgiveness and deferment; information on any charges such as origination and federal default fees that are payable on the loans, and whether those charges will be paid by the lender or the borrower; the yearly and cumulative maximum amounts that may be borrowed; the average amount borrowed from the lender by undergraduate and graduate students who were enrolled and who graduated the preceding year; the amount the borrower may pay in interest, based on a standard repayment plan and the average amount borrowed by students who graduated from the institution of higher education the preceding year with subsidized and unsubsidized Stafford loans and PLUS loans; the consequences for the borrower of defaulting on a loan, including limitations on the discharge of an education loan in bankruptcy; the contact information for the lender; and other information suggested by those with whom the Secretary has consulted. In addition, the amendment requires the Secretary, in determining the minimum information that lenders, covered institutions, and institution-affiliated organizations participating in preferred lender arrangements shall make available regarding education loans that are offered to students and the families of students, to incorporate identical or similar disclosures developed by the Board of Governors of the Federal Reserve pursuant to Section 128(e)(1) of the Truth in Lending Act.

The House bill also requires the model format to provide, with respect to private educational loans recommended by the covered institution, the method of determining the interest rate of the loan; potential finance charges, late fees, penalties, and adjustments to the principal, based on defaults or late payments of the borrower; and, such other information as the Secretary may require.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill require the Secretary to submit the report and model format (Senate) or disclosure form (House) to the authorizing Committees and make the report and model format available to covered institutions of higher education, lenders, and the public. The Senate amendment and the House bill require the Secretary to encourage lenders that have educational loan (Senate) or preferred lender (House) arrangements with covered institutions of higher education, and covered institutions of higher education to use the model forms.

Both the Senate and the House recede with an amendment that the Secretary shall, after consulting with the public and in coordination with the Board of Governors of the Federal Reserve specify the information covered institutions and institution-affiliated organizations with preferred lender arrangements must provide to prospective borrowers and the families of such borrowers regarding loans made, insured, or guaranteed under Title IV and require covered institutions and institution-affiliated organizations to provide such information on a model disclosure form developed by the Secretary or on a form developed by the institution of higher education. The Secretary shall update the model disclosure form periodically.

The Senate amendment and the House bill require lenders that participate in educational loan (Senate) or preferred lender (House) arrangements to report the information contained on the model disclosure form to the institutions of higher education even if they do not use the form. The House bill specifies that such information shall be reported to institutions of higher education by March 1 of each year.

The Senate recedes with an amendment to require lenders that participate in preferred lender arrangements to report information for Part B loans annually to a covered institution or an institution-affiliated organization and to the Secretary, by a date to be determined by the Secretary.

The House bill specifies that the development and prescription by regulation of the initial model disclosure form shall not be subject to the requirement that it be published in final form by November 1 prior to the start of the award year, nor shall it be subject to negotiated rulemaking. However, such requirements shall apply to the updating of the model disclosure form.

The Senate contains no similar provision.

The House recedes.

The Senate amendment and the House bill require covered institutions of higher education to submit an annual report to the Secretary that includes the information on the model form, a detailed explanation of why the institution of higher education believes the terms and conditions of each loan provided through an agreement are beneficial to the students attending the institution or to the students' parents. Institutions of higher education must make the report available to the public and provide it to students who are attending or who plan to attend the covered institution.

The House bill requires covered institutions of higher education, on their website and in publications, mailings, electronic messages or media describing financial aid opportunities to prospective or current students or their parents, to include the following: a statement indicating that students

are not limited to or required to use the lenders recommended by the institution of higher education; that the institution of higher education is required to process the documents required to obtain a federal educational loan from any eligible lender the student selects. The website and other publications must also disclose, at a minimum, all of the information provided by the model disclosure form (or updated form) with respect to any lender of federal or private educational loans (including opportunity pools) recommended by the institution of higher education; the maximum amount of federal grant and loan aid available to students in an easy-to-understand format; and, the institution's cost of attendance.

Both the Senate and the House recede with an amendment to require covered institutions and institution-affiliated organizations to make the information that the Secretary requires for the model disclosure format and the information that a private educational lender provides to a covered institution and institution-affiliated organizations pursuant to Sections 128(e)(12) and 128(e)(1) of the Truth in Lending Act, available in time for students and families to consider before selecting a lender or applying for an education loan. The Senate and House further require covered institutions and institution-affiliated organizations to prepare and submit to the Secretary an annual report, by a date to be determined by the Secretary, that includes for each lender that has a preferred lender arrangement with the covered institution and institution-affiliated organization the information the Secretary requires for the model disclosure form and the information private educational lenders participating in a preferred lender arrangements provide to covered institutions and institution-affiliated organizations, for each type of education loan provided pursuant to the preferred lender arrangement. The reports must also include an explanation of why the covered institution or institution-affiliated organization entered into a preferred lender arrangement, including why the terms, conditions, and provisions of each type of loan for students are beneficial for students or the families of students. The covered institution or institution-affiliated organizations shall ensure that the report is made available to the public and provided to students attending or planning to attend the covered institution. Each covered institution that has a preferred lender arrangement must disclose on its website, in addition to this information and the disclosures required under the program participation agreement, the maximum amount of federal financial assistance available to students and a statement that the institution of higher education is required to process the documents required to obtain a federal education loan from any eligible lender the student selects.

The House bill requires the Secretary, not later than one year after submitting the model disclosure form and report, to assess the adequacy of the model disclosure form and, after consultation with specified entities, prepare a list of improvements identified as beneficial to borrowers and to take such improvements into consideration in updating the model disclosure form.

The Senate amendment contains no similar provision.

The House recedes.

The House bill requires covered institutions of higher education that make information on private educational loans available to students or their parents to also make certain information about private loans and federal student aid under Title IV available. Covered institutions of higher education must inform students, or their parents, of their eligibility for federal student aid, including loans under Title IV; the terms and conditions of private educational loans that may be less favorable than the terms and conditions of Title IV student loans for which they are eligible; and must clearly distinguish between private educational loans and loans made, insured, or guaranteed under Title IV.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to change references to ''student or parent'' to ''prospective borrower''; to clarify that the prospective borrower must be informed that the borrower may qualify for federal financial assistance through a Title IV program of this Act; and, to modify language to require covered institutions and institution-affiliated organizations to inform prospective borrowers that the terms or conditions of Title IV loans may be more favorable than the provisions of private loans. The other disclosure requirements in the House bill and the Senate amendment are moved to Sections 428(c), 433(a) and (b), and 485(b), (d), and (l) as amended by this Act.

Section 154. Loan information to be disclosed and model disclosure form for institutions participating in the William D. Ford Federal Direct Loan Program

The Conferees establish a new Section that requires the Secretary to provide each institution of higher education participating in the William D. Ford Direct Loan program with a completed model disclosure form including the same information for Federal Direct Stafford loans, Federal Direct Unsubsidized Stafford loans and Federal Direct PLUS loans made to, or on behalf of, students attending the institution as is required on such forms for loans described in section 151(3)(A). The Conferees require institutions participating in the Direct Loan program to make the information the Secretary provides available to students attending or planning to attend the institution and their families.

TITLE II—TEACHER QUALITY ENHANCEMENTS

The Senate amendment and the House bill strike and replace Title II of the Higher Education Act.

The Senate and the House recede with amendments as follows.

Section 201. Teacher quality enhancement

Section 200. Definitions

The Senate amendment and the House bill adopt the current definition for ''Arts and Sciences'' and eliminate the current definition of ''Poverty Line.'' The Senate amendment and House bill add the same definitions of ''Children from Low-Income Families,'' ''Core Academic Subjects,'' ''Early Childhood Educator,'' ''Educational Service Agency,'' ''Essential Components of Reading Instruction,'' ''Exemplary Teacher;'' ''High-Need Early Childhood Education Program,'' ''Highly Competent,'' ''Highly Qualified,'' ''Limited English Proficient,'' ''Professional Development,'' and ''Teaching Residency Program.''

The Conferees adopt that provisions as proposed by both the Senate and the House with an amendment to adopt the definition for ''parent'' as found in the Elementary Secondary Education Act (ESEA).

The Senate amendment and the House bill contain definitions for ''Early Childhood Education Programs,'' but the House bill definition of ''Early Childhood Education Program'' differs in two respects by specifying that Head Start programs include Migrant and Seasonal Head Start, as well as American Indian/Alaska Native Head Start programs, and by including prekindergarten programs authorized under Section 619 or Part C of the Individuals with Disabilities Education Act.

The Senate recedes with an amendment to add ''or a program authorized under Section 619 of the Individuals with Disabilities Education Act'' after ''State prekindergarten program'' in the definition of ''Early Childhood Education Programs,'' to clarify that a state licensed or regulated child care program does not include a school and an eligible state prekindergarten program is one that serves children from birth to age six.

The Senate amendment and the House bill contain definitions of ''eligible partnerships.'' The House bill definition includes alternative certification programs and teacher professional development programs within partner institutions of higher education.

The Senate recedes with an amendment to allow teacher professional development programs to be included in the partnership only if they are existing programs with proven outcomes within a four year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies in order to meet the requirements of this Title.

The Senate amendment and the House bill amend the definition of a ''High-Need Local Educational Agency'' in the same manner and include references to rural locale codes. The Senate amendment lists specific rural locale codes and the House bill references rural locale codes currently being used by the Department of Education. The Senate amendment includes locale codes correspond to the designations of small town (6); rural, outside major statistical area (7); and rural, inside major statistical area (8). The House bill provides the labels for locale codes that correspond to the following numerical designations: rural, fringe (41); rural, distant (42); and rural, remote (43).

The House and Senate recede with an amendment to align the definition of local educational agencies with the definition in the Elementary and Secondary Education Act.

The Senate amendment and the House bill amend the definition of ''High-Need School'' in the same manner; except, the Senate amendment defines a rural school as one designated with a locale code of 6, 7, or 8. The House bill defines a rural school as one designated with a locale code of Rural: Fringe, Rural: Distant, or Rural: Remote.

The Senate and the House recede with an amendment to define a high-need school as one that is either in the highest quartile of low-income schools in a ranking of all schools served by a local educational agency, as determined by various poverty indicators, or, in the case of an elementary school, one that serves not less than sixty percent of students who are eligible for free or reduced price school lunch under the Richard B. Russell National School Lunch Act, and for all other schools, that serves not less than 45 percent of such students.

The Senate amendment and the House bill define ''Induction Program'' to include periodic, structured time for collaboration with other teachers, as well as time for information-sharing among teachers, principals, administrators, and participating faculty. However, the Senate amendment allows such collaboration to be with any other teachers in the same department or field, and the House bill specifies that such collaboration shall be with mentor teachers.

The House recedes with an amendment to include mentor teachers in addition to other teachers who shall be provided collaboration time and to include other appropriate instructional staff in information sharing time.

The Senate amendment and the House bill define an ''Induction Program'' as having a

teacher preparation program that includes interdisciplinary collaboration. However, the House bill specifies that the collaboration occurs with those who prepare new teachers with respect to the learning process and the assessment of learning.

The Senate recedes.

The Senate amendment and the House bill define an ''Induction Program'' as having a teacher preparation program that provides assistance with the understanding of data, particularly student achievement data, and the applicability of that data in classroom instruction.

The Senate and the House recede with an amendment that the program shall provide assistance with ''the applicability of such data in classroom instruction.''

The Senate amendment defines an ''Induction Program'' as having a regular evaluation of the new teacher.

The House bill specifies that the evaluation include formal observation and feedback, at least four times a year by multiple evaluators, including master teachers and the principal, who must use valid and reliable benchmarks of teaching skills and standards developed with input from teachers in the evaluation.

The Senate recedes with an amendment to indicate that the evaluation shall consist of ''regular and structured observation and evaluation of the new teachers by multiple evaluators, using valid and reliable measures of teaching skills.''

The Conferees intend that measures of teaching skills employed during observation and evaluation of new teachers include the teaching skills described later in this Section. Using such a definition of skills in developing metrics for the observation and evaluation of new teachers will require prioritizing these teaching skills while developing a rubric or procedures for evaluation. The Conferees intend that such rubrics or procedures be developed through consultation and cooperation among teachers, mentors, principals and others involved in the process of observation and evaluation.

The House bill defines the term ''Literacy Coach.''

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill define a ''Partner Institution'' as an institution of higher education, which may include a two-year institution of higher education offering a dual program with a four-year institution of higher education that also meets additional criteria.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees recognize the essential role that community colleges play in teacher preparation, providing the first two years of postsecondary education for many teacher candidates. The Conferees further recognize that two-year institutions of higher education, by definition, provide the initial portion of pre-baccalaureate teacher preparation that each candidate must complete at a four-year institution of higher education. Some two-year institutions of higher education, however, have begun to partner with four-year institutions of higher education and offer students a path to a baccalaureate degree and full state teacher certification. The Conferees intend that to be considered a ''partner institution'' and therefore, part of a partnership eligible to receive funds under this Title, the two-year institution of higher education must partner with a four-year institution of higher education and work together to carry out the activities required under this Title. It is, therefore, essential that two- and four-year institutions of higher education cooperate to ensure that the initial years of pre-baccalaureate preparation offered at each two-year institution of higher education provide courses of study that are aligned with curriculum at the four-year institution of higher education in order to meet the state requirements for teacher certification. Cooperation between institutions of higher education should include a formal agreement to ensure that the institutions have developed an articulated transfer policy so that teacher candidates beginning at a two-year institution will be adequately supported during completion of their pre-baccalaureate preparation at the four-year institution of higher education.

The Senate amendment and the House bill further define a ''Partner Institution'' as one that includes a teacher preparation program that requires each student meet high academic standards and participate in intensive clinical experience. The House bill also requires each student to demonstrate such high academic standards.

The Senate recedes with an amendment to strike ''and demonstrate'' and insert after ''high academic standards'', '', or demonstrate a record of success, as determined by the institution''.

The House bill defines a ''Partner Institution'' as including a teacher preparation program whose participants include current teachers who seek ongoing professional development and that requires the faculty of arts and sciences of the partner institution of higher education to lead collaborative seminars for the purpose of improving student learning and developing curriculum units.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment defines ''Principles of Scientific Research.''

The House bill contains no similar provision.

The House recedes with an amendment to the definition that provides that the term includes, appropriate to the research being conducted, ''strong claims of causal relationships, only with respect to research designs that eliminate plausible competing explanations for observed results, which may include random-assignment experiments.''

The Senate amendment and the House bill contain the same definition of ''Scientifically Valid Research.''

The Senate and the House recede with an amendment to strike the word ''accepted'' with regard to principles of scientific research.

Both the Senate amendment and the House bill define ''Teacher Mentoring.'' However, the House bill defines the term to include programs that provide training in classroom management.

The Senate recedes with an amendment to include approaches that improve the schoolwide climate for learning, such as positive behavioral interventions and supports.

The Senate amendment and the House bill further define ''Teacher Mentoring'' to include providing regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill defines ''Teacher Mentoring'' to include paid release time for mentors.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that mentors are provided paid release time ''as applicable.''

The Senate amendment and the House bill include similar definitions of ''Teaching Skills.'' However, the House bill defines the term to include skills that enable the teacher to effectively manage a classroom, including the ability to implement positive behavioral intervention support strategies.

The Senate recedes with an amendment to include in the definition skills that enable a teacher to effectively teach higher-order analytical, evaluation, problem-solving, and communication skills, and to clarify that skills include the ability to implement positive behavioral ''interventions and support strategies.''

PART A—TEACHER QUALITY PARTNERSHIP GRANTS

Section 201. Purposes

The Senate amendment and the House bill both modify Section 201(a)(3) of the HEA. The Senate amendment provides that a purpose of this Section is to hold institutions of higher education accountable for preparing highly qualified teachers.

The House bill specifies that teacher preparation programs be held accountable for preparing highly qualified teachers.

The Senate recedes with an amendment to clarify that the focus of the program be on prospective and new teachers.

Section 202. Partnership Grants

The Senate amendment and the House bill retain the current standards for authorizing a Partnership Grant program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include different application requirements. The Senate amendment requires that applications describe the extent to which new teachers will be prepared to understand research and data and its applicability. The House bill requires that applications describe how new teachers will be prepared to use research and data to improve instruction. The House bill requires that applications also provide a description of how partnerships will prepare teachers to teach students with disabilities and students with limited English proficiency.

The Senate recedes with an amendment to require that applications also provide a description of how partnerships will strengthen the content knowledge and teaching skills of elementary and secondary school teachers and train other classroom teachers to implement literacy programs that incorporate the essential components of reading instruction.

The Senate amendment requires partnerships to use funds for either a pre-baccalaureate preparation program, a teaching residency program, or both. The House bill adds a leadership development program, and requires that funds be used for at least two of the three types of programs.

The Senate recedes with an amendment to allow partnerships to use funds for a leadership development program only in addition to either a pre-baccalaureate preparation program or a teaching residency program or both.

The Senate amendment and the House bill describe a ''Pre-Baccalaureate Preparation Program'' and require teacher preparation reforms.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require certain reforms to be directed to specified types of current or prospective teachers. The House bill also includes additional provisions regarding ''Advanced Placement and International Baccalaureate teachers.''

The Senate recedes.

The Senate amendment and the House bill require reforms that prepare teachers to understand, practice, research, and use technology and instructional techniques. The House bill adds ''strategies, consistent with

the principles of universal design for learning, and positive behavioral support strategies.''

The Senate recedes.

The Senate amendment and the House bill require reforms to promote strong teaching skills for early childhood educators including, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development. The House bill includes the ability to effectively teach higher-order analytical, evaluative, problem-solving, and communication skills.

The House recedes.

The Senate amendment and the House bill include a provision for required reforms.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs include general and special education teachers.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs effectively teach high-order analytical, evaluative, problem solving, and communications skills appropriate for the teacher's content or specialty area.

The Senate amendment contains no similar provision.

The House recedes.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs ensure that prospective teachers and early childhood educators can effectively participate in the individualized education program ''process,'' as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

The Senate recedes with an amendment to clarify that reforms include implementing teacher preparation program curriculum changes to ensure teachers can effectively participate as a member of the individualized education program team.

The Senate amendment and the House bill contain provisions for developing and implementing induction programs and admissions goals. The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs ensure training of highly qualified teachers, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities.

The Senate recedes with an amendment to include training for teachers who teach multiple subjects.

The Senate amendment and the House bill provide that support may include developing admissions goals and priorities. The House bill clarifies that these goals and priorities be ''aligned'' with the hiring objectives of the high-need local educational agency in the eligible partnership.

The Senate recedes.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs implement program curriculum changes to prepare teachers to teach Advanced Placement or International Baccalaureate courses.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require reforms to include, as applicable, implementing program and curriculum changes to ensure that prospective teachers have the requisite content knowledge, preparation, and degree to successfully teach Advanced Placement and International Baccalaureate courses.

The Senate amendment and the House bill require that Pre-Baccalaureate Preparation Programs provide clinical experience and interaction.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill provides that clinical experience and interaction may include preparation for meeting the unique needs of teaching in rural communities.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that the training and experience provision shall apply to preparing teachers for both urban and rural communities.

The Senate amendment and the House bill require that clinical experience and interaction provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1). The House bill also applies this requirement to paragraph (3) and the Senate amendment applies the requirement to paragraph (2).

The Senate recedes with an amendment to add ''new'' teachers, in addition to prospective teachers, who shall participate in activities.

The Senate amendment and the House bill allow support for mentor stipends, which may include bonus or differential pay. The Senate amendment allows the stipend to include incentive, merit, or performance-based pay. The House bill allows the stipend to include incentive pay, based on teachers' extra skills and responsibilities.

The House recedes with an amendment to allow funds to be used for mentor stipends, which may include bonus, differential, incentive, or performance-based pay, based on teachers' extra skills and responsibilities.

The Senate amendment and the House bill require that Pre-Baccalaureate Preparation Programs provide induction programs for new teachers, and support and training for participants in early childhood education programs.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require that Pre-Baccalaureate Preparation Programs provide teacher recruitment. The House bill allows recruitment mechanisms to include alternative routes to State certification of teachers.

The Senate recedes.

The House bill places emphasis on recruiting teachers from underrepresented populations, rural communities, shortage areas, and mid-career professionals.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires the development and implementation of literacy training programs to train classroom teachers how to implement literacy programs.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the literacy training to include training in reading instruction for elementary or secondary school teachers, who train or will train classroom teachers to implement literacy programs, or who tutor or will tutor students with intense individualized reading, writing, and subject matter instruction. The literacy training will also provide opportunities for teachers to plan and assess literacy instruction with faculty at institutions of higher education. Such planning time may include school leaders and other teachers.

The Senate amendment and the House bill define a ''Teaching Residency Program.''

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires that partnerships modify staffing procedures to facilitate the placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration.

The House bill requires that such placement be attempted where feasible.

The House recedes with an amendment to require that partnerships carry out a program ''placing graduates'' in cohorts that facilitate professional collaboration.

The Senate amendment and the House bill ensure that teaching residents who participated in the teaching residency program receive certain benefits.

The Senate and the House recede with a technical amendment.

The Senate amendment and the House bill describe a teaching residency program that requires the selection of mentor teachers based on an evaluation that includes observations of a number of domains of teaching. The House bill provides that the evaluations need not include an observation of all the domains.

The House recedes with an amendment that evaluation of teacher effectiveness shall be based on, ''but not limited to,'' observations of specified activities, with the reference to teaching domains stricken.

The Senate amendment and the House bill contain in their descriptions of effective teaching appropriate instruction that engages students with different learning styles. The House bill includes students with disabilities.

The House recedes.

The House bill states that the admission goals and priorities of a teaching residency program may include consideration of applicants who reflect the communities in which they will teach, as well as consideration of individuals from underrepresented populations in the teaching profession.

The Senate amendment contains no similar provision.

The Senate recedes with technical amendments.

The Senate amendment and the House bill provide criteria for the selection of individuals as teacher residents.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill provide for the award of stipends connected to a service requirement. The House bill limits the stipend or salary to one year, and requires teaching residency candidates to submit an application to obtain a stipend or salary.

The House recedes.

The Conferees expect and intend that individuals who agree to teach in a high-need school after completing a teaching residency program will be placed by the partnership into a teaching position that satisfies the needs of the local education agency. This placement should meet the subject areas or grade level priorities deemed most in need by the local agency and its partners, but with full recognition of the needs of the teaching residency program to implement practices consistent with ongoing induction and support of the new teacher. This recognition may require establishing a priority on placing graduates of the residency program together in cohorts that encourage the effective induction and subsequent retention of these new teachers.

The Senate amendment and the House bill require that a graduate of the residency program who receives a stipend agree to serve three or more years as a teacher in a high-need school served by a high-need local education agency in the partnership upon completion of the program. The Senate amendment specifies that applicants serve after completing a one-year teaching residency program.

The Senate recedes with an amendment to clarify that applicants agree to serve for

three years after completing a one-year teaching residency program.

The House bill requires service in a field designated as high-need by the partnership.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that the applicant will teach in a subject or area that is designated as high-need by the partnership.

The House bill requires that each year or partial year of service in fulfillment of the service requirement be certified by the school's chief administrative officer.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that the service requirement be certified by the local educational agency's chief administrative officer.

The House bill requires that, upon beginning service repayment, a teacher must ''be a highly qualified teacher, as defined in Section 9101 of the Elementary and Secondary Education Act of 1965.''

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that an applicant must ''meet the requirements to be a highly qualified teacher'' at the time the applicant begins to fulfill the service agreement.

The Senate amendment provides that a stipend recipient who does not fulfill the service requirement repay the local education agency a pro rata portion of the stipend amount for the amount of teaching time that an individual does not complete.

The House bill provides that a recipient who does not fulfill the service requirement repay the partnership the amount of the stipend or salary with interest.

The Senate recedes with an amendment to clarify that the stipend or salary is described in (c)(i), and that the interest shall be at a rate specified by the partnership in the agreement.

The House bill provides terms under which the service agreement may be deferred.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that adds a provision that the terms and conditions specified by the partnership may include reasonable provisions for pro rata repayment of the stipend or salary described in (c)(i).

The House bill requires partnerships to use stipend repayment funds for activities that are consistent with the purposes of this Subsection.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment allows funds received by a partnership to be used for activities described in Subsections (d) and (e) to improve pre-baccalaureate teacher preparation and pre-service training through public television and digital educational content.

The House bill contains no similar provision.

The House recedes with an amendment to allow grant funds to be used to carry out required activities in partnership with public television or another entity that develops digital educational content.

The Senate amendment and the House bill require consultation, regular communication, and written consent between and among members of the partnership and permit the Secretary to approve changes with the written consent of all members of the eligible partnership. Both the Senate amendment and the House bill provide that nothing in this Section shall be construed to prohibit coordination among partnerships in other states or on a regional basis.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment requires that funds under this Section be used to supplement, not supplant, other federal, state, and local funds.

The House bill contains no similar provision.

The House recedes.

The House bill allows grant funds to be used for the development of a leadership program, which must include activities that prepare students for careers as superintendents, principals, or other school administrators, as well as activities that promote strong leadership skills among other mandatory activities.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to change all references to education or school administrators to ''school leaders.'' The requirement to promote strong leadership skills is expanded to include specific techniques and requirements.

Section 203. Administrative provisions

The Senate amendment and the House bill contain identical provisions regarding the duration, number of awards, and payments. The Senate amendment and the House bill charge the Secretary with submitting applications to a peer review panel.

Senate recedes with an amendment to strike the payment provision.

The Senate amendment and the House bill put priority on broad-based partnerships and equitable geographic distribution. The Senate amendment requires both, while the House bill requires either, and further requires that priority be given to partnerships with teacher preparation programs that have a rigorous selection process.

The Senate recedes with an amendment that gives the Secretary the authority to determine priority.

The Senate amendment and the House bill authorize the Secretary to select the grantees and to determine the amounts of the grants. The Senate amendment and the House bill require one-hundred percent matching funds from non-federal sources and authorize the Secretary to waive this requirement. The Senate amendment and the House bill limit expenditures on administrative activities to two percent of the grant amount.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 204. Accountability and evaluation

The Senate amendment and the House bill require partnerships to establish an evaluation plan that includes strong performance objectives and measures.

The Senate recedes with an amendment to insert ''and measurable'' after ''strong''.

The House bill includes, among the performance objectives and measures, the number of teachers trained to integrate technology, including technology consistent with the principles of universal design for learning, into curricula and instruction.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment making technical changes to the House provision on the number of teachers required to integrate technology into curricula and instruction, and deleting the reference to ''decision making'' in this Section.

The Senate amendment and the House bill require partnerships to provide information about the activities funded under this part to educational personnel and leadership in surrounding schools and to institutions of higher education. Both give the Secretary authority to revoke a grant to partnerships not making progress on the purposes, goals, objectives, and measures of the grant by the end of the third year.

The House and Senate recede with an amendment to require the Secretary to cancel the grant if the grantee has not made substantial progress in meeting the goals and objectives of the grant after three years.

The Senate amendment and the House bill require the Secretary to evaluate activities funded under this Part, report findings to the authorizing committees, and to broadly disseminate information on successful and ineffective practices. The Senate amendment requires the Secretary to report the findings regarding the activities while the House bill requires the Secretary to report the findings regarding the evaluation of such activities.

The Senate recedes.

Section 205. Accountability for programs that prepare teachers

The Senate amendment and the House bill require institutions of higher education receiving federal assistance under the Higher Education Act to report annually to the state and the general public a Report Card containing a variety of information on traditional teacher preparation programs and alternative routes to state certification. Both require the Report Card to contain pass rates and scaled scores for students who took teacher certification assessments and are enrolled in or completed a program. The Senate amendment and the House bill require that the Report Card contain for each of the assessments used by the state the percentage of students at each institution of higher education who have completed one-hundred percent of their non-clinical course work and passed the assessment; the percentage of all students at all institutions of higher education who have passed their assessment; the percentage of students taking an assessment who enrolled in and completed a program; and the average scaled score for all students who took an assessment.

The Senate recedes with an amendment to add to the report card requirements a new subparagraph on goals and assurances requiring information on whether goals under Section 206 have been met, the activities the institution took to implement the goals, a description of the steps the institution is taking to improve its efforts to meet the goals, and a description of the activities the institution has implemented to meet the assurances required by Section 206.

The Senate amendment requires that the percentage of students taking an assessment that enrolled in and completed a program be made available widely and publicly by the state.

The House bill contains a similar provision but does not require the information be made publicly available.

The Senate recedes.

The Senate amendment and the House bill require that the Report Card contain the average scaled score, a comparison of the program's pass rates, and a comparison of the programs average scaled scores.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require that the Report Card contain program information. The House bill further requires information on the number of students in the program disaggregated by race, ethnicity, and gender.

The Senate recedes.

The Senate amendment and the House bill require that the Report Card contain a statement on approval or accreditation of teacher preparation programs. The Senate amendment and the House bill also require that the Report Card contain information on programs designated as low-performing.

The Conferees adopt the provision proposed by both the Senate and the House.

The Senate amendment and the House bill require that the Report Card contain information on the use of technology. The House bill further requires that the Report Card contain information on the training of general and special education teachers.

The Senate recedes with an amendment to include technology consistent with the principles of universal design for learning in the description required regarding the use of technology, and to eliminate ''decision making'' as an improvement sought by the use of technology.

The Senate amendment and the House bill require that partnerships report annually on the progress made toward meeting the purposes of this Part and the objectives in Section 204(a). The Senate amendment and the House bill authorize the Secretary to impose a fine of up to $25,000.

The Senate and the House recede with an amendment to increase the fine amount to $27,500.

The Senate amendment and the House bill require each state receiving federal assistance under the Higher Education Act to report annually to the Secretary a state Report Card containing a variety of information on traditional teacher preparation programs and alternative routes to state certification.

The Senate recedes with an amendment to require states to make the state Report Card mandated by this section widely available to the general public.

The Senate amendment and the House bill require that the state Report Card contain a description of the reliability and validity of the teacher certification and licensure assessments.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill contain similar provisions requiring that the state Report Card identify the standards and criteria that prospective teachers must meet to attain initial teacher certification.

The Senate recedes.

The Senate amendment and the House bill require that the state Report Card contain a description of how the assessments and requirements described in subparagraph (A) are aligned with the state's challenging academic content standards required under Section 1111(b)(1) of the Elementary and Secondary Education Act. The Senate amendment and the House bill also provide that the state Report Card contain for each of the assessments used by the state: the percentage of students at each institution of higher education who have completed one-hundred percent of their non-clinical course work and passed the assessment; the percentage of all students at all institutions of higher education who have passed their assessment; and the percentage of students taking an assessment who enrolled in and completed a program.

The Senate recedes with an amendment to include the average scaled scores of individuals participating in the program.

The Senate amendment requires that the percentage of students taking an assessment that enrolled in and completed a program be made available widely and publicly by the state.

The House bill contains a similar provision, except that it does not require such information to be made widely and publicly available.

The Senate recedes.

The Senate amendment and the House bill contain similar provisions requiring that the state Report Card include a description of alternative routes to certification, except that the Senate amendment refers to ''State certification'' and the House bill refers to ''teacher certification.''

The Senate recedes.

The Senate amendment and the House bill require that the state Report Card contain the criteria for admission into the program and the number of students in the program, disaggregated by race and gender. The House bill also requires disaggregation of program participants by ethnicity.

The Senate recedes.

The Senate amendment and the House bill contain similar provisions requiring the state Report Card to provide a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers.

The House recedes with a technical amendment to strike ''helping to'' and to change ''address'' to ''addressing.''

The House bill requires that the state Report Card contain a description of the activities that prepare general and special education teachers to effectively teach students with disabilities.

The Senate amendment contains no similar provision.

The Senate recedes with a technical amendment to strike the phrase ''A description of the activities that prepare general and special education teachers'' and replace it with ''The extent to which teacher education programs prepare teachers, including general and special education teachers.''

The Senate amendment and the House bill require that the state Report Card contain a description of the activities that prepare teachers to effectively integrate technology into curricula and instruction.

The Senate recedes with a technical amendment to move ''effectively'' from before ''integrate technology'' to after ''integrate technology'', to insert ''including technology consistent with the principals of universal design for learning'' after ''curricula and instruction'' and to insert ''and'' after '', learning'', and to strike ''and decision making''.

The House bill requires that the state Report Card contain a description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.

The Senate amendment contains no similar provision.

The Senate recedes with a technical amendment to insert ''teachers, including'' after ''that prepare'' and to insert a comma after ''special education teachers.''

The Senate amendment and the House bill prohibit the Secretary from creating a national list or ranking of states, institutions of higher education, or schools.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill requires the Secretary to ''prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this Section.''

The Senate amendment contains no similar provision.

The Senate recedes with a technical amendment to strike ''requiring practices and procedures.''

The Senate amendment and the House bill require the Secretary to report to Congress on the quality of teacher preparation in the United States.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 206. Teacher development

The Senate amendment and the House bill require that each institution of higher education that conducts a traditional teacher preparation program set annual quantifiable goals. The Senate amendment further establishes this requirement as a condition of receiving assistance under Title IV of the Higher Education Act.

The Senate recedes.

The Senate amendment and the House bill require that one quantifiable goal be to increase the number of prospective teachers trained in teacher shortage areas. The Senate amendment provides that shortage areas are designated by the Secretary, while the House bill provides that state educational agencies make that designation.

The Senate and the House recede with an amendment to allow shortage areas to be designated by either Secretary or the state educational agency.

The Senate amendment and the House bill require that one quantifiable goal be to more closely link the training provided by the institution of higher education with the needs of schools and the instructional decisions new teachers face in the classroom.

The Senate and the House recede with an amendment to make this requirement an assurance mandated by Subsection (b), and included as a new paragraph (2) to read as follows: ''training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom.''

The Senate amendment and the House bill require that each institution of higher education that conducts a traditional teacher preparation program provide certain assurances to the Secretary. The Senate amendment links this requirement to receipt of assistance under Title IV of the Higher Education Act.

The Senate recedes.

The Senate amendment and the House bill require that each institution of higher education that conducts a traditional teacher preparation program provide assurances to the Secretary that prospective teachers receive training on how to effectively teach in urban and rural schools. The House bill limits this requirement as applicable.

The Senate recedes.

The Senate amendment and the House bill require public reporting.

The Senate and the House recede with an amendment to strike the reporting requirement in this Subsection and add a new Subsection (c), captioned ''Rule of Construction'' that provides as follows: ''Nothing in this Section shall be construed to require an institution of higher education to create a new teacher preparation area of concentration or degree program or adopt a specific curriculum in complying with this Section.''

Section 207. State functions

The Senate amendment and the House bill contain similar provisions requiring that states have in place a procedure to identify low-performing programs of teacher preparation and to provide those programs with technical assistance.

The Senate recedes with an amendment to modify Section (a) to begin ''In order to receive funds under this Act, a State shall conduct an assessment to identify low-performing programs of teacher preparation and assist such programs through the provision of technical assistance.''

The House bill provides that levels of performance of teacher preparation programs shall be determined solely by the state and may include progress in increasing the percentage of highly qualified teachers, improving student achievement, and raising the standards for entry into the teaching profession.

The Senate amendment contains a similar provision.

The Senate recedes with an amendment to change ''student achievement'' to ''student academic achievement'' and to change ''all students'' to ''elementary and secondary students.''

The Senate amendment and the House bill contain identical language on the termination of eligibility, negotiated rulemaking, and on the application of the requirements.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 208. General provisions

The Senate amendment and the House bill require the Secretary to ensure the use of fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals. The Senate amendment and the House bill also include a special rule for states that do not use content assessments as a means of ensuring that all teachers teaching in core academic subjects are highly qualified, as required under Section 1119 of the Elementary and Secondary Education Act. The Senate amendment and the House bill further require state educational agencies that receive Higher Education Act funds to provide to a teacher preparation program, upon the request of the program, any and all pertinent education-related information possessed or controlled by or accessible to the state agency that may enhance the effectiveness of the program.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 209. Authorization of appropriations

The Senate amendment authorizes for Part A such sums as necessary for fiscal year 2008 and five succeeding fiscal years.

The House bill authorizes for Part A $300,000,000 for fiscal year 2009 and such sums for two succeeding fiscal years.

The Senate recedes.

PART B—ENHANCING TEACHER EDUCATION

Section 230. Authorizations of appropriations

The House bill establishes an authorization level of such sums as necessary for Part B programs for fiscal year 2009 and each of the five succeeding years.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to authorize such sums for fiscal year 2009 and each of the five succeeding fiscal years.

SUBPART 1—PREPARING TEACHERS FOR DIGITAL LEARNERS

The House bill replaces the existing Part B, Preparing Teachers to use Technology, and establishes a new Part B program, ''Preparing Teachers for Digital Age Learners,'' that would pay the federal share of the costs of projects to graduate teacher candidates who are prepared to use modern information, communication, and learning tools; to strengthen and develop partnerships among the stakeholders in teacher preparation; and to assess the effectiveness of departments, schools, and colleges of education.

The Senate amendment contains no similar provision.

The Senate recedes.

The Conference agreement contains language to ensure that funds under section 232 can be used to, ''build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workplace.''

The Conferees intend the term ''technology literacy'' to include student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning and citizenship in the knowledge-based, digital, and global 21st century, which includes, at a minimum, the ability to use technology to: (1) Effectively communicate and collaborate with others in a safe and ethical manner; (2) Analyze and solve problems, including the application of the engineering design process; (3) Access, evaluate, manage, and create information and otherwise gain information literacy; and (4) Demonstrate creative thinking, construct knowledge, and develop innovative products and processes.

SUBPART 2—THE AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE

The House bill establishes a new program for the creation of Augustus F. Hawkins Centers of Excellence at Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs). The purposes of these Centers are to increase teacher recruitment at HBCUs and MSIs and to make institutional improvements to teacher preparation programs at such institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recedes.

SUBPART 3—PREPARING GENERAL EDUCATION TEACHERS TO MORE EFFECTIVELY EDUCATE STUDENTS WITH DISABILITIES

The House bill establishes a new Teach to Reach program, a competitive grant program for eligible partnerships to improve the preparation of general education teacher candidates in order to more effectively teach students with disabilities.

The Senate amendment contains no similar provision.

The Senate recedes.

SUBPART 4—ADJUNCT TEACHER CORPS

The House bill establishes a new program called the Adjunct Teacher Corps, a competitive grant program for local education agencies or local education agency partnerships to help recruit and train math, science, and critical foreign language specialists to serve as adjunct content specialists in support of teachers. Grants last five years and must be matched one-hundred percent by non-federal sources.

The Senate amendment contains no similar provision.

The Senate recedes.

SUBPART 5—GRADUATE FELLOWSHIP TO PREPARE FACULTY IN HIGH NEED AREAS AT COLLEGES OF EDUCATION

The House bill includes a provision under Title VII to establish a priority under the Graduate Assistance in Areas of National Need (GANN) program to fund eligible grantees aimed at educating individuals to become professors in the fields of special education, bilingual education and math and science education.

The Senate includes no similar provision.

The Senate recedes with an amendment to create a new program under Title II to establish graduate fellowships to prepare individuals to become university faculty who will prepare highly qualified teachers in fields of special education, bilingual education and English as a second language, mathematics and science.

The Conferees recognize the critical shortage of faculty in teacher preparation programs in these areas. This program will ensure that teacher preparation programs have the capacity to prepare highly qualified teachers in these high need fields.

PART C—GENERAL PROVISIONS

Section 261. Limitations

The Senate amendment and the House bill include similar provisions that indicate that nothing in this Title (Senate) or Part (House) shall be construed to authorize federal control over private, religious, or home schools, however defined under state law. The Senate amendment also provides that nothing in this title shall be construed to authorize the Secretary to establish any national system of teacher certification or licensure.

The House recedes.

The Conferees intend that nothing in this section shall be constructed to limit individual states from collaborating with other states to update, revise, or create state systems of teacher certification or licensure, create similar or identical certification or licensure requirements, or establish certification or licensure reciprocity agreements.

The House bill provides that nothing in this Title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under federal, state, or local laws (including applicable regulations or court orders), or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers, including the right of the employees to engage in collective bargaining with their employers.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to align the language with a similar provision in the Elementary and Secondary Education Act.

TITLE III—INSTITUTIONAL AID

Section 301. Program purpose

The Senate amendment and the House bill contain similar provisions regarding the expansion of authorized activities under Part A. The Senate amendment includes remedial education and English language instruction courses as part of any innovative, customized courses designed to help students with program completion.

The Senate recedes with an amendment to add remedial education and English language instruction as part of any innovative, customized courses designed to help students with program completion.

Section 302. Definitions; eligibility

The Senate amendment corrects a cross reference in the institutional eligibility definition by removing the reference to Subsection (c), which defines the term ''endowment fund,'' and instead referring to Subsection (d), which defines the term ''enrollment of needy students.''

The House bill contains no similar provision.

The House recedes.

Section 303. American Indian tribally controlled colleges and universities

The Senate amendment and the House bill redefine a Tribal College or University (TCU) as an institution that qualifies for funding under the Tribally Controlled College and University Assistance Act (TCCUAA) or the Navajo Community College Assistance Act of 1978 or, that is cited in Section 532 of the Equity in Educational Land-Grant Status Act (EELGSA). The Senate amendment and the House bill amend the list of authorized activities and programs of a TCU and authorize the acquisition of real property adjacent to a TCU campus.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill allows faculty exchanges and fellowships to assist faculty with attaining a degree in tribal governance or policy. The House bill also permits funds to be used to provide academic instruction in tribal governance or tribal public policy.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment allows funds to be used for education and counseling services to improve the financial and economic literacy of students or their families, and developing distance education technologies.

The House bill contains a similar provision with respect to distance education technologies.

The House recedes.

The Senate amendment and the House bill amend the application process. The Senate amendment specifies that the Secretary shall establish application requirements in a manner that simplifies and streamlines the process.

The House recedes with an amendment to clarify that the streamlined process requirement applies to grants under this Section.

The Senate amendment and the House bill establish a new allocation formula whereby the Secretary may reserve thirty percent of the appropriations for one-year construction, maintenance and renovation grants of not less than $1,000,000. The House requires such reservation to begin with fiscal year 2009.

The House recedes.

The Senate amendment and the House bill provide that the Secretary shall give preference to institutions that have not received a prior award. The House bill specifies that such preference applies to institutions that have not received an award under this Section for a previous fiscal year.

The Senate recedes.

The Senate amendment and the House bill specify that of any remaining funds, sixty percent shall be allocated to eligible institutions based on Indian student count and forty percent equally distributed among eligible institutions. The minimum grant amount is $500,000.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill specify that no TCU that is eligible for and receives funds under this Section shall concurrently receive funds under other provisions of this Part or Part B.

The Senate and the House recede with an amendment to clarify that a TCU receiving funds under this Part shall not concurrently receive funds under this Part, Part B, and Title V.

The Senate amendment and the House bill provide that the wait-out period (Section 313(d) of the Higher Education Act (HEA)) shall not apply to institutions that are eligible for funds under this Section.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 304. Alaska Native and Native Hawaiian-serving institutions

The Senate amendment expands the authorized activities to include education or counseling services designed to improve the financial and economic literacy of students or their parents.

The House bill contains no similar provision.

The House recedes with an amendment to strike ''students'' parents'' and insert ''students'' families.''

Section 305. Predominantly Black institutions

The Senate amendment defines ''educational and general expenditures,'' for purposes of this Section, as the term is defined in Section 312 of the Higher Education Act (HEA). Additionally, the Senate amendment specifies that the Secretary's existing waiver authority described in Section 392(b) of the HEA is applicable under this program.

The House bill contains no similar provisions.

The House recedes.

The Senate amendment and House bill have similar provisions with respect to waiving the requirement that eligible institutions have low, per full-time equivalent undergraduate student expenditures relative to the average educational and general expenditure per full-time equivalent undergraduate students at institutions that offer similar instruction.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and House bill include similar definitions of ''enrollment of needy students''. The Senate amendment counts students who attended a public or nonprofit secondary school in a district that was eligible for assistance under Part A of Title I in ESEA and where enrollment of students counted under Section 1113(a)(5) of ESEA exceeds thirty percent. The House bill includes students who attended a secondary school that was a high need school during any year of the student's attendance.

The House recedes.

The Senate amendment specifies that the Secretary shall give priority to institutions with large numbers or percentages of students described in Subsections (b)(2)(A).

The House bill contains no similar provision.

The House recedes.

The House bill specifies that the Section 393 (Application Review Process) of the HEA does not apply to Predominantly Black Institution applicants.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill specifies that no Predominantly Black Institution (PBI), as defined under 318, that applies for and receives funding under this Section may receive assistance under Part B of this Title.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that a PBI receiving funds under this Part should not concurrently receive funds under other provision of this Part, Part B, and Title V.

The Senate amendment authorizes appropriations of such sums as may be necessary for fiscal year 2008 and each of the five succeeding fiscal years.

The House bill provides an authorization of appropriations in Title III of $75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the four succeeding fiscal years.

The Senate and the House recede with an amendment to authorize $75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding years.

Section 306. Native American-Serving, nontribal institutions.

The Senate amendment and the House bill establish a new program for Native American-serving, nontribal institutions of higher education to improve and expand the institutions' capacity to serve Native Americans.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to clarify that grants shall be used by Native American-serving, nontribal institutions of higher education to serve Native Americans and low-income individuals.

The Senate amendment specifies a minimum grant amount of $200,000 for grants under Title III.

The House bill contains no similar provision.

The House recedes with an amendment to clarify that the minimum grant provision applies only to this Section.

Section 307. Assistance to Asian American and Native American Pacific Islander-serving institutions

The House bill establishes a new grant program for Asian American and Native American Pacific Islander-serving institutions. Grantees are authorized to use funds for activities similar to those authorized for other Title III grantees. The House bill specifies that the Secretary shall ensure equitable distribution of the grants among all eligible institutions of higher education and shall give priority to institutions of higher education that serve a significant percentage of Asian American or Native American Pacific Islander students.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to clarify that grants shall be used by Asian American and Native American Pacific Islander-serving institutions of higher education to serve Asian Americans, Native American Pacific Islanders and low-income individuals.

Section 308. Part B definitions

Both the Senate amendment and the House bill require the Secretary to consult with the Commissioner of the National Center for Education Statistics (NCES) regarding the professional and academic areas in which blacks are underrepresented.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 309. Grants to institutions

The Senate amendment corrects a cross reference to the authorization of funds, by striking ''360(a)(2)'' and inserting ''399(a)(2).''

The House bill contains no similar provision.

The House recedes.

The Senate amendment and the House bill expand the list of authorized activities to include funding for education or counseling services designed to improve financial and economic literacy of students or their parents. The House bill specifies that such information shall focus on student indebtedness and student assistance programs under Title IV. The House bill additionally authorizes the acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

The Senate recedes with an amendment to strike ''parents'' and insert ''families.''

The House bill additionally authorizes technical assistance or services necessary for the implementation of activities described in the grant application. Not more than two percent of the grant amount may be used for this purpose.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike technical assistance.

Section 310. Allotments

The House bill changes the minimum allotment.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 311. Professional or graduate institutions

The House bill specifies that any funds awarded for the five year grant period authorized under this Section and that are obligated during such five year period may be expended during the ten year period beginning on the first day of such five year period.

The Senate amendment contains no similar provision.

The Senate amendment and the House bill authorize the acquisition of real property in connection with the construction, renovation, addition to, or improvement of campus facilities. The House bill does not specify that such property be adjacent to the campus.

The House recedes.

The Senate amendment and the House bill authorize education or counseling services designed to improve the financial and economic literacy of students or their parents. The House bill requires that such information focus on student indebtedness and student assistance programs under Title IV.

The Senate recedes with an amendment to strike ''parents'' and insert ''families.''

The Senate amendment authorizes tutoring and counseling services to improve academic success.

The House bill contains no similar provision.

The House recedes.

The Senate amendment includes additional requirements regarding the application.

The House bill contains no similar provision.

The House recedes.

The House bill authorizes funds to be used for technical assistance or services necessary for the implementation of the activities described in the grant application. Not more than two percent of the grant amount may be used for this purpose.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike technical assistance.

The Senate amendment and the House bill expand the list of eligible graduate and professional schools/programs under Part B of Section 326 of the HEA. The Senate amendment adds qualified graduate programs at Alabama State University, Coppin State University, Prairie View A&M University, Fayetteville State University, Delaware State University;; Langston University, West Virginia State University, Kentucky State University, and Grambling State University. The House bill adds Alabama State University; Bowie State University, Delaware State University; Langston University; Prairie View A&M University, and the University of the District of Columbia Law School.

The Senate recedes.

Under current law any funds in excess of $28,600,000 are made available to institutions using a formula with various factors. The Senate amendment amends the allocation formula with respect to the number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this Section in the preceding year.

The House bill contains no similar provision.

The Senate amendment includes as an element of the formula developed by the Secretary the percentage of students at the institution who are Black American students and minority students receiving their first professional, master's, or doctoral degree from the institution of higher education or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degree in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.

The House bill contains no similar provision.

The House recedes with an amendment to strike references to ''Black American'' and insert ''African American.''

The House bill changes the funding reservation structure to reserve the first $54,500,000 appropriated for the eighteen grantees listed prior to 2008, and reserves $6,000,000 for the six institutions added by the House bill.

Section 312. Unexpended funds

The House bill provides that any funds paid to an institution of higher education that are not expended or used for the purposes for which the funds were paid during the five year period following the date of the initial grant award, may be carried over and expended during the succeeding five year period, if such funds were obligated for a purpose for which the funds were paid during the five year period following the date of the initial grant award.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 313. Endowment challenge grants

The House bill increases the maximum grant amount to $1,000,000 and the minimum grant amount to $100,000.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 314. Historically Black college and university capital financing

The House bill amends the definition of a ''capital project'' by clarifying that such project includes the construction or acquisition of a facility, equipment or fixture that is essential to maintaining the accreditation of the institution by an accrediting agency or association recognized by the Secretary.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike the reference to a ''nationally recognized accrediting agency or association'' in current law.

The House bill amends the definition of ''designated bonding authority'' to include ''any private, for-profit corporation selected by the Secretary,'' rather than ''the private, for-profit corporation selected by the Secretary'', in order to allow multiple bonding authorities to operate concurrently.

The Senate amendment contains no similar provision.

The House recedes.

The House bill further amends the definition of ''designated bonding authority'' to clarify that bonds issued by such authority are for the purposes of financing capital projects.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill includes definitions of ''eligible foundation'' and ''borrower.''

The Senate amendment contains no similar provision.

The House recedes.

The House bill reduces to one percent the current maximum of two percent of the proceeds from qualified bonds that the designated bonding authority may retain for issuing bonds.

The Senate amendment contains no similar provision.

The House recedes.

The House bill specifies that the designated bonding authority may not charge interest on loans in excess of one percent.

The Senate amendment contains no similar provision.

The House recedes.

The House bill specifies that, for loans closed before June 15, 2008, any remaining loan proceeds deposited in escrow that are made available to the Secretary to pay principal and interest on bonds in the event of delinquency in repayment shall be returned to the borrower within ninety days of the scheduled repayment of the loan.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to eliminate the restriction on the applicability of the provision to loans closed by a date certain, to provide that any remaining loan proceeds deposited in escrow shall be returned to the borrower within 120, rather than ninety days of the scheduled repayment of the loan, and to update a reference in current law with respect to the amount of loan proceeds that are deposited in escrow.

The House bill specifies that any loan collateralization shall not exceed one-hundred percent of the loan amount.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to allow loan collateralization to exceed one-hundred percent only if required by the Secretary.

The House bill specifies that, for loans closed after June 15, 2008, the designating bonding authority shall establish a reserve account into which shall be deposited an origination fee of one percent with respect to each loan. The account shall be available to the Secretary to pay principal and interest on bonds in the event of delinquency in loan repayment.

The Senate amendment contains no similar provision.

The House recedes.

The House bill provides for loan forbearance and deferment on terms agreed to in writing between the designated bonding authority and a borrower, subject to the approval of the Secretary in consultation with the Historically Black Colleges and Universities (HBCU) Capital Financing Advisory Board.

The Senate amendment contains no similar provision.

The House recedes.

With respect to the limitations on federal insurance for bonds issued by the designated bonding authority, the House bill increases the maximum amount of aggregate principal and accrued unpaid interest that may be outstanding at any time from $375,000,000 to $1,100,000,000 and, of this amount, allots $733,333,333 for loans to private HBCU's and $366,666,666 for loans to public HBCU's.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to increase the allotment for loans to public HBCU's to $366,666,667.

The House bill directs the Secretary to specify up to three designated bonding authorities authorized under Part D and to provide for periodic review of designated bonding authority authorizations no less frequently than every three years.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike the requirement that the Secretary specify up to three designated bonding authorities, and insert a requirement that the Secretary ensure that the selection process for the designated bonding authority is conducted on a competitive basis and that the evaluation and selection process is transparent. The Secretary is directed to review the performance of the designated bonding authority after the third year of the insurance agreement and to implement a revised competitive selection process if determined necessary by the Secretary, in consultation with the HBCU Capital Financing Advisory Board.

The Senate amendment requires that not later than ninety days after the date of enactment of the [Short Title], the Secretary shall submit to the authorizing committees a report on the progress of the Department of Education in implementing the recommendations made by the Government Accountability Office (GAO) in October 2006, for improving the HBCU Capital Financing Program.

The House bill contains no similar provision.

The House recedes with an amendment to provide the Secretary 120 days after the date of enactment of this Act to submit the report to the authorizing committees.

The Conferees recognize the prominent role that HBCU's have played in our Nation's history. The Conferees also appreciate that the HBCU Capital Financing Program has helped to strengthen HBCU's by providing access to low-cost financing to fund infrastructure improvements. The Conferees intend for the Secretary to implement improvements that will further enhance the

program for HBCU's, including those identified by the GAO in its October 2006 report on the program. The Conferees also intend for the Secretary to continue the Department of Education's reported efforts to explore other options to improve the program. In particular, the Conferees intend for the Secretary to explore alternative methods of compensating the designated bonding authority that would reduce the cost of bond issuance incurred by participating HBCU's, while simultaneously ensuring that the compensation is sufficient to ensure interest on the part of companies to compete to become the program's designated bonding authority. Currently, HBCU's that participate in the program pay up to two percent of the proceeds of bonds issued to the designated bonding authority. The Conferees intend for the Secretary to consider, among other options, a fee structure that would charge up to two percent of the proceeds from bond issuance but not above a reasonable amount (to be determined after an assessment of the actual costs of bond issuance). To ensure continued improvements are made to the program and that it is meeting the needs of HBCU's, the Conferees intend to engage in robust oversight of the Department of Education's administration of the program.

The House bill increases from nine to eleven the number of members of the HBCU Capital Financing Advisory Board, increases from two to three the number of members required to be presidents of public HBCU's, and designates the President of the Thurgood Marshall Scholarship Fund as a member of the Advisory Board.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''Scholarship'' and insert ''College'' to correct the Title of the Thurgood Marshall College Fund.

Section 315. Programs in STEM fields

The House bill creates a new subpart 2, ''Programs in STEM Fields'', and a new YES Partnership Grant, that provides support to eligible partnerships for minority youth engagement in science, technology, engineering and mathematics, through outreach and experiential learning. The partnership must include at least one institution of higher education eligible for assistance under Title III or V, at least one high-need local education agency; and at least two community organizations. The House bill specifies a minimum grant amount of $500,000.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill amends Section 361(4) of the HEA, eligibility for grants, to clarify that public institutions of higher education may be included in the consortia. The House bill also includes research laboratories at the Department of Defense or the National Science Foundation as possible partners in the consortia.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to clarify that institutions of higher education include both public and private institutions; to replace the research laboratories affiliated with National Science Foundation with laboratories affiliated with the National Institute of Health, and to expand eligibility to relevant divisions or offices of NASA the National Oceanic and Atmospheric Administration, the National Science Foundation, and the National Institute of Standards and Technology.

Section 316. Investing in historically Black colleges and universities and other minority serving institutions

The House bill includes a provision to move Part J of Title IV of the College Cost Reduction and Access Act to Title III.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 317. Technical assistance

The House bill authorizes the Secretary to provide technical assistance to eligible institutions to prepare them to qualify, apply for and maintain a grant under Title III.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 318. Waiver authority

The House bill provides the Secretary with waiver authority for institutions that are located in an area affected by a Gulf Hurricane. Specifically the Secretary shall waive the following for each fiscal year 2009 through 2013: the data requirements for eligibility under Section 312 (b) of the HEA; the wait-out period for Part A grants; allotment requirements for Part B; and the use of the funding formula for the historically Black college and university graduate and professional institutions. The House bill makes available to each affected institution of higher education an amount that is not less than the amount made available to such institutions under this Title for fiscal year 2006.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to provide for a ratable reduction in the event of reduced appropriations and to change the waiver extension to three mandatory years and two permissible years.

The House bill includes TCU's in the definition of an affected institution.

The Senate amendment contains no similar provision.

The House recedes.

The House bill includes in the definition of an affected institution Alaskan Native-serving and Native Hawaiian-serving institutions.

The Senate amendment contains no similar provision.

The House recedes.

The House bill defines ''area affected by a Gulf hurricane disaster'' and ''Gulf hurricane disaster'' as they are defined in Section 209 of the Higher Education Hurricane Relief Act of 2005.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 319. Authorization of appropriations

The Senate amendment authorizes ''such sums as may be necessary'' for all Title III programs for fiscal year 2008 and each of the five succeeding years.

The House bill provides specific sums for fiscal year 2009 and such sums as may be necessary for each of the four succeeding years.

The Senate recedes with an amendment to authorize appropriations for fiscal year 2009 of: $135,000,000 for Part A other than American Indian Tribally Controlled Colleges and Universities, $75,000,000 for Predominantly Black Institutions, $30,0000,000 for American Indian Tribally Controlled Colleges and Universities, $15,000,000 for Alaska Native and Native Hawaiian-Serving Institutions, $30,000,000 for Assistance to Asian American and Native American Pacific Islander-Serving Institutions, $25,000,000 for Native American-Serving, Nontribal Institutions, $375,000,000 for Strengthening Historically Black Colleges and Universities, $125,000,000 for Historically Black Graduate Institutions, $10,000,000 for Endowment Challenge Grants for Institutions Eligible for Assistance Under Part A or Part B, $185,000 for Historically Black College and University Capital Financing, such sums as necessary for Technical Assistance, $12,000,000 for the Minority Science and Engineering Improvement Program, and such sums as may be necessary for YES Partnership Grants, and such sums as may be necessary for each of the five succeeding fiscal years for each program.

Section 320. Technical corrections

The Senate amendment and the House bill are identical with respect to the technical amendments.

The Conferees adopt the provisions as proposed by both the Senate and the House.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Section 401. Federal Pell grants

The Senate amendment extends the program authority for Pell to 2013.

The House bill has no similar provision.

The Senate recedes.

The Senate amendment increases the authorized maximum Pell award is as follows: $5,400 for academic year 2008–2009; $5,700 for 2009–2010; $6,000 for 2010–2011; and $6,300 for 2011–2012. The House bill increases the authorized maximum Pell award to $9,000 for each of the academic years.

The Senate and House recede with an amendment to increase the authorized maximum Pell award as follows: $6,000 for the academic year 2009–2010; $6,400 for 2010–2011; $6,800 for 2011–2012; $7,200 for 2012–2013; $7,600 for 2013–2014 and $8,000 for 2014–2015.

The Senate amendment changes the minimum Pell award to ten percent of the appropriated maximum Pell award.

The House contains no similar provision.

The House recedes.

The Senate amendment and the House bill authorize a year-round Pell grant. The Senate amendment provides up to two Pell grant awards in a single academic year for students who enroll at least half-time in a four-year or two-year program of instruction. The House bill is the same except that it allows a student enrolled in certificate program to be eligible for year-round Pell grants.

The House recedes with an amendment to specify that students enrolled in a certificate or diploma program at a two-year or four-year institution of higher education are also eligible to receive up to two Pell grants in one award year.

The Conferees recognize the importance of enabling students to accelerate the completion of their programs of study by enrolling in school year-round.

The House bill denies eligibility for a Pell Grant to individuals who are subject to an involuntary civil commitment for committing a forcible or non-forcible sexual offense.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill makes technical amendments to provisions pertaining to the disbursement of the mandatory Pell Grant funds, emphasizing that the mandatory Pell grant funds and the discretionary Pell grant funds may be disbursed in the same manner during the same timeframe. The House bill specifies that the mandatory funds shall remain available for two full fiscal years to be consistent with discretionary Pell Grant funds.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment and the House bill limit Pell Grant receipt to eighteen semesters or an equivalent determined by the Secretary. The House bill also specifies that twenty-seven quarters is equivalent to this limit.

The House recedes.

The Senate amendment states that the eighteen-semester limit is determined without regard to attendance status (full-time or

part-time) and includes time prior to the date of enactment. The House bill specifies that only the amount (or percent) of time that the student enrolls shall be counted against the time limit. The House bill also applies the limit only to students who receive their first Pell Grant after July 1, 2008.

The Senate recedes.

The House bill sets the expected family contribution (EFC) to $0 for any Pell eligible student whose parent or guardian was a member of the Armed Forces and died in Iraq or Afghanistan after September 11, 2001. The student must also be eighteen years or less or enrolled part-time or full-time at an institution of higher education when the parent died.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that to be eligible, a student must have been twenty-four years of age or less, or enrolled at least part-time at an institution of higher education, at the time of parent's death. The Secretary of Defense and the Secretary of Veterans Affairs shall provide the Secretary of Education with the information necessary to determine which students meet the requirement.

The Conferees intend for the Secretaries of Defense and Veterans Affairs to work with the Secretary of Education to design mechanisms by which potential beneficiaries of this provision may be made known to the Secretary of Education. The Conferees intend for the Secretaries of Defense and Veterans Affairs to notify individuals of the conditions under which they may be eligible for an expected family contribution of zero, and provide direction for obtaining this benefit. The Conferees do not intend for this provision to require the addition of any new questions to the Free Application for Federal Student Aid.

Section 402. Academic competitiveness grants

The Conferees agreed to adopt the following provisions in the Senate amendment and House bill, as indicated, but the provisions were struck from the conference agreement because they were enacted in the ''Ensuring Continued Access to Student Loans Act of 2008'' (PL 110–227).

The Senate amendment and the House bill remove the term ''academic'' from all references to year of study in the Academic Competitiveness (AC) and National Science and Mathematics Access to Retain Talent (SMART) grant program provisions. However, the House bill replaces ''academic'' with ''award.''

The Senate recedes.

The Senate amendment and the House bill eliminate the requirement that eligible students must be full-time. Both the Senate amendment and the House bill extend AC and SMART grant eligibility to eligible noncitizens. The Senate amendment states that a student must be Pell-eligible and the House bill states that the student must be eligible for federal student aid.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill require that a student be enrolled at least half time to receive AC or SMART grants and that for students enrolled less-than-full time, the amount of the grant is reduced in the same manner as Pell Grants.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill eliminates the requirement that a rigorous program must be established by the State or local education agency and replaces it with courses that prepare students for college and work that are beyond the basic graduation requirements and that are recognized by the designated State official, or with respect to any private school or home school, the designated school official for such school, consistent with State law.

The Senate amendment has no similar provision.

The Senate recedes.

The House bill extends AC grant eligibility to students who were previously enrolled in a program of undergraduate education as a part of their secondary education.

The Senate amendment has no similar provision.

The Senate recedes.

The House bill extends eligibility to students enrolled in certificate programs. The Senate amendment specifies that the extension of eligibility is for a student's first year for students enrolled in certificate programs lasting at least one year, and for a second year in the case of students enrolled in certificate programs lasting at least two years.

The House recedes.

The Senate amendment and the House bill redefine which foreign language majors are eligible for SMART grants by removing the requirement that the foreign language must be approved by the Secretary and the Director of National Intelligence, and referencing the list of critical foreign languages published in the Federal Register on August 2, 1985. The Secretary may set priorities according to national security, economic competitiveness and educational needs.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill extend eligibility for SMART grants to students studying qualified subjects who are enrolled in institutions of higher education that do not permit declaration of a major. The Senate amendment also extends eligibility to students who are required as part of their degree program to undertake a rigorous course of study in mathematics, biology, chemistry and physics.

The House recedes with an amendment to require that students enrolled in institutions that do not allow for a declaration of a major, that such students must have a cumulative grade point average of at least 3.0, unless they are enrolled in a degree program that requires a rigorous course of study in mathematics, biology, chemistry, and physics, in which there is no specific grade point average.

The Senate amendment extends a fifth year of eligibility for SMART grants to students in programs that require five full years of course work.

The House bill has no similar provision.

The House recedes.

The House bill clarifies that the $750 grant amount is for one academic year, during the student's first year of enrollment, that the $1,300 grant amount is for one academic year, during the student's second year of enrollment, and that the $4,000 grant amount is for one academic year, during each of the student's third and fourth years of enrollment.

Senate amendment has no similar provision.

The Senate recedes.

The Senate amendment specifies that the Secretary may not award a grant to any student for credit received prior to the enactment of HERA. The Senate amendment clarifies that the Secretary may not award more than one grant to a student for each year of study through the fifth year. The Senate amendment requires that institutions of higher education make payments for AC and SMART grants in the same manner as Pell. The Senate amendment specifies that the funds shall remain available for a succeeding fiscal year.

The House bill has no similar provisions.

The House recedes.

In addition, Conferees agree to adopt the following changes to the ''Ensuring Continued Access to Student Loans Act of 2008'' (PL 100–227): to waive master calendar and negotiated rulemaking for the changes to the Academic Competitiveness and SMART grant program included in that statute; to make the changes to the program take effect starting on July 1, 2009; to require the appropriate official, consistent with State law, to submit eligible rigorous curricula to the Secretary at such time as the Secretary may require; and to clarify that a rigorous curricula also includes one that is recognized as such by the Secretary in regulations promulgated to carry out this section, as such regulations were in effect on May 6, 2008.

Section 403. Federal TRIO programs

The Senate amendment and the House bill extend the duration of TRIO grants from four to five years, increase minimum grant amounts for each of the TRIO programs to $200,000 except the evaluation grants which are raised to $170,000, prioritize high quality service delivery, and prohibit the Secretary from providing assistance to fraudulent programs. The Senate amendment and the House bill clarify that the Secretary may award grants to different campuses of an institution. Both the Senate and the House make the same amendment concerning prior experience and data. The Senate amendment and the House bill make the same amendment concerning the objectives of the Postbaccalaureate Achievement Program, and Educational Opportunity Centers. The Senate amendment and the House bill make conforming amendments to the subparagraph on the Secretary's waiver authority and subsection (e) (Documentation of status as a low-income individual). The Senate amendment and the House bill change the definitions subsection and add new definitions for the terms ''different campus'' and ''different population.'' The Senate amendment and the House bill extend eligibility for the Postbaccalaureate Achievement program to Native Hawaiians and Pacific Islanders.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill clarifies that community-based organizations are eligible for the TRIO programs and removes a requirement in current law that secondary schools be eligible only in exceptional circumstances. The House bill extends the duration for certain grants in order to synchronize current award cycles and requires the Secretary to consider the number, percentages and needs of eligible participants in awarding grants.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to specify that ''organizations'' includes community-based organizations, and to clarify that secondary schools are eligible grantees as appropriate to the purposes of each program.

The additional language clarifies that secondary schools can serve as eligible grantees for TRIO programs that take place in secondary schools (e.g., Upward Bound, Upward Bound Math Science, and Talent Search).

It is the understanding of the Conferees that, when assessing the level of need of an eligible entity for a grant or contract under this chapter, the Department of Education should consider the numbers, percentages, and needs of the eligible students rather than the characteristics of the entity both for pre-college and college-level programs. Focusing on the level of need of a school could unintentionally mask the level of need of students for such services. This provision clarifies that the application process should focus on the needs of the eligible students rather than solely on the characteristics of the institutions attended.

The House bill requires that all TRIO grantees identify services for foster care youth and to ensure such youth receive services. The House bill further clarifies that homeless youth are eligible to participate in programs under this chapter.

The Senate amendment makes the same amendments, but does so in each TRIO program.

The Senate recedes with an amendment to require grantees to identify and make services available for foster care and homeless youth, and to clarify that foster care youth are eligible to participate in programs under this chapter.

The Senate amendment and the House bill set specific requirements that outcome criteria must measure the quality and effectiveness of an entity's program. Both the Senate amendment and the House bill require the Secretary to compare the results with the target established in the application.

The Senate amendment requires the entity to compare the results with the target.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill amend the outcome criteria of Talent Search. The House bill also adds language on completing a rigorous secondary school program. The Senate amendment adds language on the postsecondary education completion of students in Talent Search.

The Senate and the House recede with an amendment to include both completion of a rigorous secondary school program and postsecondary education completion as outcome criteria for students in Talent Search.

It is the understanding of the Conferees that grantees under this subchapter receive a low dollar amount per student, which may make measuring postsecondary completion of their students difficult. The Department of Education, should work with grantees to design and implement outcome measures that will not result in reduction of services to current students.

The Senate amendment and the House bill make the same amendment concerning the outcome criteria of Upward Bound. The House bill also adds language on completing a rigorous secondary school program.

The Senate recedes with an amendment to include postsecondary education completion and to specify that students graduate from secondary school with a regular diploma in the standard number of years as outcome criteria for students in Upward Bound.

The Senate amendment and the House bill make the same amendment concerning the outcome criteria of Student Support Services.

The House recedes with an amendment to clarify the outcome criteria relating to the completion of degree programs.

The House bill adds a new appeals process in the event that the Secretary does not accept an application or does not fund an application.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to create an appeal process for TRIO program applicants, in cases where the applicant has evidence of a specific technical, administrative, or scoring error made by the Department, an agent of the Department, or a peer reviewer on an application, which includes review by a secondary review panel, to formally appeal their grant scores.

The need for such a process is evidenced by past errors including the miscalculation of prior experience points by the Department, applications lost or wrongly determined to be incomplete by the Department or its agent (such as Grants.gov), and misunderstandings by peer reviewers of the program purpose of a grant applicant and the population that that program serves. By including this language, Conferees intend to prevent future errors from wrongly denying programs funding and ensure that all TRIO applicants are subject to a fair and transparent application process.

The Senate amendment authorizes TRIO at such sums as necessary for fiscal year 2008 and the five succeeding fiscal years.

The House bill established the TRIO authorization level at $950,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years.

The Senate recedes with an amendment to authorize $900,000,000 for fiscal year 2009 and such sums as necessary for each of the five succeeding fiscal years.

The Senate amendment amends veterans eligibility for Upward Bound to include anyone who served on active duty more than 180 days after January 31, 1955; served on active duty after January 31, 1955 and was discharged because of a service connected disability; or was a member of the reserves and called to active duty for more than 180 days.

The House bill amends veterans eligibility for Upward Bound to include anyone who served on active duty more than 180 days; served on active duty and was discharged because of a service connected disability; was a member of the reserves and called to active duty for more than 180 days; or was a member of the reserves who served on active duty in support of a contingency operation on or after September 11, 2001.

The Senate recedes with an amendment to specify that a member of the reserves called to active duty for more than thirty days is eligible for Upward Bound.

The Senate amendment amends the authorizing language for the Talent Search program, by removing language on educational potential and ability to complete and adding language regarding encouraging eligible youths and facilitating students' application for aid. The Senate amendment adds a new subsection to specify required and permissible services.

The House bill contains no similar provisions.

The House recedes with an amendment to move academic tutoring to a permissible service and to require connections to education or counseling services designed to improve financial literacy, instead of requiring the provision of those services.

The Senate amendment provides language authorizing Talent Search to give support to students who are limited English proficient, homeless, and who are in or aging out of foster care.

The House bill authorizes Talent Search to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recedes with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Conferees recognize that students who are limited English proficient, students from groups that are traditionally underrepresented in higher education, students with disabilities, homeless students, youth aging out of foster care, or other disconnected students, such as pregnant or parenting teens or youth who have been involved in the juvenile justice system, have additional challenges in accessing postsecondary educational opportunities and persisting until program completion. Therefore, the Conferees encourage TRIO grantees, as appropriate, to offer programs and activities that are specially designed to address the unique challenges these students face as they work to achieve a college degree.

Further, this provision seeks to increase the number of minority men in higher education as well as other populations who are unrepresented in higher education. The under representation of minority males, especially African American and Latino males, is a matter of public record that is reinforced by high drop-out rates in urban and rural school districts and by lower participation/enrollment rates of these groups in colleges and universities. By encouraging programs to recruit students from these underrepresented populations, this provision helps provide needed supports to these youth so that the higher education student body better reflects national demographics.

The Senate amendment replaces the current Upward Bound subsection (b) Permissible Services with a new subsection (b) Required Services that includes many of the current permissible services. The Senate amendment renames the current subsection (c) Required Services calling it (c) ''Additional Required Services for Multiple-Year Grant Recipients.'' The Senate amendment creates a new subsection (d) Permissible Services that includes services permissible under current law and not listed in the new subsection (b) above.

The House bill amends Upward Bound permissible services to add veterans' mathematics and science preparation.

The House recedes with an amendment to add special services for veterans, including mathematics and science preparation.

The Senate amendment adds language authorizing Upward Bound to give support for students who are limited English proficient, homeless, and who are in (or are aging out of) foster care.

The House bill authorizes Upward Bound to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recedes with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment gives priority to projects that select not less than thirty percent of their participants from students who have a high risk of academic failure.

The House bill contains no similar provision.

The Senate recedes with an amendment to allow Upward Bound to select academically at-risk students from the population of students that are not both low-income and prospective first generation students.

The Senate amendment prohibits the Secretary from denying a student participation in a project because the student will enter the project after the ninth grade.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends the stipend provision to allow flexibility in defining the period for summer recess.

The House bill contains no similar provision.

The House recedes.

The House bill prohibit the Secretary from proceeding with the implementation or enforcement of the Absolute Priority published in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment provides a separate authorization of $57,000,000 for certain Upward Bound projects for fiscal year 2007.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment adds the program authorization for Student Support Services to give support for students who are limited English proficient, homeless, and who are in (or are aging out of) foster care.

The House bill authorizes Student Support Services to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recedes with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment replaces the current subsection (b) Permissible Services with a new subsection (b) Required Services that includes many of the current permissible services. The Senate amendment creates a new subsection (c) Permissible Services that includes services permissible under current law and not listed in the new subsection (b) above. The Senate amendment also adds a new required service for Student Support Services programs to improve financial and economic literacy.

The House bill contains no similar provisions.

The House recedes with an amendment to clarify that academic tutoring may be provided directly or indirectly through services provided by the institutions.

The Senate amendment adds housing services for students who are (or were) homeless and students who are in (or are aging out of) foster care.

The House bill contains no similar provision.

The House recedes.

The Senate amendment designates certain services as required and others as permissible under the Postbaccalaureate Achievement program authority and adds financial literacy services as a permissible service.

The House bill contains no similar provision.

The House recedes.

The Senate amendment makes other conforming amendments to the Postbaccalaureate Achievement program.

The House bill contains no similar provision.

The House recedes.

The Senate amendment adds the program authorization for Educational Opportunity Centers to give support for students who are limited English proficient, homeless, and who are in (or are aging out of) foster care.

The House bill authorizes Educational Opportunity Centers to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recedes with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment adds financial and economic literacy to the authorized activities for Educational Opportunity Centers.

The House bill contains no similar provision.

The House recedes.

The Senate amendment changes the current allowable service of personal counseling to ''individualized personal, career, and academic counseling.''

The House bill contains no similar provision.

The House recedes.

The Senate amendment adds to Staff Development strategies for recruiting and serving students who are homeless and students who are in (or are aging out of) foster care.

The House bill amends ''Staff Development'' activities, adding strategies to reach limited English proficient students, those from ''disadvantaged backgrounds that have particular lower educational access or outcomes, disconnected students, and students with disabilities.''

The House recedes with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment and the House bill require the same new report from the Secretary to the authorizing committees and include practices regarding evaluations and the dissemination of evaluation findings.

The Senate and House recede with an amendment to require the new report, as well as an evaluation of the Upward Bound program to be implemented by June 30, 2010.

The Conferees intend for the evaluation of the Upward Bound Program to produce reliable data on the extent to which the program is effective in accomplishing its core purpose of generating the skills and motivation necessary for students to succeed in postsecondary education. To that end, the evaluation should be thorough, well-designed, and, to the degree feasible, free of factors that could affect the reliability of the evaluation. As such, the Conferees expect that the evaluation will not include data from the cohort of students selected for Upward Bound while the absolute priority for the program published by the Department of Education in the Federal Register on September 22, 2006, was in effect. The Conferees also expect the evaluation to be designed, consistent with the other requirements regarding evaluations in section 402H, in a manner that controls for other variables that affect students' likelihood of successfully transitioning into postsecondary education, so that the specific impact of Upward Bound, as distinct from other factors, may be evaluated.

In addition, the evaluation should also include an assessment of whether students with specific characteristics are more successful in transitioning to postsecondary education as a result of Upward Bound. For example, consideration could be given to variables such as racial/ethnic group, parents' education level, and level of the students' educational expectation and whether they interact in a way to promote greater success in the program. Finally, the evaluation should build upon past research findings, such as research on programs with similar objectives as Upward Bound, to determine which programs have produced better results than others, and to identify the common program characteristics that are associated with successful transition to postsecondary education. The Conferees expect the authorizing committees to be able to use the results of the evaluation authorized in this section, as well as past research findings, to inform potential changes to Upward Bound in future reauthorizations.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill prohibit the Secretary from requiring a grantee to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

The Conferees agree to adopt the provision with technical changes.

The House bill requires the Secretary, when designing an evaluation, to consider the burden that may be placed upon participants and institutional review board.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that the Secretary shall continue to consider whether an evaluation meets generally accepted standards of institutional review boards.

Section 404. Gaining early awareness and readiness for undergraduate programs

The Senate amendment removes the requirement that eligible entities ''provide or maintain a guarantee to eligible low-income students who obtain a secondary school diploma (or its recognized equivalent), of the financial assistance necessary to permit the students to attend an institution of higher education.''

The House bill contains no similar provision.

The House recedes with an amendment to clarify that eligible entities shall provide support and maintain a commitment to assisting participants in obtaining a secondary school degree and succeeding in postsecondary education.

The House bill includes students with disabilities to the description of those to receive services.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill establishes the duration of grants to be seven years.

The Senate amendment allows funds from a previous grant to be carried over to the following year.

The Senate recedes with an amendment that provides for a grant period of six years or, in the case of an entity that plans to provide services to students through their first year of postsecondary education, for seven years.

The House bill updates the prior commitment provision in current law by giving priority to entities that have carried out successful programs prior to enactment of this Act. The House bill retains the requirement in current law that the Secretary will ensure that students served under the program will continue to receive assistance through completion of secondary school.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment amends the definition of a partnership by removing the reference to elementary and secondary schools and replacing it with one or more local educational agencies.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends the funding rules in current law to: remove references to continuation grants for the program which preceded GEAR UP; remove the requirement that thirty-three percent of funds go to the State grant program and thirty-three percent go to the Partnerships program; require the Secretary to consider the geographic and rural/urban distribution of grants; remove the requirement that twenty-five to fifty percent of grant funds be used for early intervention; and add a new supplement, not supplant provision.

The House bill contains no similar provisions.

The House recedes with an amendment to require the Secretary, in distributing grant funds, to make available no less than thirty-three percent of grant funds to States and no less than thirty-three percent of grant funds to partnerships and to distribute the remaining grant funds between states and partnerships. In awarding grants the Secretary shall take into consideration the number, quality, and promise of the applications; and to the

extent practicable, the geographic distribution of such awards; and the distribution of such awards between urban and rural applicants.

The Senate amendment changes ''plans'' to ''applications'' and removes the requirement that an application for a partnership grant ''provide for the conduct of a scholarship component.'' The Senate amendment expands the contents of the application to include descriptions of how the entity will meet the requirements of program activities, define cohorts of students to be served, and coordinate with existing programs.

The House bill contains no similar provisions.

The House recedes.

In providing assurances that adequate administrative and support staff will be responsible for coordinating the activities of the GEAR UP grant, the Conferees acknowledge the importance of grantees identifying an individual whose primary responsibility is to serve as the coordinator for the GEAR UP grant as well as the other administrative and support staff who will be involved in carrying out the activities described in the grant application.

The House bill permits grantees to provide matching funds over the duration of the grant award period.

The Senate amendment has no similar provision.

The Senate recedes with an amendment to clarify that the grantee must make substantial progress towards meeting the match in each year of the grant award period.

The House bill authorizes grantees and applicants to request a reduction of the matching percentage requirement if they can demonstrate a change in circumstances.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that an entity may request a reduced match at the time of application due to significant economic hardship and a grantee may request a reduced match if matching funding no longer is available and it has exhausted its reserves.

The House bill encourages eligible entities to provide student aid to participants by treating every non-federal dollar as two dollars for the purpose of satisfying the matching requirement.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to permit partnerships that provide scholarships to request a reduced match at the time of their application. Such application must include a description of how a reduced match will assist the entity to provide scholarships.

The Senate amendment and the House bill amend the matching requirement to include funds ''obligated,'' instead of ''paid,'' to students from State, local, institutional, or private funds as well as ''equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment amends the early intervention activities provided under current law to distinguish between Required Activities and Optional Activities. Both States and partnerships are required to provide financial aid information, encourage enrollment in rigorous coursework, and support activities designed to improve the number of participating students who complete secondary school, and enroll in a program of postsecondary education. State grantees are further required to provide scholarships. The Senate amendment requires both State and Partnership grantees to engage in at least one of several optional activities including mentorship, outreach, support services, curricular development, support for dual enrollment, and, in the case of a partnership, support for scholarships.

The House bill contains no similar provision.

The House recedes with an amendment to clarify that, as part of an entity's required activities, in order to receive a GEAR UP grant, the entity shall demonstrate to the Secretary that the entity will provide comprehensive mentoring, outreach and supportive services to participating students.

The House bill adds financial and economic literacy education to the list of permissible activities. The House bill adds special programs or tutoring in science, technology, engineering or mathematics to the list of permissible student support activities.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment and the House bill provide for optional activities including fostering parental involvement, disseminating information, and additional activities for States. The Senate amendment and the House bill allow grantees to continue to provide services to students through completion of secondary school and into the first year of college.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to change optional activities to permissible activities.

The Senate amendment and the House bill amend the current priority for services to students for entities that do not use a cohort approach. The Senate amendment and the House bill retain students eligible to be counted under Section 1124(c) of the Elementary and Secondary Education Act of 1965, and eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act. The Senate amendment adds to the list, students eligible under Part E, in addition to Part A of Title IV of the Social Security Act, and students eligible for assistance under subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act. The House bill adds disconnected students, students in foster care, or homeless or unaccompanied youth as defined in Section 725 of the McKinney-Vento Homeless Assistance Act.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to delete the reference to free or reduced price lunch and to give priority to students who are otherwise considered disconnected students.

The Conferees recognize that students who are limited English proficient, students from groups that are traditionally underrepresented in higher education, students with disabilities, homeless students, youth aging out of foster care, or other disconnected students, such as pregnant or parenting teens or youth who have been involved in the juvenile justice system, have additional challenges to access postsecondary educational opportunities and to persist until program completion. Therefore, the Conferees encourage GEAR UP grantees, as appropriate, to offer programs and activities that are specially designed to address the unique challenges these students face as they work to achieve a college degree.

The House bill allows entities in partnerships to collaborate in providing matching resources and participate in other activities.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the application to include the sources of matching funds. In the event that the matching funds the entity described in its application are no longer available, the entity may engage other members of the partnership in a collaborative manner to provide matching resources.

The Senate amendment specifies additional optional activities for States.

The House bill contains no similar provision.

The House recedes with an amendment to change ''optional activities'' to ''permissible activities'' and to add providing administrative support to help build the capacity of partnerships to compete for and manage grants as a permissible activity for States.

The Senate amendment identifies providers who may deliver services under the State grant program.

The House bill contains no similar provision.

The House recedes.

The Senate amendment requires State grantees to reserve fifty to seventy-five percent of funds received for scholarships. The Senate amendment allows State grantees to use less than fifty percent for scholarships if other funds for scholarships can be demonstrated. The Senate amendment requires State grantees to notify students of their eligibility for scholarships.

The House bill contains no similar provisions.

The House recedes.

The Senate amendment requires State grantees to establish a scholarship trust fund containing amounts sufficient to cover the scholarship for each student in each cohort. The Senate amendment requires that scholarships be available for students upon completion of secondary school and enrollment in college. The Senate amendment requires that unused funds be returned to a grantee's trust fund for redistribution to other eligible students; funds unused after redistribution must be returned to the Secretary.

The House bill contains no similar provisions.

The House recedes with an amendment to require States to hold in reserve an amount that is not less than the scholarship amount multiplied by the number of students estimated to be eligible for a scholarship upon enrollment in an institution of higher education.

The Senate amendment repeals the current provision for 21st Century Scholar Certificates.

The House bill maintains current law.

The Senate recedes with an amendment to have a partnership or State provide the certificates.

The Senate amendment amends the GEAR UP authorization to be for such sums as necessary for 2008 and for the five succeeding fiscal years.

The House bill authorizes GEAR UP for $400,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years.

The Senate recedes with an amendment to authorize $400,000,000 for fiscal year 2009 and such sums as necessary for each of the five succeeding fiscal years.

Section 405. Academic Achievement Incentive Scholarships

The Senate amendment and the House bill repeal Academic Achievement Incentive Scholarships.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 406. Federal Supplemental Educational Opportunity grants

The Senate amendment authorizes the appropriation of such sums as may be necessary for the FSEOG program at such sums as may be necessary for fiscal year 2008 and each of the five succeeding fiscal years (through fiscal year 2013).

The House bill authorizes the appropriation of $875,000,000 for the FSEOG program for fiscal year 2009, and such sums as may be necessary for the four succeeding fiscal years (through fiscal year 2013).

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and the five succeeding fiscal years.

The Senate amendment and the House bill increase the allowance for books and supplies used in calculating each institution of higher education's average cost of attendance for purposes of allocating funds to institutions of higher education according to ''fair share'' allocation procedures from $450 to $600.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment strikes the provision at section 413D(a)(4), authorizing the Secretary to allocate up to ten percent of the amount appropriated for programs authorized under Title IV, Part A (when the appropriation exceeds $700,000,000), among institutions of higher education from which fifty percent or more Pell Grant recipients either graduate or transfer to four-year institutions of higher education. The Senate amendment makes a technical correction at section 413D(a)(1), pertaining to language for institutional base guarantee funding.

The House bill contains no similar provisions.

The Senate recedes.

Section 407. Leveraging Educational Assistance Partnership program

The Senate amends the program authorization without specifying authorization levels, but with a trigger amount ($30,000,000) over which Leveraging Educational Assistance Partnership (LEAP) funding would go to Grants for Access and Persistence (GAP) (formerly Special Leveraging Educational Assistance Partnership (SLEAP)).

The House retains an authorization level for the first year ($200,000,000) and a trigger amount for GAP ($30,000,000).

The Senate amendment authorizes the program for fiscal year 2008–2013; the House bill for fiscal year 2009–fiscal year 2013.

The Senate recedes with an amendment to authorize $200,000,000 for fiscal year 2009 and such sums as necessary for five succeeding years, with a reservation that for any fiscal year for which the amount appropriated exceeds $30,000,000, the excess amount shall be available to carry out Section 415E.

The Senate amendment and the House bill raise the maximum LEAP grant to $12,500 from $5,000. The Senate caps the amount at the cost of attendance.

The House recedes.

The Senate amendment removes the requirement that non-federal matching funds for LEAP grants and work-study come only from direct state appropriations.

The House bill contains no similar provision.

The Senate recedes with an amendment to clarify that state funds do not need to be provided by ''a direct appropriation.''

The Senate amendment and the House bill add a requirement that states notify students that the grants are a part of LEAP and are funded by the federal government and the states. The Senate amendment allows other contributing partners to be listed in the notification as well.

The Senate recedes with an amendment to add the notification, where applicable, other contributing partners.

The Senate amendment and the House bill repeal the previous Special LEAP program and replace it with new ''Section 415E. Grants for Access and Persistence'' and set purposes for the program.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that community-based organizations can be partners in the program.

The Senate amendment and the House bill require States to apply for GAP funds in partnerships with institutions of higher education and other organizations and determine the federal share based upon the share of students the partner institutions of higher education enroll. The Senate amendment sets the federal share at fifty percent if partner institutions of higher education enroll less than half of FTEs in the state and the House sets it at fifty-seven percent.

The Senate amendment sets the federal share at fifty-seven percent and the House bill sets it at 66.66 percent if partner institutions of higher education enroll more than half of full-time equivalent students in the state.

The Senate recedes.

The Senate amendment and the House bill include similar provisions regarding the non-federal share, except that the Senate amendment refers to the ''required share'' whereas the House bill specifies the minimum share from non-federal sources.

The Senate recedes.

The Senate amendment and the House bill have similar provisions for the submission of an application; however, the Senate amendment includes language for a State that desires to receive an allotment under this section on behalf of the partnership.

The House recedes.

The Senate amendment and the House bill contain similar language regarding the content of the application. The Senate amendment also includes language to clarify that the funds are to supplement not supplant.

The Senate recedes with an amendment to include supplement not supplant language.

The Senate amendment and the House bill contain similar provisions regarding the description of the organizational structure that the State has in place, except that the Senate amendment would require the State to track participation of students who receive grants.

The House recedes with an amendment to clarify that states shall compile information on degree completion of students receiving grants under this program.

The House bill requires a description of the steps the State will take to ensure students who receive grants persist to degree completion.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill provides for assurances that the State has a method in place to identify eligible low-income students and that the State will provide notification to eligible low-income students, except that the House bill limits it to LEAP Grants funded by the Federal Government and the State.

The Senate recedes with an amendment to add in the notification ''where applicable, other contributing partners.''

The Senate amendment and the House bill provide for partnerships between State agencies and institutions of higher education that require the partnership to consist of not less than one public and one private institution of higher education in the State, except that the Senate amendment includes an ''if applicable'' clause.

The House recedes.

The Senate amendment and the House bill include provisions regarding the roles of partners. The Senate requires the coordination of nonfederal share of funds.

The House contains no similar provision.

The House recedes.

The House bill specifies that institutional partners be degree-granting institutions of higher education as defined under Section 102.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill set grant amounts based on the number of students served by GAP partner institutions of higher education. The Senate amendment and the House bill set grant amounts at: not less than the average tuition and fees for students in states with smaller partnerships that are using funds to create a new grant program; up the average cost of attendance for students in states with smaller partnerships that have an existing grant program and are using these funds to expand such program; and, equal to the average cost of attendance for students in states with larger partnerships.

The Senate recedes with an amendment to specify whether a student is in a four-year or two-year institution when establishing a grant amount.

The Senate amendment and the House bill contain provisions regarding partnerships with institutions of higher education serving the majority of students in the state, except that the Senate amendment allows states to determine whether or not students in their State can use GAP grants to attend schools in that State that are not partners in the partnership.

The House recedes.

The Senate amendment and the House bill contain an early notification provision which require states to notify low-income students in grades seven through twelve of their potential eligibility for financial aid, except that the Senate amendment explicitly defines such low-income students as those eligible under the Richard B. Russell National School Lunch Act.

The Senate recedes with an amendment to delete the reference to free and reduced price lunch.

The Senate amendment and the House bill contain similar provisions regarding the required content of notice. The Senate amendment and the House bill contain provisions regarding disclaimer notices to students.

The House recedes with an amendment to include in the disclaimer that grants may be based on state spending for higher education rather than appropriations.

The Senate amendment and the House bill contain provisions regarding student eligibility. Students are eligible for grants if they meet not less than two of the following criteria, with priority given to students meeting all of the following criteria: have an expected family contribution equal to zero or a comparable alternative based upon the State's approved criteria, has qualified for a free or reduced price lunch, is eligible for the State's maximum undergraduate award, is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section, and is receiving, or has received, an access and persistence grant under this section.

Both the Senate and the House recede with an amendment to strike the requirement that students must have had to qualify for a free or reduced price lunch.

The Senate amendment and the House bill contain a tentative grant award notification provision.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that awards are estimated rather than tentative.

The Senate amendment and the House bill specify that the State may set reasonable

time limits for degree completion for the duration of the awards while the Senate amendment allows states to set the same limits for degree completion. The House bill specifies baccalaureate degree.

The House recedes.

The Senate amendment prohibits use of federal GAP funds for administrative costs. The House bill allows States to use up to 3.5 percent for administrative costs.

The Senate recedes with an amendment to allow two percent for administrative funds allowance.

The House bill adds GAP evaluation provisions to be carried out by the Advisory Committee on Student Financial Assistance.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 408. Special programs for students whose families are engaged in migrant and seasonal farmwork

The Senate amendment and the House bill change the criteria for recruitment under the High School Equivalency Program (HEP). The Senate amendment and the House bill specify that placement services designed to place students in postsecondary education may include preparation for college entrance examinations. The Senate amendment and the House bill authorize stipends to be provided to HEP participants with no requirements on the frequency of distribution. The Senate amendment and the House bill specify that other essential services may include transportation and child care.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill authorize the HEP to provide other activities to improve persistence and retention in higher education. The Senate amendment and the House bill modify the criteria for outreach and recruitment services under the College Assistance Migrant Program (CAMP) to include individuals whose immediate family has spent a minimum of seventy-five days during the past twenty-four months in migrant or seasonal farmwork. The Senate amendment and the House bill specify that supportive and instructional services provided under CAMP are intended to improve placement, persistence, and retention in postsecondary education. The Senate amendment and the House bill expand authorized services.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill expand the required follow-up services that grantees must provide to migrant students after they have completed their first year of college.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill change the minimum grant amount for each HEP and CAMP project from $150,000 to $180,000.

The Conferees agree to adopt the provision proposed by both the Senate and the House.

The Senate amendment and the House bill add a new subsection designating the reservation of funds. The House bill also includes the allocation of funds in this new subsection. The Senate amendment and the House bill allow the Secretary to reserve not more than one-half of one percent of funds available for the HEP and CAMP programs for outreach activities, technical assistance, and professional development.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires that the Secretary make available at least forty-five percent of the remaining funds for HEP grants and at least forty-five percent of the remaining funds for CAMP grants. The House bill requires that any funds remaining after the aforementioned reservation and allocations must be used to make HEP or CAMP grants based on the number, quality, and promise of the applications. The House bill requires the Secretary to consider the need to provide an equitable geographic distribution of grants.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 and each of the succeeding five years for HEP and CAMP.

The House bill specifically authorizes $75,000,000 for HEP and CAMP for fiscal year 2009 and such sums as may be necessary for each of the succeeding four fiscal years.

The Senate recedes with an amendment to authorize $75,000,000 for HEP and CAMP for fiscal year 2009 and such sums are may be necessary for each of the five succeeding fiscal years.

Section 409. Robert C. Byrd Honors Scholarship Program

The Senate amendment reauthorizes the Robert C. Byrd Honors Scholarship Program for such sums as may be necessary for fiscal year 2008–fiscal year 2013. Eligibility for scholarships is extended to home school students.

The House bill authorizes appropriations for the Byrd Scholarships, Math and Science Incentive program, Foreign Language Partnerships, and Adjunct Teacher Corps together as part of an amended Subpart 6.

The House recedes with an amendment to add Adjunct Teacher Corps to Title II, Part C, incorporate the Foreign Language Partnerships into the Science and Technology Advanced Foreign Language Education Grant Program in Title VI, and to incorporate the Mathematics and Science Incentive program into the Math and Science Scholars program in Title VIII.

Section 410. Child Care Access means parents in school

The Senate amendment and the House bill increase grants under the Child Care Access program from $10,000 to $30,000. The Senate amendment allows for such an increase only if appropriations for the program equal or exceed $20,000,000 for the fiscal year.

The House recedes.

The Senate amendment redefines low-income student for the purpose of determining program eligibility by aligning the Pell Grant qualification with award years as opposed to fiscal years (as in current law), expanding eligibility to graduate students, and expanding eligibility to individuals in the U.S. on a non-immigrant visa.

The House bill extends eligibility for students whose family income would qualify for a Pell grant.

The House recedes.

The House bill lowers the threshold for institutional eligibility by lowering the total amount of Pell Grants awarded at the institution of higher education to qualify, from $350,000 to $250,000.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to allow for such an increase only if appropriations for the program equal or exceed $20,000,000 for the fiscal year.

The House bill requires the Secretary to publicize the availability of the program in the Federal Register, and in other publications, and directly to related organizations. The House bill changes the timing of reporting requirements to annual reporting instead of reporting every year and a half. The House bill modifies language tying continued funding of the four-year grant awards to annual reporting, replacing the current-law mid-cycle check before the third year.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment and the House bill authorize appropriations of such sums as may be necessary (instead of the current law fixed amount)—the Senate for fiscal year 2008–fiscal year 2013, the House for fiscal year 2009–fiscal year 2013.

The Senate recedes with an amendment to authorize such sums are may be necessary for fiscal year 2009 and the five succeeding fiscal years.

Section 411. Learning Anytime Anywhere Partnerships

The Senate amendment and the House bill repeal the Learning Anytime Anywhere Partnerships program.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 412. TEACH Grants

The House bill makes technical corrections to the TEACH Grants program, including: amending institutional financial eligibility requirement from ''sound'' to ''responsible'', and clarifies that grants are per year, rather than academic year.

The Senate amendment contains no similar provisions.

The House recedes.

The House bill adds a stipulation that applications for grants include information about the service agreement and consequence for failure to meet the agreement.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill clarifies that grant recipients in fields which are subsequently designated as no longer high-need may fulfill their service agreements in their original field; adding a requirement that the Secretary establish regulations allowing for waiver of the service requirement in extenuating circumstances; and adding a requirement that the Secretary undertake a program evaluation.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires the Secretary to evaluate the effectiveness of TEACH grants with respect to the schools and students served by recipients of the grants.

The Senate has no similar provision.

The Senate recedes with an amendment to change the provision to provide that the Secretary shall issue a report, within two years after the date of enactment, and every two years thereafter, that takes into consideration information related to: the number of TEACH grant recipients; the degrees obtained by such recipients; the location including the school, local educational agency, and State, where the recipients completed service; the duration of such service, and any other data necessary to conduct such report.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Section 421. Limitations on amounts of loans covered by federal insurance

The House bill extends authorization of interest subsidies under Federally Insured Student Loan Program (FISL) by one fiscal year.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''2013'' and ''2017'' and insert ''2014'' and ''2018,'' respectively.

Section 422. Federal payments to reduce student interest costs

The House bill extends authorization of interest subsidies under Federal Family Education Loan Program (FFEL) by one fiscal year.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to exclude veteran's education benefits from being counted in determining eligibility for loans and to strike ''2013'' and ''2017'' and insert ''2014'' and ''2018,'' respectively.

The Senate amendment expands the conditions by which lenders shall determine the eligibility of a borrower for an in-school deferment to include the lender's confirmation of the borrower's half-time enrollment status through use of National Student Loan Data System (NSLDS), if the confirmation is requested by the institution of higher education.

The House bill contains no similar provision.

The House recedes.

The Senate amendment (as part of the requirements of insurance program agreements to qualify loans for interest subsidies), requires lenders to provide information to borrowers who receive deferments on unsubsidized Stafford Loans, at the time deferment is granted, that will enable the borrower to understand the impact that the capitalization of interest will have on the loan and on the total amount of interest to be paid during the life of the loan.

The House bill contains no similar provision.

The House recedes with an amendment to re-designate this provision that would have created a new paragraph (Z) to become a new subclause (iii) under 428(b)(Y).

The Senate amendment, adds the following requirements applicable to transferors and transferees of loans. In addition to existing requirements, transferors and transferees must notify borrowers of: the effective date of the transfer; the date the current servicer will stop accepting payments; and, the date at which the new servicer will begin accepting payments.

The House bill contains no similar provision.

The House recedes.

The Senate amendment expands restrictions on guaranty agencies with respect to inducements, payments, mailings, and advertising, and adds new provisions regarding the items guaranty agencies may not offer to an institution of higher education or its employees or to a lender or its employees.

The House bill contains no similar provision.

The House recedes with an amendment to include additional restrictions, but also to provide an exemption to permit guaranty agencies to perform services related to exit counseling at institutions.

The Senate amendment revises the contents of guaranty agreements with respect to the granting of forbearance by lenders.

The House bill contains no similar provision.

The House recedes.

The Conferees clarify that borrower interest rates in this Act are not intended to override Section 207 of the Servicemembers Civil Relief Act, which caps interest rates on all types of debt at six percent for active duty servicemembers. However, the Conferees do not intend for this provision to permit members of the Armed Forces to request a refund from their lender for time spent on active duty prior to the enactment of this Act. The Conferees also clarify that the applicable interest rate used when calculating special allowance on new loans disbursed after July 1, 2008 is the rate actually paid by the borrower, not the statutorily set interest rate.

Section 423. Voluntary flexible agreements

The House bill requires the Secretary, in consultation with guaranty agencies participating in voluntary flexible agreements, to annually report to the authorizing committees on program outcomes that voluntary flexible agreements have had with respect to: program integrity, program and cost efficiencies, delinquency prevention, default version; consumer education programs, and the availability and delivery of student financial aid.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include a comparison of guaranty agencies not operating under Voluntary Flexible Agreements.

Section 424. Federal PLUS Loans

The House bill specifies that repayment of a PLUS Loan to a parent borrower commences not later than sixty days after disbursement and that repayment of a PLUS Loan to a graduate or professional student commences six months and one day after the borrower ceases to carry at least one-half of a full-time academic workload.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that a PLUS borrower may qualify for the special rule regarding extenuating circumstances recently established by the Ensuring Continues Access to Student Loans Act if a lender would not otherwise have found such borrower to have an adverse credit history consistent with the relevant regulations in effect the day before the enactment of such Act.

The amendment also changes that the grace period for PLUS loans established in the Ensuring Continued Access to Students Loans Act to a deferment. The Conferees also agree that a parent PLUS borrower who is a student shall be eligible for such deferment while such parent is in school.

Section 425. Federal consolidation loans

The Senate amendment and the House bill add disclosure requirements with respect to including a Perkins Loan in a Consolidation Loan. The Senate amendment also requires lenders, upon application for a consolidation loan, to provide borrowers with other related information on the possible impact of loan consolidation.

Both the Senate and the House recede with an amendment to require the lender to disclose the information required in both bills to prospective borrowers, in a clear and conspicuous manner, at the time it provides an application for a consolidation loan but to strike the requirement that the list of occupations be detailed.

The House bill extends authority for Consolidation Loans for one additional fiscal year.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''2013'' and insert ''2014.''

Section 426. Default reduction program

The Senate amendment amends requirements with respect to rehabilitated defaulted loans. On the sale of a rehabilitated defaulted loan, the lender and guaranty agency, and any prior holder, shall request any consumer reporting agency to which the default of the loan has been reported, to remove the record of default from the borrower's credit history. The Senate amendment limits the ability of a borrower to rehabilitating a defaulted loan to one time per loan.

The House bill contains no similar provisions.

The House recedes.

Section 427. Requirements for disbursement of student loans

The House bill amends the special rule that allows for the single disbursement of a student loan at institutions of higher education with cohort default rates of ten percent or less for the three most recent fiscal years, by substituting fifteen percent for ten percent beginning October 1, 2011. The House bill expands the exemption for low cohort default rate institutions concerning early disbursement of student loans.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 428. Unsubsidized Stafford loan limits

The Conferees clarify that students enrolled in coursework necessary for enrollment in a graduate or professional program, or students enrolled in a program that is necessary to attain a professional credential or certification to become a teacher, continue to be eligible for the loan limits for which they were eligible prior to the enactment of the Ensuring Continued Access to Student Loans Act and that undergraduate students pursuing coursework necessary for enrollment in an undergraduate degree or certificate program are eligible for the increased loan limit of $6,000.

Section 429. Loan forgiveness for teachers employed by educational service agencies

The Conferees clarify that teachers employed by an educational service agency are eligible for teacher loan forgiveness program in Section 428J of the Higher Education Act.

Section 430. Loan forgiveness for service in areas of national need

The House bill establishes a new Loan Forgiveness for Service in Areas of National Need program under 428K. The House bill provides that a borrower employed full-time in any of the following specified occupations/professions is treated as employed in an area of national need: early childhood educators; nurses; foreign language specialists; librarians; highly qualified teachers; child welfare workers; speech-language pathologists; audiologists; national service; school counselors; public sector employees; nutrition professionals; medical specialists; physical therapists; and superintendents, principals, and other (school) administrators.

The Senate amendment contains no similar provisions.

The Senate recedes with amendment to clarify the eligibility requirements for medical specialists and to add occupational therapists and dentists and to specify that borrowers may not receive loan forgiveness for the same service under both this provision and other loan forgiveness provisions in the Higher Education Act. The Conferees clarify that teachers and other employees of educational service agencies who are employed in areas of national need as defined by this section are eligible for loan forgiveness on the same terms as others so employed.

Section 431. Loan repayment for civil legal assistance attorneys

The Senate amendment and the House bill create a new section in 428L to establish a Loan Repayment for Civil Legal Assistance Attorneys program to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

The Conferees adopt the provision as proposed by both the Senate and the House, with an amendment to exclude Parent PLUS Loans from eligibility for this program and to list all of the statutory sources of funding for protection and advocacy organizations with which an eligible borrower may be employed.

The Senate amendment authorizes the appropriation of $10,000,000 for fiscal year 2008 and such sums as necessary for succeeding fiscal years.

The House bill authorizes the appropriation of $10,000,000 for fiscal year 2009, and

such sums as necessary for the four succeeding fiscal years.

The Senate recedes with an amendment to strike four and insert five.

Section 432. Reports to consumer reporting agencies and institutions of higher education

The Senate amendment adds requirements regarding the reporting of information to consumer reporting agencies by requiring that information be provided to each of the consumer reporting agencies that compiles and maintains files on consumers on a nationwide basis. Two references to ''credit bureaus'' are changed to ''consumer reporting agencies.''

The House bill contains no similar provision.

The House recedes with an amendment to update all references from ''credit bureaus'' to ''consumer reporting agencies'' throughout Part B, and to require that a student loan be reported as an ''education loan'' instead of requiring that the '' type of loan made, insured or guaranteed under Title IV'' be reported.

Section 433. Legal powers and responsibilities

The House bill prohibits the Secretary from entering into any settlement of a claim under this Act that exceeds $1,000,000, unless the Secretary has asked the Attorney General to review the settlement agreement and issue an opinion to the Secretary and the authorizing committees.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to prohibit the Secretary from entering into any settlement of a claim under this Act that exceeds $1,000,000 unless the Secretary requests a review of such proposed settlement by the Attorney General and the Attorney General responds to such request, which may include, at the Attorney General's discretion, a written opinion related to such proposed settlement.

The Senate amendment adds additional provisions applicable to the use of a master promissory for loans made under Part B and Part D.

The House bill contains no similar provision.

The House recedes.

Section 434. Student loan information by eligible lenders

The Senate amendment adds a new subsection to specify that entities participating under Part B and that are subject to the terms of Title V-A of the Gramm-Leach-Bliley Act may only use and disclose personal information consistent with the provisions of Title V-A of the Gramm-Leach-Bliley Act.

The House bill contains no similar provision.

The Senate recedes.

The House bill adds a new paragraph regarding information on defaults. If requested by an institution of higher education or a third party servicer working on behalf of an institution of higher education to prevent defaults of borrowers from the institution of higher education, a lender, secondary market, holder, or guaranty agency shall provide free of charge and in a timely manner, information on such borrowers. Institutions of higher education and third party servicers are required to safeguard any information received for purposes of preventing defaults, as required under any applicable law, and at least to the same extent as required under Sections 501 and 505(b) of the Gramm-Leach-Bliley Act; Third party servicers that receive information on borrowers through default prevention activities are subject to limitations on the use, sale, and sharing of information; Requirements of entities to share information for purposes of default prevention shall be considered an applicable legal requirement for purposes of Section 502(e)(8) of the Gramm-Leach-Bliley Act; and subcontractors are subject to the same restrictions as applicable to third party servicers.

The Senate amendment contains no similar provisions.

The House recedes.

The Senate amendment adds a new subsection (g) to Section 433, ''Student Loan Information by Eligible Lenders'', to require lenders, holders, and servicers of loans under Part B to provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates: by repaying according to automatic debit; by completing a program of on-time repayment; and under any other interest rate reduction program. The information provided must include: any limitations on the options; explicit reasons a borrower may lose eligibility for such options; examples of the impact of such options on repayment time and the amount of repayment; and any borrower recertification requirements.

The House bill contains no similar provision.

The House recedes with amendment to include this information as a new paragraph (5) in Section 433 (b) of current law, ''Required Disclosure Before Repayment.'' The new paragraph requires lenders, at or prior to the start of repayment, to disclose to the borrower information on loan repayment benefits offered.

It is the conferees understanding that lenders and loan servicers send statements to borrowers today that are in various formats; some are organized by loan, some are by account, and some are by borrower. It is not the conferees intent to require loan servicers to change their organizational format in order to comply with the requirements of Section 433(e). These disclosures can be made by loan, by account, or by borrower.

Section 435. Consumer education information

The Senate amendment and the House bill require guaranty agencies to work with institutions of higher education to develop and make available high-quality educational program and materials to provide training for students in budgeting and financial management, debt management, and financial literacy. The Senate amendment provides that these activities shall be considered default reduction activities. The House bill does not prohibit a lender or servicer from providing outreach or financial aid literacy.

The House recedes with amendments to include ''students and families'' and to add the House bill's rule of construction.

Section 436. Definition of eligible institution & eligible lender

The House bill amends the cohort default rate threshold at which an institution of higher education becomes ineligible to participate in Title IV programs. It increases the threshold from twenty-five percent to thirty percent in fiscal year 2012 and any succeeding fiscal year. The House bill applies the definition of mitigating circumstances to the entire subsection and establishes an appeals process for regulatory relief.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill requires institutions of higher education whose cohort default rate is greater than or equal to the threshold percentage (twenty-five percent through fiscal year 2011; thirty percent thereafter) for any fiscal year to establish a default prevention task force to prepare a plan to reduce the institution of higher education's cohort default rate. The House bill provides for institutions of higher education whose cohort default rate is greater than or equal to the threshold percentage in the second consecutive fiscal years have their default prevention task force review and revise their default reduction plan, and to submit the revised plan to the Secretary for review. Upon review, the Secretary may require amendments to the plan, with measure objectives, to promote student loan repayment.

The Senate amendment contains no similar provision.

The Senate recedes with amendments to include in the task force's plan the steps to be taken to improve the institution of higher education's cohort default rate and to specify actions the institution of higher education can take to improve repayment, including appropriate counseling regarding loan repayment options and striking references to the use of professional judgment by financial aid administrators.

Recognizing the serious consequences of student loan default for the borrowers, it is the Conferees' intent that institutions that exceed the cohort default rate threshold develop a comprehensive strategy to prevent current and former students from defaulting on their federal student loans. The Conferees intend for institutions to establish a default prevention task force that would bring together experts who can address the key components of successful default prevention strategies. For example, default prevention task forces may include representatives from the admissions office, the student aid office, student affairs, and the career and academic advising office. Institutions should also include representatives of students and families on the default prevention task force. The Conferees encourage institutions to consult with experts in default prevention and financial literacy such as the state designated guaranty agency in developing their plans and to coordinate with the lenders and servicers on default prevention activities.

The House bill requires the Secretary to publish cohort default rates on the College Navigator web site.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill increases the cohort default rate participation rate index threshold from 3.75 percent to 6.25 percent beginning in fiscal year 2012.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill amends the definition of an ''eligible lender'' to include a National or State chartered bank that that has as its primary consumer credit function, the making or holding of loans made to students under Part B provided such bank has assets of less than $1,000,000,000.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include credit unions in the definition.

The Senate amendment expands the list of activities that may result in the disqualification of a lender from participation in programs under Part B, to include: payments for referrals and for processing of finder fees, prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds.

The House bill contains no similar provisions.

The House recedes with an amendment to change ''parents'' to ''family members'' to strike ''tuition repayment'' and insert ''tuition payment or reimbursement'' and to provide an exemption to the general prohibition on a lender's performing functions for institutions to permit lenders to perform services related to exit counseling at institutions.

The Senate amendment terminates authority for the school as lender program, effective June 30, 2012.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment establishes a compliance audit requirement for all institutions of higher education serving as an eligible lender, and all eligible lender trustees. The compliance audit shall determine whether the institution of higher education or lender is using all proceeds for need-based aid programs; is limiting administrative expenses; and is using its proceeds to supplement and not supplant non-Federal funds for need-based grant programs.

The House bill contains no similar provision.

The House recedes.

The House bill extends the period for which the cohort default rate is calculated by one additional fiscal year. The House bill requires the Secretary to calculate and publish at least once each fiscal year, a report showing cohort default rates and life of cohort default rates for categories of institutions of higher education. The House bill defines ''life of cohort default rate.'' The calculation of cohort default rates using a three-year cohort default rate period will begin with fiscal year 2008. Until three consecutive years of cohort default rates are calculated using the three-year default period, cohort default rates will continue to be calculated and penalties assessed using the two-year default period. Penalties under the three-year cohort default rate will not apply until data for the fiscal year 2010 cohort are available.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 437. Discharge and cancellation rights in cases of disability

The Senate amendment specifies that a federal student loan, including Perkins loan, will be discharged in the case of a student who dies or becomes permanently and totally disabled, such loans will also be discharged in the case of a student borrower who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, and has lasted or can be expected to last at least sixty months. The Senate amendment also specifies that Secretary may develop safeguards to prevent fraud and abuse in the discharge and cancellation of loans for death, disability, or inability to engage in substantial gainful activity due to a physical or mental impairment expected to result in death. The Senate amendments are effective July 1, 2008.

The House bill contains no similar provisions.

The House recedes.

The House bill specifies that borrowers who receive a permanent total disability rating from the Secretary of Veterans Affairs, and provide such documentation to the Secretary, shall be considered permanently and totally disabled for the discharge of federal student loans, and shall not be required to present additional documentation.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that a borrower must be determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected condition to be eligible for the discharge of federal student loans.

Section 438. Conforming amendments for repeal of section 439

The Conferees make necessary conforming amendments to accommodate for the repeal of section 439.

PART C—FEDERAL WORK-STUDY PROGRAMS

Section 441. Authorization of appropriations

The Senate amendment authorizes the appropriation of such sums as may be necessary for the Federal work study program through fiscal year 2013.

The House bill authorizes the appropriation of $1,500,000,000 for the Federal work study program for fiscal year 2009, and such sums as may be necessary for the four succeeding fiscal years (through fiscal year 2013).

The House recedes with an amendment to extend authorization through fiscal year 2014.

The House bill amends the definition of 'community services' to include responding to the needs of the community, which may include activities in preparation for and during emergencies and natural disasters.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to insert ''emergency preparedness and response'' into section 441(c)(1).

Section 442. Allowance for books and supplies

The Senate amendment and the House bill increase the allowance for books and supplies used in calculating each institution of higher education's average COA for purposes of allocating funds to institutions of higher education according to ''fair share'' allocation procedures from $450 to $600.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 443. Grants for federal work-study programs

The Senate amendment strikes language in section 443(b)(2)(A) requiring institutions of higher education to use at least five percent of their Federal work study allocation for fiscal year 1999 to compensate students employed in community service. The Senate amendment expands the criteria upon which the Secretary may grant a waiver that institutions of higher education use at least seven percent of their Federal work study allocation for community service, to include that a waiver may be granted if the institution of higher education certifies that fifteen percent or more of its full-time students participate in specified community service or tutoring and literacy activities.

The House bill adds the requirement that institutions of higher education operate at least one civic education and participation project in meeting its requirement to use at least seven percent of their Federal work study allocation to compensate students employed in community service. The House bill defines 'civic education and participation activities,' and specifies priority for schools in the employment of students in certain types of projects, and specifies that the federal share of funds to compensate students may exceed seventy-five percent.

The Senate recedes with an amendment to strike ''such as voting or running for elected office'', and to make civic education activities permissible.

The Conferees consider the community service aspect of the Federal Work-Study program extremely important, and is concerned by the fact that after years of growth, the program's national average community service rate has declined for each of the last two years. The Conferees urge participating institutions to improve the availability and quality of Work-Study community service job information they provide to eligible students and to improve their outreach to local community service agencies. The Education Department and the Corporation for National and Community Service are directed to provide all necessary information and technical assistance to participating institutions in order to help them expand the use of Work-Study funds for community service and to strengthen the connection between Federal Work-Study jobs and the educational or career goals of participating students.

Section 444. Flexible use of funds

The House bill adds provisions to the flexible use of funds under the Federal work study program to grant flexibility in the event of a major disaster.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that students who have been prevented from fulfilling their work study job due to a major disaster are able to receive wages for that position only until they are able to find another work study job or continue to fulfill the responsibilities of their past job, and for no longer than one academic year.

Section 445. Job location and development programs

The Senate amendment increases the amount of Federal work study funds institutions of higher education may use for job location and development programs from not more than ten percent or $50,000 of their Federal work study allocations to not more than ten percent or $75,000.

The House bill contains no similar provision.

The House recedes.

Section 446. Additional funds for off-campus community service

The House bill establishes a new Off-Campus Community Service Grant program under which the Secretary may award grants to institutions of higher education to recruit and compensate students for off-campus community service employment.

The Senate amendment contains no similar provision.

The Senate recedes with technical amendments.

Section 447. Work colleges

The Senate amendment and the House bill strike ''work-learning'' each place it appears in the Work Colleges program and replace it with ''work-learning-service.'' The Senate amendment and the House bill make similar changes to definitions for the Work Colleges program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment contains a provision providing support for existing and new model student volunteer community service projects.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment removes the separate authorization of appropriations specifically for the Work-Colleges program and provides for the use of funds appropriated.

The House bill authorizes the appropriation of funds for the Work Colleges program in the amount of such sums as may be necessary for fiscal year 2009 through fiscal year 2013.

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

PART D—FEDERAL DIRECT STUDENT LOAN

Section 451. Terms and conditions of loans

The Conferees adopt a technical amendment to add the income-based repayment plan adopted by P.L. 110–84 to the list of repayment options available to borrowers in the Direct Loan program.

The House bill amends the definition of 'public service job' for the Loan Forgiveness for Public Service Employees provision

under the Federal Direct Loan program to exclude time served as a Member of Congress from eligible government service. In addition, for purposes of this section the House bill defines public health to include nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics, and includes a clarification of early childhood education and full-time faculty member at a Tribal College or University.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires the Secretary to ensure that monthly statements on Federal Direct Loan program loans and other Department of Education publications do not contain more than four digits of any individual's social security number.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill provides that interest shall not accrue on loans made under Part D that are disbursed on or after October 1, 2008, for borrowers serving on active duty or performing qualifying National Guard duty during a war or other military operation or national emergency, and for borrowers serving in an area of hostilities qualifying for special pay.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that individuals eligible for this benefit are ''eligible military borrowers.''

The Senate amendment requires that institutions participating in the Direct Loan program provide disclosures about the loans to borrowers.

The House bill contains no similar provision.

The House recedes with an amendment to specify the disclosures in Section 433.

Section 452. Funds for administrative expenses

The House bill extends authorization for Direct Loan program administrative expenses and for Federal Family Education Loan account maintenance fees through fiscal year 2013.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''2013'' and insert ''2014.''

The House bill requires the Secretary to have a financial and compliance audit of all loans owned by the Department and made under the Federal Direct Loan program, as well as all contracts for Direct Loan program activities, conducted annually by an independent organization. The House bill requires the Secretary to release its budget justifications to the public upon providing them to Congress and to make quarterly reports publicly available containing the same level of detail as annual reports included in the budget justifications. The House bill includes additional reporting requirements under paragraph (2). The House bill requires the Secretary to have a financial and compliance audit of all guaranty agencies participating under Part B, conducted annually by a qualified independent organization. The results of both audits must be submitted to Congress and be made publicly available.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment requiring the GAO to study the respective costs of the Direct Loan and FFEL programs in title XI of this bill.

Section 453. Guaranty agency responsibilities and payments; reports and cost estimates

The Conferees clarify that as of the date the Secretary purchase a loan pursuant to the authority given her in the Ensuring Continued Access to Student Loans Act, the guaranty agency that previously insured such loan shall cease to have any rights or responsibilities with respect to such loan. The guaranty agency shall maintain a right to a payment they have earned for any activity carried out up to such date.

The Conferees require that the Secretary provide to Congress detailed implementation and budget and cost information on the student loan purchase program authorized under the Ensuring Continued Access to Student Loans Act. The budget and cost information is required to be reported separately for the loan purchase and participation interest purchase programs and reported in a manner that is comparable to that included in the President's budget request for Part B and Part D loans.

Section 454. Loan cancellation for teachers

The Conferees clarify that teachers employed by an educational service agency are eligible for teacher loan forgiveness program in Section 460 of the Higher Education Act.

PART E—FEDERAL PERKINS LOANS

Section 461. Extension of authority/program authority

The Senate amendment authorizes the appropriation of such sums as may be necessary for federal capital contributions for the Federal Perkins Loan program at such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

The House bill authorizes the appropriation of $350,000,000 for the federal capital contributions for the Federal Perkins Loan program for fiscal year 2009, and such sums as may be necessary for the four succeeding fiscal years (through fiscal year 2013). The House bill extends the authorization of appropriations for federal capital contributions, in the amount of such sums as may be necessary for fiscal year 2014 through fiscal year 2019, to enable students receiving Perkins Loans for academic years ending prior to October 1, 2014, to continue or complete their courses of study.

The Senate recedes with an amendment to authorize appropriations of $300,000,000 for fiscal year 2009 and for each of the five succeeding fiscal years and extends the authorization of appropriations for federal capital contributions, in the amount of such sums as may be necessary for fiscal year 2014 through fiscal year 2019, to enable students receiving Perkins Loans for academic years ending prior to October 1, 2014, to continue or complete their courses of study. .

Section 462. Allowance for books and supplies

The Senate amendment and the House bill increase the allowance for books and supplies used in calculating each institution of higher education's average cost of attendance for purposes of allocating federal capital contributions to institutions of higher education according to ''fair share'' allocation procedures from $450 to $600.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 463. Agreements with institutions

The House bill amends Federal Perkins Loan program agreements between the Secretary and institutions of higher education to provide that if an institution of higher education has not knowingly failed to maintain an acceptable collection record with respect to a defaulted Perkins Loan, the Secretary may allow the institution of higher education to refer the loan to the Secretary, without recompense, except that the amount collected shall be repaid to the referring institution of higher education within 180 days of collection and shall be treated as an additional federal capital contribution. The House bill adds language to limit the authority of the Secretary to require the mandatory assignment of Perkins Loans.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Conferees note that the Secretary of Education lacks the authority under this section to require assignment of defaulted Perkins loans. Furthermore, it is the intent of the Conferees that any funds collected from defaulted Perkins loans, including loans that have been assigned to the Department of Education for additional collection activities, be returned to the institution's revolving fund and available for new loans to future students.

The Conferees intend to prohibit administrative measures that would weaken the program by reducing the Perkins Loan funds available to lend to students. For this reason, the Conferees agreed to provisions clarifying that the Secretary is only permitted to require the assignment of defaulted Perkins Loans to the Secretary when an institution of higher education has knowingly failed to maintain collection records. The fact that a loan has been in default for any period of time does not mean that the institution has failed to perform due diligence in its collection and is not grounds for the Secretary to require the assignment of the loan.

Section 464. Perkins loan terms and conditions

The House bill increases annual Perkins Loan limits from $4,000 to $5,500 for undergraduate students; and from $6,000 to $8,000 for graduate and professional students. The House bill increases aggregate Perkins Loan limits from $40,000 to $60,000 for graduate and professional students; from $20,000 to $27,500 for undergraduate students who have completed two years of study; and from $8,000 to $11,000 for all other students.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Conferees adopt a provision to make the death or disability discharge of Perkins loans consistent with how a loan is discharged in the loan programs in Parts B and D.

The Senate amendment and the House bill remove the requirement that borrowers of Perkins Loans request forbearance in writing and require that the terms of forbearance agreed to by the borrower and the lending institution of higher education must be documented and recorded in the borrower's file and amend a cross-reference regarding forbearance and the Armed Forces Student Loan Interest Payment Program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill reduces the number of on-time, consecutive, monthly payments required for rehabilitation of a Perkins Loan from twelve to nine.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 465. Cancellation for public service

The House bill revises the provision providing Perkins Loan cancellation for teachers to be for service ''as a full-time teacher for service in a high-need school''.

The Senate amendment contains no similar provision.

The House recedes with an amendment to include a full-time teacher for service in an academic year in an educational service agency as defined in 9101 (17) of the Elementary and Secondary Education Act.

The Senate amendment and the House bill expand the existing Perkins Loan cancellations to include service ''in a pre-kindergarten or child care program that is licensed or regulated by the State.''

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill adds Perkins Loan cancellation for service ''as a full-time fire fighter for service to a local, State, or Federal fire department or fire district.''

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill add Perkins Loan cancellation for service ''as a full-time faculty member at a Tribal College or University'', Perkins Loan cancellation for service as a librarian with a master's degree in library science, and employed in a school served under Title I of the Elementary and Secondary Education Act, or in a public library serving Title I school, and Perkins Loan cancellation for service as a full-time speech language pathologist with a master's degree, working exclusively with Title I schools.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 466. Sense of Congress regarding federal perkins loans

The House bill adds language stating the sense of the Congress regarding Perkins Loans.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to modify the sense of Congress.

PART F—NEED ANALYSIS

Section 471. Cost of attendance

The Senate amendment and the House bill exclude the value of military housing or a military housing allowance received by a student or his/her parent, from consideration as untaxed income or benefits in the need analysis formula.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment has an effective date for the amendments of July 1, 2008. The House bill has an effective date for the amendments of July 1, 2009.

The Senate and the House recede with an amendment to make the effective date July 1, 2010.

Section 472. Discretion to make adjustments

The House bill provides for the discretion of the financial aid administrator to consider nursing home expenses in addition to other medical-related expenses in making an adjustment to a student's expected family contribution.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to add dependent care expenses to the list of circumstances in which a financial aid administrator may make adjustments and also clarifies that a student's dislocated worker status shall be considered, in addition to dependent students and parents dislocated worker status, as defined in the Workforce Investment Act. In addition, the discretion of financial aid administrators is expanded to enable them to offer unsubsidized Stafford loans to dependent students whose parents do not support them and refuse to complete a Free Application for Federal Student Aid (FAFSA).

Section 473. Definitions

The House bill authorizes the Secretary to issue regulations that allow the use of the second preceding tax year information to carry out the simplification process.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to permit the Secretary to use data from the second preceding tax year to carry out the simplification of applications. Such simplification may include the sharing of data between the IRS and the Department of Education pursuant to the applicant's permission.

The House bill specifies that ''total income'' with respect to dislocated workers is equal to estimated untaxed income and benefits for the current tax year minus estimated excludable income for the current year.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill stipulate that students who live in military housing or receive a basic allowance for housing shall receive an allowance for board, but not for room, in determining the cost of attendance.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees adopt technical changes to P.L. 110–84 to clarify when an orphan, individual in foster care or emancipated minor can be declared an independent student.

The House bill excludes any income earned from work under a cooperative education program at an institution of higher education.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill excludes the amount that the student's military pay was reduced by due to his/her contribution to the Montgomery GI bill (MGIB) education benefit when calculating the amount of ''other financial assistance'' the student has access to in his/her first year of using the MGIB education benefit.

The Senate amendment contains no similar provision.

Both the Senate and the House recede with an amendment to exclude veteran's education benefits from being counted as available financial assistance in determining eligibility for federal student financial aid.

The Senate amendment's effective date for this amendment is July 1, 2008. The House bill's effective date for this amendment is July 1, 2009.

The Senate recedes with an amendment to make this amendment effective on July 1, 2010.

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

Section 481. Definitions

The Senate amendment clarifies that the Secretary may reduce the number of weeks of instruction for programs that measure program length in credit hours or clock hours. The Secretary may not waive the requirement for institutions of higher education that solely measure student learning based on direct assessment.

The House bill contains no similar provision.

The House recedes.

The Conferees include a definition of an ''educational service agency.''

Section 482. Master calendar

The House bill includes ''notices pursuant to sections 478 and 483(a)(6)'' in the March deadline and ''final notices'' pursuant to the same sections.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill require the Secretary, prior to the beginning of each award year, to provide institutions of higher education with a list of all reports and disclosures required under the Higher Education Act, including, the date each report or disclosure is due, required recipients of each report or disclosure, the required content of each report or disclosure, and references to statutory authority, applicable regulations.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to add an effective date of July 1, 2010.

Section 483. Improvements to paper and electronic forms and processes

The Senate amendment includes provisions pertaining to common financial aid forms. The House bill includes provisions pertaining to common financial aid forms that are primarily the same as the Senate amendment's provisions, however, the House bill also specifies that: the application is for applying and reapplying to determine need, and the Secretary shall work to make the FAFSA consumer-friendly, and make the application available in formats that are accessible to individuals with disabilities.

The Senate recedes.

The Senate amendment and the House bill require the Secretary to maintain a paper version of the FAFSA. The Senate amendment requires the Secretary to encourage applicants to file the electronic version of the application.

The House recedes.

The Senate amendment and the House bill require the Secretary to develop an EZ FAFSA for individuals eligible for automatic-zero expected family contribution (auto-zero EFC). The House bill also includes individuals who are eligible for simplified needs test (SNT).

The Senate recedes with an amendment that the Secretary shall use the simplified paper application form after appropriate field testing.

The Senate amendment and the House bill require that the form contain only elements necessary to determine student eligibility for federal student aid if such applicant is eligible for auto-zero EFC. The House bill also extends this provision to applicants eligible for SNT.

The Senate recedes.

The Senate amendment and the House bill include a provision that requires the Secretary to include State data items necessary to award State financial assistance, unless that State does not permit use of the EZ FAFSA.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include a provision regarding free availability and processing of the EZ FAFSA. The House bill further states that the data collected from the EZ FAFSA shall be available to institutions of higher education, guaranty agencies and states.

The Senate recedes.

The Senate amendment states that the Secretary shall phase out printing the full paper FAFSA at such time as it is determined to not be cost effective. Additionally, the Secretary is required to maintain an easily accessible, downloadable paper version and provide a printed version of the full FAFSA upon request.

The House bill requires that an easily accessible version be made available, but specifies that it must be made available on the same website used to provide students with the electronic form.

The Senate and the House recede with an amendment to require the Secretary to maintain the FAFSA in a printable form and provide a printed copy of the full paper version of FAFSA upon request.

The House bill requires the Secretary to report annually to Congress the impact of the digital divide on students applying for Title IV aid. The Secretary's report must specifically address the impact on independent and dependent students as well as

those students who are traditionally underrepresented.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the Secretary to maintain the data and report the information periodically, rather than annually.

The Senate amendment and the House bill require the Secretary to produce and make available an electronic version of the FAFSA and to develop a simplified electronic application for auto-zero EFC eligible students. The House bill extends this eligibility to those eligible for simplified needs test.

The Senate recedes.

The Senate amendment requires that the Secretary use all available technology to ensure that students who complete the electronic version of the FAFSA answer only the minimum number of questions necessary.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill require that students who are both auto-zero EFC and SNT eligible be required to submit only the data necessary to determine their eligibility for auto-zero EFC and SNT. The Senate amendment and the House bill require the Secretary to include space on the electronic form for State data, except that a student shall be required to enter data only for his/her State.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include a provision regarding data availability. The House bill also requires that the data shall be made available to institutions of higher education, guaranty agencies and States.

The Senate recedes.

The Senate amendment and the House bill include a provision regarding privacy and data confidentiality.

The Senate recedes with an amendment to strike the reference to State aid awarded under the LEAP program.

The Senate amendment and the House bill contain similar provisions regarding the use of electronic signatures.

The Senate recedes with an amendment to add language that the Secretary may ''continue to'' permit an electronic form to be completed without a signature if a signature is subsequently submitted or if a Personal Identification Number (PIN) is used.

The Senate amendment permits the Secretary to assign PINs to applicants to allow applicants to sign the electronic version of the FAFSA. The House has the same provision, except that it specifies that the PIN can be used in lieu of a signature for forms required by the LEAP program.

The House recedes with an amendment clarifying that the Secretary ''may continue to'' assign PINs.

The Senate amendment and the House bill include similar provisions regarding PIN improvement, but the Senate amendment specifies that a real time data match must be implemented within 180 days following enactment.

The Senate recedes with an amendment to require the Secretary to ''continue to work with'' the Social Security Administration to minimize the time it takes for a student to obtain a PIN.

The House bill states that the Secretary shall work to reduce the number of data elements entered by all applicants by fifty percent. The House bill further specifies that the Secretary must submit a report on the reduction process to each of the authorizing committees two years after enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to: use the number of data elements on the FAFSA from the 2009–2010 academic year as the baseline to be reduced by fifty percent; insert language that the Secretary's efforts, in cooperation with representatives from other agencies and organizations, be consistent with other provisions in this section; strike the language exempting form development required under this Act from the reduction goal; and to include a date by which the report shall be submitted.

The Senate amendment specifies that the number of state items on the form shall not be less than the number of items in award year 2005–2006. The House bill specifies that the number of state items shall not be less than the number of items in award year 2008–2009.

The House recedes with an amendment to change the award year to 2008–2009.

The Senate amendment requires the Secretary to review the data annually to determine which items a State needs to award need-based aid and whether the State permits an applicant to file a simplified form.

The House bill requires the Secretary to conduct an annual review of the forms and non-financial data States require to award need-based aid.

The House recedes.

The House bill requires the Secretary to publish an annual notice in the Federal Register requiring States to inform the Secretary what State-specific data are required to deliver State need-based aid and if the State does not permit applicants to use a simplified form.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires States to notify the Secretary if the State permits applicants to file a form for the purposes of determining eligibility and of the State-specific non-financial data the State requires for delivery of need-based aid.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment requires that if a State does not permit applicants to use a simplified form the Secretary may decide not to include the State's questions on the FAFSA.

The House bill requires the States that do not permit applicants to use a simplified form due to State law or agency policy to notify the Secretary. The State must also include an estimate of the costs associated with the use a simplified form. The House bill requires that State applicants for LEAP notify the Secretary if the use of a simplified form is permitted.

The House recedes.

The Senate amendment and the House bill prohibit charges to students and parents for use of the form.

Both the Senate and the House recede with an amendment to specify that no data collected on a form for which a fee is charged shall be used to complete the form prescribed under this section, other than a Federal or State income tax form prepared by a paid income tax preparation service for the primary purpose of filing a Federal or State income tax return.

The Senate amendment restricts the use of the applicant's PIN by select entities.

The House bill contains no similar provision.

The House recedes.

The Senate amendment requires the Secretary to permit students to complete the FAFSA as early as practicable prior to January 1 of the student's planned year of enrollment.

The House bill states that students should be able to complete the FAFSA as early as practicable prior to October 15 in the year prior to the student's planned year of enrollment.

The House recedes.

The Senate amendment and the House bill state that the Secretary shall develop the means to provide students with an early estimate of their financial aid eligibility. The House bill further states that the Secretary must notify applicants that the EFC is subject to change.

The Senate recedes with an amendment to require the Secretary to consult with representatives of States, institutions of higher education and other individuals with experience in student financial aid processes in making updates to forms used to provide early estimates.

The Senate amendment provides that FAFSA data shall be provided to institutions of higher education, guaranty agencies and states without charge. The Senate amendment provides private organizations and consortia that develop software used by Title IV participating institutions of higher education the necessary specifications to produce and distribute software. The Senate amendment authorizes the Secretary to include space for parent's social security number and date of birth on the FAFSA.

The House bill contains no similar provisions.

The House recedes.

The Senate amendment requires the Secretary to test and implement a toll free telephone number for the FAFSA application system.

The House bill contains no similar provision.

The House recedes with an amendment to: strike the requirement that the Secretary test the system not later than two years after the date of enactment of this act; add in language that the Secretary shall ''continue to implement'' the toll-free telephone based system; and make the submission of applications over this system a separate activity by adding ''and (b)'' before it.

The Senate amendment authorizes applicants to use a preparer for consultative or preparer services. Any entity that provides any value-added service such as completion or submission of the FAFSA shall provide a clear and conspicuous notice that the FAFSA is free, can be completed without professional assistance, and provide a link to the Department of Education's website. Also, the Senate amendment specifies that the provider cannot charge recipients who qualify for SNT or auto-zero EFC.

The House bill states that any entity that provides any value-added service such as completion or submission of the FAFSA shall provide notice that the FAFSA is free; can be completed without professional assistance; and provide a link to the Department of Education's website.

The House recedes with the amendment that: states that the preparer's identification information is required if a fee is charged for the services; the preparer providing services must clearly inform each individual that the forms are free and may be completed without professional assistance; modifies the language that the FAFSA and EZ FAFSA are free forms that may be completed via paper or electronically; strikes subpart (E) which refers to not charging any fee to any individual who meets specified requirements; and specifies that a preparer is subject to the same penalties as an applicant for purposely giving false or misleading information in the application.

The Senate amendment and the House bill include an early application and demonstration program to determine the benefits and costs of early notification. The House bill's purpose is more detailed.

The Senate recedes with an amendment to title this provision ''Early Application and Estimated Award Demonstration Program.''

The Senate amendment implements the early application demonstration program within two years of the enactment of this Act. The Senate amendment also states that for all of the dependent students who participate in the demonstration program, those who are also auto-zero EFC eligible shall be provided with an EFC and Pell Grant award amount for the first year.

The House bill contains a similar provision that provides an estimated EFC and aid award for all students.

The House recedes with amendments that: modify the requirement that the Secretary provide each student with ''an estimated award''; and strike the requirement that the Secretary provide estimates to students who do not meet the requirements.

The Senate amendment and House bill include provisions identifying participants. The Senate amendment specifies that the secondary school must commit select resources and participate in an evaluation.

The House recedes.

The Senate amendment specifies that the application must contain certain assurances, such as the amount of state need-based aid available, a commitment to provide actual awards and estimates, and a plan to recruit institutions of higher education.

The House bill contains a comparable provision regarding the application process for the demonstration program, but does not include the Senate's specific assurances.

The House recedes with amendments to the application requirements: clarify that the information provided is an estimate rather than an award determination; all participating dependent students must receive estimated awards; State applications must include a plan to select institutions of higher education and postsecondary schools that to the extent possible serve different populations are of varying types ''and sectors'' (rather than ''control'').

The Senate amendment grants the Secretary the authority to waive requirements for an institution of higher education to participate in the demonstration program.

The House bill contains no similar provision.

The House recedes.

The Senate amendment requires the Secretary to conduct an evaluation of the demonstration program.

The House bill includes a similar, but less detailed provision.

The House recedes with an amendment to include a description of the extent to which estimated awards differ from actual awards made to students participating in the program.

The Senate amendment and the House bill have a provision requiring the Secretary to consult with the Advisory Committee on Student Financial Assistance in implementing the pilot program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires the Comptroller General and the Secretary, in consultation with a study group, to design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal student financial aid. The Secretary, with the Secretary of the Treasury, may use Internal Revenue Service data to pre-populate the FAFSA if such use would not negatively impact students, institutions, states or the federal government.

The House bill includes a provision that expresses the Sense of the Congress that the Department of Education and the Secretary of Treasury should work together to develop a process by which the Department of Education would be able to obtain student's financial information from the IRS, with the student's permission, to assist with completing the FAFSA.

The House recedes with an amendment that directs the Secretary to continue current FAFSA simplification efforts, in cooperation with the Internal Revenue Service, and to report on efforts to date. In addition, the Comptroller General is to convene a group to study additional simplification of the financial aid application process, using the current statutory requirements, and to identify changes to the need analysis formula that will be necessary to reduce the amount of financial information students and families need to provide to receive a determination of an eligibility for student financial aid.

The Conferees intend that, in evaluating the impact of using income from the year that is two years prior to a student's enrollment on the ability of States and institutions to make financial aid awards and commitments, the Secretary should assess the overall application burden on students and families applying for all types of aid, and any additional costs to States and institutions. The Conferees recognize one of the advantages of the current FAFSA application and process is that it is used by many States and institutions to award State and institutional aid in addition to Federal aid. Students and families would not be well served if the application and award process for Federal student aid were simpler, but the application and award process for State and institutional aid became more cumbersome.

The Senate amendment and the House bill include similar provisions to require the Secretary to use the savings produced by not printing the full paper FAFSA to improve access to the electronic forms for low-income students.

The Senate recedes.

Section 484. Model institutions financial aid offer form

The House bill directs the Secretary to report on the adequacy of the financial aid offer forms provided by institutions of higher education to students and their families. The report should include a model financial aid offer form which includes: cost of attendance the amount of aid that does not have to repaid, and types and amounts of loans, for which the student is eligible.

The Senate amendment contains no similar provision.

The Senate recedes with amendments to: direct the Secretary to convene a group for the purpose of offering recommendations to improve financial aid offer forms; include additional individuals on the list of members of the group; and modify the contents of the form.

Section 485. Student eligibility

The House bill eliminates the exemption for students from the Republic of the Marshall Islands and the Federated States of Micronesia from providing their social security number when applying for federal student aid.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment allows institutions to determine that a student has the ability to benefit from postsecondary education if the student satisfactorily completes six credit hours or the equivalent coursework applicable toward a degree or certificate offered by the institution of higher education.

The House bill contains no similar provision.

The House recedes.

The House bill specifies that the provision of assistance to students from the Republic of Palau only applies for federal student aid under Title IV subpart 1 of Part A and would expire September 30, 2009.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill make several updates to change ''telecommunications'' to ''distance education'' to be consistent with the newly added definition of distance education; update the reference to postsecondary vocational institutions to reflect the reauthorization of the Perkins Career and Technical Education Act in 2006

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill allows a student who has lost student aid eligibility due to a drug conviction that complies with requirements established by the Secretary to regain eligibility for Title IV aid if the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program.

The Senate amendment contains no similar provision.

The Senate recedes.

Currently, students lose their eligibility for federal student financial aid if they were convicted for the sale or possession of drugs while receiving such aid. This provision does not affect the eligibility of students who may have been arrested prior to the start of their first year of college, or who were arrested during any period where they were not receiving federal student aid. Current law provides mechanisms by which students may regain their eligibility for federal student financial aid.

The Conferees believe that the Department of Education and institutions of higher education should take steps to ensure that students understand the implications and provisions of section 484(r). As currently worded, the 'drug penalty' question on the FAFSA may serve as a barrier to completing the form, as students may not understand the scope of the prohibition. Data from the Department of Education show that in the 2007–2008 award year, at least 15,700 students initially filled the form out in such a way that they would have been ineligible for financial aid for at least part of the academic year. Upon further review and revision of these applications, approximately 5,400 students were deemed ineligible for aid-thirty-four percent of those originally deemed ineligible for aid.

The Conferees believe that the Department of Education should immediately re-word the question on the FAFSA form in order to more accurately reflect the provision.

Furthermore, the Conferees encourage the Department of Education to take steps to ensure the integrity and privacy of the drug tests used by students to regain eligibility. Such drug testing should utilize only highly-reliable methods conducted by qualified drug rehabilitation programs.

The Senate amendment permits students with intellectual disabilities to receive Pell grants, FSEOG, and Federal Work Study under certain circumstances.

The House bill includes similar provisions.

The Senate recedes with an amendment to limit the waivers the Secretary can provide to implement this section.

The Conferees intend to provide eligibility to students with intellectual disabilities attending any inclusive comprehensive transition and postsecondary program for students with intellectual disabilities as defined by this Act, including but not limited to students attending programs participating in grants authorized under subpart 2 of Title VII of this Act, provided that such students meet the eligibility criteria described in this section.

The House bill requires the Secretary, in consultation with the Central Processing

System, to analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''in consultation with the Central Processing System.''

The Conferees expect the Secretary to work with the Central Processing System in developing the report or access to federal student aid for certain populations as required in this section. The Conferees understand that, as Congress continues to examine the issue of drug-related student eligibility, it is critical to have full information about the impact of the provision. The Conferees intend that the information collected, analyzed, and made available to the public under this section will provide an understanding of the demographic background of the students excluded from federal aid by the drug prohibition, the nature of the offenses underlying the exclusion, and other characteristics of such students that may better inform the work of Congress as it continues to examine the issue of drug-related student eligibility.

Section 486. Statute of limitations and state court judgments

The Senate amendment and the House bill specify that for the Perkins Loan program, institutions shall not be subject to a defense raised by a borrower on the basis of a claim of infancy under state law.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment provides that obligations to repay loans and grant overpayments, costs and other charges on defaulted loans, and state court judgments shall not apply in the case of deceased student or a deceased student's estate. Neither a deceased student's estate nor the estate of a deceased student's family shall be required to repay any Title IV financial assistance, nor interest, collection costs, or other charges.

The House bill contains no similar provision.

The House recedes.

Section 487. Readmission requirements for service members

The House bill requires any institution of higher education that requires a student, who is a member of the Armed Forces or a member of the Armed Forces in retired status, whose attendance is interrupted by a call or order to active duty to subsequently reapply for readmission at the time of the conclusion of active duty to justify this requirement in writing to the Secretary.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a standard process for students who are required to leave an institution because they have been called to active duty to reenroll at the institution in the same academic standing the student had before leaving the institution. Such process is modeled after the process established for servicemembers to return to employment after serving on active duty in the Uniformed Services Employment and Reemployment Rights Act.

Section 488. Institutional and financial assistance information for students

The Senate amendment requires each institution of higher education to make available to current and prospective students information about its plans for improving the academic program of the institution of higher education.

The House bill contains no similar provision.

The House recedes with an amendment to make a technical change.

The Senate amendment alters the requirement that institutions make available to current and prospective students the terms and conditions under which students receive Federal Family Education Loan and Direct Loan to also include Perkins Loans.

The House bill contains no similar provision.

The House recedes.

The Senate amendment and the House bill require institutions to make available to current and prospective students the institution of higher education's policies and sanctions related to copyright infringement, including a description of actions taken by the institution of higher education to detect and prevent the unauthorized distribution of copyrighted materials on the institution of higher education's technology system.

Both the Senate and the House recede with an amendment to replace language in (iv) with language requiring institutions to make available the development of plans to detect and prevent unauthorized distribution of copyrighted material on the institution of higher education's information technology system which shall, to the extent practicable, include offering alternatives to illegal-downloading or peer-to-peer distribution of intellectual property, as determined by the institution of higher education in consultation with the Chief Technology Officer or other designated officer of the institution.

The Conferees have combined elements from both bills to require institutions to advise students about this issue and to certify that all institutions have plans to combat and reduce illegal peer to peer file sharing.

Experience shows that a technology-based deterrent can be an effective element of an overall solution to combat copyright infringement, when used in combination with other internal and external solutions to educate users and enforce institutional policies.

Effective technology-based deterrents are currently available to institutions of higher education through a number of vendors. These approaches may provide an institution with the ability to choose which one best meets its needs, depending on that institution's own unique characteristics, such as cost and scale. These include bandwidth shaping, traffic monitoring to identify the largest bandwidth users, a vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices, and a variety of commercial products designed to reduce or block illegal file sharing.

Rapid advances in information technology mean that new products and techniques are continually emerging. Technologies that are promising today may be obsolete a year from now and new products that are not even on the drawing board may, at some point in the not too distant future, prove highly effective. The Conferees intend that this Section be interpreted to be technology neutral and not imply that any particular technology measures are favored or required for inclusion in an institution's plans. The Conferees intend for each institution to retain the authority to determine what its particular plans for compliance with this Section will be, including those that prohibit content monitoring. The Conferees recognize that there is a broad range of possibilities that exist for institutions to consider in developing plans for purposes of complying with this Section.

Numerous institutions are utilizing various technology based deterrents in their efforts to combat copyright infringement on their campuses. According to a report of the Joint Committee of the Higher Education and Entertainment Communities, many institutions of higher education have taken significant steps to deal with the problem. Indiana University, for example, hosts an extensive ''Are you legal?'' educational campaign for students on the issues, and enforces campus policies on proper use of the network. It acts on DCMA notices by disconnecting students from the network and requires tutorials and quizzes to restore service. Second offenders are blocked immediately and are sent to the Student Ethics Committee for disciplinary action.

Audible Magic's CopySense Network Appliance provides comprehensive control over Peer-to-Peer (P2P) usage on a university's network. The CopySense Appliance identifies and blocks illegal sharing of copyrighted files while allowing other legitimate P2P uses to continue. It filters copyrighted P2P content by sensing an electronic fingerprint unique to the content itself, which is very similar to the way virus filters operate.

Red Lambda's ''Integrity'' is a network security solution dedicated to the management of file-sharing activities via protocols like P2P, IM, IRC, and FTP. This technology is able to detect all P2P, OS file-sharing, FTP, IM, proxy use, Skype and application tunneling over HTTP, HTTPS, DNS and ICMP protocols.

The University of Maryland, College Park, severely restricts bandwidth for residential networks and block certain protocols. It designed ''Project Nethics'' to promote the responsible use of information technology through user education and policy enforcement. A third violation can result in eviction from the university housing system. Montgomery College in Maryland enforces an Acceptable Use Policy on its wired and wireless networks.

Additional existing technological approaches can deter illegal file sharing by automatically processing notices sent by scanning vendors then taking actions such as messaging the user via browser redirection, applying the appropriate sanction and automatically re-enable browsing after a timeout or reconnect fee is paid. Other institutions use technology to appropriately manage their campus networks by limiting and/or shaping bandwidth, such as Packeteer's packet shaping technology.

The Senate amendment requires institutions to make available to current and prospective student's information on student body, diversity, the placement in employment and types of employment obtained by graduates, the institutions report on fire safety, and the retention rate of certificate or degree-seeking, full-time undergraduate students.

The House bill contains no similar provision.

The House recedes.

The House bill requires institutions to make available to current and prospective students their policies regarding meningococcal vaccinations.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that institutions shall disclose policies on all vaccinations, not only meningococcal vaccinations. The Conferees note that institutions of higher education should have a policy on vaccinations of students. Of particular concern are the recent outbreaks of meningitis on college campuses. The Center for Disease Control's Advisory Committee on Immunization Practices has reported that college freshmen, especially those who live in dormitories, are at a modestly increased risk for meningococcal disease compared with other persons of the same age. There are nearly 3,000 cases of meningococcal disease every year in the U.S. According to the Centers for Disease Control and Prevention between ten and twelve percent of the cases are fatal (about 300 to 360).

Among those who survive meningococcal disease, approximately twenty percent suffer long-term consequences, such as brain damage, kidney disease, hearing loss or limb amputations.

The Senate amendment and the House bill allow an institution of higher education to adjust the calculation of completion and graduation rates for certain students. Under the Senate amendment and the House bill, if the number of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal government represent twenty percent or more of certificate- or degree-seeking, full-time undergraduate students, the institution of higher education may exclude the time such students were not enrolled from the calculation.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires institutions to disaggregate data on completion and graduation rates based on student gender, race/ethnicity, and receipt of a Pell Grant, receipt of specific federal loans but not a Pell Grant, and non-receipt of a Pell Grant or specific federal loans. The Senate amendment does not require the disclosure of data if reporting would not yield statistically reliable information or would reveal personally identifiable information.

The House bill contains no similar provision.

The House recedes.

The Conferees believe that the disaggregation of completion and graduation rates of students attending institutions of higher education, as specified under section 485 (a)(7), will yield important information regarding the degree to which different types of students are completing postsecondary education programs. The Conferees acknowledge that two-year degree-granting institutions of higher education face unique considerations in reporting such data, because these institutions often enroll students for purposes beyond certificate and degree programs. Two-year institutions should not be exempt from reporting completion and graduation rates. However, the Conferees believe it is appropriate for the Secretary to assist these institutions in reporting such data accurately and, if necessary, to develop supplemental measures of success that take into consideration the multiple missions and the varied needs and goals of the individuals who attend two-year institutions and the communities such institutions serve. The group required to be convened under section 485(a)(7)(B) is meant to achieve that goal.

The Senate amendment requires institutions of higher education to offer specific disclosures during a required exit counseling session to borrowers of loans made, insured, or guaranteed under Parts B, D, or E but excludes PLUS Loans and Consolidation Loans.

The House bill contains no similar provisions

The House recedes with an amendment to reorder the provisions in the section to reduce redundancy, clarify that information on repayment plans shall include the average anticipated monthly repayments under each plan, specify that a general description of loan forgiveness provisions be included, along with a copy of information provided by the Department and add that borrowers must be informed of the consequences of default on loans including adverse credit reports, federal offset, and litigation.

The Senate amendment requires institutions to provide borrowers with a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge a borrower's student loans. The House bill contains no similar provision.

The House recedes.

The Senate amendment amends a requirement for the Secretary to compile and disseminate information on State and other prepaid tuition and savings programs to require the Secretary to also compile and disseminate information on State grant assistance programs. The Senate amendment also requires the Secretary to disseminate such information through means including the Internet.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill add new provisions related to the calculation of completion and graduation rates of student athletes. Under the Senate amendment and the House bill, if students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal government represent more twenty percent or more of certificate- or degree-seeking, full-time undergraduate students, the institution of higher education may exclude the time such students were not enrolled from the calculation.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill exclude foreign institutions from having to disclose their campus security policies and campus crime statistics.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill amends the Clery Act to require greater coordination between campus security and local law enforcement.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify the requirement for greater transparency in the relationship between campus security personnel and State and local law enforcement agencies, including whether institutions have agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses.

It is the intent of the Conferees that the amendments made to this section will help protect students and personnel on campuses.

The House bill adds four crimes to the list of crimes an institutions must report as ''hate crimes'' in cases where the victim is intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

The Senate amendment contains no similar provision.

The Senate recedes.

The Conferees believe that this change will facilitate uniformity in campus crime reporting to both the Department of Education and the FBI's Uniform Crime Reporting (UCR) Program, the voluntary national crime data collection program based on the submissions of more than 17,000 city, county, state, tribal, and federal law enforcement agencies. Each of the offense types required under this section is already an integral part of the FBI UCR crime data reporting program.

To increase awareness of hate crimes on college campuses, the 1998 amendments to the Higher Education Act required all colleges and universities to collect and report hate crime statistics to the Office of Postsecondary Education (OPE) of the Department of Education. The Department of Education utilized the definition of hate crime developed by the FBI, but the criminal offenses required to be reported did not match the existing FBI crime categories. The current HEA crime category omissions have resulted in critical gaps in OPE data, as well as discrepancies and substantial inconsistencies between FBI and OPE hate crime statistics. The Conferees intend for this provision to provide parents and students a more accurate sense of campus safety by making the crime categories required to be reported to the Department of Education parallel those collected by the FBI's UCR Program and published in its annual publications.

The Senate amendment and the House bill require institutions to make available to current and prospective students a statement of current campus policies regarding immediate emergency response and evacuation procedures to notify the campus community of a significant emergency or dangerous situation that poses a threat to students or staff.

The Conferees adopt the provision as proposed by both the Senate and the House.

Both the Senate amendment and House bill change current disclosure requirements for campus safety policies and procedures. The Senate amendment and House bill have similar requirements for institutions notifying the campus community in the event of a significant emergency.

The Conferees adopt the provisions as modified, with an amendment to require institutions to publish their procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation, unless issuing such notification would compromise efforts to contain the emergency. The amendment also provides that notifications should be made for emergencies on campus as defined by the Clery Act.

The Conferees intend that each institution's statement of emergency policy should clearly articulate a method to promptly determine whether incidents pose an immediate threat to the health or safety of students or staff. This policy statement should include a method, or methods, to initiate dissemination of the required emergency notifications immediately and without any delay following a professional determination by law enforcement or other authorities that an emergency exists. The Conferees believe it is important that the Department be informed by past demonstrated ability of institutions to take immediate action in the face of campus emergencies in developing any regulations related to this provision. Recent examples include:

Florida Atlantic University on April 30, 2008—A shooting incident was reported at 1:16 AM, 26 minutes later alerts were sent out to the campus community, sirens, public address systems and Reverse 911 systems were activated. A follow-up e-mail was sent to the campus community at 2 AM.

Ferrum College (VA) on February 26, 2008—A sighting of a man with a gun was reported at 7:29 AM, 11 minutes later sirens were activated, and by 7:54 a text alert went out to the campus community with additional details concerning the emergency.

Northern Illinois University on February 14, 2008—A multiple shooting incident was reported at 3 PM, and 20 minutes later an alert was posted to the institution's web site.

Because of the importance of informing students and staff of immediate threats to their safety, notification should only be withheld if it is in the professional determination of law enforcement that issuing the notice would put the community at greater risk, and in such a case notice should be withheld for as short a period as possible.

The Conferees recognize that emergencies are volatile, fast-moving and unpredictable events that can encompass a range of natural and man-made situations, from campus fires to the presence of shooting suspects on campus. As such, the Conferees intend that institutions may rely upon the initial known facts of a situation in crafting and disseminating notifications that are timely, accurate and useful to appropriate segments of

the campus community. The Conferees also do not intend to hold institutions responsible for the failure of local law enforcement or other emergency response personnel to provide them with information, or other circumstances beyond their control that may delay the delivery of emergency notifications.

The Conferees intend that institutions should publicize to all students and staff their emergency response and evacuation procedures, both in their annual security report and separately at least once each calendar year as a part of the required test of such procedures. When an emergency happens time is of the essence so it is critical that students and staff know where to turn for information and what to expect.

The Senate amendment and the House bill require the Secretary to report annually to authorizing committees regarding institutions' compliance with this subsection and on the Secretary's monitoring of this compliance. The Senate amendment and the House bill permit the Secretary to seek guidance from the Attorney General regarding the development and dissemination of information to institutions about best practices related to campus crime and safety.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill prohibits an institution of higher education or its employees, offices, or agents from intimidating, threatening, coercing, or otherwise discriminating against an individual for the purpose of interfering with the implementation of this subsection, or any rights or privileges accorded under the is subsection, or because the individual has participated in an investigation, proceeding, or hearing.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include a rule of construction indicating that nothing in this subsection shall be construed to permit a participating institution or their agent to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.

The Senate amendment and the House bill require each institution of higher education participating in Title IV to publicly disclose its current transfer of credit policies, which must include the disclosure of any criteria used by the institution of higher education to evaluate the transfer of credit earned at another institution of higher education and a list of the institutions with which the institution of higher education has established an articulation agreement.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill specifically state that nothing in this subsection authorizes the Secretary or the Accreditation and institutional Quality and Integrity Advisory Committee (Senate amendment) or NACIQI (House bill) to require particular policies, procedures, or practices by institutions with respect to transfer of credit. The Senate amendment and the House bill specifically state that nothing in this section authorizes an officer or employee of the U.S. Department of Education (ED) to exercise any direction, supervision, or control over the curriculum, instruction, administration, or personnel at any institution of higher education or over any accrediting agency, limits the application of the General Education Provisions Act, or creates a legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit.

The Senate recedes.

The Senate amendment and the House bill require institutions to report and make public an annual fire safety report.

The House recedes with an amendment to require the Secretary to make policies public, including the installation of fire detection and prevention technologies in student housing, dormitories, and other buildings.

The House bill prohibits an institution of higher education or its employees, offices, or agents from intimidating, threatening, coercing, or otherwise discriminating against an individual for the purpose of interfering with the implementation of this subsection, or any rights or privileges accorded under the is subsection, or because the individual has participated in an investigation, proceeding, or hearing.

The Senate amendment contains no similar provision.

The House recedes.

The House bill requires institutions of higher education to implement procedures for managing reports of missing persons.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that institutions of higher education must establish a policy for students who reside in on-campus housing that includes a notification to the student that the institution of higher education is required to notify a parent or guardian twenty-four hours after the time that the student is deemed to be missing in accordance with official notification procedures established by the institution of higher education.

The House bill requires institutions of higher education to provide each student, upon enrollment, with a ''separate, clear, and conspicuous written notice'' that provides information on the penalties associated with drug-related offenses.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires institutions of higher education to provide each student, within two weeks of being notified by the Secretary that the student has been convicted of a drug-related offense that resulted in the loss of eligibility for Title IV aid, with a ''separate, clear, and conspicuous written notice'' that notifies the student of the loss of Title IV eligibility and discusses ways to regain Title IV eligibility.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require each student who has lost eligibility for any grant, loan, or work-study assistance under this Title as a result of the penalties under 484(r)(1) to be provided such notification by the institution in a reasonable and timely manner.

The Senate amendment adds a new subsection (b) to Section 485 specifying requirements for institutions of higher education to provide entrance counseling prior to disbursement for first-time borrowers loans made, guaranteed, or insured under Part B or Part D. Entrance counseling must meet specified disclosure requirements.

The House bill contains similar provisions on entrance counseling in Title I.

Both the Senate and the House recede with an amendment to merge the entrance counseling provisions from both bills to require institutions of higher education, at or prior to the time of a disbursement to a first-time borrower to provide comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided: during an entrance counseling session conducted in person; on a separate written form provided to the borrower that the borrower signs and returns to the institution of higher education; or, online, with the borrower acknowledging receipt of the information. Institutions of higher education are encouraged to carry out the entrance counseling through interactive programs that test the borrower's understanding of the terms and conditions of their loans.

Section 489. National Student Loan Data System

The Senate amendment makes technical amendment and requires the Secretary to take actions to maintain the system. The Senate amendment also requires the Secretary to prepare and submit a report to the appropriate committees of Congress, not later than September 30th of each fiscal year, describing certain specified aspects of NSLDS; requires the Secretary to conduct a study regarding the available mechanisms for providing students and parents the ability to opt in or opt out of allowing eligible lenders to access their records in NSLDS; and the appropriate protocols for limiting access to NSLDS, based on the risk assessment required under subchapter III of Chapter 35 of Title 44, U.S.C.; and requires the Secretary to submit the report to the appropriate Congressional committees no later than three years after enactment.

The House bill contains no similar provision.

The House recedes.

The Conferees intend that NSLDS data may be released to outside contractors and analysts if all individuals identifiers are excluded from the data and the outside analyst or contractor is certified according to data confidentiality standards and procedures used by the National Center for Education Statistics.

Section 490. Early awareness of financial aid eligibility

The Senate amendment requires the Secretary to implement, in cooperation with other relevant entities a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources.

The House bill contains no similar provision.

The House recedes with an amendment to strike the provision that required the Secretary to provide early estimates of financial aid awards.

Section 491. Distance Education Demonstration Programs

The Senate amendment and the House bill make a conforming amendment to the existing Distance Education Demonstration Program, to replace Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives with authorizing committees.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that the reports shall be provided by the Secretary on an annual basis.

Section 492. Articulation agreements

The House bill requires the Secretary to work with States to develop more comprehensive articulation agreements and requires the Secretary to conduct a study.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the study to Title XI.

Section 493. Program participation agreements

The Senate amendment and the House bill move the 90/10 rule from an institutional eligibility requirement for proprietary institutions of higher education to a Program Participation Agreement (PPA) requirement for proprietary institutions. Under both the

Senate amendment and the House bill, a proprietary institution must have not less than 10 percent of its revenue from sources other than Title IV funds.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment adds to the PPA a requirement that institutions of higher education develop a ''code of conduct.''

The House requires institutions of higher education participating in Title IV or whose students get a private education loan to develop a ''code of conduct'' in accordance with new requirements in Title I.

The Senate recedes.

The House bill requires that officers, employees, and agents of institutions of higher education that have responsibilities with respect to education loans obtain annual training on the code of conduct.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that removes the training requirement, but requires that officers, employees, and agents with responsibilities with respect to education loans be informed annually of the provisions of the code of conduct.

The House bill requires an institution of higher education to, upon request, disclose to the alleged victim of any violent crime or nonforcible sex offense the final results of any institutional disciplinary proceeding conducted against a student who is the alleged perpetrator of such crime or offense. The House bill also requires that this information be provided to the alleged victim's next of kin, if the alleged victim is deceased.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require disclosure upon written request and that the disclosure be made available to the next of kin only if the victim dies as a result of the crime or offense.

Both the Senate amendment and the House bill amend section 487(a) by adding a new paragraph which specifies requirements applicable to institutions of higher education that maintain a preferred lender list for loans. The Senate amendment provision applies to preferred lender lists for loans under Part B; while the House bill provision applies to preferred lender lists under Part B, and also for private educational loans if recommended by the institution of higher education.

The Senate recedes.

The House bill requires that upon the request of a private educational lender, acting in connection with an application initiated by a consumer for a private educational loan, an institution of higher education shall certify: that the student is enrolled or is scheduled to enroll at the institution; the student's cost of attendance; and the difference between the cost of attendance of the institution and the student's estimated financial assistance received under this title and other assistance known to the institution. The House bill requires the institution of higher education to disclose the student's ability to select a private educational lender of the borrower's choice and inform students of the impact of a proposed private educational loan on the students' potential eligibility for other financial assistance, including Federal financial assistance under this title.

The Senate amendment has no similar provision.

The Senate recedes with an amendment to require the institution to provide an applicant for a private educational loan with the form required under Section Truth in Lending Act and the information required to complete the form.

The Senate amendment permits the Secretary to modify regulations regarding financial and compliance audits of institutions of higher education located outside of the United States. The House bill contains a similar provision that allows the Secretary to waive these requirements for foreign institutions of higher education whose students received less than $500,000 in loans under Title IV during the award year proceeding the audit period. This provision appears at a later point in this document.

The Senate recedes.

The Senate amendment specifies what funds proprietary institutions of higher education may count toward their ten percent of non-Title IV revenue. The House bill specifies what proprietary institutions may count as revenue.

The Senate recedes.

The Senate amendment requires proprietary institutions of higher education to demonstrate that institutional revenue includes funds from non-title IV sources. The House bill includes as revenue from tuition and fees, only those tuition, fees and other institutional charges for students enrolled in programs eligible of assistance under Title IV.

The Senate recedes with an amendment that specifies that funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under title IV, may be counted as institutional revenue, provided that the program is both approved or licensed by the appropriate State agency and is accredited by an accrediting agency recognized by the Secretary or provides an industry-recognized credential or certification.

The Senate amendment specifies certain institutional aid provided to a student as institutional revenue under certain conditions. In the case of loans made by an institution to a student, the amount of loan repayments received by the institution during the fiscal year for which compliance with the 90/10 rule is determined is deemed to be institutional revenue.

The House bill also specifies certain institutional aid provided to students as institutional revenue. For each of an institution's fiscal years 2009 through 2012, the principal amount of loans made by an institution to a student, based on the expected interest earned less the estimated amount to account for future defaults and loan forgiveness, accounted for on an accrual basis, in accordance with Generally Accepted Accounting Principles and related standards and guidance, and that meet other specified conditions, are deemed to be institutional revenue. For an institution's fiscal year 2013 and each of an institution's subsequent fiscal years, only the amount of repayments on loans made by an institution to students received during the fiscal year for which compliance with the 90/10 rule is determined is deemed to be institutional revenue.

The Senate recedes with an amendment that for loans made by an institution, for loans disbursed to students between July 1, 2008 and July 1, 2012, the net present value of loans made by the institution, accounted for on an accrual basis and, estimated in accordance with Generally Accepted Accounting Principles and related standards and guidance, and that meet other specified conditions, are deemed institutional revenue.

The Conferees intend that for the fiscal years 2009 through 2012 when the net present value of institutional loans can be calculated as institutional revenue that institutions will only count as institutional revenue the net present value of the loan in the fiscal year the loan is actually made.

In the case of scholarships provided by the institution, the Senate amendment specifies as institutional revenue scholarship funds that are in the form of monetary aid based upon the academic achievements or financial need of students; disbursed from an established restricted account; and funded by outside sources or income earned on such funds. In addition, the Senate amendment specifies that tuition discounts based upon the academic achievement or financial need of students are considered institutional revenue.

In the case of scholarships provided by the institution, the House bill specifies as institutional revenue scholarship funds that are in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students; disbursed from an established restricted account; and funded by outside sources or income earned on such funds are considered institutional revenues.

The Senate recedes.

In determining compliance with the 90/10 rule the House bill requires that an institution presume that any title IV program funds disbursed or delivered to or on behalf of a student is used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by grant funds provided by non-Federal public agencies or private sources independent of the institution;) funds provided under a contractual arrangement with Federal, State, or local government agencies for the purpose of providing job training to low-income individuals who are in need of that training; or funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986, provided that the institution can reasonably demonstrate such funds were used to pay the student's tuition, fees, or other institutional charges.

The Senate amendment contains no similar provision. The Senate recedes with an amendment to provide an additional exception to the presumption for scholarships provided by the institution in the form of monetary aid or tuition discounts and that meet other specified conditions and remove the condition that institutions must demonstrate that funds from savings plans that qualify for special tax treatment were used to pay a student's tuition, fees, or other institutional charges. Additionally, the Conferees clarify that, for loans received by students between July 1, 2008 and July 1, 2011, the amount of loan funds for 428H or Federal Direct Unsubsidized Stafford Loans that exceed that loan limits that were in effect prior to May 7, 2008 shall be counted as revenue received by the institution.

The House bill specifies that certain revenues are to be excluded by an institution in determining compliance with the 90/10 rule. Revenues to be excluded are the amount of funds received by an institution under the Federal Work-Study program, unless the institution uses those funds to pay a student's institutional charges; the amount of funds received by an institution under the Leveraging Education Assistance Partnership program; the amount of institutional funds used by an institution to match title IV program funds; the amount of title IV program funds that must be refunded or returned; and the amount charged by an institution for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.

The Senate amendment contains no similar provision.

The Senate recedes.

Under both the Senate and the House bills, a proprietary institution that fails to comply with the 90/10 rule for two consecutive

years becomes ineligible to participate in Title IV programs. Under the Senate amendment, an institution remains ineligible until it demonstrates to the satisfaction of the Secretary that it is in compliance with the 90/10 rule. Under the House bill, an institution is required to demonstrate compliance with all eligibility requirements for at least three fiscal years following the fiscal year in which the institution became ineligible before the institution can regain eligibility to participate in Title IV programs.

The House and Senate recede with an amendment to modify the sanction such that an institution may be placed on provisional certification and may become ineligible to participate in Title IV programs for a minimum of two institutional fiscal years after the institutional fiscal year the institution failed to comply with the 90/10 rule for two consecutive fiscal years. To regain eligibility to participate in Title IV programs, the institution must demonstrate compliance with all eligibility requirements for at least two institutional fiscal years after the institutional fiscal year in which the institution failed to comply with the 90/10 rule.

The House bill requires the Secretary to submit an annual report to the authorizing committees that contains the result of the calculation of the percentage of revenue derived from Title IV sources of funds for each proprietary institution.

The Senate recedes with an amendment to have the Secretary submit such report no later than July 1, 2009 and on July 1 of each subsequent year, a report to the authorizing committees.

The House bill and the Senate amendment require codes of conduct to include prohibitions on revenue-sharing arrangements. The House bill's prohibition of revenue-sharing arrangements encompasses both Federal and private education loans. The Senate amendment's prohibition of revenue-sharing arrangements applies only to Federal student loans.

The House recedes.

The House bill and the Senate amendment require codes of conduct to include prohibitions on officers, employees or agents of institutions of higher education, and under certain conditions, by the families of officers, employees or agents of institutions of higher education, soliciting or accepting gifts from lenders, guarantors, and servicers of education loans. The House bill includes several exceptions in the definition of gift.

The Senate amendment includes no similar exceptions to the definition of gift as included in the House bill.

The Senate recedes with an amendment to clarify that philanthropic contributions that are not made for any advantage with respect to education loans are not considered gifts for purposes of the section.

The House bill and the Senate amendment require codes of conduct to include prohibitions on contracting arrangements between an officer or employee of the institution and a lender of an affiliate of a lender. The House bill includes exceptions, in certain limited circumstances, to allow institution officers, employees and agents to serve on the boards of directors of lenders, guarantors, and servicers of education loans. Similarly, the House bill includes exceptions that allow, under certain conditions, officers, employees and agents of a lender, guarantor, and servicer of education loans to serve as a trustee of an institution.

The Senate amendment includes no similar exceptions to the prohibition.

The Senate recedes with a modification to the exception with respect to officers, employees and agents of a lender, guarantor, and servicer of education loans and an amendment to clarify that the prohibition applies to consulting arrangements or the provision of other services with respect to educational loans.

The Senate amendment contains provision on institutional interaction with borrowers.

The House bill contains no similar provision.

The House recedes.

The Senate amendment contains a provision on institutional interaction with borrowers.

The House bill contains no similar provision.

The House recedes.

The Conferees recognize that some institutions list specific lenders in financial aid award offer letters to students. For example, in many states, public institutions of higher education will inform students in financial aid offer letters that they are eligible for a loan offered though their state-based student loan agency, and the amount of such loan. The code of conduct provision prohibiting the assignment of loans to a specific lender, through packaging or other means, is not intended to apply to this case, because a financial aid award letter is an offer of aid, and a student may select the named lender, or another lender, at the student's discretion. Other practices, such as the distribution of loan promissory notes to students containing a specific lender's name, are prohibited by this provision.

The House bill prohibits an institution of higher education from requesting or accepting any offer of funds for private educational loans in exchange for the institution of higher education providing the lender with a specified number of loans or loan volume, or a preferred lender arrangement for Title IV loans.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike language in order to clarify that the definition of an opportunity pool loan does not include any private loan that is guaranteed by a covered institution of higher education (i.e., a recourse loan).

The Conferees intend that an institution may request and accept an offer of recourse loans but only if such request and acceptance is not conditioned on the institution providing a lender with a specified number of loans or loan volume, or a preferred lender arrangement for Title IV loans.

The House bill contains a provision which bans covered institutions of higher education from receiving staffing assistance with financial aid.

The Senate amendment contains no similar provision.

The Senate recedes.

The House recedes with an amendment to permit lenders to provide staffing services on a short-term, nonrecurring basis to assist institutions with financial aid-related functions during emergency situations.

The House bill includes a ban on employees of a financial aid office or those with educational loan responsibilities from participating on advisory councils of lenders or affiliates of lenders.

The Senate amendment prohibits any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

The House recedes.

The Senate amendment requires institutions to designate an individual responsible for fulfillment of code of conduct requirements and to make the code of conduct widely available.

The House bill contains no similar provision.

The Senate recedes.

The Senate amendment requires the Secretary to require an institution of higher education to develop a teach-out plan for submission to its accrediting agency if the Secretary initiates a limitation, suspension, or termination of the institution of higher education in any program under Title IV or initiates an emergency action against the institution.

The Senate amendment defines ''teach-out plan.''

The House bill contains no similar provisions.

The House recedes.

The House bill requires an Inspector General investigation in the case of any reported violation of the gift ban provision and an annual report to the authorizing committees identifying all substantiated violations of the gift ban.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike the language requiring the Inspector General to investigate any reported violation.

The Senate amendment and the House bill include similar provisions to allow institutions of higher education to comply with voter registration requirements by transmitting voter registration information electronically to students, provided that the electronic message only include voter registration information; however, the Senate amendment applies only to proprietary institutions.

The Senate recedes.

The Senate amendment and the House bill require institutions of higher education that have preferred lender lists to clearly and fully disclose on such lists why the institution has included each lender on its list, especially with respect to terms and conditions favorable to the borrower and to make clear that the students attending the institution of higher education (or the parents of such students) do not have to borrow from a lender on the preferred lender list.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill requires that an institution of higher education with a preferred lender list provide no less than the information required to be disclosed in the model disclosure form required under Section 153.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill require that an institution of higher education with a preferred lender list for Federal Family Education Loans ensure, through the list of lender affiliates provided by the Secretary, that there are at least three lenders that are not affiliates of each other on the list.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires that if an institution of higher education recommends private loans, there are at least two lenders of private educational loans that are not affiliates of each other included on the list.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill ensure that lenders are placed on the preferred lender list on the basis of the benefits provided to borrowers including highly competitive interest rates, high-quality customer service or additional benefits beyond

the standard terms and conditions of such loans; however, the House bill also requires information on criteria for selecting lenders, and information on private loans.

Both the Senate and the House recede with an amendment to require that institutions of higher education prominently disclose the method and criteria used by the institution of higher education in selecting lenders with which to enter into preferred lender arrangements to ensure that the lenders are selected on the basis of the best interest of the borrowers.

The House bill contains a provision which requires lenders to exercise a duty of care and loyalty in compiling the preferred lender list without prejudice and for the sole benefit of borrowers; and comply with other requirements as prescribed by the Secretary in regulation.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill specifies that a lender shall not deny or impede a borrower's choice of lender or delay certification for borrowers who choose a lender not on the list. There is similar language in the Senate code of conduct.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill define/use 'affiliate' and 'control' in a similar manner. The House bill defines 'preferred lender arrangement', and defines 'educational loan' to exclude the Pilot Program for parent PLUS Loans, Federal Direct Loan program loans, and Perkins Loans.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill require the Secretary to maintain and update a list of lender affiliates of all eligible lenders and to provide such lists to eligible institutions of higher education. The Senate amendment requires consultation by the Secretary with the Director of the Federal Deposit Insurance Corporation.

The Senate recedes with an amendment that the Secretary shall update such lists on a regular basis. An institution of higher education shall be deemed to be in compliance with this subsection if the institution of higher education uses the most recent list published by the Secretary and in effect at the time the preferred lender list is created or updated.

The Senate amendment provides that if an institution of higher education has willfully contravened its attestation of compliance with the code of conduct, the Secretary may limit, suspend, or terminate the institution of higher education's eligibility for the Title IV loan programs.

The House bill contains no similar provision.

The Senate recedes.

The House bill requires institutions of higher education to establish a policy on the disposal or disposition of all technology assets which may contain personal and sensitive student data. The House bill defines ''technology assets.''

The Senate amendment contains no similar provisions.

The House recedes.

The House bill requires the Secretary to issue regulations to provide for the review of an institution of higher education's compliance with provisions governing the enrollment of students who are not high school graduates if it is determined through required financial and compliance audits that more than five percent of the institution of higher education's students were accepted for enrollment and qualified for Title IV aid based on ability to benefit from postsecondary education provisions.

The Senate amendment contains no similar provision.

The House recedes.

Section 494. Regulatory relief and improvement

The Senate amendment and the House bill address the continuation of experimental sites; however, the Senate amendment authorizes the Secretary to continue any experimental sites in existence on the date of enactment of this Act and requires the Secretary to discontinue any sites approved by that date that are inconsistent with this section by June 30, 2008. The House bill requires the Secretary to continue the participation of any experimental sites in existence on July 1, 2007, unless the Secretary determines that the site has not been successful in carrying out the purposes of this section. In this case, the site must be discontinued by June 30, 2009.

The Senate recedes.

Section 494A. Transfer of allotments

The Senate amendment amends existing transfer of allotment provisions for the campus-based programs to permit institutions of higher education to also transfer up to twenty-five percent of their FSEOG allotment to the Federal Work Study program.

The House bill amends existing transfer of allotment provisions for the campus-based programs to permit institutions of higher education to also transfer up to twenty-five percent of their Federal Work Study allotment to federal capital contributions for the Federal Perkins Loan program.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 494B. Purpose of administrative payments

The Senate amendment makes a wording change to language describing the specified purpose of administrative payments for the Pell Grant program, the campus-based programs, and the immigration status verification system.

The House bill contains no similar provision.

The House recedes.

Section 494C. Advisory Committee on Student Financial Assistance

The Senate amendment and the House bill expand the purpose of the Advisory Committee on Student Financial Assistance (ACSFA) to include providing knowledge and understanding of early intervention programs and making recommendations that will result in early awareness for low and moderate-income students of their eligibility for assistance.

The Senate amendment clarifies that the appointment of members shall be effective upon confirmation by the Senate and publication of such appointment in the Congressional Record.

The House bill contains no similar provision.

The House and Senate recede with an amendment to specify that four members shall be appointed by the President pro tempore of the Senate, four members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the Secretary. The appointments of members appointed by the Senate or the House shall be effective upon publication of the appointment in the Congressional Record and not confirmation by the Senate.

The House bill would end ACSFA after 2011.

The Senate amendment has no similar provision.

The House recedes.

The Senate amendment requires the ACSFA to conduct a study of innovative pathways to baccalaureate degree attainment, such as dual enrollment, Pell program changes, and compressed or modular scheduling, among other things.

The House has no similar provision.

The House recedes.

Section 494D. Regional meetings and negotiated rule-making

The Senate amendment adds state student grant agencies to the list of examples of groups involved in Title IV student financial assistance programs.

The House bill contains no similar provision.

The House recedes.

The House bill requires that participants in the negotiated rulemaking process be selected by the Secretary from individuals who are nominated by groups identified to provide the Secretary with advice and recommendations on the development of proposed regulations, and that these individuals must have recognized legitimacy as designated representatives of major stakeholders, sectors, and constituencies in the higher education community.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require that the Secretary select individuals with demonstrated expertise or experience in the relevant subjects under negotiation and to remove the existing qualifier that the Secretary select certain types of individuals ''to the extent possible.''

Section 494E. Year 2000 and requirements at the department

The Senate amendment repeals Year 2000 requirements for the Department of Education.

The House bill contains no similar provision.

The House recedes.

Section 494F. Technical amendment of income-based repayments

The House bill makes a technical amendment to the eligibility criteria for borrowers to select the income-based repayment plan.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that a borrower may elect to participate in the income-base repayment plan if their loan had been in default in the past but was subsequently rehabilitated.

PART H—PROGRAM INTEGRITY

Section 495. Recognition of accrediting agency or association

The Senate amendment and the House bill requires accrediting agencies to apply and enforce standards that respect the stated mission of the institution of higher education, including religious missions.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require an accrediting agency that has or seeks to include the evaluation of distance education programs within its scope of recognition to demonstrate to the Secretary that its standards effectively address the quality of distance education in the same areas in which it is required to evaluate classroom-based programs. The Senate amendment and House bill state that associations aren't required to have separate standards for accrediting distance education programs.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill does not require an accrediting agency to obtain the approval of the Secretary to expand its scope of accreditation to include distance education, provided that the accrediting agency notifies the Secretary in writing about the change.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require a review at the next NACIQI meeting of any agency or association that expands its scope to include the evaluation of institutions or programs offering courses through distance education if an institution accredited by the agency or association experiences a growth in the enrollment increases by fifty percent or more within the institution's fiscal year.

The Senate amendment and the House bill require accrediting agencies to require that institutions of higher education offering distance education programs have a process by which the institution of higher education establishes that a student registered for a distance education course is the same student that participates in, completes, and receives credit for the course.

The Conferees adopt the provision as proposed by both the Senate and the House. The Conferees expect institutions that offer distance education to have security mechanisms in place, such as identification numbers or other pass code information required to be used each time the student participates in class time or coursework on-line. As new identification technologies are developed and become more sophisticated, less expensive and more mainstream, the Conferees anticipate that accrediting agencies or associations and institutions will consider their use in the future. The Conferees do not intend that institutions use or rely on any technology that interferes with the privacy of the student and expect that students' privacy will be protected with whichever method the institutions choose to utilize.

The Senate amendment modifies the requirement that accrediting agencies assess an institution of higher education's success with respect to student achievement in relation to the institution of higher education's mission, including, as appropriate, consideration of state licensing examinations, and job placement rates to specify that consideration of student achievement in relation to the institution of higher education's mission may include different standards for different institutions of higher education or programs as established by the institution of higher education.

The House bill includes the same provision but lists course completion rates as one item that should be considered.

The Senate recedes.

The Senate amendment and the House bill expand existing due process requirements, including: specification of clear and consistent standards; an opportunity for a written response; an opportunity to appeal any adverse action; the right to representation by counsel; and submission to the Secretary a summary of actions that includes the award of accreditation or reaccreditation of an institution of higher education and several adverse actions.

Conferees adopt the provisions as amended, and clarify that the due process provisions allow the institution of higher education to put forward new evidence as long as it relates to a financial matter.

The Senate amendment and the House bill requires an accrediting agency, as part of its accreditation or reaccreditation reviews, to confirm that the institution of higher education has publicly disclosed its transfer of credit policies and that the policies specifically state the criteria used by the institution of higher education regarding the transfer of credit from another institution of higher education.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires an accrediting agency to review and consider an institution of higher education's response to any review or determination and to include in any determination a written statement addressing the institution of higher education's response and the basis for such determination, as well as the institution of higher education's response.

The Senate amendment contains no similar provisions.

The House recedes.

The House bill prohibits an accrediting agency from making a determination or taking an adverse action based on an unpublished or undocumented policy, practice, or precedent.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment requires on-site evaluations by the accrediting agency for accreditation or reaccreditation to include a review of the federally required information the institution of higher education or program provides to current and prospective students.

The House bill contains no similar provisions.

The Senate recedes.

The Senate amendment and the House bill require the agency or association to make public decisions of accrediting agencies or associations. The Senate amendment requires placement on probation to be made public.

The House recedes.

The Senate amendment and the House bill require accrediting agencies to monitor the growth of programs at institutions of higher education that are experiencing significant enrollment growth and also require an institution of higher education to submit a teach-out plan for approval by the accrediting agency if specific events occur, such as the accrediting agency withdraws accreditation or the institution of higher education notifies the accrediting agency that it will be closing.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill specifically prohibit the Secretary from establishing any criteria that ''specifies, defines, or prescribes'' standards that accrediting agencies must use to assess any institution of higher education's success with respect to student achievement.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill prohibit the Secretary from issuing regulations related to the standards used by accrediting agencies to evaluate the institution of higher education with respect to the institution of higher education's success with respect to student achievement, curricula, faculty, and so forth.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill establishes a rule of construction that states that none of the requirements that are established related to an accrediting agency's required review of an institution of higher education's success with respect to student achievement, curricula, faculty, and so forth shall restrict an accrediting agency's authority to set, with the involvement of its members, and to apply accreditation standards to institutions of higher education or programs that request review by the agency. In addition, the aforementioned requirements do not restrict the authority of an institution of higher education to develop and use institutional standards to show success with respect to student achievement, and these standards must be considered as part of any accreditation review.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 496. Eligibility and certification procedures

The Senate amendment allows a location of a closed institution of higher education to be used as an additional location of an institution of higher education for the purposes of a teach-out, if the teach-out has been approved by the institution of higher education's accrediting agency. The Senate amendment permits an institution of higher education that conducts a teach-out by establishing an additional location at a closed institution of higher education to establish a permanent location at the closed institution of higher education.

The House bill contains no similar provisions.

The House recedes.

Section 497. Program review and data

The Senate amendment requires the Secretary to provide an institution of higher education being reviewed with an adequate opportunity to review and respond to any program review report and relevant materials before any final program review report is issued. The House bill requires the Secretary to provide an institution with adequate opportunity to review any program review report or audit finding before any final program review or audit determination is reached.

The House recedes.

The House bill also specifies that an institution of higher education can have access to documentation related to the program review report or audit findings, such as work papers and notes.

The Senate amendment contains no similar provisions.

The House recedes.

The Senate amendment and the House bill required the Secretary to take into consideration the response from the institution of higher education in any final program review report or audit determination and include certain elements.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require that the confidentiality of any program review report be maintained until the aforementioned steps are taken and a final program review determination is issued. The Senate amendment excludes from the confidentiality requirement the disclosures to inform the state or accrediting agency when the Secretary takes action against an institution of higher education. The Senate amendment requires the Secretary to promptly disclose all program review reports to the institution of higher education under review.

The House recedes.

Section 498. Review of regulations

The Conferees adopt an amendment to end the requirement that the Secretary review and report on regulations for small institutions.

PART I—COMPETITIVE LOAN AUCTION PILOT PROGRAM

Section 499. Competitive Loan Auction Pilot Program evaluation

The Senate amendment requires the Comptroller General to evaluate the Competitive Loan Auction Pilot Program. The House bill requires the Secretaries of Education and the Treasury, in consultation with OMB, CBO, and the Comptroller General to evaluate the Competitive Loan Auction Pilot Program.

The Senate recedes.

The House bill additionally requires the Comptroller General to study the feasibility of using other market mechanisms to operate the loan programs under Part B and the feasibility of a specific alternative market-based mechanism.

The Senate amendment contains no similar provision.

The House recedes with an amendment to require the Secretary to include in the report any recommendations based on the findings of the evaluation for improving the operation and administration of other loan programs under Part B.

The Conferees clarify that Guaranty Agencies may serve the same function for lenders making PLUS loans as a result of winning the auctions as they do for lenders in accordance with Part B, except that loans are insured at ninety-nine percent.

TITLE V—DEVELOPING INSTITUTIONS

Section 501. Authorized activities

The Senate amendment adds remedial education and English language instruction, articulation agreements and enhancing distance learning academic instruction capabilities as authorized activities.

The House bill has no similar provisions.

The House recedes.

The Senate amendment and the House bill provide for education or information designed to improve the financial and economic literacy of students or their parents. The Senate amendment includes counseling services. The House bill includes the provision of information with regard to student indebtedness.

The Senate recedes with an amendment to allow counseling services to be provided as a part of efforts to improve the financial and economic literacy of students or their families.

Section 502. Postbaccalaureate opportunities for Hispanic Americans

The Senate amendment and the House bill create a new program for promoting postbaccalaureate opportunities through programs at Hispanic-serving institutions of higher education.

The Conferees adopt the provision.

Section 503. Applications

The Senate amendment re-designates the sections as needed due to the addition of the section on postbaccalaureate programs at Hispanic-serving institutions of higher education.

The House bill contains no similar provision.

The House recedes.

The Conferees recognize that despite significant growth in the number of Hispanics pursuing graduate study, in 2005 Hispanics made up only six percent of the total number of graduate students nationwide. Given these low rates of graduate degree attainment, the Conferees recognize that Hispanics are under-represented in all fields of graduate study. In addition to increasing the number of Hispanics earning graduate degrees, the Conferees encourage institutions of higher education receiving grants under this Part to expand opportunities for graduate study in fields where Hispanics are most under-represented.

Section 504. Cooperative arrangements

The Senate amendment and the House bill contain similar provisions regarding cooperative arrangements.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 505. Authorization of appropriations

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 and five succeeding fiscal years for both Part A and Part B.

The House bill authorizes $175,000,000 for Part A for fiscal year 2009 and four succeeding fiscal years. The House bill authorizes $125,000,000 for Part B for the same period.

The Senate recedes with an amendment to authorize $175,000,000 for Part A and $100,000,000 for Part B for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

The House bill establishes a new minimum grant of $200,000.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike the $200,000 minimum and require that grants be of sufficient size and scope to significantly contribute to the educational program of the eligible institution.

The Conferees intend that in awarding grants under this Title such grants shall be of sufficient size and scope to achieve the purposes of expanding the educational opportunities for and improving the educational attainment of Hispanic Americans and to expand and enhance academic offerings, program quality, and institutional stability at Hispanic-serving institutions of higher education.

PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

Section 511. Purposes

The House bill includes a section designating the purposes of the new program for promoting postbaccalaureate opportunities at Hispanic-serving institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 512. Program authority and eligibility

The Senate amendment and the House bill contain similar provisions regarding program authority and eligibility. The House bill provides that the Secretary shall award competitive grants to Hispanic-serving institutions of higher education determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

The House recedes.

Section 513. Authorized activities

The Senate amendment and the House bill contain similar activities for postbaccalaureate Hispanic-serving Institution of higher education.

The Senate recedes.

Section 514. Application and duration

The Senate amendment and the House bill contain similar provisions regarding application and duration requirements.

The House recedes.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Section 601. Findings; purposes; consultation; survey

The Senate amendment renames Section 601 of the HEA, adding the words ''Consultation'' and ''Survey'' to the heading.

The House bill contains no similar provision.

The House recedes.

The Senate amendment and the House bill delete the term ''post-Cold War'' from the findings.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include linkages with overseas institutions of higher education as an additional purpose of this section. The House bill also includes linkages to organizations that contribute to the educational programs assisted under this Part.

The House recedes.

The House bill includes international business and trade competitiveness as an additional purpose of this section.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment adds a new subsection that requires the Secretary to consult with officials from a wide range of federal agencies when determining the national need for foreign languages, and to take the recommendations into account when soliciting applications.

The House bill contains no similar provision.

The House recedes with an amendment to strike the requirement that federal ''agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this Title,'' and to permit, rather than require, the Secretary to take the recommendations into account when soliciting applications.

The Senate amendment adds a new subsection that requires the Secretary to develop and administer a survey to get information on postgraduation placement.

The House bill contains no similar provision.

The House recedes with an amendment to ensure that the survey is conducted once every two years and is administered to students who have ''completed'' rather than ''participated in'' a program supported under this Title.

Section 602. Graduate and undergraduate language and area centers and programs

The Senate amendment and the House bill add support for instructors of the less commonly taught languages to the list of authorized activities for the National Language and Area Centers.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill authorizes projects that support students' understanding of science and technology in coordination with foreign language proficiency.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to authorize ''projects that support students in the science, technology, engineering, and math fields to achieve foreign language proficiency.''

The House bill includes partnerships with ''colleges of education and teacher professional development'' as an additional purpose for Outreach Grants.

The Senate amendment contains no similar provision.

The House recedes.

The House bill includes partnerships with federal and state governmental entities as an additional purpose for Outreach Grants.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill modifies the purposes for Summer Institutes, by striking ''foreign area'' and inserting ''area studies'' in its place, and striking ''of linkage and outreach.''

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment and the House bill include partnerships or linkages with local educational agencies as an additional purpose for Outreach Grants. The Senate amendment includes ''State educational agencies'' and the House bill includes private and public elementary and secondary schools. The House bill adds dissemination of materials as an additional purpose for Outreach Grants.

The House recedes.

The Senate amendment includes ''scholarship programs for students in related areas'' as part of the purpose of linkage and outreach to federal and state governmental entities.

The House bill contains no similar provision.

The House recedes.

The House bill adds ''Undergraduate'' to the name of the Graduate Fellowships program. The Senate amendment strikes ''Graduate'' from the name.

The House recedes.

The Senate amendment and the House bill have similar provisions that make eligible undergraduates engaged in ''intermediate or advanced study of a less commonly taught language'' and continue eligibility for graduate students engaged in pre-dissertation study, dissertation research, and dissertation writing.

The House recedes.

The Senate amendment amends the subsection on ''Allowances'' to add undergraduate expenses for educational programs in the United States and abroad.

The House bill contains no similar provision.

The House recedes.

The Senate amendment includes additional application requirements for all Graduate and Undergraduate Language and Area Centers and Programs.

The House bill contains no similar provision.

The House recedes with an amendment to strike the requirement that ''[e]ach application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views.''

Section 603. Language resource centers

The House bill amends section 603(c) of the HEA to require that grants under this section also ''reflect the purposes of this Part''.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 604. Undergraduate international studies and foreign language programs

The House bill replaces all occurrences of the term ''combinations'' in section 604(a)(1) of the HEA with ''consortia.''

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill renames, as an authorized use of funds under section 604(a)(2) of the HEA, ''teacher training'' as ''teacher professional development.''

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to retain ''teacher training'' as an authorized use of funds, insert ''pre-service'' before ''teacher training'', and ''in-service'' before ''teacher professional development.''

Both the Senate amendment and the House bill restrict grantees from using any more than ten percent of the grant for this purpose.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill authorizes funds to be used for partnerships with ''local educational agencies and public and private elementary and secondary education schools.'' Under current law funds may be used for partnership with ''elementary and secondary education institutions.''

The Senate amendment contains no similar provision.

The House recedes.

The House bill authorizes the Secretary to waive the non-federal matching requirement for any eligible institution that demonstrates need for a waiver or reduction.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires that grants allowed under subsection (a)(6) ''reflect the purposes of this Part.''

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment amends the application requirements to include details on how scholarship information will be provided to students, how the funded activities reflect diverse perspectives and a range of views, and how the applicant will address disputes and encourage service.

The House bill contains no similar provision.

The House recedes with an amendment to strike the requirement that an applicant describe how it will address disputes.

The House bill requires the Secretary to establish requirements for program evaluations and requires grant recipients to submit annual reports that evaluate the progress and performance of students participating in programs assisted under subsection (a).

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment raises the current ten percent limitation to twenty percent and limits the use of funds for section 604(a)(2)(I) to not more than ten percent of a grant. The House bill repeals the current provision restricting the Secretary from using no more than ten percent of the funds appropriated for Title VI-A to award grants under Section 604.

The House recedes.

Section 605. Research; studies

The Senate amendment amends the provision regarding the study of the international education programs to authorize research or studies that may include an ''evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs.''

The House bill contains no similar provision.

The House recedes with an amendment adding at the end of the provision ''as described in the grantee's application.''

The Senate amendment and the House bill amend the provision to authorize research or studies that may include ''the systematic collection, analysis, and dissemination of data.''

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment amends the provision to authorize research or studies that may include ''support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''

The House bill contains no similar provision.

The House recedes.

Section 606. Technological innovation and cooperation for foreign information access

The House bill authorizes the Secretary to provide technological innovation grants to ''partnerships'' between ''institutions or libraries and nonprofit educational organizations including museums.''

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''including museums''.

The Senate amendment and the House bill authorize grants using ''electronic technologies to collect, organize, preserve, and widely disseminate'' specified information ''from foreign sources.''

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment authorizes the Secretary to provide grants for partnerships with not-for-profit educational organizations.

The House bill contains no similar provision.

The House recedes with an amendment to replace ''not-for-profit'' with ''nonprofit''.

The Senate amendment and the House bill amend the list of authorized activities to include acquiring foreign information resources.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill amend the list of authorized activities to include establishing linkages between grantees and libraries, museums, organizations, or institutions of higher education located overseas.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill amend the list of authorized activities to include other activities consistent with the purposes of this section.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment adds ''library'' as an entity that may submit an application.

The House bill contains no similar provision.

The House recedes.

The House bill authorizes the Secretary to waive or reduce the non-federal matching requirement.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this title.

Section 607. Selection of certain grant recipients

The Senate amendment clarifies the current provision on the Secretary's authority to award competitive grants under Section 602 of the HEA.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends the selection criteria by requiring the Secretary to consider an applicant's efforts to place and record of placing students into service in areas of national need.

The House bill contains no similar provision.

The House recedes.

The House bill amends the selection criteria by requiring the Secretary to consider the extent to which applicants ''address national needs, generate and disseminate information, and foster debate on international issues.''

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to insert an ''and'' after ''address national needs'', and replace '', and foster debate on international issues'' with ''to the public''.

The House bill requires that grants under Section 602 reflect the purposes of this Part.

The Senate amendment contains no similar provision.

The House recedes.

Section 608. American overseas research centers

The Senate amendment adds an application requirement for grants to American overseas research centers.

The House bill contains no similar provision.

The House recedes.

Section 609. Authorization of appropriations for international and foreign language studies

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 and for the five succeeding fiscal years.

The House bill authorizes appropriations of $80,000,000 for fiscal year 2009 and such sums as may be necessary for the four succeeding fiscal years.

The House recedes with an amendment to authorize such sums as may be necessary for 2009 and each of the five succeeding fiscal years.

Section 610. Conforming amendments

The House bill replaces all occurrences of the term ''combinations'' in sections 603(a), 604(a)(5), and 612 of the HEA with ''consortia.''

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill replaces all occurrences of the term ''combination'' in Section 612 of the HEA with ''consortium''.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 611. Business and international education programs

The House bill adds ''manufacturing software systems, technology management'' to the authorizing language for Centers for International Business Education under Section 612 of the HEA.

The Senate amendment contains no similar provision.

The House recedes.

The House bill includes Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs) of higher education as eligible recipients of grants to conduct permissible outreach activities.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill adds programs and activities ''encouraging the advancement and understanding of cultural, technological management, and manufacturing software systems'' to the list of permissible outreach activities.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike all that follows after ''understanding of'' in the House bill and replace with ''technology-related disciplines.''

The House bill authorizes the Secretary to waive or reduce the non-federal matching requirement.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this title.

The Senate amendment amends Section 612(f)(3) of the HEA to authorize the Secretary to require applicants to make ''diverse perspectives'' available to students.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends the application requirements in Section 613 of the HEA for education and training programs to require applicants to assure that ''the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''

The House bill contains no similar provision.

The House recedes.

The House bill authorizes the Secretary to waive or reduce the non-federal matching requirement.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this title.

The Senate amendment authorizes the Centers for International Business and the Educational and Training Programs at such sums as necessary for fiscal year 2008 and the five succeeding fiscal years.

The House bill authorizes the Centers for International Business at $11,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years. The House bill authorizes the Educational and Training Programs at $7,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and each of the succeeding five years.

Section 612. Minority foreign service professional development program

The House bill renames the program established by Section 621 of the HEA, the ''Program for Foreign Service Professionals.''

The Senate amendment contains no similar provision.

The House recedes.

The House bill modifies the provision on the establishment of the Institute for International Public Policy by requiring the Institute to increase the participation of ''underrepresented populations in the international service'', including ''the international commercial service''.

The Senate amendment contains no similar language.

The Senate recedes with an amendment to strike ''the international commercial service.''

The House bill expands eligibility under Section 621 of the HEA to include Tribally Controlled Colleges or Universities, Alaska Native, Native Hawaiian, and Hispanic-serving institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include programs eligible for assistance under Part A and B of Title III or Title V.

The Senate amendment amends the application requirements under Section 621 to require applicants to describe how their activities ''will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.''

The House bill contains no similar provision.

The House recedes with an amendment to add ''and generate debate'' after ''range of views''

The Senate amendment authorizes the Secretary to waive or reduce the non-federal matching requirement.

The House bill contains no similar provision.

The Senate recedes with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this Title.

Section 613. Institutional development

The Senate amendment expands the list of programs eligible institutions will be enabled to strengthen under the Section 622 of the HEA, including ''international business, and foreign language study programs''.

The House bill contains no similar provision.

The House recedes.

The Senate amendment and the House bill contain similar provisions that include ''collaboration'' among institutions of higher education to the institutional development goals under Subsection (a).

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment deletes definitions for ''historically Black college or university'' and ''Tribally Controlled College or University'' in Section 622(c) of the HEA.

The House bill contains no similar provision.

The House recedes with an amendment to relocate these definitions in Section 631 of the HEA.

Section 614. Study abroad program

The Senate amendment deletes references to definitions for ''historically Black college or university'' and ''tribally controlled Indian community colleges'' in Section 623 of the HEA.

The House bill contains no similar provision.

The House recedes with an amendment to relocate these definitions in Section 631 of the HEA.

The House bill adds ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions'' to the program authorizing language under Section 623 of the HEA.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to replace ''tribally controlled Indian community colleges'' with ''tribally controlled colleges or universities''.

Section 615. Advanced degree in international relations

The Senate amendment and the House bill contain similar provisions to replace ''master's'' with ''advanced'' degree in the program heading and in the second sentence of the program authorization of Section 624 of the HEA.

The Conferees adopt the provision as proposed by both the Senate and the House with technical revisions.

The Senate amendment amends the first sentence of the program authorizing provision by inserting '', and in exceptional circumstances, a doctoral degree,'' after ''master's degree''. The House bill amends the first sentence by replacing ''a master's degree'' with ''an advanced degree'' and including the additional subjects of ''international affairs, international economics, or other academic areas related to the Institute fellow's career objectives.''

The Senate recedes.

Section 616. Internships

The Senate amendment deletes references to definitions for ''historically Black college or university'' and ''tribally controlled Indian community colleges'' in Section 625 of the HEA.

The House bill contains no similar provision.

The House recedes with an amendment to relocate these definitions in Section 631 of the HEA.

The Senate amendment replaces internships with the ''United States Information Agency'' with ''the Department of State.''

The House bill contains no similar provision.

The House recedes.

The House bill adds ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions'' to the program authority.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill deletes the provision requiring that the Interagency Committee on Minority Careers in International Affairs assist in the internship program.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment deletes the position of Associate Director for Education and Cultural Affairs of the United State Information Agency.

The House bill contains no similar provision.

The House recedes.

The House bill names the students participating in internships authorized under Section 625 of the HEA as Ralph J. Bunche Fellows.

The Senate amendment contains no similar provision.

The House recedes.

Section 617. Financial assistance

The Senate amendment authorizes financial assistance under Part C of this Title for summer stipends and Ralph Bunche Scholarships.

The House bill contains no similar provision.

The House recedes.

Section 618. Report

The Senate amendment and the House bill change the annual report on Part C to a biennial report.

The Senate and the House recede with an amendment to replace ''biennially'' with ''once every two years.''

Section 619. Gifts and donations

The Senate amendment amends the provision on gifts and donations under Part C to conform to its redesignation as Section 628.

The House bill contains no similar provision.

The House recedes.

Section 620. Authorization of appropriations for the Institute for International Public Policy

The Senate amendment authorizes such sums as may be necessary to carry out Part C of this Title for fiscal year 2008 and the five succeeding fiscal years.

The House bill authorizes $10,000,000 to carry out Part C of this Title for fiscal year 2009 and such sums as may be necessary for the four succeeding fiscal years.

The House recedes with an amendment to authorize such sums as may be necessary for 2009 and the five succeeding fiscal years.

Section 621. Definitions

The Senate amendment deletes the current definition of ''critical languages'' and re-designates the current definitions under Section 631 of the HEA.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends ''comprehensive language and area center'' to be ''comprehensive foreign language and area or international studies center.'' The Senate amendment adds a definition for ''historically Black college and university.'' The Senate amendment adds a definition for ''tribally controlled college or university.'' The Senate amendment amends ''undergraduate language and area center'' to be ''undergraduate foreign language and area or international studies center.''

The House bill contains no similar provisions.

The House recedes.

Section 622. New provisions

The Senate amendment authorizes the Secretary to assess grantees' compliance with the conditions and terms of Title VI, and includes a rule of construction that provides that this Title shall not be construed to authorize the Secretary to control an institution of higher education's instructional program for the purposes of Title VI.

The House bill contains no similar provision.

The House recedes with an amendment to strike reference to the role of complaints in renewing grants under this Section.

The Senate amendment and the House bill add a new Section 633 that authorizes the Secretary to use no more than one percent of the funds appropriated for Title VI to conduct specified activities relating to the programs authorized under this Title.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires that the Secretary provide to the authorizing committees a biennial report that identifies areas of national need in foreign language, area, and international studies and a plan to address those needs.

The House bill contains no similar provision.

The House recedes with an amendment to replace ''biennially'' with ''once every two years.''

The House bill includes a provision regarding student safety policies while studying abroad.

The Senate amendment contains no similar provision.

The House recedes.

Section 637. Science and technology advanced foreign language education grant program

The House bill adds a new program to support the development of innovative programs for teaching foreign languages and to emphasize attaining an understanding of science and technological developments in non-English speaking countries.

The Senate amendment contains no similar provision.

The House bill authorizes such sums as may be necessary for fiscal year 2009 and each of the four succeeding fiscal years.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that authorizes such sums as may be necessary for fiscal year 2009 and for each of the five succeeding fiscal years.

Section 638. Reporting by institutions

The House bill adds a new reporting requirement for Title VI-funded centers or programs at an institution of higher education that receive funds valued at more than $1,000,000 from a ''foreign government or private sector corporation, foundation, or any other entity or individual (excluding domestic government entities) during any fiscal year.'' Such institutions of higher education must report, as part of the Integrated Postsecondary Education Data System (IPEDS) data collection, the names and addresses of such contributors and the amount given.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ''$1,000,000'' and replace with ''$250,000'', to delete the data collection requirement as part of the IPEDS and to require that information required under this section be publicly available. The conferees intend for the Department of Education to ensure the integrity of the reporting requirements under this Title and Section 117. In particular the conferees are concerned that donations are reported and categorized correctly. It is the intent of Congress that the Department of Education guidance prohibit avoidance of the disclosure of foreign gifts through the utilization of domestic conduits or through the reimbursement of domestic entity contributions.

The House bill requires the Secretary to establish a foreign language marketing campaign.

The Senate amendment contains no similar provision.

The House recedes.

TITLE VII—GRADUATE & POSTSECONDARY IMPROVEMENT PROGRAMS

Section 701. Purpose

The Senate amendment adds specific language areas to further define ''areas of national need'' under the purpose of Title VII.

The House bill contains no similar provision.

The House recedes with an amendment to include technology in the list of critical security needs.

Section 702. Jacob K. Javits Fellowship Program

The House bill gives institutions of higher education additional discretion to allow for Javits Fellows to interrupt their study due to exceptional circumstances for up to one year (or longer if called to active military service), without payment of the fellowship stipend.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment amends this section to require the Secretary to appoint a board consisting of nine individuals.

The House bill contains no similar provision.

The House recedes.

The Senate amendment adds to the qualifications of members of the Jacob K. Javits Fellows Program Fellowship Board (hereinafter referred to as ''the board'') based on geographic distribution of members, institutional affiliation, and representation from minority institutions of higher education, as defined in Section 365.

The House bill includes similar provisions, and specifies that at least one member of the board must represent an institution of higher education eligible for grants under Titles III or V.

The House recedes with an amendment to clarify that board representatives from minority institutions of higher education be from institutions of higher education eligible for grants under Titles III or V.

The House bill specifies that the stipend amount is to be set at the comparable level on February 1 of the academic year of the recipient's first award. This provision applies to awards for academic year 2009–2010 and later. The House bill redefines the institutional allowance paid to institutions of higher education by replacing a reference to a previous version of the Higher Education Act. The House bill also clarifies that the Consumer Price Index used for calculating inflationary increases is to be the All Urban Consumers index.

The Senate amendment has no similar provisions.

The Senate recedes with an amendment to strike ''All Urban Consumers'' and strike ''on February 1st of such academic research year.''

The House bill specifies that a Masters of Fine Arts degree is to be considered a terminal degree for the purpose of establishing eligibility for a Javits Fellowship.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment extends the Javits program authorization from fiscal year 2008—fiscal year 2013. The Senate amendment amends the authorization level by removing any specified level.

The House bill extends the Javits program authorization from fiscal year 2009—fiscal year 2013. The House bill retains a specified level ($30,000,000) for the first year of authorization (fiscal year 2009).

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

Section 703. Graduate assistance in areas of national need

The Senate amendment and the House bill redefine ''areas of national need'' for the purpose of identifying eligible grantees for GAANN.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill adds a priority for specified purposes to support programs preparing professors to become faculty of teacher education programs in specified fields (math, science, special education, and limited English proficiency). The House bill requires grant applications from teacher education programs to include plans for collaboration with other academic programs.

The Senate amendment contains no similar provision.

The House recedes.

The Conferees recognize the Graduate Assistance in Areas of National Need (GAANN) program has been amended to include a subsection which directs the Secretary to consider an ''assessment of the current and future professional workforce needs of the United States'' when selecting GAANN designated fields. In 2007, the U.S. Bureau of Labor Statistics projected that more than one million new and replacement nurses will be needed by 2016. A significant contributing factor to the nursing shortage is the need for nurse faculty. According to the American Association of Colleges of Nursing, the national nurse faculty vacancy rate in baccalaureate and graduate schools of nursing is 8.8%. Given the revisions to this program and the national shortage of nurses and nurse educators, we respectfully request that the Secretary continue to select nursing as a discipline covered under the GAANN program.

The Senate amendment and the House bill clarify that the stipend levels for the GAANN program are equal to the National Science Foundation Graduate Research Fellowship Program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill further specifies the stipend amount is to be set at the comparable level on February 1 ''of such academic year.''

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment specifies that this provision applies to awards for 2008–2009 and later. The House bill specifies that this provision applies to awards for 2009–2010 and later.

The Senate recedes.

The Senate amendment updates the years from which institutional payments are based beginning in 2007–2008.

The House bill updates the years from which institutional payments are based beginning in 2008–2009, and ties the payments to the All Urban Consumers Price Index.

The Senate recedes with an amendment to strike the reference to the All Urban Consumers Price Index.

The Senate amendment amends the authorization level by removing any specified level for the first year of authorization (fiscal year 2008).

The House bill retains a specified level ($35,000,000) for the first year of authorization (fiscal year 2009).

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

The House bill makes technical amendments to Section 714(c) to correct incorrect references to other provisions.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill adds language to clarify that master's degree programs are included in academic programs eligible for GAANN.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include doctoral degrees in definition of eligible programs in addition to master's degrees.

The House bill adds language to specify that a GAANN fellowship recipient must pursue the highest possible degree in their field that is offered by the institution of higher education.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 704. Thurgood Marshall Legal Educational Opportunity Program

The Senate amendment and the House bill make similar changes to the Thurgood Marshall Legal Educational Opportunity program, expanding eligibility for services to students seeking ''admission to law practice.'' In so doing, the Senate amendment refers to ''secondary school students'' while the House bill refers to ''middle and high school students.''

The House recedes. The Conferees intend that ''secondary school'' encompass both middle schools and high schools.

The Senate amendment expands the description of a grant activity to include preparing students for successful completion of a baccalaureate program for study at accredited law schools.

The House bill includes similar changes.

The House recedes.

The Senate amendment expands the description of a grant activity to include precollege and summer academic programs.

The House bill contains no similar provision.

The House recedes.

The Senate amendment expands eligibility for subgrants to bar associations.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends stipend authorization language to include Thurgood Marshall program associates. Stipend recipients must maintain satisfactory progress towards the Juris Doctor or Bachelor of Laws degree, as determined by the respective institution. The Senate amendment exempts graduates in bar preparation courses from meeting this requirement.

The House bill contains no similar provision.

The House recedes.

The Senate amendment removes an explicit appropriation level authorization and authorizes the program for fiscal year 2008–fiscal year 2013.

The House bill retains the authorization level of $5,000,000 per year and authorizes the program for fiscal year 2009–fiscal year 2013.

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

The House bill repeals an expired continuation provision.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 705. Sense of Congress

The Senate amendment and the House bill establish a new program to award competitive grants to institutions for fellowships to minorities and women seeking doctoral degrees with the intent of entering the professoriate under Title VIII.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to add a Sense of the Congress regarding the importance of inter-institutional cooperation in addressing the under-representation of women and minorities in the higher education professoriate.

Section 706. Masters degree programs at Historically Black Colleges and Universities and Other Minority Serving Institutions

The House bill establishes a new program to provide competitive grants to qualifying master's degree programs at a specified list of Historically Black Colleges and Universities and Minority Serving Institutions to provide fellowships to students in specified STEM and health fields.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to create a program for Historically Black Colleges and Universities under section 723, a program for Predominantly Black Institutions under section 724, and to authorize appropriations for both programs under section 725 and to allow grantees to expand the uses of funds.

The Conferees acknowledge that this new authorization dramatically expands the focus on graduate education at the Historically Black Colleges and Universities (HBCUs) by expanding the number of institutional participants in the Title III, B, Section 326 Historically Black Graduate Institution program, and by creating two new masters degree programs in Title VII that serve the Black student community. The Conferees believe that this expansion is warranted in light of the need to dramatically increase the number of minorities, especially African Americans, earning degrees in the physical and natural sciences, computer science, information technology, engineering, mathematics, nursing and allied health, as well as in medicine, veterinary medicine, dentistry, pharmacy, and law. Currently, Title III, B provides grants for undergraduate programs at HBCUs and doctoral and first professional degree programs at HBCUs. Conferees acknowledge that there has been confusion in recent years regarding the Section 326 program and wish to make clear that the focus and intent of the section 326 program is to support doctoral and first professional degree programs at eligible HBCUs.

Recognizing the importance of increasing the number of African Americans holding master's degrees, with this reauthorization, Conferees are creating two master's degree programs to further advance educational opportunities for African Americans. Moreover, the Conferees are committed to increasing funds for the existing Strengthening Historically Black College and University (Section 323) program in order to assure that a strong ''pipeline'' of qualified baccalaureate degree holders is available to compete for acceptance into HBCU graduate and professional schools, as well as other graduate and professional schools throughout the United States. This should begin by assuring that the infusion of $85 million in additional funds provided to HBCUs through the College Cost and Reduction Act is retained and used to supplement, and not supplant the $238.1 million in discretionary Title III, B funds.

Conferees recognize the vital role HBCUs play in our nation's system of higher education. Following passage of the Civil Rights Act of 1964, Congress in 1965 created distinct federal support for HBCUs which, in the face of legally sanctioned discrimination, had worked to raise the educational outcomes of African Americans. Although HBCUs represent just three percent of all colleges and universities in the nation, HBCUs account for 21.6% of all baccalaureate degrees awarded to Black Americans, 11.4% of all master's degrees, and 10.8% of all doctoral degrees. Additionally, HBCUs year in and year out dominate the top 10 lists of colleges and universities in the awarding of baccalaureate and graduate degrees awarded to Black Americans in the sciences and engineering.

Conferees also recognize the significant role that Predominantly Black Institutions (PBIs) have in providing postsecondary education. These institutions are ineligible for funding under Title III, B because they do not meet the definition of an HBCU which

Congress established when HBCUs were first recognized by Congress in 1965. Nevertheless, Conferees recognize that PBIs represent an important cadre of four-year and two-year institutions that serve as the access point for a growing number of urban and rural Black students whose family and financial situations limit their ability to gain access to college in many states. Many of these students come from low-income families and are also ''first generation'' college students, whose educational preparation for college and family finances to pay for college present special challenges to educational success. PBIs are meeting vital higher education needs for traditionally underrepresented students, a disproportionate number of whom are African American. The master's program for PBIs aims to serve the needs of a growing number of students seeking to expand their educational opportunities. This program will work hand in hand with the undergraduate PBI program and serve as a pipeline for underrepresented and underserved populations to go on to and pursue a master's degree.

Conferees recognize that both HBCUs and PBIs contribute to the development of Black master's professionals. Conferees respect the historical and distinct differences between these types of institutions; at the same time, Conferees recognize that both serve similar communities.

For this reason, Conferees intend that future appropriations authorized under section 725 for each program represent the proportionate number of eligible institutions in sections 723 and 724 relative to the total number of institutions in subpart 4 and in accordance with the minimum grant provisions (sections 723(a) and 724(a)), funding rule provisions (sections 723(f) and 724(f)), and hold harmless provisions (sections 723(g) and 724(g)) in each program. This will ensure equitable levels of funding for each program and will encourage stakeholders to work together to secure resources. An institution shall not receive more than one grant under section 723 or 724 for the same fiscal year. Grants may periodically be renewed for a period of time to be determined by the Secretary.

Section 707. Fund for the Improvement of Postsecondary Education

The House bill amends the FIPSE authority by placing an emphasis on providing opportunities for non-traditional student populations and emphasizing joint efforts that provide ''for academic credit.''

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to encourage improved opportunities for all students, including non-traditional students and add to the purpose to create programs involving paths to career and professional training, including efforts that provide academic credit for programs and combinations of academic and experiential learning.

The Senate amendment and the House bill amend the stated grant purposes pertaining to supporting technology of communications, including delivery of distance education, but the Senate explicitly includes ''health professions serving medically underserved populations.''

The House recedes.

The House bill amends the FIPSE authority by changing ''institutions'' to ''postsecondary institutions.''

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment adds to the FIPSE authority to include remedial postsecondary English language instruction. The House bill adds to the authority to support and assist partnerships between institutions of higher education and secondary schools that have not less than ten percent of the schools' enrollment assessed as late-entering limited English proficient students.

The Senate and the House recede with an amendment to adopt both new additions with an amendment to strike the ten percent requirement and replace that criterion with ''secondary schools that have a significant population identified as late-entering limited English proficient.''

The Senate amendment and the House bill amend the FIPSE authority by adding the development of institutional consortia to design and offer curricular programs that focus on poverty and human capabilities, which includes a service-learning component.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill amends FIPSE authority by adding the following programs: assessment of teacher education programs; reduction of illegal downloading of copyrighted content; promoting fire safety in student housing; assessing the feasibility of an inter-institutional monitoring organization on gender and racial equality in campus faculty administration; demonstration projects for homeless and former foster students to provide housing during academic breaks; and promoting diversity in the entertainment industry.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike the assessment of teacher education programs, illegal downloading, fire safety in student housing, and an inter-institutional monitoring organization on gender and racial equality.

The Senate amendment and the House bill establish a Center for Best Practices to Support Single Parent Students.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill amends FIPSE to require that funds made available under FIPSE are not to be given to students who are not citizens, permanent residents, a citizen of one of the Freely Associated States, or is otherwise in the United States not temporarily to seek citizenship or residency, or to institutions of higher education not meeting certain energy efficiency standards for new construction.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to: create a priority under FIPSE for institutions of higher education that meet certain energy efficiency standards for new construction; and clarify that only funds made available under FIPSE for the purpose of providing direct financial assistance to an individual student are to be limited to eligible citizens, in order to align student eligibility for grants under the FIPSE program with Title IV eligibility.

The Conferees do not intend to limit funds that are made available under FIPSE for programs that are provided to citizens and non-citizen students together, such as an institution wide program or, to exclude noncitizens from such program.

The Senate amendment and the House bill add a new scholarship program under FIPSE for dependent children and spouses of post-9/11 veterans killed or disabled in duty and current active duty military personnel. The Senate amendment describes spousal eligibility; caps scholarships at $5,000; and accounts for cost of attendance—disallowing the scholarship and other non-loan based aid to exceed cost of attendance. The House bill describes spousal eligibility in a substantively similar way to the Senate and caps scholarships at $5,000. The Senate amendment and the House bill include a provision that nonprofit organizations receiving a contract under this subsection may not use more than one percent of funds for administrative costs.

The Senate recedes with an amendment to ensure the grant does not exceed the cost of attendance.

The House bill substitutes references to the Director of FIPSE with references to the Secretary, and eliminates requirements to establish FIPSE grant and contracting procedures.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment amends the areas for national need for which grants for special FIPSE projects may be awarded to include instructional improvement and assessment and specifies model programs to include model core curricula.

The House bill amends the areas for national need for which grants for special FIPSE projects may be awarded to include courses in American and world history and other core subjects, and support centers for quality and safety in preparing medical and nursing students.

The House recedes with an amendment to include support for centers for medical quality.

The Senate amendment removes any specific authorization level for FIPSE and extends authorization for fiscal year 2008–fiscal year 2013.

The House bill raises authorization for the fiscal year 2009 to $40,000,000 and such sums as may be necessary for fiscal year 2009–fiscal year 2013.

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

Section 708. Repeal of the Urban Community Service Program

The Senate amendment repeals the Urban Community Service Program.

The House bill repeals the Urban Community Service Program and replaces it with an ''Urban-Serving Research Universities'' program to expand research and other urban-service initiatives in partnerships with other public non-profit organizations. The program is authorized for $50,000,000 per year for fiscal year 2009–fiscal year 2013.

The House recedes.

Section 709. Programs to provide students with disabilities with a quality higher education

Both the Senate amendment and the House bill amend Part D of Title VII.

The Conferees adopt the provisions with the following amendments.

The Senate amendment and House bill make similar changes to the program supporting postsecondary faculty in educating students with disabilities in Part D of Title VII, and establish a new comprehensive transition program for students with intellectual disabilities, as well as a coordinating center for technical assistance, evaluation, and development of accreditation standards to support such transition programs.

The Senate amendment also amends the program supporting postsecondary faculty in educating students with disabilities to create ''disability career pathways'' to encourage students with disabilities and non-disabled students to enter disability-related fields.

The House bill contains no similar provision.

The House bill also establishes an Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities, and a National Technical Assistance Center to provide information and technical assistance for

students with disabilities to improve the postsecondary recruitment, retention, and completion rates of such students.

The Senate amendment contains no similar provisions.

The House and Senate recede with an amendment to adopt various changes to the program supporting postsecondary faculty in educating students with disabilities, place the program in a new Subpart 1 of Part D, and establish new subparts 2, 3, and 4 in Part D, as follows:

SUBPART 1—DEMONSTRATION PROJECTS TO SUPPORT POSTSECONDARY FACULTY, STAFF AND ADMINISTRATORS IN EDUCATING STUDENTS WITH DISABILITIES

The Conferees amend the authorized activities of the program to include teaching methods and strategies consistent with the principles of universal design for learning, and specify that such methods and strategies should provide postsecondary faculty, and staff and administrators with the skills and supports necessary to meet the academic and programmatic needs of students with disabilities. The Conferees also add options to the list of authorized activities, including effective transition practices for students with disabilities, accessible distance learning strategies, ''disability career pathways,'' and curriculum development that makes postsecondary education more accessible to students with disabilities.

The Conferees amend the application requirements to include a description of the extent to which the applicant will work to replicate best practices in serving students with disabilities.

The Conferees require the Secretary to prepare and disseminate reports, reviewing both prior and new demonstration projects authorized under this subpart and providing recommendations on how effective projects can be replicated.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart.

SUBPART 2—TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION

The Conferees establish a new subpart 2 of Part D to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education. Comprehensive transition and postsecondary programs for students with intellectual disabilities are defined as degree, certificate, or non-degree programs that are offered by an institution of higher education, designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education, include an advising and curriculum structure, and require students with intellectual disabilities to participate on not less than a half-time basis in coursework and other activities with nondisabled students. The Conferees intend to encourage such programs to integrate students with intellectual disabilities into inclusive activities, coursework and campus settings with nondisabled postsecondary students, and that such programs include measurable outcomes, such as attainment of a degree or certificate.

A student with an intellectual disability is defined as a student with mental retardation or a cognitive impairment characterized by significant limitations in intellectual and cognitive functioning and adaptive behavior, and who is currently, or was formerly, eligible for a free, appropriate public education under the Individuals with Disabilities Education Act (IDEA). The Conferees recognize that some students with disabilities who are eligible for a free and appropriate public education may not enroll in public schools, nor choose to receive special education services under the Individuals with Disabilities Education Act. The Conferees intend to include such students in the definition of students with intellectual disabilities under this Act, if such students can otherwise demonstrate they meet the eligibility criteria.

The Conferees authorize the Secretary to competitively award grants to institutions of higher education, or consortia of such institutions, to create or expand the model demonstration programs, and specify that the program shall be administered by the office at the Department of Education that administers other postsecondary programs. Grants are authorized to be awarded for a period of five years. The Conferees direct the Secretary, in awarding such grants, to provide for an equitable geographic distribution of grants, provide grants to institutions or consortia that are located in areas that are underserved by such programs and to give preference to institutions or consortia that agree to form partnerships with other relevant agencies that serve students with intellectual disabilities, integrate students with intellectual disabilities into institutionally owned or operated housing offered to students without disabilities, or involve students attending the institution who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

The Conferees authorize various uses of funds for institutions or consortia receiving grants under this subpart, including the provision of individual supports and services for the academic and social inclusion of students with disabilities in academic courses, extracurricular activities, and other aspects of the institution's postsecondary program; a focus on academic enrichment, socialization, independent living skills, and integrated work experiences and career skills; integration of person-centered planning for the participating students; participation of the institution or consortium in the coordinating center established in subpart 4; partnerships with one or more local educational agencies to support students with intellectual disabilities who are still eligible for education and related services under IDEA to participate in the model programs; and the creation and offer of a meaningful credential for students with intellectual disabilities upon completion of the model program. The Conferees also require an institution or consortium receiving a grant under this subpart to provide matching funds of not less than twenty-five percent of the cost of the model program supported under the grant, which may be provided in cash or in kind.

The Conferees require the Secretary to prepare and disseminate a report, within five years of the date of the first grant awarded under this subpart, which reviews the programs supported under this subpart and provides recommendations on how model programs can be replicated. The Conferees include a rule of construction to specify that nothing in the subpart shall be construed to reduce or expand the obligation of a State or local educational agency to provide a free, appropriate public education under IDEA, or eligibility requirements under any Federal, State, or local disability law.

The Conferees recognize that under the Individuals with Disabilities Education Act, nothing prohibits the use of Part B funds to support students with disabilities in transition programs at institutions of higher education, if the Individualized Education Program Team determines that such a program is the appropriate placement for the student.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart, and include a reservation of funds for the coordinating center authorized in subpart 4.

SUBPART 3—COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS

The Conferees establish a new subpart 3 of Part D that creates an Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, and model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities. The term 'student with a print disability' is defined as a student with a disability who experiences barriers to accessing instructional materials in nonspecialized formats, including students eligible under 17 U.S.C. 121(d)(2). The Conferees acknowledge that students with a range of impairments, including but not limited to visual impairments, physical limitations, dyslexia, and intellectual disabilities, may meet this definition. Among other activities, the Conferees intend that the Commission will analyze the different definitions of eligible students in applicable Federal law and make recommendations as to the scope of the definition of student with a print disability.

The Conferees direct the Secretary to appoint nineteen members to the Commission from various categories, including representatives from the Department, the Library of Congress, associations representing individuals with disabilities, associations representing publishers, institutions of higher education with experience in teaching or supporting students with print disabilities, producers of accessible materials, and individuals with print disabilities, including postsecondary students. The Commission is directed to meet for the first time no later than ninety days after the establishment of the Commission.

The Conferees direct the Commission to conduct a comprehensive study to assess the barriers that affect, and the technical solutions that can improve, the timely delivery and quality of accessible instructional materials for students with print disabilities, as well as the effective use of such materials by postsecondary faculty and staff. The Commission is directed to make recommendations related to a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for postsecondary students without disabilities.

The Commission is also directed to develop recommendations to inform Federal regulations and legislation and support the model demonstration programs to improve access to postsecondary instructional materials for students with print disabilities authorized in the subpart. Such recommendations are to identify best practices related to systems for collecting, maintaining, processing, and disseminating materials in specialized formats; improve the effective use of such materials by faculty and staff while complying with applicable copyright law; and analyze and consider modifications to the terms 'instructional materials,' 'authorized entities,' and 'eligible students' in applicable Federal law for the purpose of improving services to students with disabilities. The Conferees recognize the importance of accessible instructional materials for all students with disabilities, while also recognizing the importance of maintaining appropriate copyright protections, and the opportunity to market universally-designed materials that meet the

needs of all students, for publishers of instructional materials.

In conducting its study and developing its recommendations, the Conferees intend for the Commission to identify, and draw upon the expertise of, national non-profit organizations and other entities with extensive experience providing accessible instructional materials to postsecondary students with print disabilities. Such organizations and entities should have proven track records in conducting research into the creation of file standards for accessible instructional materials, implementing models for the provision of accessible instructional materials for postsecondary students with print disabilities, and collaborating with publishers and other stakeholders in these efforts. The Conferees note that the following organizations and entities have done useful work in these areas: the Recording for the Blind & Dyslexic Technology Advisory Committee, Benetech Bookshare, the Critical Issues Task Force of the Association of American Publishers Higher Education Division, the Center for Applied Special Technology, the Association of Higher Education and Disabilities E-Text Solutions Working Group, the Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group, and the Advisory Council and the Technical Assistance and Development Centers of the National Instructional Materials Access Center. The Conferees recommend that the Commission consider the work of these groups in its efforts, and identify other entities with technical expertise in the Commission's areas of study, including entities that may have used federal dollars to identify solutions.

In developing these recommendations, the Commission is directed to consider how students with print disabilities may obtain materials in accessible formats in a timeframe, comparable to the availability of materials to students without disabilities; and to the maximum extent practicable, at comparable costs; the feasibility of establishing standardized electronic file formats for accessible materials; the feasibility of establishing a national clearinghouse, repository, or file-sharing network for such materials; the feasibility of market-based solutions involving collaborations among publishers and institutions of higher education to increase the availability of accessible materials; solutions utilizing universal design; and solutions for low-incidence, high-cost requests for materials in specialized formats. The Conferees direct the Commission to submit a report detailing its findings and recommendations to the Secretary and the authorizing committees not later than one year after the Commission's first meeting.

With respect to the model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities, the Conferees authorize the Secretary to award grants or contracts, on a competitive basis, to not less than one partnership consisting of an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, and a public or private entity with demonstrated expertise in developing accessible instructional materials, and the technical development expertise necessary for the efficient dissemination of such materials. The partnership may include representatives of the publishing industry.

The Conferees direct partnerships receiving grants or contracts under this subpart to conduct a variety of required activities, including the development and implementation of processes to identify and verify eligibility of postsecondary students with print disabilities; procedures to facilitate methods to request such materials; procedures to coordinate among institutions of higher education, publishers, and entities that produce materials in specialized formats; systems to deliver specialized materials in a timely fashion, and to reduce duplicative conversions of such materials; procedures to protect against copyright infringement with respect to materials in specialized formats; and outreach and awareness activities for postsecondary students, faculty and staff regarding the acquisition and dissemination of materials in specialized formats and materials utilizing universal design.

The Conferees direct the Secretary, in awarding such grants or contracts, to give preference to partnerships that support a unified search for accessible instructional materials across multiple databases or market-based approaches to make accessible instructional materials available to eligible students at prices comparable to the prices of standard instructional materials.

The Conferees direct the Secretary to submit a report to the authorizing committees, not later than three years after the date of the first contract or grant awarded under this subpart, which details the grants and contracts supported under this subpart, as well as the number of students with print disabilities served by such grants or contracts. The Conferees authorize the Secretary to expand the model programs supported under this subpart on the basis of this report and other related reports.

The Conferees include a rule of construction to specify that nothing in the subpart shall be construed to limit or preempt a State law regarding the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart, and include a reservation of funds for the Advisory Commission authorized in the subpart.

SUBPART 4—NATIONAL TECHNICAL ASSISTANCE CENTER; COORDINATING CENTER

The Conferees establish a new subpart 4 of Part D that creates a National Center for Information and Technical Support for Postsecondary Students with Disabilities to provide information on best and promising practices to students with disabilities, the families of such students, and entities awarded grants, contracts, or cooperative agreements under subparts 1, 2, and 3 of Part D to improve the postsecondary recruitment, transition, retention, and completion rates of students with disabilities. Subpart 4 also authorizes a coordinating center to support inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities, including those authorized under subpart 2.

The Conferees establish and support a National Center for Information and Technical Support for Postsecondary Students with Disabilities. The Conferees specify that an institution or higher education or nonprofit organization, with demonstrated expertise in supporting students with disabilities in higher education, technical knowledge related to the dissemination of information in accessible formats, and working with diverse types of institutions of higher education, or partnership of two or more such institutions or organizations, may qualify as the eligible entity authorized to operate the National Center. The Conferees specify that the National Center shall provide information and technical assistance to students with disabilities and the families of such students, to support students across the broad spectrum of disabilities, including information to assist students with disabilities in planning for postsecondary education while they are in secondary school; information to improve the participation of students with disabilities in early outreach programs supported under Title IV; information on research-based supports available in postsecondary settings; information on student mentoring and networking opportunities; and effective recruitment and transition practices for students with disabilities at institutions of higher education.

The Conferees further specify that the National Center shall provide information and technical assistance to postsecondary faculty, staff, and administrators to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of students with disabilities in higher education settings. These activities may include collection and dissemination of best practices and materials for accommodating and supporting students with disabilities; the development of training modules for higher education faculty for such purpose; and development of technology-based tutorials. The Conferees authorize the National Center to build, maintain, and update a database of disability support information related to postsecondary education that shall be made available to the public through a website built to high technical standards of accessibility.

The Conferees direct the National Center to prepare periodic reports to the Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities, including a review of the programs authorized under Part D; annual enrollment and graduation rates of students with disabilities at institutions of higher education; recommendations for effective supports and services for students with disabilities in higher education; recommendations on reducing barriers to full participation of such students in higher education; and a description of successful strategies in improving the success of such students in postsecondary education. The first of such reports shall be submitted not later than three years after the establishment of the Center, and every two years thereafter.

The Conferees specify that in hiring employees of the National Center, the center shall consider prospective employees' experience in providing training and technical assistance to practitioners.

The Conferees establish a Coordinating Center for Model Programs for Students with Intellectual Disabilities, which will serve as a coordinating center for technical assistance, evaluation, and recommendations related to the development of standards for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities. The Conferees recognize that there may currently exist inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities as defined by this Act, and intend the Coordinating Center to work with such programs as well as those participating in grants authorized under subpart 2. The Conferees specify that an entity or partnership of entities with demonstrated expertise in the fields of higher education, the education of students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation and technical assistance may qualify as the eligible entity to operate the coordinating center. The Conferees authorize the Secretary to enter into an agreement with an eligible entity to operate the coordinating center for a period of five years.

The Conferees direct that the coordinating center shall serve as the technical assistance

entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities, and that the center shall provide technical assistance regarding the development, evaluation, and improvement of such programs; develop an evaluation protocol for such programs; and assist recipients of grants under subpart 2 of Part D in providing a meaningful credential to students with intellectual disabilities who complete such programs. The Conferees also direct the coordinating center to develop recommendations on various components of the programs supported under subpart 2, analyze potential funding streams for such programs, develop model memoranda of agreement among institutions of higher education, States, and local educational agencies with respect to such programs; develop mechanisms for the regular communication, outreach and dissemination of information about such programs among relevant groups; and convene a workgroup to develop model criteria, standards, and components of such programs that are appropriate for the development of accreditation standards for these programs.

The Conferees direct the coordinating center to prepare a report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity, no later than five years after the date of establishment of the coordinating center, on the recommendations of the workgroup charged with developing model criteria and standards appropriate for the development of accreditation standards for comprehensive transition and postsecondary programs for students with intellectual disabilities.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart.

Section 710. Subgrants to nonprofit organizations

The House bill clarifies that guaranty agencies are eligible for subgrants under the College Access Challenge Grant Program created by CCRAA.

The Senate amendment contains no similar provision.

The Senate recedes.

TITLE VIII—ADDITIONAL PROGRAMS

Section 801. Additional programs

The Senate amendment and the House bill create a new Title VIII to add new programs to the Act.

The Senate and House recede with amendments to Title VIII as follows.

Section 801. Project GRAD

The Senate amendment and the House bill authorize a new program to provide funding through a grant for a non-profit organization called Project GRAD USA to support integrated secondary-postsecondary graduation reform efforts. The Senate amendment establishes the program as a subsection of FIPSE. The House bill establishes the program under Title VIII.

The Senate recedes on placement and with an amendment to strike the term disadvantaged students and replace with low-income students, to reduce the administrative funding from eight percent to five percent, and to include additional outcome criteria for determining the funding level for grantees. The House and Senate recede to require the Secretary enter into a contract, rather than a grant, with Project Grad

Section 802. Mathematics and science scholars program

The Senate amendment establishes a new competitive grant program that authorizes the Secretary to award competitive grants to states. States would award $1,000 scholarships to first and second year undergraduate students who complete a rigorous high school program in math and science. States must match fifty percent of federal funds and may set priorities (e.g., underrepresented groups) for the scholarships. The Senate amendment authorizes appropriations of such sums as may be necessary fiscal year 2008 through fiscal year 2009.

The House bill contains no similar provision.

The House recedes with an amendment to increase the scholarship award from $1,000 to $5,000, to limit eligibility to first year undergraduate students, and to incorporate provisions from the Math and Science incentives program from Title IV of the House bill.

The Conferees intend that States awarding scholarships from the Mathematics and Science Scholars Program should take into account the regional and geographic needs of the State in determining which eligible students receive the scholarships.

Section 803. Business workforce partnerships for job skill training in high-growth occupations or industries

The Senate amendment authorizes the Secretary to award competitive grants to partnerships between institutions of higher education and local workforce investment boards for development of job training programs in high-growth industries. Grants would fund training for ''non-traditional'' students meeting specified criteria. The Senate amendment authorizes appropriations of such sums as may be necessary for fiscal year 2008 through fiscal year 2009.

The House bill includes a related Business Workforce Partnership grant program that authorizes the Secretary to award competitive grants to institutions of higher education in partnership with businesses, local workforce investment boards, and labor organizations to develop pathways from education and training to high-demand occupations.

The Senate and the House recede with an amendment to merge the two programs and authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

It is the intent of the Conferees that the Workforce Partnerships for Job Skill Training in High-Growth Occupations or Industries created in this bill are awarded as part of a competitive grants process. The Conferees further intend that the Secretary shall consult with experts in the workforce and occupational education and training fields during all parts of the grants process, including the reviewing of applications, awarding grants, and evaluating the success of grantees.

Finally, the Conferees intend for the Secretary to encourage grant recipients pursuing partnerships for the purposes outlined in subsection (e)(1) or (e)(2) to where possible design course offerings and programs that offer credit towards a degree or certificate.

Section 804. Capacity for nursing students or faculty

The Senate amendment and the House bill establish a new program that authorizes the Secretary to award competitive grants to nursing programs to expand faculty and facilities.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment authorizes grants beginning in academic year 2006–2007. The House bill authorizes grants beginning in academic year 2008–2009.

The Senate recedes.

The Senate amendment authorizes funding indefinitely. The House bill does not provide a separate authorization of appropriations for this section.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

The House bill establishes a Nurse Faculty Pilot Project which authorizes the Secretary to award competitive grants to fund scholarships and release time for nurses studying for advanced degrees with the intention of becoming faculty.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that grants awarded under this section may be used to support partnerships with hospitals or health facilities to improve alignment between nursing education and healthcare delivery methods, fund release time for qualified nurses enrolled in the graduate nursing program and to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program.

The conferees recognize that Part D, Section 804, Capacity for Nursing Students and Faculty, combines two distinct programs included in the House bill; a capitation grant program and a nurse faculty pilot project. In considering the designation of the awards and distribution of excess funds, the committee urges the Secretary to ensure an adequate number of awards and funding is provided for the nurse faculty pilot project described in (c)(2)(B). Additionally, the Secretary shall determine the duration in which the nurse faculty pilot project grants are awarded; such time period should not exceed five years but should not be less than three years. After the expiration of the pilot program, the project's success will be evaluated.

Section 805. American history for freedom

The Senate amendment establishes a new program that authorizes the Secretary to award competitive grants to institutions of higher education to establish or strengthen programs that promote ''(1) traditional American history; (2) the history and nature of, and threats to, free institutions; or (3) the history and achievements of Western Civilization.'' The Senate amendment authorizes appropriations for fiscal year 2008 through fiscal year 2013.

The House bill contains no similar provision.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

Section 806. Teach for America

The Senate amendment and the House bill authorize the Secretary to award a grant to Teach For America, Inc. to implement and expand its program of recruiting, selecting, training, and supporting new teachers; and to study the program's effectiveness.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment uses the term achievement gains, while the House bill uses the term student learning gains.

The House recedes with an amendment to use the term student achievement gains.

The House bill requires those participating in the peer review process required by the Senate amendment and House bill to meet specific qualifications.

The Senate recedes.

The Senate amendment authorizes appropriations of such sums as may be necessary for fiscal year 2008 through fiscal year 2013.

The House bill authorizes $20,000,000.

The Senate recedes.

The Senate amendment limits the Teach For America organization from using federal

funds for more than twenty-five percent of its administrative costs.

The House bill contains no similar provision.

The House recedes.

Section 807. The Patsy T. Mink fellowship program

The Senate amendment and the House bill establish a new program to award competitive grants to institutions of higher education for fellowships to minorities and women seeking doctoral degrees with the intent of entering the professoriate.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that the fellowship awards should be given to individuals from groups who are underrepresented in doctoral degree programs, including minorities and women.

The Senate amendment requires that at least thirty percent of funds would be reserved for institutions of higher education eligible for a grant under Titles III or V.

The House bill requires that at least fifty percent of funds would be reserved for institutions of higher education eligible for a grant under Titles III or V.

The House recedes.

The Senate amendment and the House bill establish similar eligibility requirements for students to receive Mink fellowships from grantee institutions of higher education. The Senate amendment requires intent to pursue a career in instruction at certain delineated institutions of higher education; the House bill simply refers to those institutions of higher education eligible to participate in Title IV programs.

The House recedes.

The Senate amendment and the House bill requires each grantee to award a minimum of fifteen fellowships with the grant funds.

The Conferees agree to this provision with an amendment to reduce the minimum number of awards to ten and clarify that the Secretary can use unused appropriated funds to make a grant award to a grantee that would result in less than ten fellowships being awarded.

The Conferees intend that the Patsy Mink Fellowship Program grants will support a minimum of ten fellowships per grant. The goal of this minimum number of fellowships is to enable cohorts of underrepresented individuals to move through graduate education together and increase the likelihood that individuals will complete their education and enter the professoriate. The Conferees recognize that appropriated funds may not always be adequate to ensure that each grant could support this minimum number. In such situations, the Conferees intend that the Secretary award the maximum number of grants that would support the minimum fellowship requirement but would have the flexibility to award a single grant using remaining funds which would not be required to meet the minimum fellowship requirement. The Secretary may not award multiple grants, in any single grant cycle, that do not meet the minimum fellowship requirement.

The Senate amendment includes provisions prohibiting any requirement for preferential treatment in hiring for Mink fellows.

The House bill contains no similar provision.

The House recedes.

Section 808. Improving college enrollment by secondary schools

The Senate amendment and the House bill establish a new program in which the Secretary must contract with a non-profit organization to conduct a needs assessment and provide comprehensive services to urban school districts and rural states in order to improve college-going rates of participating schools.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendment.

The Senate amendment directs the Secretary to contract with one non-profit organization to carry out the program.

The House bill requires the Secretary to award a grant to a nonprofit organization to carry out the program.

The Senate recedes.

Section 811–818. Early childhood education professional development and career task force

The Senate amendment and the House bill include a program for early childhood development professional development.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment and the House bill include a definition of an ''early childhood education program.'' The House bill's definition includes a program authorized under Section 619 or Part C of IDEA.

The Senate recedes.

The Senate amendment provides for a five year grant award period. The House bill provides for a three year grant award period.

The House recedes.

The Senate amendment and the House bill require the development of a State Task Force. The House bill specifies that a representative from the state educational agency and the State Head Start collaboration director participate in the State Task Force. The House bill includes language stating that nothing precludes the State from designating a pre-existing entity to serve as the State Task Force required under this program. The Senate amendment requires a state representative serve on the Task Force, but does not require that person to be from the state educational agency.

The Senate recedes.

The Senate amendment and the House bill include similar provisions for ''State Taskforce Activities'', except, the House bill specifies that the survey, administered by the Task Force, should collect information disaggregated by specialized knowledge in the education of children with limited English proficiency, in addition to the areas included in the Senate amendment.

The Senate recedes with an amendment to also require the collection of information regarding children with disabilities.

The Senate amendment and the House bill require the State Task Force to develop a plan for a comprehensive professional development and career system for individuals working in early childhood education programs and specify what must be included in the plan.

The Conferees adopt this provision with an amendment to clarify that the plans may, rather than shall, include certain contents.

Section 819. Improving science, technology, engineering and mathematics education with a focus on Alaska Native and Native Hawaiian students

The Senate amendment and the House bill authorize the Secretary to award competitive grants to partnerships to develop or expand STEM programs and academic support services and internships for STEM students, with a focus on Alaska Native and Native Hawaiian students.

The Conferees adopt the provisions as proposed by both the Senate and the House with the following amendment.

The Senate amendment includes a definition of institution of higher education.

The House bill contains no similar provision.

The House recedes.

The Senate amendment includes authorizing language for such sums as necessary to carry out this Part for fiscal year 2008 and five succeeding years.

The House bill contains no similar provision.

The House recedes with amendment to strike 2008 and replace with 2009.

Section 820. Pilot programs to increase college persistence and success

The Senate amendment authorizes the Secretary to award competitive grants to institutions of higher education for scholarships ($2,000 per year for two years) and counseling services for low-income students with dependents. Scholarship funds are paid upon completion of specified academic milestones. The program is to be evaluated with a random assignment study design. The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 through fiscal year 2013.

The House bill contains the Student Success Grants, which authorizes the Secretary to award competitive grants to eligible institutions of higher education to help low-income students persist and complete postsecondary education and training programs through coaching programs. In addition to supportive services, institutions of higher education would provide grants to eligible students for $1,500 per student, per year, for five years, with a twenty-five percent non-federal matching requirement.

The Senate and the House recede with an amendment to merge the two programs.

Section 821. Student safety and campus emergency management

The Senate amendment and the House bill create a new student safety and campus emergency grant program.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The House bill adds one additional authorized activity that allows funds to be used for the acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies.

The Senate recedes.

The Conferees intend that the authorized emergency communications systems to include multiple technologies, including those currently provided over personal computers, personal digital assistants, message boards, and speaker-sirens, such as mass notification systems using ''intelligible voice'' messaging. The Conferees are aware that the Department of Defense and other entities use three forms of mass notification systems for interior and exterior emergency communications. These combinations of technologies are important for emergency communications to reassure that there are multiple paths for message delivery. This will allow for messages with intelligible voice messaging over remote speaker-sirens and personal computing devices to notify personnel inside and outside in large open area with real-time information in an endangered areas prior, during, and after the emergency.

Section 822. Model emergency response policies, procedures, and practices

The Senate amendment provides joint authority to the Secretary, Attorney General, and Secretary of Homeland Security to provide technical assistance to institutions of higher education on model emergency response issues and to disseminate relevant information.

The House bill requires the Secretary of Education, in consultation with the Attorney General and Secretary of Homeland Security, to provide these technical assistance and dissemination services.

The Senate recedes with an amendment to clarify that the Secretary shall continue the efforts that are already underway in working with the Attorney General and Secretary of Homeland Security.

Section 823. Preparation for future disasters plan by the Secretary

The House bill requires the Secretary to develop and maintain a disaster relief plan that addresses the needs of institutions of higher education in the event of a natural or man-made disaster that is declared a major disaster or emergency by the President. The House bill requires the Secretary to submit the disaster plan and any revisions to the plan to the authorizing Committees.

The Senate amendment contains no such provision.

The Senate recedes with an amendment to ensure that the Secretary works in coordination with the Secretary of Homeland Security and other appropriate agencies and to strike the requirement that the Secretary submit the plans to the authorizing Committees.

The Conferees remain interested in the progress made by the Secretary of Education, along with other agencies, in developing plans to ensure that the federal government is ready to assist institutions of higher education, their employees and their students in the event of another natural or man-made disaster. The Conferees would appreciate a briefing on the plans as they are developed.

Section 824. Education disaster and emergency relief loan program

The House bill establishes a new education disaster and emergency relief loan program for institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to limit the uses of funds.

The Conferees remain interested in the progress made by the Secretary of Education, along with other agencies, in developing plans to ensure that the federal government is ready to assist institutions of higher education, their employees and their students in the event of another natural or man-made disaster. The Conferees intend for Congress, upon its request, to be kept apprised of such plans as they are developed.

The Conferees note the devastating effect that hurricanes Katrina and Rita had on the universities and colleges located in the Gulf region, displacing 83,821 students and resulting in the closure, for the first time, of eleven colleges and universities in New Orleans for a full semester and ten more in Louisiana, Mississippi, Texas, and Florida for an extended period of time. The Conferees are concerned that nearly three years after Katrina and Rita these colleges and universities are still struggling to recover. In particular, colleges and universities are suffering with student enrollments, faculty hiring and retention, as well as recovering financially overall from the damages to the schools. In terms of faculty and staff, it is important to note that salaries and benefits are paid during a disaster even as enrollments drop. The latest statistics reveal the challenges faced by these institutions:

Enrollment:

Pre-hurricanes: More than 70,000 students

Spring 2008: Less than 50,000

Faculty:

Pre-hurricanes: Nearly 11,000

Spring 2008: Approximately 8,000

Damages & Recovery

Damages (Revenue Losses, Physical Damages): Approximately $1.254 billion

Recovery (Insurance & FEMA): Approximately $400 million

In developing the disaster loan program, the Conferees intend for the Secretary to consider, as appropriate, the development of applicable rates of interest, credit reviews, escrow accounts, and provision that loans shall be fairly allocated among as many eligible institutions as possible, consistent with making loans of amounts that will allow for needed construction, replacement, renovation and operations resulting from a major disaster or emergency.

Section 825–826. Guidance on mental health disclosures for student safety

The House bill requires the Secretary, not later than ninety days after the enactment of this Act, to provide guidance to clarify the role of institutions of higher education with respect to the disclosure of education records in situations where a student poses a significant risk of harm to himself/herself or others. This guidance must also state that institutions of higher education acting in ''good faith'' with respect to the disclosure of education records in accordance with the requirements of this Act and Family Educational Rights and Privacy Act of 1974 shall not be liable for that disclosure.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike ninety and replace with 180.

Section 830. Incentives and rewards for low tuition

The House bill authorizes the Secretary to award grants for low tuition to institutions of higher education for academic year 2008–2009 and any succeeding academic year whose percentage increase in annual net tuition is equal to or less than the percentage change in the relevant Postsecondary Education Price Index (PEPI) for such academic year. The Secretary may also award grants to public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions of higher education or have a tuition increase of less than $500 for a full-time undergraduate student.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 831–833. Cooperative education

The House bill awards grants to institutions of higher education or combinations of institutions of higher education to encourage them to develop and make available work experiences for their students to prepare them for future careers and enable students to support themselves financially while in school.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 834–835. Demonstration and innovation projects; training and resource centers; and research

The House bill authorizes the Secretary to make grants or enter into contracts for demonstration programs, training and resource centers, and research related to cooperative education.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 841. College partnership grants authorized

The House bill establishes a grant program for eligible partnerships of institutions of higher education to support the development and implementation of articulation agreements. An eligible partnership must include at least two institutions of higher education or a system of institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike the requirement that the Secretary prescribe regulations for the implementation of this program.

Section 842. Grants to create bridges from jobs to careers

The House bill establishes a new program that authorizes the Secretary to award competitive grants to institutions of higher education to create workforce bridge programs from developmental coursework to occupational certificate programs. Grants offer a priority for institutions of higher education with more than half of students enrolling in developmental coursework.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike part of the evaluation.

The Conferees encourage the Secretary, in carrying out the evaluation of the impact of the programs funded under this program, to work with private foundations, and other providers of funds, to allow for the use of a random assignment evaluation in at least one of the demonstration sites.

Section 861–870. Rural development grants for rural colleges and universities

The House bill authorizes the Secretary to award competitive grants to rural institutions of higher education in partnership with rural local education agencies, rural educational service agencies, regional employers, or non-profit organizations in order to support the following: increasing college enrollment rates among graduates of rural high schools and nontraditional students at rural institutions of higher education; related economic development activities; and increasing student participation in academic programs leading to careers of a high-need in rural areas. Grants are between $200,000 and $500,000 per year for three years.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment.

The Conferees intend that the term 'rural-serving institution' encompasses an institution of higher education, including its regional and satellite campuses, that primarily serves a rural area. Further, a 'regional employer' includes an employer located in the rural area, regardless of the location of the employer's headquarters.

Section 871. Campus-based digital theft prevention

The House bill authorized the Secretary to award grants to institutions of higher education to develop or improve programs that are designed to reduce illegal downloading on campus.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the program from Title IV to Title VIII.

Section 872. Program to promote training and job placement of realtime writers

The House bill authorizes the Secretary of Commerce to award competitive grants to institutions of higher education for training and placing students in realtime writing jobs. Grants may not exceed $1,500,000 over two years. Scholarship amounts for training are to be determined according to Title IV Part F need analysis.

The Senate amendment contains no similar provision.

The Senate recedes with amendments to clarify what constitutes an eligible entity, to increase the duration of the grant from two years to five years, to clarify when the Secretary can waive the employment requirement for individuals who receive fellowships under this program, and to clarify the evaluation required under the program.

Section 873. Model programs for centers of excellence for veteran student success

The House bill authorizes the Secretary to award competitive grants to encourage

model programs to support veteran student success in postsecondary education.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 881. University sustainability programs

The House bill authorizes the Secretary to award competitive grants to institutions of higher education and partnerships to design and implement sustainability practices. The House bill requires the Secretary to convene a summit on sustainability in higher education not later than September 30, 2008.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to modify the uses of funds in the grant program and to move the Sustainability Summit to Title XI and strike 2008 and replace with 2010 for the date by which the Secretary must convene the Summit.

Section 891. Modeling and simulation programs

The House bill authorizes the Secretary to award competitive grants to institutions of higher education to create and enhance modeling and simulation programs. Grants have twenty-five percent by non-federal source matching requirement. The House bill requires the Secretary to establish a task force to raise awareness of and define the study of modeling and simulation.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 892. Path to success

The House bill authorizes the Secretary to award competitive grants to community colleges in partnership with juvenile justice systems to provide education and related services to eligible youth in areas with gang activity.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to modify the uses of funds.

Section 893. School of veterinary medicine competitive grant program

The Senate amendment authorizes the Secretary of Health and Human Services to award competitive grants to veterinary schools or residency programs for veterinarians to increase the number of veterinarians in the workforce.

The House bill contains no similar provision.

The House recedes.

Section 894. Early Federal pell grant commitment demonstration program

The Senate amendment authorizes the Secretary to establish an early federal Pell Commitment Demonstration Program and award grants to four state educational agencies to pay the administrative expenses for program participation. The program would provide 8th grade students who are eligible for free or reduced price lunch with a commitment to receive a Pell Grant during their first year of undergraduate study, provided the student applies for federal financial aid during the student's senior year of high school. Each state would identify two cohorts of 8th grade students to participate in the demonstration program. The two cohorts of students, which shall consist of (1) one cohort of 8th grade students who begin the participation in academic year 2008–2009; and (2) one cohort of 8th grade students who begin the participation in academic year 2009–2010. Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal.

The House bill contains no similar provision.

The House recedes with an amendment to clarify who can participate in the program.

Section 895. Henry Kuualoha Guigni Kupuna Memorial Archives

The Senate amendment authorizes the Secretary to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the memorial archives.

The House bill contains no similar provision.

The House recedes.

Section 802. National Center for Research in Advanced Information and Digital Technologies

The House bill includes language to authorize the establishment of a nonprofit corporation, National Center for Learning Science and Technology (referred to in this Act as the ''Center''). The Center shall have a trust fund that is established within the Treasury. Trust funds shall be used to support research that is in the public interest but that is unlikely to be undertaken entirely with private funds for activities such as precompetitive and applied research development and demonstrations, and assessments of prototypes of innovative digital learning and information technologies as well as the components and tools needed to create them. A board of directors of the Center shall be established to oversee the administration of the Center. The initial Board shall consist of nine members to be appointed by the Secretary from a list of recommendations received from the House of Representatives and the Senate.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify the purpose to ''support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, to provide Americans the knowledge and skills needed to compete in the global economy.''

The National Center for Research in Advanced Information and Digital Technologies is established as a nonprofit corporation to support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, to provide Americans the knowledge and skills needed to compete in the global economy. The Center will carry this out through awarding grants funded by a combination of federal and private funds. Grants can be made to colleges and universities, museums, libraries, nonprofit organizations, public institutions with or without for-profit partners, for-profit organizations, and consortia of any such entities, including public broadcasting entities. It is the intention of the Conferees that in order to avoid duplication of efforts the Center coordinates its efforts with current activities of the Department of Education, the Department of Defense, the National Science Foundation, and other federal agencies. It is also the Conferees intention that the results of the work of the Center be available in the public domain, except in rare circumstances which shall require a unanimous vote of the board and a public report of the exception.

Section 803. Establishment of Pilot Program for Course Material Rental

The House bill authorizes the Secretary to make grants to no more than ten institutions of higher education to develop pilot programs that would allow students to rent textbooks.

The Senate amendment contains no similar provision.

The Senate recedes.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

Section 901. Laurent Clerc National Deaf Education Center

The Senate amendment and the House bill authorize the Laurent Clerc Center. The House bill clarifies that the results required to be reported under the Senate amendment and the House bill shall only be reported if they yield statistically meaningful information that is not personally identifiable.

The Senate recedes.

Section 902. Agreement with Gallaudet University

The Senate amendment and the House bill are identical with respect to these provisions.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 903. Agreement for the National Technical Institute for the Deaf

The Senate amendment amends this section by specifying that the institution of higher education operating the National Technical Institution for the Deaf shall be the Rochester Institute of Technology in Rochester, New York.

The House bill contains no similar provision.

The Senate recedes with an amendment to strike the language that specifies if either Rochester Institute of Technology or the Secretary terminate the agreement, the Secretary shall consider proposals from other institutions of higher education.

The Senate amendment and the House bill update the title of the Senate Health, Education, Labor and Pensions Committee, and modify the references to the Davis-Bacon Act.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 904. Cultural experiences grants

The Senate amendment establishes the cultural experiences grant program.

The House bill contains no similar provision.

The House recedes.

Section 905. Audit

The Senate amendment and the House bill make the same technical amendments to the audit section by inserting the appropriate section and subsection numbers and updating the appropriate Senate and House Committee names.

The Conferees adopt the provisions as proposed by both the Senate and the House.

Section 906. Reports

The Senate amendment and the House bill make similar technical amendments to the reports section including updating the appropriate Senate Committee name, striking the word ''preparatory'', amending language regarding the graduation or completion date, and adding a reference to National Technical Institute for the Deaf programs and activities.

The Senate recedes.

Section 907. Monitoring, evaluation, and reporting

The Senate amendment and the House bill amend the annual report to Congress to be an annual transmission from the Secretary and update the fiscal years to 2008 through 2013.

The House bill strikes the word ''preparatory.''

The Senate recedes with an amendment to update the fiscal years to 2009 through 2014.

Section 908. Liaison for educational programs

The Senate amendment and the House bill amend the required timeline in the Education of the Deaf Act of 1986 by striking

''not later than thirty days after the enactment of this Act.''

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 909. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf

The Senate amendment and the House bill update the fiscal years to 2008 through 2013.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to update the fiscal years to 2009 through 2014.

Section 910. Oversight and Effect of Agreements.

The Senate amendment and the House bill update the appropriate Senate and House Committee names.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 911. International Students

The Senate amendment and the House bill have similar provisions with respect to international students participating in distance learning. The House bill clarifies that students who are not enrolled in a degree program at the University or the NTID shall not be counted as international students for the purposes of the cap on international students.

The Senate recedes.

The House bill clarifies that tuition surcharges should remain consistent for international students from developing countries despite changes to the developing country status of the home country of such students during their enrollment period.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment defines ''developing country'' as a country with a per-capita income of not more than $4,825 measured in 1999 U.S. dollars.

The House bill defines ''developing country'' as a country with a per-capita income of not more than $5,345 measured in 2005 U.S. dollars.

The Senate recedes.

Section 912. Research priorities

The Senate amendment and the House bill update the appropriate Senate and House Committee names.

The Conferees adopt the provision as proposed by both the Senate and the House.

Section 913. National study on the education of the deaf

The House bill requires a national study of the education of the deaf.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 914. Authorization of appropriations

The Senate amendment and the House bill update the fiscal years to 2008 through 2013.

The Senate and the House recede with an amendment to update the fiscal years to 2009 through 2014.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

Section 921. United States Institute of Peace Act

The Senate amendment amends various provisions of the U.S. Institute of Peace Act.

The House bill contains no similar provisions.

The House recedes with an amendment to provide that the amendments to this section shall take effect as if they were enacted on June 1, 2007.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998; THE HIGHER EDUCATION AMENDMENTS OF 1992

Section 931. Repeals

The Senate repeals provisions of the Higher Education Amendments of 1998, including Part A—Study of Market Mechanisms in the Federal Student Loan programs; Study of the Feasibility of Alternative Financial Instruments for Determining Lender Yields; Student Related Debt Study; Study of Transfer of Credits; Study of Opportunities for Participation in Athletics Programs; and the Study of the Effectiveness of Cohort Default Rates for Institutions of Higher Education with few Student Loan Borrowers; Section 861—Education Welfare Study; Part C—Community scholarship mobilization; Part F—Improving United States understanding of science, engineering, and technology in East Asia; and Part J—Web-based education commission of the Higher Education Amendments of 1998; and Section 863—Sense of Congress Regarding Good Character.

The House bill repeals provisions of Part A of the Higher Education Amendments of 1998, including Section 801—Study of Market Mechanisms in the Federal Student Loan programs; Section 802—Study of the Feasibility of Alternative Financial Instruments for Determining Lender Yields; Part C—Community scholarship mobilization; Part F—Improving United States understanding of science, engineering, and technology in East Asia; and Part J—Web-based education commission of the Higher Education Amendments of 1998; and Section 803—Student Related Debt Study.

The House recedes.

Section 932. Grants to states for workplace and community transition training for incarcerated individuals.

The Senate amendment and the House bill reauthorize grants to states for workforce and community transition training for incarcerated individuals. The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment and the House bill have different titles for the program.

The Senate recedes.

The Senate amendment defines ''youth offender'' as a male or female offender under the age of thirty-five, who is incarcerated in a State prison.

The House bill defines ''incarcerated individual'' as a male or female offender who is incarcerated in a State prison.

The Senate recedes with an amendment to define ''incarcerated individual'' as a male or female offender under the age of thirty-five, who is incarcerated in a State prison.

The Senate amendment directs the Secretary to establish programs designed to assist and encourage youth offenders to acquire functional literacy, live and job skills. The Senate amendment includes as authorized activities: the pursuit of a postsecondary education certificate or an associate or bachelor's degree while in prison; and employment counseling and other related services that may end not later than one year after release.

The House bill directs the Secretary to establish programs to assist and encourage incarcerated individuals to acquire educational and job skills. The House bill includes as authorized activities: coursework to prepare students to take college level courses; the pursuit of a postsecondary education certificate or an associate or bachelor's degree while in prison; and employment counseling and other related services that may end not later than one year after release.

The Senate and the House recede with an amendment to direct the Secretary to establish programs to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills. Authorized activities include: coursework to prepare students to pursue a postsecondary education certificate or an associate or bachelor's degree while in prison; pursuit of a postsecondary education certificate or an associate or bachelor's degree while in prison; and employment counseling and other related services that may end not later than two years after release.

The Senate amendment requires that an eligible State correctional education agency shall include in its application a list of the accredited institutions that will provide the postsecondary educational services.

The House bill requires that an eligible State correctional education agency shall include in its application a list of the accredited institutions with campuses established outside the prison facility that will provide the postsecondary educational services.

The House recedes.

The Senate amendment and the House bill require an eligible State correctional education agency to include in its application a description of how the proposed program will be integrated with existing State correctional education programs and vocational training.

The Conferees adopt the provision with an amendment to change the reference to ''vocational'' to ''career and technical''.

The Senate amendment and the House bill require a State correctional education agency receiving a grant under this to submit an annual report to the Secretary.

The House bill requires this report includes a description of how the funds provided are being allocated among postsecondary preparatory education, postsecondary academic, and vocational education programs.

The Senate and House recede with an amendment to change the reference to ''vocational'' to ''career and technical'' and to include in the report a description of the service delivery methods being used for each course offering.

The Senate amendment includes a section on student eligibility that defines ''eligible youth offender'' as an individual who is eligible to be released from State prison within five years; who is thirty-five years of age or younger; and has not been convicted of murder, a crime against a minor, or a sexually violent crime.

The House bill includes no similar provision.

The House recedes with an amendment to clarify that an eligible incarcerated individual is an individual who is eligible for release with seven years; is thirty-five years of age or younger; and has not been convicted of murder, a crime against a minor, or a sexually violent crime.

Both the Senate amendment and the House bill include similar ''Length of Participation'' sections.

The House recedes with an amendment to clarify that grantees may provide educational and related services to participating individuals for not more than seven years, up to two years of which may be devoted to study in a graduate education degree program or to coursework to prepare such individuals to take college level courses.

The Senate amendment allocates funds to States based on the total number of eligible students.

The House bill allocates funds to States based on the total number of incarcerated individuals in the State in relation to the total number of incarcerated individuals in all States.

The House recedes.

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 through fiscal year 2013.

The House bill does the same except for fiscal year 2009 and the four succeeding fiscal years.

The House recedes with an amendment to strike fiscal year 2008 through fiscal year

2013 and replace with fiscal year 2009 through fiscal year 2014.

Conferees recognize the value and contribution of the Grants to States for Workforce and Community Transition Training for Incarcerated Individuals. The conferees intend for the Secretary to implement improvements that would provide greater flexibility to State correctional education agencies to identify and serve individual inmates who are best able to benefit from postsecondary education, including expanding the eligibility criteria for participation to include individuals who are age thirty-five or younger and who are eligible for release within seven years. Conferees also intend for the Secretary to expand and strengthen State plan and reporting requirements related to performance monitoring and measuring outcomes, guiding States to develop and implement performance monitoring and evaluation plans that reflect results-based program management. Conferees understand that these provisions are to support the longitudinal study of post secondary correctional education in Section 1112, ''Study of Correctional Postsecondary Education.''

Section 933. Underground Railroad Educational and Cultural Program

The Senate amendment provides such sums as necessary for fiscal year 2008 through fiscal year 2013.

The House bill provides $3,000,000 for fiscal year 2009 and each of the four succeeding fiscal years.

The House and Senate recede with an amendment to clarify that funds under the Underground Railroad Educational and Cultural Program may be used to support activities that include the lessons to be drawn from the history of the Underground Railroad; allow activities authorized under the program to be made available to elementary and secondary schools, institutions of higher education, and the general public; and amend the matching funds provision under the program to require grantees to implement a public-private partnership under the program that provides matching funds from non-Federal sources in an amount equal to or greater than four times the amount awarded to the grantee.

Section 934. Olympic scholarships under the higher education amendments of 1992

The Senate amendment authorizes from fiscal year 2008 through fiscal year 2013.

The House bill authorizes for fiscal year 2009 through fiscal year 2013.

The House recedes with an amendment to strike fiscal year 2008 through fiscal year 2013 and replace with fiscal year 2009 through fiscal year 2014.

Section 935. Establishment of a deputy assistant secretary for international and foreign language education

The House bill creates a new Assistant Secretary for International and Foreign Language Education. The new Assistant Secretary would have responsibility for encouraging and promoting the study of cultures of other countries at all levels of education; carrying out the administration of all Department programs on international and foreign language education and research; and coordinating the Department's international and foreign language education programs with other departments and agencies.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a Deputy Assistant Secretary position under the Office of Postsecondary Education in the United States Department of Education.

The Conferees note that the National Academy of Sciences has recommended that the Department of Education should consolidate the administration of its international education and foreign language programs under an executive level position reporting to the Secretary who will provide more strategic direction and coordination with other federal agencies and the nation's education community, with respect to international education and foreign language programs. While this Act does not create an Assistant Secretary and Office for International and Foreign Language Instruction, nothing in this Act limits the ability of a future Secretary of Education to establish one. The appointed Deputy Assistant Secretary required by this Act should be an individual with extensive background and experience in international and foreign language education, and shall have authority to administer and coordinate the Department's international and foreign language education programs with other departments and agencies.

SUBPART 1—TRIBAL COLLEGES AND UNIVERSITIES

Section 941. Reauthorization of the Tribally Controlled College or University Assistance Act of 1978

The Senate amendment and the House bill contain similar provisions to reauthorize the Tribally Controlled College or University Assistance Act of 1978.

The Conferees adopt the provision as proposed by both the Senate and the House.

SUBPART 2—NAVAJO HIGHER EDUCATION

Section 945. Short title

The Senate amendment contains a provision to cite this subpart as the ''Navajo Nation Higher Education Act of 2006.''

The House bill contains no similar provision.

The House recedes with an amendment to change the date in the Title from ''2006'' to ''2008.''

Section 946. Reauthorization of the Navajo Community College Act

The Senate amendment and the House bill contain similar provisions to reauthorize the Navajo Community College Act.

The Conferees adopt the provisions as proposed by both the Senate and the House.

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Section 951. Short title

The Senate provides that this Part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007.''

The House bill contains no similar provision.

The House recedes with an amendment to strike 2007 and insert 2008.

Section 952. Loan repayment for prosecutors and defenders

The Senate amendment amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a Loan Repayment for Prosecutors and Public Defenders program, under which the Attorney General may assume the obligation to repay up to $10,000 of federal student loans per year, with a maximum of $60,000, owed by full-time state and local prosecutors and public defenders who agree to a service agreement of at least three years.

The House bill defines ''prosecutor'' and ''public defender'' and gives priority to borrowers who have the least ability to repay.

Both the Senate and the House recede with amendments to modify the definitions of ''prosecutor'' and ''public defender'' by changing references to a local agency or local level to be a unit of local government, exclude Parent PLUS Loans from eligibility for this program, require an Inspector General report not later than three years after the date of enactment, and include the priority contained in the House bill.

The Senate amendment authorizes the appropriation of $25,000,000 for fiscal year 2008, and such sums as may be necessary for each succeeding fiscal year.

The House bill authorizes the appropriation of $25,000,000 for fiscal year 2008, and each fiscal year through fiscal year 2013.

The House recedes with an amendment striking fiscal year 2008 and replacing with fiscal year 2009 and authorizing as may be necessary for the five succeeding fiscal years.

PART F—INSTITUTIONAL LOAN REPAYMENT ASSISTANCE PROGRAM

Section 961. Institutional loan forgiveness programs

The House bill specifies that notwithstanding any other provision of law a public or private institution of higher education may provide financial assistance to current and former students who are officers or employees of a branch or independent agency of the U.S. government or of the District of Columbia, for the purpose of repaying a student loan or providing forbearance, provided that such assistance is provided in accordance with a published written policy of the institution of higher education pertaining to the provision of such assistance for current and former students who perform public service.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to change the title of the section to ''Institutional Loan Repayment Assistance Programs'' and to clarify that a published policy regarding the loan forgiveness must have been in place at the time the beneficiary of such assistance was enrolled in the institution of higher education that provides the subsequent loan forgiveness. The Conferees are concerned that the high cost of college and corresponding increasing debt students are taking on to pay for postsecondary education is making it increasingly difficult for many graduates to enter public service. The Conferees commend institutions of higher education that have chosen to use their own resources to address this challenge by developing loan repayment assistance programs to encourage their students and graduates to enter public service jobs. The Conferees are aware of recent concern on the part of some universities that these programs may run afoul of federal law, and would like to ensure that universities that offer such loan repayment or assistance programs, implemented in accordance with the statutory language, and their students and graduates that receive assistance through such programs, do not face liability for such actions under 18 U.S.C. 209 or any other provision of federal law, regulation or practice, including ''gift bans'' that apply to federal government employees.

PART G—MINORITY SERVING INSTITUTIONS DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM

Section 971. Minority Serving Institution Digital and Wireless Technology Opportunity Program

The Senate amendment and the House bill authorizes a competitive grant program, with a matching requirement, to Minority Serving Institutions to strengthen their ability to provide capacity for instruction in digital and wireless technologies and to increase the national investment in telecommunications and technology infrastructure at Minority Serving Institutions. The Senate amendment administers the program through the Department of Education and the House bill administers the program through the Department of Commerce.

The Senate recedes with an amendment to authorize such sums as may be necessary for the program.

Section 972. Authorization of appropriations

The Senate amendment and the House bill authorize such sums as many be necessary to carry out the Minority Serving Institutions Digital and Wireless Technology Opportunity Program. The Senate amendment authorizes appropriations to the Secretary of Education to administer the program and the House bill provides appropriations to the Secretary of Commerce to administer the program.

The Senate recedes.

TITLE X—PRIVATE STUDENT LOAN IMPROVEMENT

Section 1001. Short title

The House bill includes a Title X, referred to as the ''Private Student Loan Transparency and Improvement Act of 2008.''

The Senate amendment contains no similar provision.

The Senate recedes.

Section 1002. Regulations

The House bill requires the Board of Governors of the Federal Reserve System (hereinafter referred to as the Board) to issue final regulations to implement these amendments to the Truth in Lending Act (TILA) no later than 180 days after the date of enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to change the time by which the Board is required to issue regulations from 180 days to 365 days, and for those regulations to be effective six months from issuance.

Section 1003. Effective dates

The House bill establishes an effective date for Title X of 180 days after regulations are issued by the Secretary of the Treasury in final form.

The Senate amendment includes no similar provision.

The Senate recedes with an amendment to change the effective date of the provisions of the Title to be the date of enactment of the Act, except for paragraphs 1, 2, 3, 5, and 6 of Section 128(e) and Section 140(c) of the TILA, as added by this Title, for which the effective date is the earlier of the date on which regulations are issued or eighteen months after the date of enactment of this Act.

SUBTITLE A—PREVENTING UNFAIR AND DECEPTIVE PRIVATE EDUCATIONAL LENDING PRACTICES AND ELIMINATING CONFLICTS OF INTEREST

Section 1011. Amendment to the Truth in Lending Act

The House bill amends TILA by adding a new Section 140 to Chapter 2 that defines ''Board,'' ''covered educational institution,'' ''Federal banking agencies,'' ''institution of higher education,'' ''postsecondary educational expenses,'' ''private educational lender,'' and ''private education loan.''

The Senate amendment includes no similar provision.

The Senate recedes with amendments to: substitute the definition ''private educational lender;'' modify the definition of ''private education loan;'' include definitions for ''preferred lender arrangement,'' ''gift,'' and ''revenue sharing;'' and strike the definitions of ''Board'' and ''Federal banking agencies.''

The House bill includes prohibitions on gift giving, revenue sharing arrangements, cobranding, participation on advisory councils, and prepayment fees and penalties for covered institutions of higher education and private educational lenders.

The Senate amendment includes no similar provision.

The Senate recedes with an amendment that substitutes the provision that prohibits a covered educational institution financial aid official from participating on a private educational lender's advisory council with a provision that prohibits certain employees of a covered educational institution from receiving anything of value for service on an advisory board, commission, or group established by a private educational lender, with the exception of reimbursements of reasonable expenses incurred by an employee of such an institution. The Senate amendment also amends the Higher Education Act of 1965 to require institutions of higher education to annually report to the Secretary of Education any reasonable expenses paid or provided by a private educational lender to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution, for service on a private educational lender's advisory board, commission, or group. The amendment also requires the Secretary of Education to summarize the information received from institutions of higher education and annually report the information to the authorizing committees.

With respect to this section's prohibition on co-branding, the Conferees understand that some credit unions share the names of the institutions of higher education whose communities they serve. Nothing in this Section is intended to prohibit a credit union whose name includes the name of a covered educational institution from using its own name in marketing its private education loans.

The Conferees intend that a lender may demonstrate it is not implying endorsement by the covered educational institution of its private education loans by providing a clear prominent and conspicuous disclaimer that the use of the name, emblem, mascot, or logo of a covered educational institution, or other words, pictures, or symbols readily identified with a covered educational institution, in no way implies endorsement by the covered educational institution of the lender's private education loans and that the lender is not affiliated with the covered educational institution.

The Conferees intend that nothing in this section shall prohibit states or institutions of higher education from using State seals, with appropriate authorization, in the marketing of state education loan products.

Section 1012. Civil liability

The House bill amends TILA to permit borrowers of private education loans to bring an action concerning a violation of specified provisions in any United States District Court, or in any other court of competent jurisdiction, within one year following the date on which the first payment of principal is due on the loan, and provides for the award of certain specified damages with respect to a violation of a borrower's right of rescission.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to provide for the award of damages with respect to violations of certain specified disclosures and terms required by Section 128 of TILA, as amended by this Act. The Senate amendment also provides that a private educational lender has no civil liability with respect to section 128(e)(3) of TILA, which requires lenders to obtain a prospective borrower's self-certification of information.

Section 1013. Clerical amendment

The TILA table of sections is amended.

The Senate amendment includes no similar provision.

SUBTITLE B—IMPROVED DISCLOSURES FOR PRIVATE EDUCATION LOANS

Section 1021. Private education loan disclosures and limitations

The House bill amends TILA by adding a new subsection (e) to Section 128 that requires certain consumer disclosures at application and solicitation, approval, and consummation of private education loans.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify and modify the required disclosures and provide additional disclosures, subject to regulation by the Board.

The House bill requires private educational lenders to obtain a written acknowledgment from a consumer that the consumer has read and understood the disclosures.

The Senate amendment contains no similar provision.

The House recedes.

The House bill requires a private educational lender, prior to issuing any funds to a borrower, to obtain from an institution of higher education, such institution of higher education's certification of the enrollment status of the borrower, the borrower's cost of attendance, and the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under Title IV of the Higher Education Act and other assistance known to the institution of higher education.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to replace the requirement that a lender obtain an institution of higher education's certification of information with a requirement that a lender obtain from a prospective borrower such borrower's self-certification of information before a private education loan may be consummated. The amendment also amends the Higher Education Act of 1965 to require the Secretary of Education, in consultation with the Board, to develop a borrower self-certification form for the purpose of satisfying the requirement that lenders obtain prospective borrowers' self-certification of information prior to the consummation of a private education loan. In addition, the amendment includes a rule of construction to clarify that a private educational lender need not perform any additional duty beyond collecting a prospective borrower's completed and signed self-certification form, and a rule of construction to clarify that the amendment does not create a private right of action against an institution of higher education with respect to the self-certification form developed by the Secretary.

The House bill includes requirements for formatting of new disclosures required by subsection (e) of TILA, as amended by this Act.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that provides for a model form, to be developed by the Board, based on consumer testing and in consultation with the Secretary of Education, that may be used by private educational lenders for the provision of required disclosures, and a requirement that lenders that have preferred lender arrangements with a covered educational institution must annually provide to such institutions the information the Board determines to include in the model form for each type of education loan the lenders plan to offer to students attending the covered educational institution, or to the families of such students. The Board is directed to, where possible, prevent duplicative disclosure requirements. Private educational lenders that have preferred lender arrangements with covered institutions

are required to provide to the covered educational institutions such information as may be required by the Board as a part of the model form developed under this section.

The House bill provides a borrower of a private education loan up to thirty calendar days to accept the terms of the loan, during which time the rates and terms of the loan may not be changed by the private educational lender, with certain exceptions.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill provides a borrower of a private education loan the right to cancel a loan without penalty at anytime within three business days of the date the loan is consummated. Disbursement within the three business day cancelation window is prohibited.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires a private educational lender, on or before the date on which a private educational lender issues any funds with respect to a private education loan, to notify the relevant institution of higher education of the amount of the loan and the student on whose behalf the loan is made.

The Senate amendment contains no similar provision.

The House recedes.

Section 1022. Application of Truth In Lending Act to all private education loans

The House bill extends the provisions of TILA to all private education loans, regardless of the amount of such loans.

The Senate amendment contains no similar provision.

The Senate recedes.

SUBTITLE C—COLLEGE AFFORDABILITY

Section 1031. Community Reinvestment Act credit for low-cost loans

The House bill amends the Community Reinvestment Act to require the appropriate Federal financial supervisory agency to consider as a factor in assessing the financial institution's record of meeting the credit needs of its entire community (including low- and moderate-income neighborhoods, consistent with the safe and sound operation of such institution), low-cost education loans provided by the financial institution to low-income borrowers.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require each Federal financial supervisory agency to issue final rules to implement the amendment no later than one year after the date of enactment of the Act.

SUBTITLE D—FINANCIAL LITERACY; STUDIES AND REPORTS

Section 1041. Definitions

The House bill defines covered educational institution, private educational lender, private education loan, historically Black colleges and universities, and land-grant colleges and universities for purposes of this subtitle.

The Senate amendment contains no similar provisions.

The Senate recedes.

Section 1042. Coordinated education efforts

The House bill requires the Secretary of the Treasury, in coordination with the Secretary of Education, the Secretary of Agriculture, and appropriate member agencies of the Financial Literacy and Education Commission, to undertake efforts to enhance financial literacy among students at institutions of higher education. Not later than two years after the date of enactment, the Financial Literacy and Education Commission is required to submit a report to Congress on the state of financial literacy among students at institutions of higher education. The House bill also requires GAO to study and report to Congress on the inclusion of non-individual factors (e.g., institution of higher education cohort default rates, accreditation, and graduation rates) in the underwriting criteria used to determine the pricing of private education loans.

The Senate amendment contains no similar provisions.

The Senate recedes with amendments to: define ''covered educational institution,'' ''historically Black colleges and universities'' and ''land-grant colleges and universities;'' expand the scope of the financial literacy efforts to capture both students and their families; clarify that the Secretary of the Treasury shall provide, upon request, testimony before the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Financial Services on the report required under this section; clarify that GAO shall submit its final report on non-individual factors to the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Health, Education, Labor and Pensions, the House Committee on Financial Services, and the House Committee on Education and Labor; and move the GAO report to Title XI of this Act.

TITLE XI—STUDIES AND REPORTS

Section 1101. Study on foreign graduate medical schools

The Senate amendment requires the Government Accountability Office (''GAO'') to complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States and submit a report with the conclusions of the study to Congress.

The House bill contains no such provisions.

The House recedes.

Section 1102. Employment of postsecondary education graduates

The Senate amendment requires the GAO to conduct a study of the information states currently have on employment of students who have completed postsecondary education programs and the feasibility of collecting this type of information, the evaluation systems used by other industries to identify successful programs, the best means of collecting this information, and the best means of displaying employment information.

The House bill contains no such provision.

The House recedes.

Section 1103. Study on IPEDS

The Senate amendment requires the GAO to conduct a study on the time and cost burdens to institutions of higher education associated with responding to Integrated Postsecondary Education Data System (''IPEDS'').

The House bill contains no similar provision.

The House recedes with an amendment to require the GAO to report on the feasibility of collecting additional data from institutions of higher education for use in IPEDS, including information on the percentage of enrolled undergraduate students who graduate within two years (in the case of two-year institutions of higher education), and four, five and six years (in the case of two- and four-year institutions of higher education), by race and ethnic background and by income categories.

The House bill requires the Commissioner of Education Statistics to redesign IPEDS as needed to collect the additional data required in this subsection and to continue to improve the usefulness and timeliness of IPEDS.

The Senate amendment contains no similar provision.

The House recedes.

Section 1104. Report and study on articulation agreements

The House bill requires the Secretary to conduct a study of articulation agreements at state-based college and university systems and at other institutions of higher education.

The Senate amendment contains no similar provisions.

The Senate recedes.

Section 1105. Report on proprietary institutions of higher education

The Senate and the House agree to require the GAO to conduct an analysis of proprietary institutions of higher education subject to the 90/10 rule

Section 1106. Analysis of Federal regulations on institutions of higher education.

The House bill requires the Secretary to enter into an agreement with the National Research Council of the National Academies to conduct a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply.

The Senate amendment contains no similar provisions.

The Senate recedes.

Section 1107. Independent evaluation of distance education programs

The House bill authorizes the Secretary to enter into an agreement with the National Academy of Sciences to conduct an independent evaluation of the quality of distance education programs.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify specific areas of study and push out the deadlines for the interim and final reports.

Section 1108. Review of costs and benefits of environmental, health and safety standards

The House bill authorizes the Secretary to enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a national study to determine the costs and viability of developing and implementing standards in environmental, health and safety areas.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 1109. Study of minority male academic achievement

The House bill authorizes the Secretary to conduct a national study of underrepresented minority males, particularly African American and Hispanic American males, completing high school, and entering and graduating from colleges and universities. The study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to college, including the financing of college, and college persistence and graduation. A report shall be presented to the Authorizing Committees no later than four years following enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include other racial and ethnic groups in the study.

Section 1110. Study on bias in standardized testing

The House bill requires the GAO to conduct a study to identify the presence of race, ethnicity, and gender biases in standardized tests. An interim report shall be presented to

the Authorizing Committees no later than one year following enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to carry out the study through the Board on Testing and Assessment.

The Conferees intend that the study be consistent with protocols utilized by the National Academy of Sciences, which includes provisions for public access for data collected and used to conduct the study.

Section 1111. Endowment report

The House bill requires the Secretary to conduct a study on the amount, uses and public purposes of endowments at institutions of higher education. A report shall be presented to the Authorizing Committees no later than one year following enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to have the GAO conduct the study and provide additional detail on areas to be studied.

Section 1112. Study on correctional postsecondary education

The House bill requires the Secretary to conduct a longitudinal study to assess the effects of correctional postsecondary education that uses empirical assessment methods, measures a range of outcomes, and examines different delivery systems of postsecondary education.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the Secretary of Education to consult with the Secretary of Labor and the Attorney General in carrying out the study.

The Conferees recognize that prison populations in the United States continue to swell, placing financial burdens on operating jurisdictions and representing lost human potential among the citizenry. Given that recidivism of released offenders is a key factor in prison population growth, the Conferees intend for the Secretary to consult with the Secretary of Labor and the Attorney General to determine the benefit of postsecondary education during the period of correctional confinement as a means to reduce post release offending. Further, the Secretary is charged with identifying and studying potential ways to deliver postsecondary education within correctional environments.

Section 1113. Study of aid to less-than-half-time students

The House bill requires the Secretary to conduct a study on expanding eligibility for Title IV aid to less-than-half-time students.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 1114. Study on regional sensitivity in the needs analysis formula

The House bill requires the GAO to review the methodology that is used to determine the expected family contribution under the needs analysis formula found in Part F of Title IV.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 1115. Study of the impact of student loan debt on public service

The House bill requires the Secretary in consultation with the Office of Management and Budget, an organization with expertise in the field of public service, and other interested parties, to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify what items that the study should cover.

Section 1116. Study on teaching students with reading disabilities

The amendment requires the Secretary of Education to enter into an agreement with the National Academy of Sciences to study the quality of teacher education programs with respect to meeting the needs of students with reading and language processing disabilities.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to focus the scope of the study and have the study be conducted by the Center for Education at the National Academy of Sciences. The study will examine the degree to which schools of education prepare their teachers to effectively address the five essential components of reading instruction. The study will also examine quality of the teacher preparation reading programs to determine the extent to which these programs incorporate early intervention strategies that target the prevention of reading failure before it occurs. The Conferees believe that teacher preparation programs should be aligned with current research and based on the essential components of reading instruction. These programs should ensure that our Nation's future teachers are adequately prepared to address the diverse learning needs of students with reading and language processing disabilities, including dyslexia. The Conferees are concerned that pre-service teachers do not receive adequate training in the fundamentals of reading instruction during their teacher preparation program, and thus are not prepared to effectively meet the diverse needs of the students that they teach.

Section 1117. Report on income-contingent repayment through the income tax withholding system

The House bill includes a sense of the Congress that the Secretaries of Education and the Treasury will work together to develop a process by which borrowers can convert their student loans to income contingent loans where they will make payments on their student loans using income tax withholding. The House bill requires the Secretaries of Education and the Treasury to report to the Authorizing Committees within one year after the date of enactment with information on progress in developing such a system for borrowers to convert their loans to income-contingent loans that they will repay through income tax withholding.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike the sense of the Congress and refine the scope of the report.

Section 1118. Developing additional measures of degree completion

The Senate amendment requires institutions to disaggregate data on completion and graduation rates based on student gender, race/ethnicity, and receipt of a Pell Grant and federal loans under Title IV.

The House bill contains no similar provision.

The House recedes with an amendment to require the Secretary, in coordination with the Commissioner of Education Statistics, representatives of institutions, and other stakeholders to make recommendations on alternative ways to report such graduation rate information.

Section 1119. Study on the financial and compliance audits of the Federal Student Loan Program

The House bill required the Secretary to conduct an audit of the Direct Loan Program and guaranty agencies in the Federal Family Loan Program.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the GAO to conduct a study on the audits being done of the student loan programs and the ability of the audits to determine whether the programs are operating in the best interests of students and taxpayers.

Section 1120. Summit on sustainability

The House bill requires the Secretary to convene a summit on sustainability in higher education no later than September 30, 2008.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike 2008 and replace with 2010 for the date by which the Secretary must convene the Summit.

Section 1121: Nursing school capacity

The House bill requires the Secretary to enter into an agreement with the Institute of Medicine of the National Academy of Sciences to conduct a study on the capacity of nursing schools to admit and train a sufficient number of registered nurses to meet health care needs in the United States.

The Senate amendment contains no similar provision.

The Senate recedes.

Section 1122. Study and report on non-individual information

The House bill requires the GAO to study and report to Congress on the inclusion of non-individual factors (e.g., institution of higher education cohort default rates, accreditation, and graduation rates) in the underwriting criteria used to determine the pricing of private education loans. No later than one year after the date of enactment, the GAO shall submit a report on the results of the study to Congress.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the provision to Title XI and require the GAO to report to the Senate Committees on Banking, Housing and Urban Affairs and Health, Education, Labor and Pensions.

Section 1123. Feasibility study for student loan clearinghouse

The House bill requires the Secretary of Education to conduct a study on the feasibility of developing a National Electronic Student Loan Marketplace to provide a registry of real-time information on Federal student loans and private educational loans, and other purposes.

The Senate amendment authorizes the Secretary of Education to establish one or more clearinghouses of information on Federal student loans and private educational loans, for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders.

The Senate recedes with an amendment to require the Comptroller General to conduct a study on the feasibility of developing a national student loan clearinghouse on the website of the Department of Education to provide a registry of real-time information on Federal student loans and private educational loans, and further modifies the purposes of the study.

Section 1124. Study on Department of Education oversight of incentive compensation ban

The Conferees require the GAO to conduct a study of efforts made by the Department of Education to enforce the existing program participation agreement requirement that prohibits institutions from offering incentives for enrollment.

Section 1125. Definition of authorizing committees

Authorizing Committees are defined for purposes of this Title.

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, this conference report and the statement of managers accompanying this conference report contain no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

GEORGE MILLER,
RUBÉN HINOJOSA,
JOHN F. TIERNEY,
DAVID WU,
TIMOTHY BISHOP,
JASON ALTMIRE,
JOHN YARMUTH,
JOE COURTNEY,
ROBERT E. ANDREWS,
BOBBY SCOTT,
SUSAN A. DAVIS,
DANNY K. DAVIS,
MARK K. HIRONO,
BART GORDON,
BRIAN BAIRD,
JOHN CONYERS, Jr.,
MAXINE WATERS,
BUCK MCKEON,
RIC KELLER,
THOMAS PETRI,
CATHY MCMORRIS RODGERS,
MIKE CASTLE,
MARK SOUDER,
VERNON J. EHLERS,
JUDY BIGGERT,
LOUIE GOHMERT,
Managers on the Part of the House.

TED KENNEDY,
CHRISTOPHER DODD,
TOM HARKIN,
BARBARA A. MIKULSKI,
JEFF BINGAMAN,
PATTY MURRAY,
JACK REED,
HILLARY RODHAM CLINTON,
BARACK OBAMA,
BERNARD SANDERS,
SHERROD BROWN,
MICHAEL B. ENZI,
JUDD GREGG,
RICHARD BURR,
LISA MURKOWSKI,
ORRIN G. HATCH,
PAT ROBERTS,
WAYNE ALLARD,
Managers on the Part of the Senate.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. GEORGE MILLER of California. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 398

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Thursday, July 31, 2008, Friday, August 1, 2008, or Saturday, August 2, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, September 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 1, 2008, through Friday, September 5, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 8, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Concurrent Resolution 398 will be followed by 5-minute votes on motions to suspend the rules on H.R. 5892 and on House Resolution 1370.

The vote was taken by electronic device, and there were—yeas 213, nays 212, not voting 10, as follows:

[Roll No. 537]

YEAS—213

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—212

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrow
Blunt
Brown-Waite, Ginny
Cubin
Hulshof
Levin
Meeks (NY)
Rush
Udall (CO)
Waters

□ 1304

Mr. SESTAK changed his vote from ''yea'' to ''nay.''

Messrs. FOSTER, HARE, PASTOR and SHULER and Ms. HOOLEY changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS DISABILITY BENEFITS CLAIMS MODERNIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5892, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5892, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. DEGETTE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 0, not voting 6, as follows:

[Roll No. 538]

AYES—429

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—6

Barrow
Brown-Waite, Ginny
Cubin
Hulshof
Levin
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1314

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING FOR CHINA TO END HUMAN RIGHTS ABUSES PRIOR TO THE OLYMPICS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1370, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1370, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered ''present'' 1, not voting 14, as follows:

[Roll No. 539]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
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Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
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Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
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Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
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Sensenbrenner
Serrano
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Sestak
Shadegg
Shays
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Shimkus
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Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Kucinich

NOT VOTING—14

Barrow
Brady (TX)
Brown-Waite, Ginny
Cubin
Delahunt
Hensarling
Hulshof
Levin
Rangel
Rogers (MI)
Roskam
Rush
Smith (WA)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes left on this vote.

□ 1323

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur people, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, earlier today, I was unavoidably absent during rollcall votes 537, 538 and 539. Had I been present, I would have voted ''yea'' on rollcall 537 to provide for the House to adjourn for the August District Work Period; ''yea'' on rollcall 538 on the Veterans Disability Benefits Claims Modernization Act; and ''yea'' on rollcall 539 calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6604

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 ''Commodity Markets Transparency and Accountability Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 3. DEFINITION OF ENERGY COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity;

''(D) natural gas; and

''(E) any other substance that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 4. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

(a) IN GENERAL.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy or agricultural commodity that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable, taking into consideration the relative sizes of the respective markets, to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(iii) agrees to promptly notify the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(III) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(iv) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(v) provides the Commission with information necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports for 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission before the date of the enactment of this subsection until the date that is 180 days after such date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

(1) Section 4(a) of such Act (7 U.S.C. 6(a)) is amended by inserting ''or by subsection (f)'' after ''Unless exempted by the Commission pursuant to subsection (c)''.

(2) Section 4 of such Act (7 U.S.C. 6) is further amended by adding at the end the following:

''(f) A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe the transaction and the contract is made on or subject to the rules of a board of trade that is legally organized under the laws of a foreign country, authorized to act as a board of trade by a foreign futures authority, subject to regulation by the foreign futures authority, and has not been determined by the Commission to be operating in violation of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of such Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(5) A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 5. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by section 4 of this Act, is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.—Subject to section 8 and beginning within 30 days of the issuance of the final rule required by section 4h, the Commission shall disaggregate and make public weekly—

''(1) the number of positions and total value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all energy and agricultural markets to the extent such information is available; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.''.

SEC. 6. DETAILED REPORTING FROM INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by sections 4 and 5 of this Act, is amended by adding at the end the following:

''(h) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for such entities in designated contract markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(e), and electronic trading facilities with respect to significant price discovery contracts with respect to exempt and agricultural commodities not later than 60 days after the date of the enactment of this subsection, and issue a final rule within 120 days after such date of enactment.''.

SEC. 7. TRANSPARENCY AND RECORDKEEPING AUTHORITIES.

(a) IN GENERAL.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended—

(1) by inserting ''a'' before ''futures commission merchant''; and

(2) by inserting ''and transactions and positions traded pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order,'' after ''United States or elsewhere,''.

(b) REPORTS OF DEALS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) in the first sentence—

(A) by inserting ''(a)'' before ''It shall''; and

(B) by inserting ''in the United States or elsewhere, and of transactions and positions in any such commodity entered into pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order'' before '', and of cash or spot''; and

(2) by striking all that follows the 1st sentence and inserting the following:

''(b) With respect to agricultural and energy commodities, upon special call by the Commission, any person shall provide to the Commission, in a form and manner and within the period specified in the special call, books and records of all transactions and positions traded on or subject to the rules of any board of trade or electronic trading facility in the United States or elsewhere, or pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order, as the Commission may determine appropriate to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a(a).

''(c) Such books and records described in subsections (a) and (b) shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, shall be kept for a period of 5 years, and shall be open at all times to inspection by any representative of the Commission or the Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by the person.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by inserting ''4g(a), 4i,'' before ''5a (to''; and

(B) by inserting '', and the regulations of the Commission pursuant to section 4c(b) requiring reporting in connection with commodity option transactions,'' before ''shall apply''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended to read as follows:

''(A) sections 4g(a), 4i, 5b and 12(e)(2)(B), and the regulations of the Commission pursuant to section 4c(b) requiring reporting in connection with commodity option transactions;''.

SEC. 8. TRADING LIMITS TO PREVENT EXCESSIVE SPECULATION.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding after and below the end the following:

''(2) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception

cited in subsection (b)(2), with respect to agricultural commodities enumerated in section 1a(4) and energy commodities, the Commission, within 60 days after the date of the enactment of this paragraph, shall by rule, regulation, or order establish limits on the amount of positions, other than bona fide hedge positions, that may be held by any person with respect to contracts of sale for future delivery or with respect to options on such contracts or commodities traded on or subject to the rules of a contract market or derivatives transaction execution facility, or on an electronic trading facility as a significant price discovery contract.

''(3) In establishing the limits required in paragraph (2), the Commission shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months;

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted; and

''(C) to the maximum extent practicable, in its discretion, take into account the total number of positions in fungible agreements, contracts, or transactions that a person can hold in agricultural and energy commodities in other markets.

''(4)(A) Not later than 150 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Agricultural Advisory Group and a Position Limit Energy Group, each group consisting of representatives from—

''(i) 7 predominantly commercial short hedgers of the actual physical commodity for future delivery;

''(ii) 7 predominantly commercial long hedgers of the actual physical commodity for future delivery;

''(iii) 4 non-commercial participants in markets for commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the commodity.

''(B) Not later than 60 days after the date on which the advisory groups are convened under subparagraph (A), and annually thereafter, the advisory groups shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (2) and a recommendation as to whether the position limits should be administered directly by the Commission, or by the registered entity on which the commodity is listed (with enforcement by both the registered entity and the Commission).''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding after and below the end the following:

''(2) With respect to agricultural and energy commodities, for the purposes of contracts of sale for future delivery and options on such contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

SEC. 9. MODIFICATIONS TO CORE PRINCIPLES APPLICABLE TO POSITION LIMITS FOR CONTRACTS IN AGRICULTURAL AND ENERGY COMMODITIES.

(a) CONTRACTS TRADED ON CONTRACT MARKETS.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to agricultural commodities enumerated in section 1a(4) or energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate.''.

(b) CONTRACTS TRADED ON DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(c) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(C)(ii)(IV) of such Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by striking ''where necessary'' and all that follows through ''in significant price discovery contracts'' and inserting ''for speculators, position limitations with respect to significant price discovery contracts in energy commodities, and position limitations or position accountability with respect to significant price discovery contracts in other commodities''.

SEC. 10. CFTC ADMINISTRATION.

(a) ADDITIONAL COMMODITY FUTURES TRADING COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.—Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of the enactment of this subparagraph, subject to appropriations, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of the enactment of this subparagraph)—

''(i) to increase the public transparency of operations in agriculture and energy markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

(b) INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION.—

(1) ELEVATION OF OFFICE.—

(A) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—Section 11(2) of the Inspector General Act of 1878 (5 U.S.C. App.) is amended by striking ''or the Export-Import Bank,'' and inserting '', the Export-Import Bank, or the Commodity Futures Trading Commission,''.

(B) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of such Act (5 U.S.C. App.) is amended by striking ''the Commodity Futures Trading Commission,''.

(2) TRANSITION.—Until such time as the Inspector General of the Commodity Futures Trading Commission is appointed in accordance with section 3 of the Inspector General Act of 1978, the Office of Inspector General of the Commission shall continue in effect as provided in such Act before the date of the enactment of this Act.

SEC. 11. REVIEW OF PRIOR ACTIONS.

Notwithstanding any other provision of the Commodity Exchange Act, the Commodity Futures Trading Commission shall review, as appropriate, all regulations, rules, exemptions, exclusions, guidance, no action letters, orders, other actions taken by or on behalf of the Commission, and any action taken pursuant to the Commodity Exchange Act by an exchange, self-regulatory organization, or any other registered entity, that are currently in effect, to ensure that such prior actions are in compliance with the provisions of this Act.

SEC. 12. REVIEW OF OVER-THE-COUNTER MARKETS.

(a) STUDY.—The Commodity Futures Trading Commission shall conduct a study—

(1) to determine the efficacy, practicality, and consequences of establishing limits on the amount of positions, other than bona fide hedge positions, that may be held by any person with respect to agreements, contracts, or transactions involving an agricultural or energy commodity, conducted in reliance on sections 2(g) and 2(h) of the Commodity Exchange Act and of any exemption issued by the Commission by rule, regulation or order, that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a signifcant price discovery contract, as a means to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of such Act for physical-based agricultural or energy commodities; and

(2) to determine the efficacy, practicality, and consequences of establishing aggregate position limits for similar agreements, contracts, or transactions for physical-based agricultural or energy commodities traded—

(A) on designated contract markets;

(B) on derivatives transaction execution facilities; and

(C) in reliance on such sections 2(g) and 2(h) and of any exemption issued by the Commission by rule, regulation or order.

(b) PUBLIC HEARINGS.—The Commission shall provide for not less than 2 public hearings to take testimony, on the record, as part of the fact- gathering process in preparation of the report.

(c) REPORT AND RECOMMENDATIONS.—Not less than 12 months after the date of the enactment of this section, the Commission shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study; and

(2) provides recommendations on any actions necessary to deter and prevent price

manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of the Commodity Exchange Act for physical-based commodities, including—

(A) any additional statutory authority that the Commission determines to be necessary to implement the recommendations; and

(B) a description of the resources that the Commission considers to be necessary to implement the recommendations.

SEC. 13. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, position accountability levels, or other thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a of the Commodity Exchange Act, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and noncommercial trading;

(D) agreements and practices for sharing market and trading data among futures authorities and between futures authorities and the entities that the futures authorities oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the results of the study;

(B) addresses whether there is excessive speculation, and if so, the effects of any such speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF SPECULATORS ON AGRICULTURE AND ENERGY FUTURES MARKETS AND AGRICULTURE AND ENERGY PRICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of speculators on agriculture and energy futures markets and agriculture and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in agriculture and energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on agriculture and energy futures markets and agriculture and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and speculators—

(i) affect—

(I) the pricing of agriculture and energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 14. OVER-THE-COUNTER AUTHORITY.

(a) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER AUTHORITY.—

''(1) Within 60 days after the date of the enactment of this subsection, the Commission shall, by rule, regulation, or order, require routine reporting as it deems in its discretion appropriate, on not less than a monthly basis, of agreements, contracts, or transactions, with regard to an agricultural or energy commodity, entered into in reliance on subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a significant price discovery contract.

''(2) Notwithstanding subsections (g), (h)(1), and (h)(2) of section 2, and any exemption issued by the Commission by rule, regulation, or order, the Commission shall assess and issue a finding on whether the agreements, contracts, or transactions reported pursuant to paragraph (1), alone or in conjunction with other similar agreements, contracts, or transactions, have the potential to—

''(A) disrupt the liquidity or price discovery function on a registered entity;

''(B) cause a severe market disturbance in the underlying cash or futures market for an agricultural or energy commodity; or

''(C) prevent or otherwise impair the price of a contract listed for trading on a registered entity from reflecting the forces of supply and demand in any market for an agricultural commodity enumerated in section 1a(4) or an energy commodity.

''(3) If the Commission makes a finding pursuant to paragraph (2) of this subsection, the Commission may, in its discretion, utilize its authority under section 8a(9) to impose position limits (including, as appropriate and in its discretion, related hedge exemption provisions for bona fide hedging comparable to bona fide hedge provisions of section 4a(c)(2)) on agreements, contracts, or transactions involved, and take corrective actions to enforce the limits.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''subsection (j) of this section, and'' after ''(other than''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended by inserting ''subsection (j) of this section and'' before ''sections''.

(3) Section 8a(9) of such Act (7 U.S.C. 12a(a)(9)) is amended by inserting after ''of the Commission's action'' the following: '', and to fix and enforce limits to agreements, contracts, or transaction subject to section 2(j)(1) pursuant to a finding made under section 2(j)(2)''.

SEC. 15. EXPEDITED PROCESS.

The Commodity Futures Trading Commission may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act if, in its discretion, it deems it necessary to do so.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6604, the Commodity Markets Transparency and Accountability Act of 2008, will strengthen oversight of the commodity and futures markets for energy and agriculture commodities. It toughens position limits on oil and other futures markets as a way to prevent potential price distortions caused by excessive speculative trading. It extends CFTC oversight to previously exempt over-the-counter markets and calls for new full-time CFTC staff to improve enforcement, prevent manipulation, and prosecute fraud.

I want to thank my friend and ranking member, Mr. GOODLATTE of Virginia, for the work that he has done on this legislation, not only in committee, but in the many meetings that we have had. We have worked I think and done our work in the best bipartisan fashions, and I thank him for that.

I also want to thank the gentleman from North Carolina, the chairman of the General Farm Commodities and Risk Management Subcommittee, Mr. BOB ETHERIDGE of North Carolina, for taking the lead on CFTC oversight on our committee and for his work on this legislation.

If it is all right with the gentleman from Virginia, in light of the work Mr. ETHERIDGE has done, I will yield to him to do his presentation now and then I will finish mine later. I want to recognize Mr. ETHERIDGE for 3 minutes. He has been a real leader on our side on this issue.

Mr. ETHERIDGE. I thank the gentleman.

Mr. Speaker, I am pleased to join Chairman PETERSON and Ranking Member GOODLATTE in bringing the Commodity Markets Transparency and Accountability Act to the House floor for consideration.

During 3 days of hearings this month, expert after expert told the Ag Committee that at least part of the spike in energy prices could be caused by excessive speculation in energy futures trading. We owe it to the American consumer to ensure that gas prices are reflective of true market value and are not being artificially inflated by investors trying to make an easy quick buck. We cannot allow excessive speculation on Wall Street to cause folks to suffer on Main Street. That is why, as the chairman of the subcommittee that oversees the Commodity Futures Trading Commission, I worked with Chairman PETERSON and Ranking Member GOODLATTE to write today's bill.

This legislation will give the CFTC additional tools and authority to keep our markets free of manipulation and

excessive speculation. We wrote the bill very carefully to ensure that it would not affect proper market activity. We are simply giving the CFTC the tools to do the job the American consumers entrusted it to do, to weed out improper or illegal market activity.

Since 2000, volume on commodity markets has increased six-fold; but staffing levels at the CFTC have fallen to the lowest level in the agency's 33-year history. Right now we need more cops on the beat. The bill will require CFTC to hire the 100 additional staff people it needs to effectively monitor the futures industry, including our energy markets.

Currently the CFTC is investigating whether market manipulation has occurred in energy markets. One firm has already been charged, but the commission needs additional staff to carry out this investigation, and the rest of its duties.

Additionally, the bill will require greater transparency and disclosure from investors. A little sunshine goes a long way to scaring off bad actors. We also close the London loophole, and toughen position limits and the hedge exemption.

Today's bill is not a cure-all for our energy crisis but is one important step that could provide some relief to families who are struggling. I urge all of my colleagues to support this piece of legislation.

□ 1330

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Minnesota, the chairman of the committee, and the gentleman from North Carolina, for their hard work, particularly the gentleman from Minnesota. He thought that, following the passage of the farm bill earlier this year, that he would have a lighter burden. And instead, we have devoted a substantial amount of time to this legislation. Six hearings were held, more than 30 witnesses were invited before the committee, and literally, dozens of meetings took place as well to reach the point we are at. And I want to commend him for that work.

And I think that he has done a very good job in fending off some very bad ideas that the committee heard about from other Members and from others who wanted the committee to do a whole lot more than we are doing in this legislation.

But I will tell you that I think, quite frankly, the whole process is one that is not complete. We really shouldn't be bringing this up the day before the Congress recesses for August. We should take it up in September, after this particular bill has been examined more closely by more people and has, perhaps even held a hearing on the legislation itself.

Nonetheless, I understand the constraints he is under. He has been advised that we have to take this legislation up now. And that is what is really troubling to me the most about the legislation. I am going to support it. I think it is a modest improvement in the oversight of our commodity markets. And certainly, if there is excessive speculation in the energy markets, we all favor curbing that abuse.

But quite frankly, what we really are not getting to do is what took place in the last vote we just cast, the decision to adjourn this Congress this week without anything on the calendar this week to deal with the problem that is most concerning the American people, and that is the fact that we do not have a program to increase the domestic supply of American energy.

And we, on the Republican side, just last week, introduced legislation that already has 120 cosponsors or more, the American Energy Act, that would do all of the above. It would increase production of oil and natural gas, which we badly need, given the price that we are facing at the pump. It would have incentives for the development and expansion of nuclear power, clean burning coal technology. It would have incentives for the development of exciting new prospects for new types of energy, it would promote solar and wind power and renewable fuels and hydrogen technology. It would promote conservation, which the American people are already being forced to do because of the high price of energy they are facing at the gas pump today.

And I talked to a woman just last week who informed me that to fill the tank at her home with kerosene that will heat her home next winter she has been told will cost her $2,400.

We need to be producing increased production, American production of energy. That is what we should be debating here today. That is what should be on the floor today. And I do not understand why the leadership on the other side of the aisle will not allow us to have a vote on this.

It is very clear that the overwhelming majority of the American people want to see us take action on this. It is very clear that the significant number of Members on the other side of the aisle would join with virtually all of the Republicans on this side of the aisle in supporting legislation to make America energy independent. But we are not getting that vote, and the reason we are not getting that vote is because the leadership on the other side will not allow it.

What do they have to be afraid of in an American democracy that we can't vote on the American Energy Act?

That is what this is really all about. They want to go home and say they have done something about energy, when, in point of fact, they have done nothing about the supply of energy in this country because they will not allow us to vote on increasing the supply. That is what this legislation should be addressing, but instead, we are going to address legislation that simply reforms what is being done in the commodity futures trading markets. Certainly, that is a good thing and an important thing for us to look at, but it does not get at the crux of the problem we are facing.

Mr. Speaker, I support this legislation, but I would urge my colleagues to point out that this is not what we need to be debating here today at the end of July just before we go home for the August recess.

I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased to now recognize the gentleman from Michigan (Mr. STUPAK) for 2 minutes. He has been a leader, had, I think, numerous hearings, and his subcommittee has done a lot of work on this issue, along with his staff, so I recognize the gentleman for 2 minutes.

Mr. STUPAK. Mr. Speaker, I thank Chairman PETERSON for the time.

I rise in support of H.R. 6604, the Commodities Market Transparency and Accountability Act.

As the chairman said, for 3 years I have held hearings on speculators in the market, and here is what we have found. Since the Enron loophole became law in 2000, there has been a dramatic shift and physical hedgers continually represent a small portion of the market. The excessive speculation is a significant factor in the price Americans are paying for gasoline, diesel and home heating oil.

Since the Enron loophole, what we found as money was shifted in this market, it went from $13 billion to $260 billion in this market, a 1,900 percent increase of money flowing into this market. After the Enron loophole we saw that contracts on oil futures markets went from 700,000 to over 3 million contracts, 425 percent increase.

What we also found, the physical hedgers in 2000, had about 70 percent of the market. By 2008, April of 2008, they were down to about 29 to 30 percent of the market. In other words, those who have a bona fide reason to hedge, like airlines, truckers and others, against the increased costs in fuel have been squeezed out of the market by big money and lucrative contracts.

While the Peterson bill may not have had all the things I would like to see, and in my legislation to prevent the unfair manipulation of prices, the PUMP Act, it does take significant steps to rein in excessive speculation.

The legislation would improve the information available to the Commodity Future Trading Commission, significantly improving the CFTC's ability to monitor energy markets. Should the CFTC find excessive speculation on unregulated markets as a result, they can take the necessary steps to correct it.

Well, speculators are not the only factor. We have seen that this Congress is serious about acting to curb excessive speculation in the energy market, and the markets are responding accordingly. Curbing excessive speculation is part of the solution to high energy prices.

I thank Chairman PETERSON and his staff for working with me and my colleagues to produce this legislation. I urge my colleagues to vote for H.R. 6604.

Mr. GOODLATTE. Mr. Speaker, at this time it is my pleasure to recognize the Republican leader, the gentleman from Ohio (Mr. BOEHNER) for 1 minute.

Mr. BOEHNER. Mr. Speaker, the Democrat majority here in Congress just voted a few minutes ago to adjourn for the August district work period without bringing a real bill to the floor that will open up American energy for development. Instead, they have brought this sham bill up here, trying to blame speculators for the problems that we have with the lack of energy in America.

We have had a number of these bills over the last 4 or 5 weeks, use it or lose it. We have already had a speculators bill on the floor once that passed, and a number of other ideas that are nothing more than a way to try to divert attention from the fact that they refuse to have a bill on the floor that is supported by a bipartisan majority of this Congress that would allow energy development in America.

The American Energy Act that we introduced last week is our plan to do all of the above. It would ask us to do more in terms of conservation, more in terms of bio fuels, more in terms of incentives for the development of alternative sources of energy. It would streamline the application process and permitting process for nuclear energy. And yes, it would allow us to drill in America for more oil and gas in an environmentally sensitive way. But that bill is not on the floor, nor will it be on the floor because the Speaker has refused to allow a bill to come.

And so what do we have? We have another excuse. Kind of reminds me of the old political adage. ''Don't blame me; don't blame thee; let's blame the man behind the tree.''

This is no substitute for a real bill on drilling, and I would urge my colleagues to oppose it.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield the majority leader 1 minute, and appreciate his work with us on this legislation.

Mr. HOYER. I thank the gentleman for yielding.

This is not a sham. And I would say to the leader, as he knows, he had an opportunity to vote on a DRILL Bill, Drill Responsibly in Currently Leased Land. He voted against that bill. A number of people in this Chamber voted against that bill. What that said is let's produce more product here in America.

What this bill says is, let's make sure that prices aren't being driven up artificially. No more, no less.

This summer the Democratic majority in this body has produced bill after bill after bill to address record oil prices that have exploded on this administration's watch. $1.46 to over $4 during the 7½ years of this administration.

Every one of us here, Democrats and Republicans, acknowledge that curbing our Nation's addiction to foreign oil, which is how President Bush himself characterized the situation, requires short-term solutions, and long-term strategy. And thus, this body has considered a bill that would increase production of more bio fuels here at home, and a second to incentivize the use of nonfood commodities to meet that goal. The chairman has been a leader in that effort, Chairman PETERSON, along with Mr. GOODLATTE. Appreciate both of their leadership.

We have considered a bill to hold OPEC accountable for price fixing, bills to address retail and wholesale price gouging, a bill to crack down on energy market manipulation, a bill to increase supply by suspending shipments to the Strategic Petroleum Reserve, and then another one to release oil from the Reserve; a bill to expedite the production of 10.6 billion barrels of Alaskan oil, to keep all oil produced in Alaska as well in the United States, and encourage diligent development of existing leases on Federal lands.

I tell my friends on the Republican side, when I use that phrase, ''diligent development'' that is lifted from their 2005 bill. We said ''use it or lose it,'' which was essentially the same thing, and they voted against it.

We have also considered a bill to bring down commuter rail and bus fares, and a bill to provide tax credits for renewable and alternative energy.

None of these bills, none of these bills, alone is a panacea. We all recognize that. And we all recognize that there will be no immediate solution.

But all of them, together, constitute a vital step towards confronting our oil dependency and our energy independence.

Many of these Democratic energy initiatives have passed the House. Some have become law. However, unfortunately, some have been blocked by our colleagues on the other side of the aisle who seem to have one answer and one answer only to America's energy crisis, drill in places that are not now authorized.

I want to remind my colleagues there are currently some 88 million acres available for drilling. Experts tell us there are 107 billion barrels of oil available under those acres. We use, that would be a 14½ year supply. And what we have said is, pursue that. Drill. Produce that energy here in America for our use here in America.

Unfortunately, that bill was rejected by the overwhelming majority of the Republican Party. It is ironic, but Democrats generally agree with our Republican friends that increasing domestic production of our energy sources is critical. Both sides agree that we ought to get more energy from America. We agree that we ought to get more oil from America.

And unfortunately, when some of my Republican colleagues speak, they say, Democrats don't want to drill. That is absolutely not true, false, a misrepresentation said, in my opinion, for political purposes to accomplish an objective for politics, not for policy or for energy independence.

We must drill more, but we believe the oil companies which today have 68 million acres of land to drill on that is leased and open for drilling, must drill there first. Let's see if it is available there. If it is not, well perhaps let's look at alternatives.

In total, there are 311 million acres available for drilling, including 20 million in the National Petroleum Reserve in Alaska. If they are serious about domestic production, they should be bringing these resources to market that we have leased in the public trust to produce oil and gas for the American people.

□ 1345

Today, I'm hopeful that Members on both sides of the aisle will again come together and support this legislation.

I want to congratulate Chairman PETERSON. Chairman PETERSON has had some of the biggest challenges in this year in the Congress of the United States, last year as well. The farm bill went a long period of time. The farm bill—which had significant energy components in it—and this bill, the Commodity Markets Transparency and Accountability Act. This bill is designed to control the market speculation that is artificially inflating the price of gas.

Among other things, this bill builds upon what we did in the farm bill, and closes overseas loopholes that allow speculation to go on unregulated; increases market transparency with strict reporting standards for traders; sets position limits to prevent individual speculators from dominating the market; and strengthens the Commodity Futures Trading Commission, which is operating at its lowest ever staffing levels.

I tell my friends on both sides of the aisle if you take the referee off the field, the players are going to take an unfair advantage. You take the referees off the field, I guarantee the split ends are going to start down the field before the ball is hiked because he wants to get that advantage.

We've taken the referees off the field. This bill tries to put the referees back on the field. Even as trading volumes have increased 8,000 times since the Commodity Futures Trading Commission was first established—8,000 times—we have decreased their number of employees, their number of referees, if you will. Expert economists agree that unchecked, unregulated speculation is inflating the oil bubble and costing American consumers billions at the pump.

I urge my colleagues not for political reasons but for reasons of giving relief to our constituents, men and women trying to support their families who drive up to the pump and say to themselves, ''I can't afford this. I have got

to spend it but I can't afford it,'' let's put a stop to out-of-control speculation in the oil markets that is fueling this run-up in the cost of petroleum and harming consumers and the economy. Let's come together, as we have before, and pass this important energy legislation.

I have said something about Mr. PETERSON. I want to say something about Mr. GOODLATTE. I want to congratulate him for working together with Mr. PETERSON to come up with a bill that can have bipartisan support, a bill which tries to effect reasonable, measured policy. I congratulate them both on this bill, and I urge my colleagues to pass this bill. It is not the only answer, but it is one of the pieces of the puzzle that we need to solve for all of our people.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 2½ minutes to the gentleman from Kansas (Mr. MORAN) who is the ranking Republican on the subcommittee of jurisdiction.

Mr. MORAN of Kansas. Mr. Speaker, I rise today to express a serious concern with H.R. 6604. With the demand of rising energy costs, we're bringing to the floor a bill that will, in my opinion, do little to bring down the price of energy. In fact, certain provisions of this bill may lead to an increase in prices and may reduce market transparency and increase market volatility.

I want to be clear. I favor changes at the CFTC and believe we can change the act to improve market transparency, oversight, and enforcement activities. I have been working with CFTC and market participants to create a bill that will enhance those functions while giving regulators the necessary tools to prevent market manipulation and fraud. This bill, however, was put together, in my opinion, too quickly and goes too far.

When changing the Commodity Exchange Act, Congress must proceed in a deliberate manner and take into account the advice of industry users, the CFTC, the President's Working Group, and other experts. This bill should be referred back to the Committee on Agriculture so that we can refine provisions to actually enhance transparency and not exclude legitimate market participants.

One of the problems of this legislation is that it will likely reduce market transparency. This is because of certain provisions like the one dealing with the Foreign Board of Trade that seek direct access to U.S. and provisions that require reporting for certain over-the-counter and exempt commercial markets. That will push traders to foreign markets. Rather than giving the CFTC a better picture of the market, it will reduce the picture that the CFTC has and potentially increase fraud and manipulation. It restricts the CFTC's ability to see the market.

Second, this bill attempts to define a ''bona fide hedging transaction.'' In its current form, section 8 will exclude legitimate commercial market participants from properly hedging risk. This will cause an immediate disruption in the markets as the legitimate market participants are forced out. It will reduce market liquidity and increase price volatility.

I am also concerned with provisions in this bill that require routine reporting and potential use of position limits in over-the-counter transactions that are fungible. ''Fungible'' is not defined and suggests that a significant amount of OTC transactions could be implicated by this section. I am especially concerned about the authority given in section 14 to CFTC to impose position limits on OTC trades.

Finally, Mr. Speaker, not only should this bill be returned to committee because of these provisions so that we can take more time and develop a better product, I also recognize that this bill needs to address the root problem of high energy prices, and this will not do so.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize the gentleman from Maryland (Mr. VAN HOLLEN), who has been a leader and introduced bills and worked with us on this legislation, for 1 minute.

Mr. VAN HOLLEN. Mr. Speaker, let me start by commending Chairman PETERSON, Ranking Member GOODLATTE and others on the committee for putting together the good compromise that we have today on the floor. I'm pleased to have worked with my colleagues ROSA DELAURO, BART STUPAK, JOHN LARSON, and others to try and establish greater transparency and accountability in our energy futures market so that we can wring out that component of the price that is due to excessive speculation.

Like any compromise, this bill doesn't contain everything that everybody wants, but it's a very important first step to getting at this issue that is affecting consumers every day.

Specifically, I am pleased that this legislation for the first time provides new authority for the CFTC to police the over-the-counter markets and take corrective action where necessary. It also goes a long way to cleaning up the current mess regarding bona fide hedging exemptions so that they are distributed based on true physical, rather than purely financial, risk. It also establishes position limits where necessary and at the same time safeguarding the importance of liquidity in the market.

Mr. Speaker, I want to thank the chairman, the ranking member, and all the people who came together to take what I think is an important first step toward addressing this issue and thank the chairman for saying as new evidence becomes available and collected, we will go farther as we determine necessary.

Mr. GOODLATTE. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY) who wishes to engage in a colloquy with the chairman on an issue in which I share the concerns raised by the gentleman from Texas.

Mr. CONAWAY. I thank the gentleman from Virginia and would like to ask the gentleman from Minnesota if, in fact, he would engage in a colloquy with me.

Mr. Chairman, many questions have arisen about section 8 and how it addresses bona fide hedging for agriculture and energy commodities. I have asked you to engage in this colloquy to clarify that it is not your intent or the intent of the committee to unnecessarily restrict eligibility for bona fide hedge exemptions.

Under your leadership, Mr. Chairman, we have received hours of testimony from dozens of expert witnesses about excessive speculation and the narrowing of hedge exemptions. The testimony about removing eligibility for a hedge exemption for economic risk is at best inconclusive. This is a very technical area. The Commodity Futures Trading Commission has a lot of expertise in this area. We don't want to leave transactions that were traditionally considered a bona fide hedge left with no way to manage risk domestically.

The CFTC needs discretion in defining what an appropriate hedge is. Though section 8 codifies a portion of the current regulation defining a bona fide hedger, it ignores modern portfolio risk management theories. In doing so, it threatens more than market liquidity. It threatens market function and structure. If granted discretion, the CFTC can more nimbly grant hedge exemptions to those that truly are managing risk.

From our conversations, Mr. Chairman, I know that you're very protective of our domestic futures markets and believe, as I do, that the primary function of these markets is accurate price discovery.

Is it your intent to arbitrarily exclude traditional market participants?

Mr. PETERSON of Minnesota. I thank the gentleman from Texas and assure him that it is not my intent or the intent of this bill to bar conventional hedgers from receiving a hedge exemption.

Section 8 requires the Commodity Futures Trading Commission to define a bona fide hedge exemption, and I trust the Commission will use all of its expertise to strike the appropriate balance allowing for price discovery and risk management.

Mr. CONAWAY. I thank the gentleman. I would ask for your commitment to work with me as this bill moves forward to come to a common understanding of risk management needs and which market participants should be eligible for bona fide hedge exemption.

Mr. PETERSON of Minnesota. The gentleman has my commitment.

Mr. CONAWAY. I thank the gentleman.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize the gentleman from Virginia (Mr. BOUCHER) for 1 minute.

Mr. BOUCHER. I thank the gentleman from Minnesota for yielding.

I want to commend Chairman PETERSON for his leadership on this measure which will broaden the reach of the Commodity Exchange Act in order to restrict excessive speculation in the energy and agricultural markets.

The concern that I am raising in this colloquy is of particular interest to the electricity sector. I would ask the gentleman if he would be pleased to engage in a colloquy with regard to this matter.

Mr. PETERSON of Minnesota. I would be pleased to do so.

Mr. BOUCHER. The Federal Energy Regulatory Commission has responsibility for regulating natural gas and electricity markets within its jurisdiction. That jurisdiction includes Financial Transmission Rights which are financial instruments which entitle the holders to receive compensation for transmission congestion charges that arise when the transmission grid is congested in the day-ahead market. These rights are traded through an auction and secondarily, through bilateral trading.

The FERC currently regulates these electricity transmission rights through the independent system operators and through the regional transmission organizations across the Nation. The FERC's governance of the sale and use of these rights is important to the FERC's governance of the ISOs and the RTOs.

Is it the intention of the chairman that anything in H.R. 6604 would limit or conflict with the legal authority of the FERC to carry out its regulatory responsibility with regard to financial transmission rights?

Mr. PETERSON of Minnesota. H.R. 6604 is not intended to affect FERC's current jurisdiction over regional transmission organizations or independent system operators. I appreciate the gentleman from Virginia's concern about this legislation's impact on FERC. As with the CFTC reauthorization in the farm bill, we do not see any impact in that area.

I look forward to continuing to work with my friend and the Committee on Energy and Commerce regarding matters of mutual interest.

Mr. BOUCHER. I thank the gentleman for yielding.

Mr. PETERSON of Minnesota. I thank the gentleman.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentleman for yielding.

Mr. Speaker, I stand in strong opposition to this bill. Just last week, the Commodity Futures Trading Commission charged Optiver Holding BV with manipulation of the oil futures markets. They charged them for using a system called ''banging the close'' and charged that they made $1 million dollars with illegal manipulation of the oil futures markets.

You see, Mr. Speaker, it is already illegal to manipulate the oil futures markets, and the CFTC is already enforcing that. What this bill unfortunately does is move beyond manipulation into what is legitimate trading. When Southwest Airlines, which is a well-known organization that recently bought contracts forward and hedged oil prices going forward, when they buy that, someone else owns the other end of that contract. And when oil prices start to go up, the person who owns the other end of that contract tries to reduce their losses so they go into the market to do that. That is not manipulation. That is legitimate trading.

If you stop that, which this bill will, then a Southwest Airlines may not be able to get this kind of hedge in the future, or if they do, it will be much more expensive.

□ 1400

There's a difference between manipulation and legitimate trading. This bill does not recognize that.

So I oppose this bill and urge my colleagues to oppose it. Manipulation is already illegal. The bill will impact legitimate trading. It will move a lot of these trades from the United States to London or Dubai. It will hurt American companies.

And in the end, Mr. Speaker, as the CFTC admitted last week, the major cause of oil prices is not speculation or even manipulation but is, in fact, supply-and-demand factors. If we want to bring oil prices down, we will do it when we increase supply dramatically in this country and lower demand.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield 1 minute to the gentlelady from Connecticut (Ms. DELAURO), the Chair of the House Agriculture Appropriations Subcommittee, and also a leader on this issue, that's worked with us over this period of time.

Ms. DELAURO. I rise in support of this bill. It's an important first step to address the concerns of millions of Americans, families and farmers, who feel powerless at the gas station and in the grocery store, sensing that something more than supply and demand is going on, producing breathtakingly high prices.

It's a complex issue. Excessive speculation occurs when the market price for a given commodity no longer accurately reflects the forces of supply and demand. We can point to loopholes and exemptions today that have allowed interested parties and special interests access and information to improperly speculate on the price of energy without oversight.

This bill confronts that speculation. It says to the Commodity Futures Trading Commission this is new authority to gather the information from currently unregulated, over-the-counter energy transactions. If it's improper speculation which is driving up the prices, the agency has the authority to act to reduce that speculation. It's new, long overdue authority that will shed light on once hidden markets.

It makes sure we know who is participating in the markets, to what extent, by requiring detailed trading information from index traders and swap dealers. It works to make sure that only those who are legitimate hedgers can use them.

It brings relief and can bring relief to American families and says to the CFTC: Do your regulatory job.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I rise to support H.R. 6604 because I believe the Commodity Futures Trading Commission, the CFTC, must investigate speculation in the energy futures market and respond to any manipulation and price distortions.

While my view is not unanimous, I believe the increased positions of institutional investors, such as pension funds, endowments and sovereign funds, are contributing to the escalating price of oil at an alarming rate. The CFTC should help level the playing field and apply position limits to the institutional investors, just as the New York Mercantile Exchange, NYMEX, has required of its members for many years.

I also believe the CFTC must work with the British Financial Services Authority, FSA, to establish position limits on oil futures traded on the London Intercontinental Exchange, ICE, similar to those established by the CFTC for traders on the NYMEX.

In overseas markets, such as ICE, U.S. investors can buy as much oil as they want, helping to drive up demand with little to no oversight.

It is essential the CFTC work with the FSA in London to limit positions and gather accurate information on the impact that speculation has on oil prices.

Rising gas prices are indicative of the United States' need to affirm its commitment to renewable energy research and development, and reduce our demand for energy by focusing on conservation. We also need to increase our domestic supply of nuclear power, oil and gas. In addition, transparency in the futures market is needed and very appropriate.

Mr. PETERSON of Minnesota. Mr. Speaker, could I inquire how much time is left on each side?

The SPEAKER pro tempore. The gentleman from Virginia has 6 minutes remaining. The gentleman from Minnesota has 9 minutes remaining.

Mr. PETERSON of Minnesota. I'm now pleased to recognize the gentleman from Connecticut (Mr. LARSON), who is the Vice Chair of our caucus and has introduced bills in this area and

been one of the leaders in working with us to come up with this compromise legislation, for 1 minute.

Mr. LARSON of Connecticut. Mr. Speaker, let me begin by commending this legislation and, more specifically, commending the work of COLLIN PETERSON and BOB GOODLATTE. You are a stellar example of what bipartisan cooperation should be like in this Chamber. Anyone who's witnessed how you have handled the agricultural bill and now this issue begins to deepen your appreciation for the way that you conduct yourself. It's a model for the Congress.

I'd also like to commend my colleagues ROSA DELAURO and CHRIS VAN HOLLEN for the legislation that they contributed to this piece of legislation, and probably the most comprehensive piece of legislation put forward by BART STUPAK who has been an advocate for this for several years. I want to also add FRANK LOBIONDO who assisted in a bipartisan way with this legislation.

But essentially, this came from Main Street and from independent oil dealers who recognize that the laws of supply and demand have been suspended and that what we needed to do was address this issue very forthrightly, but with the cautious manner which Mr. PETERSON has laid out.

I'm delighted that included in the bill is an effort to make sure that there's an Inspector General——

The SPEAKER pro tempore (Mr. ROSS). The time of the gentleman has expired.

Mr. PETERSON of Minnesota. I yield the gentleman an additional 30 seconds.

Mr. LARSON of Connecticut. I thank the chairman.

I'm specifically delighted that there will be an independent Inspector General within the CFTC. This is vitally important to make sure that the kind of oversight that we all desire is going to take place.

I want to further commend John Mitchell, former Republican mayor in South Windsor; his brother, Billy; and Gene Guilford; and the Independent Petroleum Council who came to us with this issue primarily because citizens were coming to them and having to exchange their entire Social Security check in order to get oil for themselves.

Again, I commend the chairman and thank him for the time.

Mr. GOODLATTE. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I do appreciate the work of Chairman PETERSON, and I've had numerous conversations with my friend BART STUPAK, and I know that a lot of work has been done on this bill, a lot of efforts have been made because of our concern over unfair and inappropriate speculation. And it is a problem, and it has I think been a contributor to some of the rising prices.

One of the concerns some of us had is what about airlines, like Southwest Airlines, who have been able to hedge against inflation by getting these commodities contracts. And we were advised the Air Transport Association, which Southwest is a member—I don't know for sure that they support—but the Air Transport Association has come out in support of the bill and thinks it will help but it doesn't feel like it goes far enough.

This is something I'm going to vote for, and I appreciate all the hard work by Chairman PETERSON and my friend BART STUPAK, but we still come back to the biggest problem on prices being that there has been a tremendous increase in demand, especially through India and China, and we have not had a commensurate increase in the supply.

Supply-and-demand forces are at work. No matter what we do here in Congress, we're not going to decrease the forces of supply and demand on the market. That's what we need to be doing. We need to drill here, drill OCS, drill ANWR, and you know, some people keep saying 10 or 15 years before they'd come on line. The information that I heard was that since there's a pipeline 74 miles from the area of 1002 in ANWR, we could have that coming into the country, to this part of the country, the continental, within 3 years, that we could be bringing in OCS gas and oil in a similar amount of time. That's where we need to go.

I appreciate the work here, and I'm glad you're doing it and I will vote for it. But we need to increase the supply if we're going to help America. That's where the help is required.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6604, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm now pleased to yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

The latest example of a White House that runs energy policy by the oil companies, of the oil companies, and for the oil companies is found in the Statement of Administrative Policy threatening a veto on this bill.

The White House asks to give basically a blank check to the oil companies to drill wherever they want, notwithstanding the fact they already have authorized drilling for 34 billion barrels offshore. And then the White House opposes our efforts to address speculation.

The bill before us is a substantive and measured approach at trying to make certain that the price our consumers are paying at the pump is based on consideration of the supply and demand and not market manipulation.

Greater transparency, more reporting of transactions, greater oversight, 100 new personnel at the Commodity Futures Trading Commission, greater enforcement, a stronger direction from Congress to drive out excessive speculation: you would think this would be one area where the White House and the Congress could agree.

I urge passage of this bill.

Mr. GOODLATTE. Mr. Speaker, at this time, it's my pleasure to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the ranking member for yielding.

And a while ago, I heard the majority leader say that this was not a sham. Well, we've seen this snake oil shop set up before when we've voted on things under the suspension rules, and that's what makes this a hoax. That's what makes this a joke.

Half of this House is being shut out, if not all of this House is being shut out, from offering amendments on the floor. The 700,000 people I represent in Georgia's Third Congressional District, Mr. Speaker, had no input into this.

And so we can call it what we want to, but it's a red herring. We are trying to put the attention on something that will not increase our U.S. oil production.

Seventy-three percent, Mr. Speaker, of American people say let's drill here, let's drill now, let's increase our oil production, let's bring up the supply; that will drive down the cost of our oil.

I want to read you a quote, and this is from Speaker PELOSI: ''This call for drilling in areas that are protected is a hoax. It's an absolute hoax on the part of the Republicans and the administration.''

Here's a number for the switchboard in the U.S. House of Representatives, Mr. Speaker. I encourage the 73 percent of the American people that say that drilling is the right thing for us to do, that we should use our own natural resources, not be dependent on foreign oil, that we should let her know because I'm telling you, the Republican minority in this House cannot do anything to make the Democratic majority bring a bill forward through regular order that would give us or have an ability to either amend the bill or have a motion to recommit where the American people could really tell how their representatives feel about increasing U.S. oil production.

This is just smoke and mirrors. This is smoke and mirrors so they can go home during the August recess and say they voted on something. This is not an increase in our U.S. oil supply.

Mr. PETERSON of Minnesota. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Was this part of the secret Dick Cheney task force to come up with an opposition to have a little transparency in the speculation markets? Secrecy does its worst work in the dark, and that's what happened in the Cheney secret energy task force. And why should we allow these speculative markets to continue in the dark?

The people who support this are not a bunch of hemp smoking Communists. The Air Transport Association, the people whose industry is on the verge of disaster, realize we have to rein in this rampant speculation. These are capitalists, CEOs, accountants who know that we've got to get to the root of this speculation.

And I don't understand, when it comes to energy, my Republican colleagues are against virtually every solution. Speculation, they're against it. Opening the SPR, they're against it. Solar energy in our REC standard, they're against it. Wind in our tax bill, they're against it. Electrified cars in our CAFE, they're against it. They're the none-of-the-above caucus.

Mr. GOODLATTE. Mr. Speaker, I'd ask the chairman how many speakers he has remaining. I'm the only one right now on the floor on our side.

Mr. PETERSON of Minnesota. I've got one additional speaker here right now and potentially maybe one more.

Mr. GOODLATTE. I reserve my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I'd be pleased to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

□ 1415

Mr. WELCH of Vermont. Mr. Speaker, I want to congratulate the chairman, Mr. PETERSON, and the ranking member, Mr. GOODLATTE, for doing the usual bipartisan work to address a problem in a practical way.

The question that they faced is this: Will the futures market be one that is dedicated to price efficiency or will it be hijacked for speculative market manipulation? Will the futures markets serve the needs of those who need it—airliners, fuel dealers, truckers—or will it be in service of financial speculators who, moment to moment, are trying to take advantage of the volatility at the expense of the American consumer?

This legislation strikes a balance. It sends a clear message that the markets should be about price efficiency, not short-term momentary advantage when the consequence is inflicting damage on the American family, the American small business, the American economy.

There are practical steps in here—overseeing offshore trading, position limits, over-the-counter trading regulations. These are things that should be done and are being done.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Georgia, a member of our committee who has worked long and hard on this issue, and we appreciate his involvement.

Mr. MARSHALL. I thank the chairman. And to the chairman and the ranking member, I've just got nothing but applause. This has been a very, very difficult issue to grapple with because it is so complicated.

There is no question that America needs to do more as far as energy is concerned, and there are lots of different ways to go about doing that. And there are a lot of market fundamentals that are involved in explaining what our current price challenges are for commodities, agriculture, oil, and others.

But there is also no question that part of the price impact is due to investment money that has flowed onto these markets through index funds, investment money that was really never intended to be on the futures market. The futures markets were set up to help airlines and ag producers and others in hedging commercial risk. And liquidity was added in the form of speculation in order to enhance the hedging of commercial risk. These markets were never intended as a place to simply come and park a commodity investment. One expert has described this as being an uncoordinated, unintended squeeze of the market. And we've got to do something about it.

We have a bipartisan bill. There have been very few voices that have spoken in opposition to this bill. Some of those voices are saying we should drill more. I agree. Some of those voices are saying—the gentleman from California, for example, suggested that airlines are not in favor of this bill when, in fact, they are in favor of this bill. Those who use these markets know there's a problem. Consumers have no other explanation for why prices have risen so much.

We have a bipartisan bill. It's a good bill. I commend the chairman. I commend the ranking member. There's more work to be done on the bill; we'll be able to do that work on the bill in conference with the Senate to improve the bill. So we're still listening to folks, but this bill is an excellent start at addressing a real problem. There is no reason in the world why it ought not be passed. And if passed, it will lower prices.

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I appreciate the comment of the gentleman from Georgia about the fact that he favors drilling. I favor drilling. Most of the people over here who have had the opportunity to speak favor drilling.

We favor doing a whole lot more than drilling, too. We would like to see increased incentives for nuclear production. We would like to see incentives for coal liquefaction and clean burning coal technology, coal sequestration technology. We would like to see legislation to encourage hydrogen fuel cell technology, solar technology, wind technology to be expanded to make America energy independent.

But instead, today we're voting on legislation—which I support, which does a good job of enhancing the ability of the Commodity Futures Trading Commission to oversee futures trading, brings more transparency to that, and I support it. But it is not going to solve the problem that the American people face, with the high cost of gasoline going into their tanks, of fuel oil that they're going to have to purchase to heat their home this winter, the higher cost of electricity that they're facing because this Congress refuses to allow us to vote on the American Energy Act and other good pieces of legislation that have been offered here in this Congress to increase the domestic supply of energy.

That's what we should be spending our time doing, not voting to go home for the August recess and leaving that very, very serious problem—which is having a very significant impact on our economy—unaddressed. We should have a vote on the American Energy Act.

I think it is a very serious mistake for the Democratic leadership to deny this Congress and bipartisan Members on both sides of the aisle the opportunity to vote on what the American people want us to vote on. That's the problem that they see here in Washington. They don't understand it. And I don't understand why the Democratic leadership is afraid of allowing democracy to work and have the vote that we need to have here in the Congress.

I urge my colleagues to support this legislation, but I urge them to continue to fight for the legislation we need to have on this floor.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself the balance of my time.

Again, I want to thank Mr. GOODLATTE and assure him that there is one more person over here that agrees with him, that we should do everything we can to exploit all of our domestic energy sources, whatever they might be. And I would agree with him on that. I would add one other thing. In addition to that, we ought to promote conservation because we can probably save more energy with that than anything else that we do. So I'm for all of that. But we have this issue and we are addressing this, and I hope we can keep the focus on that. But again, I want to thank him for his help, and all the members of my committee.

Our interest on the Agriculture Committee has been to make sure that we maintain these markets for our agriculture producers. This is where the commodity futures business started is in agriculture. We are much smaller markets now than energy and than financials. And we're concerned about what's going on with this additional money that's coming into the markets, in terms of the agriculture markets.

We are lacking convergence in some of our ag markets. We have a situation where the basis is $2 difference between the future price of what somebody can get at the elevator. So we have issues

here that we are very concerned about, and we have taken the steps that we think we have the information to be able to address. We're closing the London loophole. We're taking the look-alike contracts that are just a substitute for something that's on the regulated market and we're giving the CFTC some authority to put position limits on that part of the OTC market.

But in the areas where we don't have enough information—which is considerable in the OTC market—in terms of how much of this is pension funds, how much is index funds, how much is hedge funds? Are they long or are they short? What's going on within that market? We don't have that information.

So in this bill we are requiring the CFTC to come up with this information, bringing it back to us so that we can sort this out and figure out exactly what is going on with all this additional money that's coming into the marketplace.

We've also asked the regulated market, the CME, to look into why we don't have convergence of the wheat market, why we had a problem with cotton here a few months ago.

We are, we think, doing a responsible effort here to address a concern that's been raised by a lot of people, and we are looking forward to getting the rest of this information. We have a good bill, a responsible bill. I encourage my colleagues to support it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that a letter from the Department of the Treasury and the President's Working Group be entered into the RECORD in connection with this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JULY 29, 2008.

Hon. RANDY NEUGEBAUER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NEUGEBAUER: In response to your July 25 letter, we are providing the views of the President's Working Group on Financial Markets (PWG) concerning H.R. 6604—legislation addressing regulation of the U.S. energy futures markets.

The PWG is concerned that high commodity prices are putting a considerable strain on American families and businesses. Proper regulation of the energy futures markets is necessary to ensure that prices reflect economic factors, rather than manipulative forces. To this end, the PWG worked with Congress to develop additional regulatory authorities for the CFTC, enacted earlier this year, to regulate certain over-the-counter (OTC) energy transactions on electronic exchanges. The PWG also supports the recent steps taken by the CFTC to improve the oversight and transparency of the energy futures markets.

The PWG agencies also are participating in an Interagency Task Force on Commodity Markets that is studying the role of economic fundamentals and speculation in the commodity markets. The Task Force recently published an Interim Report on Crude Oil, which found that fundamental supply and demand factors provide the best explanation for the recent crude oil price increases. If the future work of this Task Force or the analysis of data the CFTC has recently collected from commodity market participants suggests that changes to futures market regulation are necessary, the PWG stands ready to assist lawmakers in crafting such modifications.

However, the PWG believes that bill H.R. 6604, as reported, could harm U.S. energy markets without evidence that it would lower crude oil prices. Among its several provisions, it would curtail certain types of trading in the futures markets. Such restrictions on market participation could reduce market liquidity, hinder the price discovery process, and limit the ability of market participants to manage and transfer risk. Provisions in the bill also may harm U.S. competitiveness by driving some trading to overseas markets or to more opaque trading systems at a time when policymakers are trying to encourage greater transparency. Should this legislation become law, the chances of significant unintended consequences in the markets would be high.

This legislation would give the CFTC regulatory authorities over certain OTC transactions for the first time. It has been the long-held view of the PWG that bilateral, OTC derivatives transactions do not require the same degree of regulatory oversight as exchange-traded instruments because they do not raise the investor protection and manipulation concerns associated with exchange-traded instruments. Regulating these OTC instruments could prove costly and difficult to administer by both regulators and the industry given the size and nature of the market might not provide meaningful regulatory data, and could negatively affect the ability of U.S. firms and markets to compete globally in these types of transactions.

To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of the energy markets.

We look forward to working with Congress on these important energy market issues and appreciate your seeking our views.

Sincerely,

HENERY M. PAULSON, Jr.,
Secretary of the Treasury.

BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System.

CHRISOPHER COX,
Chairman, Securities and Exchange Commission.

WALTER L. LUKKEN,
Acting Chairman, Commodity Futures Trading Commission.

Mr. DINGELL. Mr. Speaker, I rise to support H.R. 6604, the "Commodity Markets Transparency and Accountability Act of 2008."

This legislation will ratchet back the excessive speculation which has undermined the ability of the commodity markets to enable price discovery, while ensuring a means for legitimate hedgers, such as airlines, to lock in future prices as a way to protect their business from price volatility.

Experts testified before the Committee on Energy and Commerce that commodity index speculators, such as pension funds, endowments, and sovereign wealth funds, have poured more than a quarter trillion dollars into purchases of a basket of essential commodities such as oil, natural gas, corn, and wheat. Investments tied to the two most popular commodity indexes have skyrocketed 1,900 percent in the past 5 years.

This is the one factor that has turbocharged oil prices far above their underlying supply and demand. This bill works to plug three loopholes that have allowed speculation to get out of hand, in markets immune largely from public disclosure, regulation, and transparency.

First, the "London loophole," allows foreign boards of trade such as the London-based ICE-Futures, to offer futures contracts in this country for U.S.-delivered energy commodities, such as the West Texas Intermediate Crude Oil Contract, but operate free from equivalent U.S. regulatory oversight.

This legislation requires electronic exchanges in London or Dubai to comply with key market integrity requirements as a condition of doing business in the U.S. I will be watching closely to see if this approach works or if stronger medicine is needed.

Second, the swaps loophole, allows large investment banks to exceed speculative trading limits on the futures markets. This loophole has been plugged.

Third is the Enron loophole that has enabled massive trading on over-the-counter (OTC) markets which are completely dark to regulators. It also involves another loophole for swaps transactions on the OTC.

These dark markets have grown so rapidly that the Bank of International Settlements estimates they now involve about $9 trillion in commodities. This is estimated to be about nine times what is traded on the regulated markets. This bill shines light on these dark markets for the first time.

It takes a large and important first step towards putting a cop back on the beat. My hope is that this bill will bring prices back in line with underlying supply and demand. Further, I am comforted by Chairman PETERSON's commitment to consider additional measures in the dark markets as more data is available from the CFTC.

I want to commend Representatives STUPAK, VAN HOLLEN, DELAURO, and LARSON, for their excellent work and want to recognize Chairman COLLIN PETERSON, Ranking Member BOB GOODLATTE, and their staffs for their leadership in bringing this bill to the floor. I look forward to working with them in conference.

Mr. MARKEY. Mr. Speaker, I rise in support of this bill, and I commend Chairman PETERSON and Chairman ETHERIDGE for their leadership in bringing this measure to the House floor.

When we have mounting evidence that today's high oil prices are due in part to excessive futures and derivatives market speculation, we must take action to help the American consumer who is struggling to pay $4 for a gallon of gas. We must stand up to speculators who are aiding and abetting big oil companies that continue to rake in record profits and laugh all the way to the bank.

In 2000, a regulatory black hole was created that took the cop off the beat when it comes to energy commodities. This law allowed energy commodities to be exempted from virtually all of the laws that we have had in place for agricultural and financial commodities.

At the time this bill passed the House, I argued that this loophole was not in the public interest and that it needed to be fixed in conference in order to prevent harm to energy markets and consumers. But it was not fixed.

The Enron loophole allowed speculators and financial operators to hide their actions from regulators and the public.

In May, Congress took the first step towards closing the Enron loophole when it passed, over President Bush's veto, the farm bill. That bill contained language that will help bring these commodities trades under greater federal oversight.

In June, this House took the next step, when it approved legislation that directed the Commodity Futures Trading Commission to examine excessive oil speculation and use their emergency powers to take corrective action.

But the Congress needs to take further actions to address excessive speculation in these markets.

The bill before us today does that.

It would close the so-called London Loophole that has allowed traders to evade U.S. regulation by offshoring their trades.

It would require additional information to be made public regarding the trading activities of index funds—and other investors—in energy commodities markets.

It would subject over-the-counter energy derivatives transactions to regulatory reporting and recordkeeping requirements, including position reporting.

It positions limits for certain contracts on energy commodities, and mandates position limits for energy commodity speculators.

It requires the Commission to appoint at least 100 new full time employees.

It requires the Commission to mandate routine reporting of certain OTC energy transactions, determine whether such agreements have the potential to disrupt market liquidity and price discovery, cause severe market disturbance, or prevent prices from reflecting supply and demand. If the Commission finds that they have caused problems in these areas, it is authorized to impose and enforce position limits on the involved agreements.

The energy, economic and the environmental crisis we face are all connected. It is time for Congress to stop playing favorites to Big Oil. Cracking down on speculation will not only help families with skyrocketing gas prices, it will give needed relief to the airline industry, the trucking industry and small businesses across my district in Massachusetts. This is a good bill. It is a necessary bill, and I urge its adoption.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 6604, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules and passing H.R. 6604, as amended, will be followed by a 5-minute vote on suspending the rules and passing H.R. 6445, as amended (if ordered).

The vote was taken by electronic device, and there were—yeas 276, nays 151, not voting 8, as follows:

[Roll No. 540]

YEAS—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Costello
Courtney
Cramer
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—151

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Clarke
Coble
Cole (OK)
Cooper
Costa
Crenshaw
Crowley
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Doolittle
Drake
Dreier
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lampson
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Maloney (NY)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Tauscher
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—8

Barrow
Berman
Brown-Waite, Ginny
Cubin
Hulshof
Lee
Payne
Rush

□ 1455

Ms. BEAN, Mrs. MCMORRIS RODGERS, Ms. CLARKE, Mrs. SCHMIDT, and Messrs. HOBSON, SIMPSON, PETERSON of Pennsylvania, DAVIS of Alabama, COLE of Oklahoma, SULLIVAN, LUCAS, TURNER, CRENSHAW, PITTS, RENZI, HUNTER, SAXTON, DAVID DAVIS of Tennessee, ROGERS of Michigan, and FOSTER changed their vote from ''yea'' to ''nay.''

Mrs. BONO MACK, Mrs. SCHMIDT, Messrs. KIRK, WITTMAN of Virginia, PITTS, and PETERSON of Pennsylvania changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

VETERANS HEALTH CARE POLICY ENHANCEMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6445, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6445, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. DEGETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 541]

YEAS—421

Abercrombie	Castor	Feeney
Ackerman	Cazayoux	Ferguson
Aderholt	Chabot	Filner
Akin	Chandler	Flake
Alexander	Childers	Forbes
Allen	Clarke	Fortenberry
Altmire	Clay	Fossella
Andrews	Cleaver	Foster
Arcuri	Clyburn	Foxx
Baca	Coble	Frank (MA)
Bachmann	Cohen	Franks (AZ)
Bachus	Cole (OK)	Frelinghuysen
Baird	Conaway	Gallegly
Baldwin	Conyers	Garrett (NJ)
Barrett (SC)	Cooper	Gerlach
Bartlett (MD)	Costa	Giffords
Barton (TX)	Costello	Gilchrest
Bean	Courtney	Gillibrand
Becerra	Cramer	Gingrey
Berkley	Crenshaw	Gohmert
Berry	Crowley	Gonzalez
Biggert	Cuellar	Goode
Bilbray	Culberson	Goodlatte
Bilirakis	Cummings	Gordon
Bishop (GA)	Davis (AL)	Granger
Bishop (NY)	Davis (CA)	Graves
Bishop (UT)	Davis (IL)	Green, Al
Blackburn	Davis (KY)	Green, Gene
Blumenauer	Davis, David	Grijalva
Blunt	Davis, Lincoln	Gutierrez
Boehner	Davis, Tom	Hall (NY)
Bonner	Deal (GA)	Hall (TX)
Bono Mack	DeFazio	Hare
Boozman	DeGette	Harman
Boren	Delahunt	Hastings (FL)
Boswell	DeLauro	Hastings (WA)
Boucher	Dent	Hayes
Boustany	Diaz-Balart, L.	Heller
Boyd (FL)	Diaz-Balart, M.	Hensarling
Boyda (KS)	Dicks	Herger
Brady (PA)	Dingell	Herseth Sandlin
Brady (TX)	Doggett	Higgins
Braley (IA)	Donnelly	Hill
Broun (GA)	Doolittle	Hinchey
Brown (SC)	Doyle	Hinojosa
Brown, Corrine	Drake	Hirono
Buchanan	Dreier	Hobson
Burgess	Duncan	Hodes
Burton (IN)	Edwards (MD)	Hoekstra
Butterfield	Edwards (TX)	Holden
Buyer	Ehlers	Holt
Calvert	Ellison	Honda
Camp (MI)	Ellsworth	Hooley
Campbell (CA)	Emanuel	Hoyer
Cannon	Emerson	Hunter
Cantor	Engel	Inglis (SC)
Capps	English (PA)	Inslee
Capuano	Eshoo	Israel
Carnahan	Etheridge	Issa
Carney	Everett	Jackson (IL)
Carson	Fallin	Jackson-Lee (TX)
Carter	Farr	
Castle	Fattah	Jefferson
Johnson (IL)	Miller, Gary	Scott (GA)
Johnson, E. B.	Miller, George	Scott (VA)
Johnson, Sam	Mitchell	Sensenbrenner
Jones (NC)	Mollohan	Serrano
Jones (OH)	Moore (KS)	Sessions
Jordan	Moore (WI)	Sestak
Kagen	Moran (KS)	Shadegg
Kanjorski	Moran (VA)	Shays
Kaptur	Murphy (CT)	Shea-Porter
Keller	Murphy, Patrick	Sherman
Kennedy	Murphy, Tim	Shimkus
Kildee	Murtha	Shuler
Kilpatrick	Musgrave	Shuster
Kind	Myrick	Simpson
King (IA)	Nadler	Sires
King (NY)	Napolitano	Skelton
Kingston	Neal (MA)	Slaughter
Kirk	Neugebauer	Smith (NE)
Klein (FL)	Nunes	Smith (NJ)
Kline (MN)	Oberstar	Smith (WA)
Knollenberg	Obey	Snyder
Kucinich	Olver	Solis
Kuhl (NY)	Ortiz	Souder
LaHood	Pallone	Space
Lamborn	Pascrell	Speier
Lampson	Pastor	Spratt
Langevin	Paul	Stark
Larsen (WA)	Pearce	Stearns
Larson (CT)	Perlmutter	Stupak
Latham	Peterson (MN)	Sullivan
LaTourette	Peterson (PA)	Sutton
Latta	Petri	Tancredo
Levin	Pickering	Tanner
Lewis (CA)	Pitts	Tauscher
Lewis (GA)	Platts	Taylor
Lewis (KY)	Poe	Terry
Linder	Pomeroy	Thompson (CA)
Lipinski	Porter	Thompson (MS)
LoBiondo	Price (GA)	Thornberry
Loebsack	Price (NC)	Tiahrt
Lofgren, Zoe	Pryce (OH)	Tiberi
Lowey	Putnam	Tierney
Lucas	Radanovich	Towns
Lungren, Daniel E.	Rahall	Tsongas
	Ramstad	Turner
Lynch	Rangel	Udall (CO)
Mack	Regula	Udall (NM)
Mahoney (FL)	Rehberg	Upton
Maloney (NY)	Reichert	Van Hollen
Manzullo	Renzi	Velázquez
Marchant	Reyes	Visclosky
Markey	Reynolds	Walberg
Marshall	Richardson	Walden (OR)
Matheson	Rodriguez	Walsh (NY)
Matsui	Rogers (AL)	Walz (MN)
McCarthy (CA)	Rogers (KY)	Wamp
McCarthy (NY)	Rogers (MI)	Wasserman Schultz
McCaul (TX)	Rohrabacher	
McCollum (MN)	Ros-Lehtinen	Waters
McCotter	Roskam	Watson
McCrery	Ross	Watt
McDermott	Rothman	Waxman
McGovern	Roybal-Allard	Weiner
McHenry	Royce	Welch (VT)
McHugh	Ruppersberger	Weldon (FL)
McIntyre	Ryan (OH)	Weller
McKeon	Ryan (WI)	Westmoreland
McMorris Rodgers	Salazar	Wexler
	Sali	Whitfield (KY)
McNerney	Sánchez, Linda T.	Wilson (NM)
McNulty		Wilson (OH)
Meek (FL)	Sanchez, Loretta	Wilson (SC)
Meeks (NY)	Sarbanes	Wittman (VA)
Melancon	Saxton	Wolf
Mica	Scalise	Woolsey
Michaud	Schakowsky	Wu
Miller (FL)	Schiff	Yarmuth
Miller (MI)	Schmidt	Young (AK)
Miller (NC)	Schwartz	Young (FL)

NOT VOTING—13

Barrow	Cardoza	Payne
Berman	Cubin	Pence
Brown-Waite, Ginny	Hulshof	Rush
	Johnson (GA)	Smith (TX)
Capito	Lee	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1508

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes.''.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE DESIGNATION OF AUGUST 2008 AS ''NATIONAL HEAT STROKE AWARENESS MONTH''

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 296) expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month'' to raise awareness and encourage prevention of heat stroke, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 296

Whereas heat stroke is a medical emergency that can be fatal if not properly and promptly treated, and 50 percent of those with heat stroke die from it;

Whereas children absorb more heat from a hot environment because they have greater surface area-to-body mass ratio than adults;

Whereas the smaller the child, the faster he or she can overheat;

Whereas children and adolescents may have a reduced ability to dissipate heat through sweating;

Whereas children and adolescents frequently do not have the physiological drive to drink enough fluids to replenish sweat losses during prolonged exercise;

Whereas youth athletes may be more easily distracted by teammates and spectators when given the opportunity to rest and rehydrate;

Whereas a recent study found that 70 percent of afterschool athletes arrive on the playing field already dehydrated;

Whereas heat-induced illness is one of the most preventable sports ailments and parents, young athletes, and coaches need to understand the physiological factors that increase the risk for heat-related illness and take steps to prevent it;

Whereas 13-year-old Kendrick Fincher from Rogers, Arkansas, collapsed during an August pre-season football practice, was rushed to the hospital, and for the next 18 days his family waited anxiously for him to regain consciousness, tragically never regained consciousness, and died on August 25, 1995, from multi-system organ failure as a result of heat stroke;

Whereas Kendrick's parents, Rhonda and Mike Fincher, founded the Kendrick Fincher Memorial Foundation in honor of their son, with the aim to raise awareness of the potentially deadly consequences of dehydration for student athletes and to provide schools with the information and equipment needed to ensure other students do not suffer from heat stroke;

Whereas the Kendrick Fincher Memorial Foundation has distributed more than 130,000 water bottles and heat illness prevention pamphlets to children and athletes throughout the United States;

Whereas the Kendrick Fincher Memorial Foundation oversees consultation with

school district athletic programs to ensure they have procedures in place to prevent heat illness and dehydration;

Whereas the Kendrick Fincher Memorial Foundation provides heat stroke awareness and steps for prevention at local health fairs, community events, and the Annual Youth Run through ''cool huts'', misting stations, and free ice water;

Whereas Gatorade Company joined forces with the National Football League to lead a nationwide ''Beat the Heat'' campaign aimed at educating parents and football coaches about the importance of hydration in order to keep athletes safe in the hot summer months; and

Whereas Gatorade Company and the National Football League held Gatorade Donation Days at training camps to raise money to raise awareness of the Kendrick Fincher Memorial Foundation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Heat Stroke Awareness Month provides an opportunity to educate the people of the United States about heat stroke;

(B) the Kendrick Fincher Memorial Foundation should be applauded for its efforts in promoting awareness about heat stroke; and

(C) policymakers, parents, coaches, student athletes, not-for-profit organizations, and other members of the community should work to increase awareness and prevention of heat stroke; and

(2) Congress urges national and community organizations, businesses in the private sector, and the media, through National Heat Stroke Awareness Month to promote the awareness of heat stroke.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 296, which designates August 2008 as National Heat Stroke Awareness Month for the purpose of raising awareness and encouraging prevention of heat stroke.

As we approach the hottest days of the year, it is important that we take the time now to recognize the serious dangers of heat stroke. Whether it is a child who will participate in preseason camps to prepare for the fall athletic season, or seniors who take a walk outside, the threat of heat stroke is high. We need to make sure everyone is properly hydrated. This is particularly true for our students, as approximately 70 percent of student athletes arrive on the field already dehydrated.

Heat stroke is extremely preventible, yet about half of those who contact it will die from it. This resolution before us aims to increase awareness of this deadly condition. It urges national and community organizations, the media, coaches, student athletes and others to widely disseminate information on heat stroke.

This resolution also recognizes and applauds the Kendrick Fincher Memorial Foundation for its hard work and commitment to educating the public on the fatal effects of heat stroke. The foundation is named in honor of 13-year-old Kendrick Fincher, a child who died tragically of heat stroke while attending football practice. In an effort to prevent the reoccurrence of such a tragedy, the foundation has dispensed over 130,000 water bottles and informational pamphlets to children and athletes throughout the United States.

I want to thank my colleague, Representative BOOZMAN, for his hard work in bringing this resolution to the floor. I urge my colleagues to join me in support of H. Con. Res. 296.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time has I may consume.

I, too, rise in support of H. Con. Res. 296, recognizing the goals and ideals of National Heat Stroke Awareness Month. I credit and thank my colleague from Arkansas, Mr. BOOZMAN, for drafting and introducing this resolution.

As August hits, more people will be traveling to the beach, going to neighborhood pools, working outside, and football practice starts for many high schools and colleges. As people enjoy the outdoors, it is important for Americans to be cognizant of the dangers of heat stroke.

Friday, August 1, 2008, will mark the beginning of the National Heat Stroke Awareness Month. This month serves to commemorate the importance of educating Americans and their children about the need to stay hydrated during hot summer months, understand how much water and fluids their bodies need to replenish, and the appropriate ways to avoid heat-related illnesses.

National Heat Stroke Awareness Month is an important reminder that Americans and children participating in athletics continue to be impacted by the intense heat and physical activity that can dehydrate the body or even lead to a heat stroke. Local communities should work together to provide avenues to prevent dehydration, as well as ensuring that children, who are more vulnerable to heat illness, have access to fluids to rehydrate and a cool place to rest during hot summer months.

According to the National Centers for Health Statistics, 7,046 deaths were attributed to excessive heat exposure from 1979 to 1997, or an average of 371 deaths per year. Heat stroke and death from excessive heat exposure are more common during summers with prolonged heat waves, such as in 1980. Department statistics show that children and the elderly are among the hardest hit populations in the U.S., and, if not treated properly, it can be fatal.

A recent study found that 70 percent of after-school athletes arrive on the field already dehydrated, and because children have a reduced ability to dissipate heat through sweating, it puts them at an increased risk for a heat-related illness. It is alarming when 50 percent of those diagnosed with heat stroke will die, and it is important that parents, coaches, teachers and other members of the community look for the warning signs of heat illness.

I would like to thank Rhonda and Mike Fincher, who have worked tirelessly to raise awareness of the heat-related illness after they tragically lost their 13-year-old son Kendrick during an August preseason football practice. In honor of their son, they have founded the Kendrick Fincher Memorial Foundation, and have provided student athletes with the information and equipment needed to ensure they will not suffer from heat stroke.

I would also like to thank the Gatorade Company for leading the National Beat the Heat Campaign aimed at educating parents and football coaches about the importance of hydration in order to keep athletes safe in hot summer months.

□ 1515

Mr. Speaker, I would like to thank Congressman BOOZMAN once again for introducing this resolution, my colleagues on Energy and Commerce, Mr. PALLONE and Mr. DINGELL and Mr. BARTON, to make sure that it got to the House floor in a rapid, quick motion. I urge all of my colleagues to support this important resolution commemorating August as National Heat Stroke Awareness Month.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TERRY. Mr. Speaker, at this time I yield such time as he may consume to the author of this resolution, the gentleman from Arkansas.

Mr. BOOZMAN. Mr. Speaker, I rise in support of H. Con. Res. 296, which expresses the sense of Congress that August should be designated as Heat Stroke Awareness Month, which will provide opportunities to educate parents, educators, and athletes about heat stroke, and prevent future deaths.

On August 7, 1995, 13-year-old Kendrick Fincher of Rogers, Arkansas was at football practice for the Elmwood Riders when he experienced heat stroke. After 18 days in intensive care at Children's Hospital in Little Rock, Arkansas, Kendrick died from complications of heat stroke. I was on the school board in Rogers during this time, and this truly was a terrible tragedy for our community.

Since then, Kendrick's parents, Mike and Rhonda Fincher, have committed themselves to ensuring that no other

parent has to experience the heartache of a very preventable death. They established the Kendrick Fincher Memorial Foundation to make certain children have proper hydration during athletic activities and that they have squeeze bottles with them at all events. Because of their dedicated work, procedures have been changed in sports programs at the local schools to help prevent a similar accident.

In addition, Gatorade and the National Football League have worked with the foundation to lead a nationwide Beat the Heat campaign aimed at educating parents and football coaches about the importance of hydration in order to keep athletes safe in the hot summer months.

This resolution also recognizes the Kendrick Fincher Memorial Foundation for all of its efforts in promoting awareness about heat stroke, and it encourages other national and community organizations to get involved in this important fight.

I would also like to thank Chairman DINGELL, Ranking Member BARTON, Mr. PALLONE, and Mr. TERRY for their help in bringing this forward now as we go into August during the season when, as we are experiencing today, these things are very, very possible. I appreciate them bringing it in a timely fashion, and I encourage my colleagues to support H. Con. Res. 296.

Mr. TERRY. Mr. Speaker, I would just conclude by suggesting that if there are any coaches of youth teams that play outside, they should check out the Kendrick Fincher Memorial Foundation's Web site for advice on how to protect the kids on their team.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 296, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PRIMARY LATERAL SCLEROSIS AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 896) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of the Hardy Brown Primary Lateral Sclerosis Awareness Month, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 896

Whereas primary lateral sclerosis (PLS) is a rare neuromuscular disorder characterized by progressive muscle spasticity and weakness in the voluntary muscles;

Whereas PLS belongs to a group of disorders known as motor neuron diseases. Motor neuron diseases develop when the nerve cells that control voluntary muscle movement degenerate and die, causing spasticity and weakness in the muscles they control;

Whereas Hardy Brown has worked tirelessly to raise funds for research for ALS ''Lou Gehrig's disease'' which is a fatal motor neuron disease, and is now diagnosed with primary lateral sclerosis;

Whereas the onset of PLS usually occurs after age 50. Symptoms may include difficulty with balance, weakness and stiffness in the legs, and clumsiness. Other symptoms may include spasticity (sudden, involuntary muscle spasms) in the hands, feet, or legs; foot dragging, and speech problems due to involvement of the facial muscles;

Whereas primary lateral sclerosis affects individual people in different ways, and as a result, treatment programs will vary;

Whereas there currently is no cure for primary lateral sclerosis, nor a way to slow or reverse the progressive disability of this disorder;

Whereas the Spastic Paraplegia Foundation is a volunteer-managed and operated non-profit organization devoted to finding the causes and cures for two groups of neurodegenerative disorders called Spastic Paraplegia (Hereditary and Apparently Sporadic) and Primary Lateral Sclerosis (PLS);

Whereas the National Institute of Neurological Disorders and Stroke at the National Institutes of Health conducts a broad range of research on neuromuscular disorders such as PLS. This research is aimed at developing techniques to diagnose, treat, prevent, and ultimately cure these devastating diseases; and

Whereas the month of February of 2009 would be an appropriate time to recognize Primary Lateral Sclerosis Awareness Month in order to educate communities across the Nation about primary lateral sclerosis and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need to continue research into the causes, treatment, and an eventual cure for primary lateral sclerosis;

(2) commends those hospitals, community clinics, educational institutes, and other organizations that are—

(A) working to increase awareness of primary lateral sclerosis; and

(B) conducting research for methods to help patients suffering from primary lateral sclerosis;

(3) congratulates the work of the Spastic Paraplegia Foundation for its great efforts to educate, support, and provide hope for individuals who suffer from primary lateral sclerosis, while funding research to help find a cure for this disorder;

(4) supports the designation of an appropriate time to recognize ''Primary Lateral Sclerosis Awareness Month''; and

(5) calls upon the people of the United States to observe the month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 896, a resolution expressing support for Primary Lateral Sclerosis Awareness Month, and for the need to pursue research on this debilitating disease.

Primary lateral sclerosis, or PLS, is a rare neuromuscular disorder characterized by progressive muscle spasms and weakness. As many as 2,000 Americans suffer from PLS, which usually affects adults during midlife. The causes of PLS are unknown and the disease currently has no cure. However, some individuals with PLS can increase their comfort level and ability to function through therapy and treatment. ALS, also known as Lou Gehrig's disease, is a fatal motor neuron disease within the same family of disorders.

H. Res. 896 encourages Congress to continue support for further work on PLS. It would promote further research into the causes, treatment, and eventual cure for PLS, and seek to increase awareness about the disease.

Earlier in the session of the 110th Congress, the House passed H.R. 2295, the ALS Registry Act, and this bill would help to establish a central registry for ALS and other motor neuron disorders like PLS, so that research efforts are timely and targeted.

Finally, this resolution, Mr. Speaker, recognizes those who have already made efforts to support individuals who suffer from PLS. One such individual is Hardy L. Brown, co-publisher of the Black Voice News, who has personally dedicated himself to raising funds for ALS research and has now been diagnosed with PLS himself.

I would like to thank my colleague, Representative BACA, for his hard work in bringing this resolution before us today, and I urge my colleagues to join me in support of H. Res. 896.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I too rise in support of House Resolution 896, recognizing February of 2009 as Primary Lateral Sclerosis Awareness Month. I also wish to thank Mr. BACA for authoring this resolution.

While primary lateral sclerosis is not fatal, there is no cure, and the progression of symptoms varies. Some Americans affected by this disease may retain the ability to walk without assistance, but others eventually require wheelchairs, canes, or other assistive devices that limit their mobility.

Because primary lateral sclerosis is such a rare neuromuscular disease, its diagnosis is often delayed because of its resemblance to ALS, or better known as Lou Gehrig's disease. In PLS, there is no evidence of the degeneration of spinal motor neurons or muscle

wasting that occurs in ALS, and it is characterized by progressive muscle weakness in the voluntary muscles. PLS belongs to a group of disorders known as motor neuron diseases that develop when the nerve cells that control voluntary muscle movement degenerate and die. This usually occurs after the age of 50, and causes a gradual weakness in the muscles.

Symptoms for the individuals afflicted by the disease may include difficulty with balance, weakness and stiffness in the legs, and clumsiness. Other symptoms may include sudden and involuntary muscle spasms in the hands, feet, or legs, and maybe speech problems due to the involvement of the facial muscles. The disease, which scientists believe is not hereditary, progresses gradually over a number of years or even decades.

The efforts of the Spastic Paraplegia Foundation have been paramount in raising funds dedicated to finding cures and providing information about PLS. Thanks to the dedication and hard work of many individuals at the Spastic Paraplegic Foundation, in just 5 years, more than $1 million has been targeted to research on SPF conditions and thousands of people have been helped.

I would like to thank the National Institute of Neurological Disorders and Stroke at the National Institute of Health for conducting a broad range of research on neuromuscular disorders such as PLS. Their research has been aimed at developing techniques to diagnose, treat, prevent, and ultimately cure these devastating diseases.

In closing, I would like to thank again the author of this resolution, Mr. JOE BACA, my friend from California, for raising public awareness about PLS. I encourage all of my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. BACA), who is the author of this resolution.

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 896, the Primary Lateral Sclerosis Awareness Month Act. I would like to thank Chairman DINGELL, Chairman PALLONE, Ranking Member NATHAN DEAL, along with Mr. TERRY, for helping guide this legislation through the committee.

Primary lateral sclerosis, commonly referred to as PLS, is a neurological disorder that affects the cells that control the voluntary muscles. PLS is similar to ALS, often called Lou Gehrig's disease.

Can you imagine someone who is diagnosed with PLS, but yet they are told that it is ALS and in fact it was PLS that they were diagnosed, and thinking that they only had X amount of time to live, its impact it has on the family members and others as they begin to look at that disease because not enough research has been done? That is devastating to the individuals and the family members who are diagnosed. That is why it is important that we do the research.

This illness is, of course, named after the famous Yankee baseball player who suffered and died of ALS before we knew much about it. As with many other neurological disorders, once the nerve cells that control the voluntary muscles are affected, a person's physical ability to function becomes very difficult.

Symptoms of PLS include difficulties with balance, sudden involuntary muscle spasms in the hands, feet, legs, and speech problems when the facial muscles are affected. But these symptoms are not unique to PLS alone. PLS is often very difficult to diagnose because the symptoms vary, and may progress slowly over a period of time of many years. I would rather have someone be diagnosed with the right PLS versus ALS to know that they are going to live a lot longer.

Because of this, many Americans are still unaware of the severe nature of PLS, even though the disorder was first discovered in 1850 in France. That is why we need to continue with greater and more expansive research.

My resolution serves to raise awareness across the Nation by urging all Americans to recognize February of 2009 as PLS Awareness Month. This resolution emphasizes the need of greater funding and more research to combat neuromuscular disease. With this bill, Congress is helping educate our doctors and nurses and the rest of the medical community about PLS.

However, there are many courageous and dedicated individuals who are doing this already.

One is my good friend, Hardy Brown, who is from my district and, of course, owner of the Black Voice Newspaper in California. He has dedicated his life to serve as a voice for underrepresented communities in the Inland Empire. Throughout his life, Hardy Brown has done a tremendous job in the community raising awareness of Lou Gehrig's disease. Now he is diagnosed with PLS. Hardy Brown, once a vibrant, active leader, is now in a wheelchair doing what he can despite difficulties moving, speaking, and typing.

Another individual, Tyonja Bathgate from Maryland, whose husband was diagnosed with PLS, has torn herself from her husband's bedside to advocate on behalf of this issue.

We want to thank these individuals and all others who have worked to raise the awareness of these conditions. But we must do more, and urging the establishment of a PLS Awareness Month is a step in the right direction. There is currently no cure for PLS, and hopefully one day we will find a cure. God willing, we will do that.

Treatment and symptoms vary from person to person, and the age of onset is generally between the ages of 35 to 66, and, as it was stated, over 2,000 have been diagnosed with this.

□ 1530

Because of the similar symptoms, researchers believe that PLS patients are often diagnosed with ALS, and I have already stated the effects it has on families when they are told that.

Most of us have heard of Lou Gehrig's disease, but this legislation today will help raise the awareness and stress the importance of a very familiar disorder. The medical community must be able to properly diagnose those individuals who suffer from PLS and other neuromuscular disease to ensure proper care and treatment.

I urge my colleagues to vote for H. Res. 896, and join me and all individuals and organizations in this effort to fight this devastating illness. And I want to thank again Mr. PALLONE, Mr. TERRY for helping us with this legislation and many of the others that will support this to make sure that not many other individuals suffer from this type of disease that will affect others as well.

Mr. TERRY. We have no further speakers, so I will just once again thank Mr. BACA for writing this resolution and bringing it, Mr. PALLONE, Mr. DINGELL, Mr. BARTON for making sure that it, in such a speedy manner, got to the House floor.

I yield back.

Mr. PALLONE. Mr. Speaker, I have no further requests for time as well, and I yield back the balance of my time and urge support for the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 896, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of Primary Lateral Sclerosis Awareness Month, and for other purposes.''.

A motion to reconsider was laid on the table.

ANIMAL DRUG USER FEE AMENDMENTS OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6432) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

SEC. 2. REFERENCES IN ACT.

Except as otherwise specified, amendments made by this Act to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

TITLE I—ANIMAL DRUG USER FEE AMENDMENTS

SEC. 101. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the ''Animal Drug User Fee Amendments of 2008''.

(b) FINDING.—Congress finds that the fees authorized by the amendments made in this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 102. DEFINITIONS.

Section 739 (21 U.S.C. 379j–11) is amended—

(1) in paragraph (6), by striking '', except for an approved application for which all subject products have been removed from listing under section 510'' and inserting ''that has not been withdrawn by the applicant and for which approval has not been withdrawn by the Secretary'';

(2) in paragraph (8)(H), by striking ''but not such activities after an animal drug has been approved'' and inserting ''but not after such application has been approved'';

(3) in paragraph (10), by striking ''year being 2003'' and inserting ''month being October 2002'';

(4) by redesignating paragraph (11) as paragraph (12); and

(5) by inserting after paragraph (10) the following:

''(11) The term 'person' includes an affiliate thereof.''.

SEC. 103. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

(a) TYPES OF FEES.—Section 740(a) (21 U.S.C. 379j–12(a)) is amended—

(1) in paragraph (1)(A)(i), by inserting after ''for an animal drug application'' the following: '', except an animal drug application subject to the criteria set forth in section 512(d)(4)''; and

(2) by amending paragraph (1)(A)(ii) to read as follows:

''(ii) A fee established in subsection (b), in an amount that is equal to 50 percent of the amount of the fee under clause (i), for—

''(I) a supplemental animal drug application for which safety or effectiveness data are required; and

''(II) an animal drug application subject to the criteria set forth in section 512(d)(4).''.

(b) FEE AMOUNTS.—

(1) TOTAL FEE REVENUES FOR APPLICATION AND SUPPLEMENT FEES.—Section 740(b)(1) (21 U.S.C. 379j–12(b)(1)) is amended—

(A) by striking ''and supplemental animal drug application fees'' and inserting ''and supplemental and other animal drug application fees''; and

(B) by striking ''$1,250,000'' and all that follows through the period at the end and inserting ''$3,815,000 for fiscal year 2009, $4,320,000 for fiscal year 2010, $4,862,000 for fiscal year 2011, $5,442,000 for fiscal year 2012, and $6,061,000 for fiscal year 2013.''.

(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—Section 740(b)(2) (21 U.S.C. 379j–12(b)(2)) is amended by striking ''$1,250,000'' and all that follows through the period at the end and inserting ''$3,815,000 for fiscal year 2009, $4,320,000 for fiscal year 2010, $4,862,000 for fiscal year 2011, $5,442,000 for fiscal year 2012, and $6,061,000 for fiscal year 2013.''.

(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—Section 740(b)(3) (21 U.S.C. 379j–12(b)(3)) is amended by striking ''$1,250,000'' and all that follows through the period at the end and inserting ''$3,815,000 for fiscal year 2009, $4,320,000 for fiscal year 2010, $4,862,000 for fiscal year 2011, $5,442,000 for fiscal year 2012, and $6,061,000 for fiscal year 2013.''.

(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—Section 740(b)(4) (21 U.S.C. 379j–12(b)(4)) is amended by striking ''$1,250,000'' and all that follows through the period at the end and inserting ''$3,815,000 for fiscal year 2009, $4,320,000 for fiscal year 2010, $4,862,000 for fiscal year 2011, $5,442,000 for fiscal year 2012, and $6,061,000 for fiscal year 2013.''.

(c) ADJUSTMENTS TO FEES.—Section 740(c) (21 U.S.C. 379j–12(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(3) in paragraph (1), as so redesignated—

(A) in the matter preceding subparagraph (A), by striking ''After the fee revenues are adjusted for inflation in accordance with paragraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2004'' and inserting ''The fee revenues shall be adjusted each fiscal year after fiscal year 2009''; and

(B) in subparagraph (B), by striking '', as adjusted for inflation under paragraph (1)''; and

(4) in paragraph (2), as so redesignated—

(A) by striking ''2008'' each place it appears and inserting ''2013''; and

(B) by striking ''2009'' and inserting ''2014''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subparagraphs (A) through (E) of section 740(g)(3) (21 U.S.C. 379j–12(g)(3)) are amended to read as follows:

''(A) $15,260,000 for fiscal year 2009;

''(B) $17,280,000 for fiscal year 2010;

''(C) $19,448,000 for fiscal year 2011;

''(D) $21,768,000 for fiscal year 2012; and

''(E) $24,244,000 for fiscal year 2013;''.

(e) OFFSET.—Section 740(g)(4) (21 U.S.C. 379j–12(g)(4)) is amended to read as follows:

''(4) OFFSET.—If the sum of the cumulative amount of fees collected under this section for fiscal years 2009 through 2011 and the amount of fees estimated to be collected under this section for fiscal year 2012 exceeds the cumulative amount appropriated under paragraph (3) for the fiscal years 2009 through 2012, the excess amount shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2013.''.

SEC. 104. REAUTHORIZATION; REPORTING REQUIREMENTS.

Part 4 of subchapter C of chapter VII (21 U.S.C. 379j–11 et seq.) is amended by inserting after section 740 the following:

''SEC. 740A. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORT.—Beginning with fiscal year 2009, not later than 60 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(b) of the Animal Drug User Fee Amendments of 2008 toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

''(b) FISCAL REPORT.—Beginning with fiscal year 2009, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to the Congress with respect to the goals, and plans for meeting the goals, for the process for the review of animal drug applications for the first 5 fiscal years after fiscal year 2013, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) veterinary professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

''(A) publish a notice in the Federal Register requesting public input on the reauthorization;

''(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

''(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

''(D) publish the comments on the Food and Drug Administration's Internet Web site.

''(3) PERIODIC CONSULTATION.—Not less frequently than once every 4 months during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of veterinary, patient, and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

''(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2013, the Secretary shall transmit to the Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

''(6) MINUTES OF NEGOTIATION MEETINGS.—

''(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to the Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry.

''(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.''.

SEC. 105. ANTIMICROBIAL ANIMAL DRUG DISTRIBUTION REPORTS.

(a) REPORTS.—Section 512(l) (21 U.S.C. 360b(l)) is amended by adding at the end the following:

''(3)(A) In the case of each new animal drug described in paragraph (1) that contains an antimicrobial active ingredient, the sponsor of the drug shall submit an annual report to the Secretary on the amount of each antimicrobial active ingredient in the drug that is sold or distributed for use in food-producing animals, including information on any distributor-labeled product.

''(B) Each report under this paragraph shall specify the amount of each antimicrobial active ingredient—

''(i) by container size, strength, and dosage form;

''(ii) by quantities distributed domestically and quantities exported; and

''(iii) by dosage form, including, for each such dosage form, a listing of the target animals, indications, and production classes that are specified on the approved label of the product.

''(C) Each report under this paragraph shall—

''(i) be submitted not later than March 31 each year;

''(ii) cover the period of the preceding calendar year; and

''(iii) include separate information for each month of such calendar year.

''(D) The Secretary may share information reported under this paragraph with the Antimicrobial Resistance Task Force established under section 319E of the Public Health Service Act.

''(E) The Secretary shall make summaries of the information reported under this paragraph publicly available, except that—

''(i) the summary data shall be reported by antimicrobial class, and no class with fewer than 3 distinct sponsors of approved applications shall be independently reported; and

''(ii) the data shall be reported in a manner consistent with protecting both national security and confidential business information.''.

(b) FIRST REPORT.—For each new animal drug that is subject to the reporting requirement under section 512(l)(3) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and for which an approval of an application filed pursuant to section 512(b) or 571 of such Act is in effect on the date of the enactment of this title, the Secretary of Health and Human Services shall require the sponsor of the drug to submit the first report under such section 512(l)(3) for the drug not later than March 31, 2010.

(c) SEPARATE REPORT.—The reports required under section 512(l)(3) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be separate from periodic drug experience reports that are required under section 514.80(b)(4) of title 21, Code of Federal Regulations (as in effect on the date of the enactment of this title).

SEC. 106. SAVINGS CLAUSE.

Notwithstanding section 5 of the Animal Drug User Fee Act of 2003 (21 U.S.C. 379j–11 note), and notwithstanding the amendments made by this title, part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–11 et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to animal drug applications and supplemental animal drug applications (as defined in such part as of such day) that on or after September 1, 2003, but before October 1, 2008, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2009.

SEC. 107. EFFECTIVE DATE.

The amendments made by sections 102, 103, and 104 shall take effect on October 1, 2008, and fees under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as amended by this title, shall be assessed for all animal drug applications and supplemental animal drug applications received on or after such date, regardless of the date of the enactment of this title.

SEC. 108. SUNSET DATES.

(a) AUTHORIZATION.—The amendments made by sections 102 and 103 cease to be effective October 1, 2013.

(b) REPORTING REQUIREMENTS.—The amendment made by section 104 ceases to be effective January 31, 2014.

TITLE II—ANIMAL GENERIC DRUG USER FEE

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the ''Animal Generic Drug User Fee Act of 2008''.

(b) FINDINGS.—Congress finds as follows:

(1) Prompt approval of abbreviated applications for safe and effective generic new animal drugs will reduce animal healthcare costs and promote the well-being of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for the review of abbreviated applications for the approval of generic new animal drugs.

(3) The fees authorized by this title will be dedicated toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs as set forth in the goals identified in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 202. FEES RELATING TO ABBREVIATED APPLICATIONS FOR GENERIC NEW ANIMAL DRUGS.

(a) REDESIGNATION.—Chapter VII (21 U.S.C. 371 et seq.) is amended by redesignating sections 741, 742, and 746 as sections 745, 746, and 749, respectively.

(b) AUTHORITY TO ASSESS AND USE GENERIC NEW ANIMAL DRUG FEES.—Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

''PART 5—FEES RELATING TO GENERIC NEW ANIMAL DRUGS

''SEC. 741. AUTHORITY TO ASSESS AND USE GENERIC NEW ANIMAL DRUG FEES.

''(a) TYPES OF FEES.—Beginning with respect to fiscal year 2009, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ABBREVIATED APPLICATION FEE.—

''(A) IN GENERAL.—Each person that submits, on or after July 1, 2008, an abbreviated application for a generic new animal drug shall be subject to a fee as established in subsection (b) for such an application.

''(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the abbreviated application.

''(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION.—If an abbreviated application was submitted by a person that paid the fee for such application, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an abbreviated application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any abbreviated application which is refused for filing.

''(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an abbreviated application is withdrawn after the application was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph (B) if no substantial work was performed on the application after the application was filed. The Secretary shall have the sole discretion to refund the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

''(2) GENERIC NEW ANIMAL DRUG PRODUCT FEE.—Each person—

''(A) who is named as the applicant in an abbreviated application or supplemental abbreviated application for a generic new animal drug product which has been submitted for listing under section 510, and

''(B) who, after September 1, 2008, had pending before the Secretary an abbreviated

application or supplemental abbreviated application,
shall pay for each such generic new animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the generic new animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the generic new animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each generic new animal drug product for a fiscal year in which the fee is payable.

''(3) GENERIC NEW ANIMAL DRUG SPONSOR FEE.—

''(A) IN GENERAL.—Each person—

''(i) who meets the definition of a generic new animal drug sponsor within a fiscal year, and

''(ii) who, after September 1, 2008, had pending before the Secretary an abbreviated application, a supplemental abbreviated application, or an investigational submission,
shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year.

''(B) AMOUNT OF FEE.—Each generic new animal drug sponsor shall pay only 1 such fee each fiscal year, as follows:

''(i) 100 percent of the amount of the generic new animal drug sponsor fee published for that fiscal year under subsection (c)(3) for an applicant with more than 6 approved abbreviated applications.

''(ii) 75 percent of the amount of the generic new animal drug sponsor fee published for that fiscal year under subsection (c)(3) for an applicant with more than 1 and fewer than 7 approved abbreviated applications.

''(iii) 50 percent of the amount of the generic new animal drug sponsor fee published for that fiscal year under subsection (c)(3) for an applicant with 1 or fewer approved abbreviated applications.

''(b) FEE AMOUNTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be established to generate fee revenue amounts as follows:

''(1) TOTAL FEE REVENUES FOR APPLICATION FEES.—The total fee revenues to be collected in abbreviated application fees under subsection (a)(1) shall be $1,449,000 for fiscal year 2009, $1,532,000 for fiscal year 2010, $1,619,000 for fiscal year 2011, $1,712,000 for fiscal year 2012, and $1,809,000 for fiscal year 2013.

''(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in generic new animal drug product fees under subsection (a)(2) shall be $1,691,000 for fiscal year 2009, $1,787,000 for fiscal year 2010, $1,889,000 for fiscal year 2011, $1,997,000 for fiscal year 2012, and $2,111,000 for fiscal year 2013.

''(3) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in generic new animal drug sponsor fees under subsection (a)(3) shall be $1,691,000 for fiscal year 2009, $1,787,000 for fiscal year 2010, $1,889,000 for fiscal year 2011, $1,997,000 for fiscal year 2012, and $2,111,000 for fiscal year 2013.

''(c) ADJUSTMENTS.—

''(1) WORKLOAD ADJUSTMENT.—The fee revenues shall be adjusted each fiscal year after fiscal year 2009 to reflect changes in review workload. With respect to such adjustment:

''(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of abbreviated applications for generic new animal drugs, manufacturing supplemental abbreviated applications for generic new animal drugs, investigational generic new animal drug study submissions, and investigational generic new animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

''(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b).

''(2) FINAL YEAR ADJUSTMENT.—For fiscal year 2013, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of abbreviated applications for generic new animal drugs for the first 3 months of fiscal year 2014. If the Food and Drug Administration has carryover balances for the process for the review of abbreviated applications for generic new animal drugs in excess of 3 months of such operating reserves, then this adjustment shall not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2013.

''(3) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2008, for that fiscal year, abbreviated application fees, generic new animal drug sponsor fees, and generic new animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

''(4) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of abbreviated applications for generic new animal drugs.

''(d) FEE WAIVER OR REDUCTION.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that the generic new animal drug is intended solely to provide for a minor use or minor species indication.

''(e) EFFECT OF FAILURE TO PAY FEES.—An abbreviated application for a generic new animal drug submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational submission for a generic new animal drug that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any abbreviated application for a generic new animal drug, supplemental abbreviated application for a generic new animal drug, or investigational submission for a generic new animal drug from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

''(f) ASSESSMENT OF FEES.—

''(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2008 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for abbreviated applications, generic new animal drug sponsors, and generic new animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of abbreviated applications for generic new animal drugs.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

''(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of abbreviated applications for generic new animal drugs (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2008 multiplied by the adjustment factor.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of abbreviated applications for generic new animal drugs—

''(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

''(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(A) $4,831,000 for fiscal year 2009;

''(B) $5,106,000 for fiscal year 2010;

''(C) $5,397,000 for fiscal year 2011;

''(D) $5,706,000 for fiscal year 2012; and

''(E) $6,031,000 for fiscal year 2013;
as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by abbreviated application fees, generic new animal drug sponsor fees, and generic new animal drug product fees.

''(4) OFFSET.—If the sum of the cumulative amount of fees collected under this section for the fiscal years 2009 through 2011 and the amount of fees estimated to be collected under this section for fiscal year 2012 exceeds the cumulative amount appropriated under paragraph (3) for the fiscal years 2009

through 2012, the excess amount shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2013.

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

''(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of abbreviated applications for generic new animal drugs, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(k) DEFINITIONS.—In this section and section 742:

''(1) ABBREVIATED APPLICATION FOR A GENERIC NEW ANIMAL DRUG.—The terms 'abbreviated application for a generic new animal drug' and 'abbreviated application' mean an abbreviated application for the approval of any generic new animal drug submitted under section 512(b)(2). Such term does not include a supplemental abbreviated application for a generic new animal drug.

''(2) ADJUSTMENT FACTOR.—The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by—

''(A) for purposes of subsection (f)(1), such Index for October 2002; and

''(B) for purposes of subsection (g)(2)(A)(ii), such Index for October 2007.

''(3) COSTS OF RESOURCES ALLOCATED FOR THE PROCESS FOR THE REVIEW OF ABBREVIATED APPLICATIONS FOR GENERIC NEW ANIMAL DRUGS.—The term 'costs of resources allocated for the process for the review of abbreviated applications for generic new animal drugs' means the expenses incurred in connection with the process for the review of abbreviated applications for generic new animal drugs for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific abbreviated applications, supplemental abbreviated applications, or investigational submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(D) collecting fees under this section and accounting for resources allocated for the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(4) FINAL DOSAGE FORM.—The term 'final dosage form' means, with respect to a generic new animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes generic new animal drug products intended for mixing in animal feeds.

''(5) GENERIC NEW ANIMAL DRUG.—The term 'generic new animal drug' means a new animal drug that is the subject of an abbreviated application.

''(6) GENERIC NEW ANIMAL DRUG PRODUCT.—The term 'generic new animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an abbreviated application for a generic new animal drug or a supplemental abbreviated application has been approved.

''(7) GENERIC NEW ANIMAL DRUG SPONSOR.—The term 'generic new animal drug sponsor' means either an applicant named in an abbreviated application for a generic new animal drug that has not been withdrawn by the applicant and for which approval has not been withdrawn by the Secretary, or a person who has submitted an investigational submission for a generic new animal drug that has not been terminated or otherwise rendered inactive by the Secretary.

''(8) INVESTIGATIONAL SUBMISSION FOR A GENERIC NEW ANIMAL DRUG.—The terms 'investigational submission for a generic new animal drug' and 'investigational submission' mean—

''(A) the filing of a claim for an investigational exemption under section 512(j) for a generic new animal drug intended to be the subject of an abbreviated application or a supplemental abbreviated application; or

''(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of a generic new animal drug in the event of the filing of an abbreviated application or supplemental abbreviated application for such drug.

''(9) PERSON.—The term 'person' includes an affiliate thereof (as such term is defined in section 735(11)).

''(10) PROCESS FOR THE REVIEW OF ABBREVIATED APPLICATIONS FOR GENERIC NEW ANIMAL DRUGS.—The term 'process for the review of abbreviated applications for generic new animal drugs' means the following activities of the Secretary with respect to the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions:

''(A) The activities necessary for the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(B) The issuance of action letters which approve abbreviated applications or supplemental abbreviated applications or which set forth in detail the specific deficiencies in abbreviated applications, supplemental abbreviated applications, or investigational submissions and, where appropriate, the actions necessary to place such applications, supplemental applications, or submissions in condition for approval.

''(C) The inspection of generic new animal drug establishments and other facilities undertaken as part of the Secretary's review of pending abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(D) Monitoring of research conducted in connection with the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(E) The development of regulations and policy related to the review of abbreviated applications, supplemental abbreviated applications, and investigational submissions.

''(F) Development of standards for products subject to review.

''(G) Meetings between the agency and the generic new animal drug sponsor.

''(H) Review of advertising and labeling prior to approval of an abbreviated application or supplemental abbreviated application, but not after such application has been approved.

''(11) SUPPLEMENTAL ABBREVIATED APPLICATION FOR GENERIC NEW ANIMAL DRUG.—The terms 'supplemental abbreviated application for a generic new animal drug' and 'supplemental abbreviated application' mean a request to the Secretary to approve a change in an approved abbreviated application.''.

SEC. 203. ACCOUNTABILITY AND REPORTS.

Part 5 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379f et seq.), as added by section 202, is amended by inserting after section 741 the following:

''SEC. 742. REAUTHORIZATION; REPORTING REQUIREMENTS.

''(a) PERFORMANCE REPORTS.—Beginning with fiscal year 2009, not later than 60 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 201(3) of the Animal Generic Drug User Fee Act of 2008 toward expediting the generic new animal drug development process and the review of abbreviated applications for generic new animal drugs, supplemental abbreviated applications for generic new animal drugs, and investigational submissions for generic new animal drugs during such fiscal year.

''(b) FISCAL REPORT.—Beginning with fiscal year 2009, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

''(c) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under subsections (a) and (b) available to the public on the Internet Web site of the Food and Drug Administration.

''(d) REAUTHORIZATION.—

''(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of abbreviated applications for generic new animal drugs for the first 5 fiscal years after fiscal year 2013, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

''(A) the Committee on Energy and Commerce of the House of Representatives;

''(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(C) scientific and academic experts;

''(D) veterinary professionals;

''(E) representatives of patient and consumer advocacy groups; and

''(F) the regulated industry.

''(2) PRIOR PUBLIC INPUT.—Prior to beginning negotiations with the regulated industry on the reauthorization of this part, the Secretary shall—

''(A) publish a notice in the Federal Register requesting public input on the reauthorization;

''(B) hold a public meeting at which the public may present its views on the reauthorization, including specific suggestions for changes to the goals referred to in subsection (a);

''(C) provide a period of 30 days after the public meeting to obtain written comments from the public suggesting changes to this part; and

''(D) publish the comments on the Food and Drug Administration's Internet Web site.

''(3) PERIODIC CONSULTATION.—Not less frequently than once every 4 months during negotiations with the regulated industry, the Secretary shall hold discussions with representatives of veterinary, patient, and consumer advocacy groups to continue discussions of their views on the reauthorization and their suggestions for changes to this part as expressed under paragraph (2).

''(4) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

''(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

''(B) publish such recommendations in the Federal Register;

''(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

''(D) hold a meeting at which the public may present its views on such recommendations; and

''(E) after consideration of such public views and comments, revise such recommendations as necessary.

''(5) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2013, the Secretary shall transmit to Congress the revised recommendations under paragraph (4), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

''(6) MINUTES OF NEGOTIATION MEETINGS.—

''(A) PUBLIC AVAILABILITY.—Before presenting the recommendations developed under paragraphs (1) through (5) to Congress, the Secretary shall make publicly available, on the Internet Web site of the Food and Drug Administration, minutes of all negotiation meetings conducted under this subsection between the Food and Drug Administration and the regulated industry.

''(B) CONTENT.—The minutes described under subparagraph (A) shall summarize any substantive proposal made by any party to the negotiations as well as significant controversies or differences of opinion during the negotiations and their resolution.''.

SEC. 204. SUNSET DATES.

(a) AUTHORIZATION.—The amendments made by section 202 shall cease to be effective October 1, 2013.

(b) REPORTING REQUIREMENTS.—The amendment made by section 203 shall cease to be effective January 31, 2014.

TITLE III—TECHNICAL CORRECTIONS TO FDAAA

SEC. 301. CONSIDERATION OF CERTAIN PETITIONS.

Subparagraph (A) of section 505(q)(1) (21 U.S.C. 355(q)(1)) is amended by adding at the end the following:

''Consideration of the petition shall be separate and apart from review and approval of any application.''.

SEC. 302. REGISTRY AND RESULTS DATA BANK.

Paragraph (3) of section 402(j) of the Public Health Service Act (42 U.S.C. 282(j)) is amended—

(1) in the matter preceding clause (i) in subparagraph (C), by striking ''the following elements'' and all that follows through ''520(m) of such Act:'' and inserting ''for each applicable clinical trial for a drug that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act or a device that is cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act or approved under section 515 or 520(m) of such Act, the following elements:''; and

(2) in clauses (i) and (iii) of subparagraph (I), by striking the term ''drugs described in subparagraph (C)'' each place such term appears and inserting ''applicable clinical trials described in subparagraph (C)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Prior to 2003, the FDA's review of animal drug submissions was taking over a year and a half to be completed. This obviously led to serious concerns that new and innovative pharmaceutical products were not making their way onto the marketplace in order to treat our Nation's pets, as well as food animals that help sustain the Nation's food supply.

Accordingly, in 2003, Congress enacted the Animal Drug User Fee Act (ADUFA) which was modeled after the successful user fee programs for the review of human drug and medical device submissions. Like the user fee programs that preceded it, ADUFA authorized the FDA to collect fees to help ensure that the agency had the resources it needed to provide a timely review of animal drug applications.

The legislation before us today would reauthorize the ADUFA program for another 5 years. Under this legislation, the amount of fees collected for the review of animal drug submissions would increase from $15 million to $24 million over 5 years, for a total of $98 million. Revenues would be derived from a mix of application, product, establishment and sponsor fees.

The legislation would also improve the uniform collection and reporting of data to FDA on the sales about animal drugs that contain an antibiotic ingredient.

During the debate on reauthorization of ADUFA, we heard many concerns about the use of antibiotics in animal populations for non-therapeutic purposes and the threat that these practices pose to human health. This bill includes language that would enhance FDA's current data collection by creating a new antimicrobial animal drug use data report for all food-producing animals. The report puts critical information in one place for FDA; otherwise, the agency would have to search through warehouses of multiple paper reports.

In addition to the reauthorization of ADUFA, this legislation would establish a new animal generic drug user fee. According to FDA, the average review time of an animal generic drug submission was 570 days in Fiscal Year 2007, in spite of a 180-day statutory requirement. At the end of last year there was a recorded backlog of 446 submissions waiting for review and agency action.

Accordingly, the bill before us would provide for the collection of user fees increasing annually from $4.8 million to $6 million over 5 years, for a total of $27 million. And these additional revenues are designed to help speed up the review process. By Year 5 of the authorization period, most reviews of generic animal drug submissions should occur in 270 days or less, a substantial improvement over the time it is now taking FDA to conduct such reviews.

Mr. Speaker, I am also pleased that the generic drug industry and FDA have been able to work out this agreement. If enacted, AGDUFA will speed lower cost animal drugs to the marketplace and bring significant savings to ranchers, farmers and pet owners. While that is an important and noteworthy goal, I also think it is equally, if not more important, to ensure for the timely review of generic human drug applications.

There is a provision in this bill that would improve the speed in which FDA reviews generic drug applications, and that provision makes a technical correction to the Food and Drug Administration Amendments Act of 2007 as it relates to the application process for obtaining FDA approval of certain new generic drugs.

Citizen petitions can be submitted to FDA to raise issues about drugs that are being considered in the application process. At the time of negotiations on the Food and Drug Administration Amendments Act of 2007, an agreed-upon sentence was inadvertently dropped from our final version of that bill. The sentence makes clear that consideration of a citizen petition regarding a drug is to be separate and apart from review and approval of any application for the drug. The language included in the bill we are considering today restores that sentence.

There is another correction to the FDA Amendments Act that is included in the bill before us. This change concerns the types of information to be included in the clinical trials data bank established under that law. More specifically, the issue is adverse event information on drugs and on medical devices.

Adverse event information was clearly intended to be included in the data

bank for both drugs and devices. Express specific requirements to that effect were included in multiple drafts of the legislation. In negotiations, however, it was agreed that rather than the bill itself including express specific requirements regarding adverse event information, the FDA would issue regulations that would set the specific requirements. In drafting the ''regulations'' approach, the reference to medical devices was inadvertently dropped, and that was a simple mistake. So the bill before us today corrects that mistake.

In closing, I want to thank my Republican colleagues for working for us in a bipartisan fashion to move this bill forward. Mr. DEAL, Mr. BARTON and of course Mr. DINGELL all worked together, so this is, in fact, a bipartisan bill, and a very important bill as well.

Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is set to pass legislation reauthorizing the Animal Drug User Fee Act, also known as ADUFA. This legislation represents a compromise between the parties, the administration, and the industry.

Development of animal drugs can take years and cost millions of dollars. A predictable review process is important to make sure that these products are approved in a timely way. Since the passage of ADUFA in 2003, the review times for new animal drugs went from 295 days in Fiscal Year 2004 to 180 days in Fiscal Year 2008.

We need to reauthorize this program before we leave for the August recess. If we fail to do so, the FDA may have to begin issuing reduction in force notices to its employees. The bill before us today will provide financial stability for the program and improve the health information infrastructure for drug review. It will also provide more user revenue for the program.

Along with ADUFA, for the first time, Congress is set to pass legislation which would create the Animal Generic Drug User Fee Act, or AGDUFA. AGDUFA will allow the FDA to collect user fees, thereby improving the times necessary for generic drug approval. This will not only bring generics to the market more quickly, but will also lower costs for consumers. If AGDUFA is authorized, approval times could be reduced from 700 days in Fiscal Year 2009, to around 270 days in Fiscal Year 2013.

Mr. Speaker, I look forward to the passage of both of these pieces of legislation in the bill that is before us today.

I would reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. WAXMAN) who, I must add, has been such an outstanding spokesman on FDA issues over the years, and particularly promoting generic drugs. I yield to the gentleman 3 minutes.

Mr. WAXMAN. Mr. Speaker, I thank the chairman of our subcommittee for yielding to me.

This bill that we are considering now, the Animal Drug User Fee Act, or ADUFA, will enhance and improve FDA's ability to promptly review new medicines for animals, and that is very important that we all support this.

This reauthorization has also given us an opportunity to look at providing FDA with new tools to address a related public health crisis, the problem of antibiotic resistance caused by the industrial farming practice of using human antibiotics for non-therapeutic uses in food producing animals.

We now have an overwhelming body of evidence showing that the overuse of antibiotics in industrial farm production is threatening to destroy the effectiveness of some of our most important antibiotics for human use. Many of the world's most prestigious experts, the Institute of Medicine, the Pew Commission, World Health Organization and Government Accountability Office have warned about the dangers to global public health of such widespread overuse. These drugs are breeding resistant microorganisms that can and do get transferred to humans. They also leach into the environment and show up in our drinking water. The experts have told us that the more antibiotics we consume, the more resistance develops.

The ADUFA bill we are considering includes a provision to increase the availability and accessibility of data on the amount of animal antibiotics being distributed. This data will help us to determine how resistant bugs are developing and inform research on ways to stop those bugs from threatening human health.

This is an important step forward, and I appreciate the cooperation of Chairman DINGELL and Chairman PALLONE in helping us to get this done.

But let me be clear: This is only just the beginning. We, in Congress, need to do much more to address the problem of antibiotic resistance. It is imperative that we look at ways to curtail the practice of using the same antibiotics that are so vitally important for preventing and curing human disease for non-therapeutic uses in food-producing animals.

I look forward to continuing to work with our colleagues on this important issue.

Mr. DEAL of Georgia. Mr. Speaker, I would yield at this time such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I need to discuss an amendment that was adopted at the committee that is not in this bill today. We, as a country, are facing a tremendous challenge, and that is, with the advent of the Internet, it is very easy for people to get on the Internet; they go to a Web site and they believe that they can order drugs and that the drugs that they order on the Web site can be the very same drugs that they get down at the CVS or the Walgreens or the local community pharmacy.

Every time the FDA does an inspection at our international mail facilities, they discover anywhere from 67 to 90 percent of the drugs that are coming in from the orders of these mail sites, are either adulterated, misbranded or counterfeit drugs.

Now, let's just do the math. Every day, 20 to 30,000 packages, pharmaceutical packages enter each of our 12 international mail facilities every day. The FDA only screens less than 1 percent.

Now, let's think about this. Just take 30 days, for a month, times 400,000 packages, you get 12 million, times 12 months, that is 144 million pharmaceutical packages.

Now, do the math with regard to the number that are either misbranded, adulterated or counterfeit. Now, let's just do really simple math, and just say, okay, we will give a little flexibility in there. That is 100 million pharmaceutical packages that are either adulterated, misbranded or counterfeit. We have a very, very serious problem. Now, that is with regard to the human consumption.

Now, you are saying, STEVE, what does that have to do with the Animal Drug Fee User Act here today?

Well, what I had hoped to do is, it is only a matter of time before the bad actors of the world enter this economic space, meaning, if they can scam the American people with regard to human consumption, you know what? It is really going to be easier for them to do this in the animal drug business because you are never going to know why that animal died.

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We have a tremendous challenge. The FDA feels that they do not have the authority to destroy these misbranded, adulterated, or counterfeit drugs. So what's happening? You go to an international mail facility. When Customs finds one of those packages, they'll destroy it, but if that package then gets referred to the FDA, FDA feels that they do not have the legal authority to destroy that package.

Now when they feel they don't have the legal ability to destroy, they have adopted a ''return-to-sender'' policy.

Now let's think about this. The bad actors of the world, the counterfeiters and the criminal syndicates, are very sophisticated as to how they move these counterfeit packages from country to country to gain access into our marketplace. Then when we discover that package, the FDA, through their policy now, returns it to the counterfeiter. Think about that. Our own FDA that is there to protect us then becomes the enabler of the counterfeiter. So the counterfeiter takes the person's money and we return the merchandise that's counterfeit to the counterfeiter.

Now that is stupid. That's about as idiotic as I have ever seen.

So what did I attempt to do? Well, we're working on a food and drug safety bill in the committee, and I appreciate the gentlemen's work on both sides of the aisle. It's on human consumption. So what I had hoped to do here was say, Well, let's stop these bad actors and the criminal syndicates and the counterfeiters from entering into animal drugs. Chairman JOHN DINGELL agrees with that provision, and it was going to be in here.

The Democrat leadership said, ''No. We can't have that in this bill.'' Now that's a curious and puzzling thing. But what I will say is, and my agreement with Chairman DINGELL is that this is an issue as a country in matters of food and drug safety that we, as Republicans and Democrats, must come together to protect the American people and to go after these bad actors around the world, the criminal syndicates who are preying upon America's most vulnerable populations. We have to enjoin together to do this. And that's my pledge to work with Chairman DINGELL and JOE BARTON and other members of the committee, and I salute Mr. MATHESON, for us to do this so not only do we bring protections on the animal side to go after the bad actors, we put protections in place on the human side. And we can do that not only in stopping the bad actors but also including electronic pedigree, and I will work with you to do just that.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to say that I understand the gentleman's concerns who just spoke, Mr. BUYER, the gentleman from Indiana, and I, too, am very concerned about counterfeit drugs entering the U.S. marketplace. I think the FDA should have the authority to seize and destroy counterfeit drugs. And as the gentleman knows, we are working with him to address this issue in a larger bill that will empower the FDA to protect the consumers from dangerous products, including counterfeit drugs. So I hope that we can continue to work with the gentleman on this matter.

Mr. BUYER. Will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Indiana.

Mr. BUYER. In my conversations with the chairman, not only last night but also this morning, I will work with the gentleman to make sure that we can have this in the drug safety bill not only on humans but will also protect animals, so we will give the authority to the FDA to destroy. I will work with the gentleman.

But we also brought up in the conversation—I understand that a little pain could have been created here today. I want to work with the majority. In other words, they weren't forced to go through the Rules Committee and then we have a big fight on the floor. I agreed with the chairman. We withdraw the amendment.

But I want to work also—please work with Mr. MATHESON and I on the electronic pedigree. It builds off of Chairman DINGELL's paper pedigree so we can sophisticate America's systems for American people here as we also then fight the counterfeiters who are trying to gain access into our market. And I'll work with the chairman to do that.

Mr. PALLONE. Mr. Speaker, I certainly heard what my colleague from Indiana said, and I'm certainly willing to work with him on what he's suggesting.

I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I would also compliment Mr. BUYER for his sincere efforts on the issue of counterfeiting and look forward to working with him to address that issue both for humans and for animals in future legislation.

But because of the importance of this particular legislation and the need to reauthorize it in the time frame that is before us, I would urge the adoption of this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 6432. Today we consider important public health legislation that, in the best tradition of the Committee on Energy and Commerce, has strong bipartisan support as well as backing from industry, consumer, and stakeholder groups.

I note that this bill has three titles—each representing different bills considered by the Committee on Energy and Commerce. The first title is the ''Animal Drug User Fee Amendments of 2008''. This title reauthorizes a successful user fee program that has allowed the Food and Drug Administration (FDA) to safely and efficiently review animal drugs. This part of the bill improves the existing program by increasing fee revenues, providing greater transparency, and setting specific timeframes by which data must be submitted to the FDA.

This title of the bill also contains provisions related to the issue of antimicrobial resistance. The Committee worked closely with Members from both sides of the aisle, as well as industry and consumer groups, to ensure that the FDA has the necessary information to examine safety concerns related to the use of antibiotics in food-producing animals. I commend Representatives MATHESON, WAXMAN, PALLONE, DEAL, and BARTON for reaching agreement on this important public health concern.

The next title is the ''Animal Generic Drug User Fee Act of 2008'' (AGDUFA). This program is similar in design to the ADUFA program, but with a specific focus on expediting the review of applications for new generic animal drugs.

A key component of both ADUFA and AGDUFA is additional resources for FDA to protect the public health. The lack of resources for the FDA has been a major focus of the Committee. I intend to address this issue more broadly in legislation being drafted with Representatives BARTON, DEAL, PALLONE, SHIMKUS, STUPAK, and others, that will significantly improve and enhance our food and drug safety system.

The third and final title makes two technical corrections to public law 110–85, the Food and Drug Administration Amendments Act of 2007. The first correction addresses an implementation problem related to the clinical trials results and registry database, which was expanded in that public law. The second correction clarifies that the FDA should review and approve generic drug applications separate and apart from citizen petitions pertaining to that application.

I encourage all of my colleagues to join me in support of this bill, and I thank the Members of the Committee on Energy and Commerce for working together to reach agreement on legislation critical to protecting the public health.

Mr. DEAL of Georgia. I would yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, again, I want to thank my colleagues on both sides of the aisle for their support of this legislation and urge that it be adopted.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6432, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.''.

A motion to reconsider was laid on the table.

MICHELLE'S LAW

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2851) to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2851

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 ''Michelle's Law''.

SEC. 2. COVERAGE OF DEPENDENT STUDENTS ON MEDICALLY NECESSARY LEAVE OF ABSENCE.

(a) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. COVERAGE OF DEPENDENT STUDENTS ON MEDICALLY NECESSARY LEAVE OF ABSENCE.

''(a) MEDICALLY NECESSARY LEAVE OF ABSENCE.—In this section, the term 'medically necessary leave of absence' means, with respect to a dependent child described in subsection (b)(2) in connection with a group

health plan or health insurance coverage offered in connection with such plan, a leave of absence of such child from a postsecondary educational institution (including an institution of higher education as defined in section 102 of the Higher Education Act of 1965), or any other change in enrollment of such child at such an institution, that—

''(1) commences while such child is suffering from a serious illness or injury;

''(2) is medically necessary; and

''(3) causes such child to lose student status for purposes of coverage under the terms of the plan or coverage.

''(b) REQUIREMENT TO CONTINUE COVERAGE.—

''(1) IN GENERAL.—In the case of a dependent child described in paragraph (2), a group health plan, or a health insurance issuer that provides health insurance coverage in connection with a group health plan, shall not terminate coverage of such child under such plan or health insurance coverage due to a medically necessary leave of absence before the date that is the earlier of—

''(A) the date that is 1 year after the first day of the medically necessary leave of absence; or

''(B) the date on which such coverage would otherwise terminate under the terms of the plan or health insurance coverage.

''(2) DEPENDENT CHILD DESCRIBED.—A dependent child described in this paragraph is, with respect to a group health plan or health insurance coverage offered in connection with the plan, a beneficiary under the plan who—

''(A) is a dependent child, under the terms of the plan or coverage, of a participant or beneficiary under the plan or coverage; and

''(B) was enrolled in the plan or coverage, on the basis of being a student at a postsecondary educational institution (as described in subsection (a)), immediately before the first day of the medically necessary leave of absence involved.

''(3) CERTIFICATION BY PHYSICIAN.—Paragraph (1) shall apply to a group health plan or health insurance coverage offered by an issuer in connection with such plan only if the plan or issuer of the coverage has received written certification by a treating physician of the dependent child which states that the child is suffering from a serious illness or injury and that the leave of absence (or other change of enrollment) described in subsection (a) is medically necessary.

''(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall include, with any notice regarding a requirement for certification of student status for coverage under the plan or coverage, a description of the terms of this section for continued coverage during medically necessary leaves of absence. Such description shall be in language which is understandable to the typical plan participant.

''(d) NO CHANGE IN BENEFITS.—A dependent child whose benefits are continued under this section shall be entitled to the same benefits as if (during the medically necessary leave of absence) the child continued to be a covered student at the institution of higher education and was not on a medically necessary leave of absence.

''(e) CONTINUED APPLICATION IN CASE OF CHANGED COVERAGE.—If—

''(1) a dependent child of a participant or beneficiary is in a period of coverage under a group health plan or health insurance coverage offered in connection with such a plan, pursuant to a medically necessary leave of absence of the child described in subsection (b);

''(2) the manner in which the participant or beneficiary is covered under the plan changes, whether through a change in health insurance coverage or health insurance issuer, a change between health insurance coverage and self-insured coverage, or otherwise; and

''(3) the coverage as so changed continues to provide coverage of beneficiaries as dependent children,

this section shall apply to coverage of the child under the changed coverage for the remainder of the period of the medically necessary leave of absence of the dependent child under the plan in the same manner as it would have applied if the changed coverage had been the previous coverage.''.

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Coverage of dependent students on medically necessary leave of absence.''.

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) GROUP MARKETS.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following new section:

''SEC. 2707. COVERAGE OF DEPENDENT STUDENTS ON MEDICALLY NECESSARY LEAVE OF ABSENCE.

''(a) MEDICALLY NECESSARY LEAVE OF ABSENCE.—In this section, the term 'medically necessary leave of absence' means, with respect to a dependent child described in subsection (b)(2) in connection with a group health plan or health insurance coverage offered in connection with such plan, a leave of absence of such child from a postsecondary educational institution (including an institution of higher education as defined in section 102 of the Higher Education Act of 1965), or any other change in enrollment of such child at such an institution, that—

''(1) commences while such child is suffering from a serious illness or injury;

''(2) is medically necessary; and

''(3) causes such child to lose student status for purposes of coverage under the terms of the plan or coverage.

''(b) REQUIREMENT TO CONTINUE COVERAGE.—

''(1) IN GENERAL.—In the case of a dependent child described in paragraph (2), a group health plan, or a health insurance issuer that provides health insurance coverage in connection with a group health plan, shall not terminate coverage of such child under such plan or health insurance coverage due to a medically necessary leave of absence before the date that is the earlier of—

''(A) the date that is 1 year after the first day of the medically necessary leave of absence; or

''(B) the date on which such coverage would otherwise terminate under the terms of the plan or health insurance coverage.

''(2) DEPENDENT CHILD DESCRIBED.—A dependent child described in this paragraph is, with respect to a group health plan or health insurance coverage offered in connection with the plan, a beneficiary under the plan who—

''(A) is a dependent child, under the terms of the plan or coverage, of a participant or beneficiary under the plan or coverage; and

''(B) was enrolled in the plan or coverage, on the basis of being a student at a postsecondary educational institution (as described in subsection (a)), immediately before the first day of the medically necessary leave of absence involved.

''(3) CERTIFICATION BY PHYSICIAN.—Paragraph (1) shall apply to a group health plan or health insurance coverage offered by an issuer in connection with such plan only if the plan or issuer of the coverage has received written certification by a treating physician of the dependent child which states that the child is suffering from a serious illness or injury and that the leave of absence (or other change of enrollment) described in subsection (a) is medically necessary.

''(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall include, with any notice regarding a requirement for certification of student status for coverage under the plan or coverage, a description of the terms of this section for continued coverage during medically necessary leaves of absence. Such description shall be in language which is understandable to the typical plan participant.

''(d) NO CHANGE IN BENEFITS.—A dependent child whose benefits are continued under this section shall be entitled to the same benefits as if (during the medically necessary leave of absence) the child continued to be a covered student at the institution of higher education and was not on a medically necessary leave of absence.

''(e) CONTINUED APPLICATION IN CASE OF CHANGED COVERAGE.—If—

''(1) a dependent child of a participant or beneficiary is in a period of coverage under a group health plan or health insurance coverage offered in connection with such a plan, pursuant to a medically necessary leave of absence of the child described in subsection (b);

''(2) the manner in which the participant or beneficiary is covered under the plan changes, whether through a change in health insurance coverage or health insurance issuer, a change between health insurance coverage and self-insured coverage, or otherwise; and

''(3) the coverage as so changed continues to provide coverage of beneficiaries as dependent children,

this section shall apply to coverage of the child under the changed coverage for the remainder of the period of the medically necessary leave of absence of the dependent child under the plan in the same manner as it would have applied if the changed coverage had been the previous coverage.''.

(2) INDIVIDUAL MARKET.—Subpart 3 of part B of title XXVII of such Act (42 U.S.C. 300gg–51 et seq.) is amended by adding at the end the following new section:

''SEC. 2753. COVERAGE OF DEPENDENT STUDENTS ON MEDICALLY NECESSARY LEAVE OF ABSENCE.

''The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(c) AMENDMENTS TO THE INTERNAL REVENUE CODE.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 (relating to other group health plan requirements) is amended by inserting after section 9812 the following new section:

''SEC. 9813. COVERAGE OF DEPENDENT STUDENTS ON MEDICALLY NECESSARY LEAVE OF ABSENCE.

''(a) MEDICALLY NECESSARY LEAVE OF ABSENCE.—In this section, the term 'medically necessary leave of absence' means, with respect to a dependent child described in subsection (b)(2) in connection with a group health plan, a leave of absence of such child from a postsecondary educational institution (including an institution of higher education as defined in section 102 of the Higher Education Act of 1965), or any other change in

enrollment of such child at such an institution, that—

''(1) commences while such child is suffering from a serious illness or injury;

''(2) is medically necessary; and

''(3) causes such child to lose student status for purposes of coverage under the terms of the plan or coverage.

''(b) REQUIREMENT TO CONTINUE COVERAGE.—

''(1) IN GENERAL.—In the case of a dependent child described in paragraph (2), a group health plan shall not terminate coverage of such child under such plan due to a medically necessary leave of absence before the date that is the earlier of—

''(A) the date that is 1 year after the first day of the medically necessary leave of absence; or

''(B) the date on which such coverage would otherwise terminate under the terms of the plan.

''(2) DEPENDENT CHILD DESCRIBED.—A dependent child described in this paragraph is, with respect to a group health plan, a beneficiary under the plan who—

''(A) is a dependent child, under the terms of the plan, of a participant or beneficiary under the plan; and

''(B) was enrolled in the plan, on the basis of being a student at a postsecondary educational institution (as described in subsection (a)), immediately before the first day of the medically necessary leave of absence involved.

''(3) CERTIFICATION BY PHYSICIAN.—Paragraph (1) shall apply to a group health plan only if the plan, or the issuer of health insurance coverage offered in connection with the plan, has received written certification by a treating physician of the dependent child which states that the child is suffering from a serious illness or injury and that the leave of absence (or other change of enrollment) described in subsection (a) is medically necessary.

''(c) NOTICE.—A group health plan shall include, with any notice regarding a requirement for certification of student status for coverage under the plan, a description of the terms of this section for continued coverage during medically necessary leaves of absence. Such description shall be in language which is understandable to the typical plan participant.

''(d) NO CHANGE IN BENEFITS.—A dependent child whose benefits are continued under this section shall be entitled to the same benefits as if (during the medically necessary leave of absence) the child continued to be a covered student at the institution of higher education and was not on a medically necessary leave of absence.

''(e) CONTINUED APPLICATION IN CASE OF CHANGED COVERAGE.—If—

''(1) a dependent child of a participant or beneficiary is in a period of coverage under a group health plan, pursuant to a medically necessary leave of absence of the child described in subsection (b);

''(2) the manner in which the participant or beneficiary is covered under the plan changes, whether through a change in health insurance coverage or health insurance issuer, a change between health insurance coverage and self-insured coverage, or otherwise; and

''(3) the coverage as so changed continues to provide coverage of beneficiaries as dependent children,

this section shall apply to coverage of the child under the changed coverage for the remainder of the period of the medically necessary leave of absence of the dependent child under the plan in the same manner as it would have applied if the changed coverage had been the previous coverage.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by inserting after the item relating to section 9812 the following new item:

''Sec. 9813. Coverage of dependent students on medically necessary leave of absence.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to plan years beginning on or after the date that is one year after the date of the enactment of this Act and to medically necessary leaves of absence beginning during such plan years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Georgia (Mr. DEAL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Michelle's Law was introduced by my colleague from New Hampshire, Representative PAUL HODES, in honor of Michelle Morse, a 20-year-old student who was attending Plymouth State University when she was diagnosed with colon cancer in December of 2003.

Michelle's doctors recommended that she leave school temporarily so she could undergo surgery and chemotherapy. Unfortunately, if Michelle followed her doctors' advice and dropped out of school to receive treatment, she would no longer be eligible for health coverage under her mother's policy.

The truth of the matter, Mr. Speaker, is that most college-aged students are only able to keep their parents' health insurance if they attend classes full time. Under most health care plans, when a student becomes seriously ill or injured, he or she is unfortunately left with very few options. Students are forced into the difficult decision of continuing with a full-time course load while they try to seek treatment, or withdrawing and losing health care eligibility. No American should be faced with such a choice, in my opinion.

Unfortunately, Michelle had to choose. Michelle and her family decided that she would remain in school full time while she received treatment for her cancer. After enduring a rigorous course load and successfully graduating, Michelle lost her battle with cancer in November of 2005.

After Michelle's passing, her mother decided that no other family should have to make the same tough decision. Thanks to her efforts, New Hampshire passed a law that allows students to take a 1-year medical leave of absence while maintaining their dependency status. The bill before us today would afford the same protections for students nationwide.

I urge my colleagues on both sides of the aisle to vote ''yes'' for this important piece of legislation.

I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I rise in support of H.R. 2851, which is commonly known as Michelle's Law.

I would like to thank Mr. HODES from New Hampshire and Mr. CASTLE from Delaware for introducing this important legislation and also to thank Energy and Commerce Committee Chairman DINGELL, subcommittee Chairman PALLONE and Ranking Member BARTON for their cooperative efforts in working in a bipartisan manner to move this bill through the Energy and Commerce Committee.

The American people know we must focus our health care efforts on providing increased access to quality, personal health insurance plans that give more Americans control and ownership over their own health care.

As my colleagues are well aware, by increasing the number of Federal mandates on health insurance plans, we are inevitably making health insurance plans more expensive for more Americans and decreasing the number of Americans who can afford the quality personal health insurance plan that they want for their families. Without question, it is vital for Congress to avoid one-size-fits-all Federal mandates on health insurance if we're going to be able to increase the number of Americans with access to quality health insurance plans.

However, I think the bill before us today is a very narrowly tailored solution to an extremely rare problem that results from a very small number of bad actors. This legislation takes the needed step of ensuring that more college-aged Americans will be able to stay on their parents' health insurance coverage in the rare event that they become too sick to remain enrolled in school.

We know that by passing this legislation today, we can help assure American college students that their personal health insurance plan will be there for them giving them one less thing to worry about as they focus on their own illness and on earning their degrees.

Again, I thank my colleagues on the Energy and Commerce Committee for their bipartisan support of this legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New Hampshire (Mr. HODES), the sponsor of the legislation.

Mr. HODES. I thank the gentleman for yielding.

I rise today in support of this bill, Michelle's Law, which honors the memory and life and struggle of Michelle Morse. Michelle's mother, AnnMarie,

and her brother, Michael, are with us today to remember and honor her.

Michelle Morse was a college student in Plymouth, New Hampshire. She was like other students. She went to class and hung out with her friends. She was a happy and gifted student preparing to be a school teacher like her mom. She picked her major, childhood studies, because she wanted to dedicate her life to help children. But Michelle Morse and her family were forced to make a choice that students should never have to make: a choice between her health and her health insurance.

You see, while in college, Michelle was diagnosed with advanced colon cancer. She had her health insurance through her mother but could only keep her health insurance if she remained a full-time student. Since she was undergoing rigorous chemotherapy treatments, her doctors urged her to take time off from school to focus on her treatment. Michelle was faced with a daunting choice: to keep her health insurance and maintain her full-time student status, or follow her doctors' orders and face colossal health bills for her and her family.

Michelle chose to stay in school and keep her health insurance. She continued her chemotherapy treatments and maintained a grade point average above 3.5 which, by anyone's standards, is inspiring and shows just what a strong person Michelle was. Unfortunately, despite her valiant fight against cancer, she succumbed to the weight of the cancer and the rigors of being a full-time student and passed away after she graduated.

But this story isn't just about Michelle. It's about Michelle's family who fought with Michelle and continue to fight for Michelle to this day.

Michelle's family, led by her mother, AnnMarie, made it their mission to ensure that this choice doesn't have to be made by any other family. AnnMarie Morse began a relentless campaign to change the law in New Hampshire so that students could have a medical leave of absence from college without losing their coverage under their parents' health insurance.

When the law was changed in New Hampshire after her tireless efforts and leadership, AnnMarie Morse wanted to make sure that students across the country would have the same protections.

So she brought her campaign to Capitol Hill and began her efforts to lobby. She lobbied me, she lobbied other Members of Congress, she lobbied everybody. And let me tell you, there is nothing stopping this mother's love. She called everybody she could and anyone she could in her campaign to protect other people's children from being faced with the same terrible choice she and her daughter had to make.

I'm honored to know AnnMarie and the Morse family and to have introduced this legislation aptly named Michelle's Law, a law fueled by a family's love and a special young woman's memory.

Michelle's Law would change current health insurance law to allow college students a year of medical leave of absence. Michelle's Law has worked in New Hampshire and can now work for students and families across this great Nation. This commonsense legislation has been embraced by Democrats and Republicans and by groups across the board from the insurance industry to patient advocacy groups like the American Cancer Society Cancer Action Network, which has been a leader in advocating for this bill.

□ 1600

Madam Speaker, I submit for the RECORD the letters of support we've received.

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, June 25, 2007.

Hon. PAUL HODES,
U.S. Senate,
Washington, DC.

DEAR REPRESENTATIVE HODES: On behalf of the volunteers and supporters of the American Cancer Society Cancer Action Network℠ (ACS CAN), the sister advocacy organization of the American Cancer Society, we are writing to express our support for the Michelle's Law legislation, which you recently introduced. H.R. 2851 will expand access to health insurance for college students required to take a medical leave of absence from their studies in the event of a diagnosis such as cancer. We commend you for your leadership in addressing this gap in health insurance coverage for students, and for your commitment to advancing the interests of cancer patients and their families.

As you know, this legislation would allow college students to take medical leave while battling a serious illness and still maintain eligibility for their parents' health insurance. Statistical studies show that the number one factor determining whether a person who has cancer will survive is whether that person has insurance. Only the insured have access to the timely, appropriate, and affordable health care that is crucial in fighting cancer or any other serious illness. No student should be presented with the dilemma that Michelle Morse experienced when she was forced to maintain a full college course load while undergoing debilitating medical treatment.

If we are to ultimately conquer cancer, our system must ensure that all Americans have access to high quality care. This legislation is a meaningful step toward this goal. Again, we applaud your efforts to preserve health insurance for seriously ill college students, and we look forward to working with you on this important legislation. If you have questions or need any assistance, please do not hesitate to contact Jaimie Vickery, ACS CAN Senior Federal Representative at (202) 661–5720.

Thank you again for your leadership on this important issue.

Sincerely,

DANIEL E. SMITH,
President.
WENDY K. D. SELIG,
Vice President Legislative Affairs.

AMERICAN HEART ASSOCIATION,
AMERICAN STROKE ASSOCIATION,
Washington, DC, September 20, 2007.

Hon. PAUL HODES,
House of Representatives,
Washington, DC.
Hon. MIKE CASTLE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HODES AND REPRESENTATIVE CASTLE: The American Heart Association and its American Stroke Association division applaud you for your introduction of H.R. 2851, ''Michelle's Law.''

The American Heart Association and the American Stroke Association are dedicated to reducing death and disability from heart disease and stroke, the nation's No. 1 and No. 3 killers. As many as 1.3 million children, youth and adults living in the United States today were born with some type of congenital cardiovascular defect, and other children and young people are increasingly developing cardiovascular disease at an earlier age.

These young people, especially those born with heart defects, often face challenges acquiring health insurance once they 'age-out' of eligibility for public programs or parental coverage. We as a nation have made great advances in the treatment of heart defects, and as a result many more children born with these disorders are living longer, healthier lives, instead of facing long-term disability or early death. However, these preexisting heart defects often make it difficult for them to get health insurance coverage and the follow-up care they need as adults.

Your ''Michelle's Law'' legislation would ensure that full-time college students can maintain their health insurance coverage when they are required to take a leave of absence of up to one year from their studies because they are seriously ill. No young person should be faced with the predicament of taking a full course load while fighting a debilitating disease, simply so they don't lose their health insurance coverage.

Numerous studies have documented that those who are uninsured or underinsured are more likely to go without needed medical care. Your legislation would take a step towards ensuring that all Americans have access to affordable, quality health care. Again, the American Heart Association is pleased to support your legislation and we look forward to working with you on this important issue. Thank you for your leadership.

Sincerely,

SUE NELSON,
Vice President of Federal Advocacy.

AMERICA'S HEALTH INSURANCE PLANS,
Washington, DC, October 3, 2007.

Hon. PAUL HODES,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HODES: On behalf of America's Health Insurance Plans (AHIP), I am writing to express our support for your legislation, H.R. 2851, which proposes new protections to ensure continuity of health insurance coverage for college students.

AHIP's members appreciate your hard work on this issue. We share your concerns and have taken pro-active steps to demonstrate our strong commitment to addressing the coverage needs of students who are forced to leave school for medical reasons. Earlier this year, AHIP's Board of Directors approved the enclosed policy statement, outlining our members' commitment to following best practices for facilitating continuity of coverage for students who are on medical leave from school. This includes offering coverage for 12 months or until the coverage would have otherwise lapsed,

whichever comes first, with the need for part-time status or medical leave of absence documented by a physician.

Thank you again for your leadership on this issue. We look forward to continuing to work with you on health care issues that come before Congress.

Sincerely,

KAREN IGNAGNI,
President and CEO.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, February 11, 2008.

Hon. PAUL HODES,
House of Representatives,
Washington, DC.

DEAR MR. HODES: On behalf of our nearly 5,000 member hospitals, health systems and other health care organizations, and our 37,000 individual members, the American Hospital Association (AHA) commends the leadership that you and your colleagues have provided by introducing H.R. 2851, ''Michelle's Law''.

Many families across America face the tough reality of having to choose between health care and other necessities of life, like food or shelter. Michelle Morse, a young college student from New Hampshire, had to choose between remaining a full-time student in order to maintain her dependent coverage, or taking a leave of absence from college to get the urgent care she needed. H.R. 2851 would ensure that full-time students covered by ERISA are eligible for a 12–month medical leave of absence without losing dependent coverage.

Unfortunately, Michelle passed away and is not here to enjoy the benefits of your good work on this issue. Thanks to your introduction of this bill, other students and their families might not face the same no-win scenario. Hospitals and other health care providers have long understood the value of getting the right care at the right time, and the financial burden that many families experience in trying to do so. We look forward to working with you and your colleagues on passage of this very important legislation.

Sincerely,

RICK POLLACK,
Executive Vice President.

COLORECTAL CANCER COALITION,
RESEARCH POLICY AWARENESS,
Alexandria, VA, February 15, 2008.

Hon. PAUL HODES,
House of Representatives
Washington, DC.

DEAR REPRESENTATIVE HODES: C3: Colorectal Cancer Coalition is a national, nonpartisan organization whose mission is to eliminate suffering and death due to colon and rectal cancer through advocacy. C3 pushes for research to improve screening, diagnosis, and treatment of colorectal cancer; for policy decisions that make the most effective colon and rectal cancer prevention and treatment available to all; and for increased awareness that colorectal cancer is preventable, treatable, and beatable.

C3 strongly supports Michelle's Law (H.R. 2851) introduced by Congressman Paul Hodes. This bill would amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medical necessary leave of absence do not lose their health insurance coverage.

Michelle Morse, the bill's namesake, was diagnosed with colon cancer when she was 20 years old. At this time she was a full time student at the Plymouth State University. Michelle had to remain enrolled as a full time student, against her doctor's recommendation, in order to maintain her eligibility for health coverage.

Treatment for colorectal cancer and many other diseases are quite grueling on a person's body. H.R. 2851 would allow students to focus solely on treating their illness as opposed to being a full time patient AND full time student.

If you have any questions please do not hesitate to contact Joe Arite, C3 Policy and Grassroots Manager or by email at Joe.Arite@FightColorectalCancer.org.

Sincerely,

CARLEA BAUMAN,
Executive Director.

I greatly appreciate the strong support and leadership of my colleague from Delaware (Mr. CASTLE) and Chairman DINGELL, Ranking Member BARTON, Chairman PALLONE and Ranking Member DEAL of the Energy and Commerce Committee for their work and their staff's hard work and support.

I would also like to thank the Ways and Means and Education and Labor Committees and staff for their dedication in bringing this bill to the floor today.

This strong, bipartisan measure shows the American people that Congress understands the importance of doing good by doing the right thing. But what's most important is that with the passage of Michelle's Law, parents across this country are going to thank AnnMarie Morse and her family for helping to make sure that they don't have to make the choice that Michelle had to make.

I urge passage of this bill. I thank the bipartisan support for this measure.

Mr. DEAL of Georgia. Madam Speaker, I'm pleased to yield such time as he may consume to one of the original sponsors of this bill, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Madam Speaker, I thank the gentleman from Georgia for yielding to me.

I also rise to ask my colleagues to support the legislation before us today, Michelle's Law, which will prohibit insurers and group health plans from terminating coverage of dependent college students who lose their full-time student status due to a serious illness or injury.

As you may know, some insurance plans allow college students to remain covered as dependents only if they attend a post-secondary institution full-time. As a result, this may force college students throughout the country with serious illnesses or serious injuries, who are dependent upon their parents' insurance, to make the difficult choice of pursuing a college education or taking care of their health.

Mr. HODES just spoke about Michelle Morse who died tragically of colon cancer in 2005 after going against her doctor's wishes and maintaining her full-time course schedule to maintain her health insurance.

In my home State of Delaware, Michelle Rigney, a University of Delaware student diagnosed with melanoma when she was 19, and cancer advocate who I had the honor of working with several times over the last few years, also recently lost her battle with the disease.

Throughout her battle with cancer, Michelle Rigney advocated for the passage of this bill to make things easier for others in similar situations. Michelle expressed her concerns over insurance to me as well as the importance of easing the stress students with a serious illness face when deciding between an education and their health.

I believe strongly that Michelle's Law will give seriously ill and injured students and their families the time they need to decide what their next steps should be without the fear of losing their health insurance. CBO estimates that the bipartisan H.R. 2851 would have no significant impact on the budget. Additionally, this commonsense legislation has been endorsed by several key health and insurance groups, including the American Cancer Society Cancer Action Network, the National Education Association, America's Health Insurance Plans, and the American Diabetes Association. A full list of groups that endorse this bill will be submitted for the RECORD, and indeed, Representative HODES sent up letters already doing that.

LIST OF GROUPS THAT SUPPORT THE PASSAGE OF MICHELLE'S LAW

American Cancer Society Cancer Action Network (ACSCAN); American College Health Association; American Diabetes Association; America's Health Insurance Plans (AHIP); American Heart/Stroke Association; American Hospital Association; American Medical Student Association; American Nurses Association; Colorectal Cancer Coalition; Leukemia and Lymphoma Society; Healthcare Leadership Council; National Association of Graduate Professional Students; National Association of Social Workers; National Collegiate Athletic Association (NCAA); National Education Association (NEA); National Health Council; National Kidney Foundation; National Patient Advocate Foundation.

Finally, I want to thank Representative HODES for his leadership on this bill in the House, and I thank all of the various committees, Education and Labor, Ways and Means, Energy and Commerce Committee Members and their staff members for their hard work on getting this bill to the floor.

I urge my colleagues to support H.R. 2851, Michelle's Law.

Mr. PALLONE. Madam Speaker, I have no further requests for time, and I would urge passage of this bill, Michelle's Law, in honor of Michelle Morse on a bipartisan basis.

Mr. STARK. Madam Speaker, I am pleased to rise in support of Michelle's Law. This is a small, but important piece of legislation that will give many college students the sense of security that they deserve regarding continuity of their health insurance.

One of the most frightening moments in a parent's life is sending his or her child off to college. Yet, as parents, we feel comforted by the unspoken assumption that while at college our children will receive continuous access to health insurance based on their dependent status on our family policies. You can imagine the surprise and distress that AnnMarie Morse felt, then, when she learned that her daughter,

Michelle Morse, after falling ill from colon cancer, would only be covered by health insurance if she maintained a full-time class schedule while undergoing exhausting chemotherapy treatment. Michelle shouldn't have been forced to maintain that schedule—and risk her very recovery—because of her need to maintain her health insurance.

Michelle's Law provides needed protections and will help students who are enrolled in college and who only qualify as dependents under their parents' health insurance plans because of their student status. If these students get seriously ill and need to take a physician-certified leave of absence from college for up to a year, they will be able to maintain their coverage under their parent's health insurance. If they graduate before that time is up, their coverage will expire when it normally would have anyway. This is common sense—and will ensure that student-based dependent coverage lives up to its stated goal. No student should be forced to stay in college—and risk ruining their academic standing—because of inability to simultaneously battle their serious illness or injury and maintain their grades.

Although this bill is too late to help Michelle, we can still help other children who might one day have to make the choice between forcing themselves to go to school while severely ill or leaving school and trying to pay insurmountable fees. I'm advised that even the health insurance industry supports this bill. Let's stop debating and quickly pass this important piece of legislation. We owe it to our children to ensure that their health coverage is there when they need it most.

Mr. GEORGE MILLER of California. Madam Speaker, I want to thank Representatives HODES for introducing H.R. 2851, also known as Michelle's Law, and for his hard work in bringing the legislation to the House floor today.

H.R. 2851 is named in honor of Michelle Morse who was diagnosed with cancer while she was attending college at Plymouth State University.

While Michelle was facing one of the most difficult times in her life and desperately needed time off to deal with her diagnosis and receive treatment, her health insurer informed her that it would not cover her for chemotherapy treatments unless she continued in school full-time.

As a result, Michelle had to keep up with her course work at the same time as she was receiving 48 hours of chemotherapy a week. She died in November 2005.

Michelle's law declares that no college student should have as difficult a road as Michelle. Students should have the ability to focus on treatment and recovery before returning to school.

H.R. 2851 amends ERISA, the Public Health Service Act and the Internal Revenue Code to require employers and health insurance companies to continue covering college students for up to 12 months if, as the result of an illness or injury, they need to take time off from school to receive treatment and to recover. The rights provided under the bill are in addition to those already provided under ERISA, COBRA and HIPAA. The bill also preserves stronger state laws.

In fact many States are ahead of Congress on this issue and have already enacted laws that mandate insurers to cover children over 18 under a family plan regardless of the child's school status. Nine States have laws similar to H.R. 2851 and require health plans to continue insuring students who withdraw from school or change their status due to an illness or injury.

However, the state laws do not cover employer sponsored health plans regulated by ERISA which is one of the critical reasons H.R. 2851 is needed.

Receiving a cancer diagnosis or suffering a serious injury can be devastating. We must ensure that students who are seriously ill or injured do not have to choose between their health and their health insurance.

H.R. 2851 is a common sense bill that will benefit many young people facing adversity. I urge all of my colleagues to vote ''yes'' on H.R. 2851.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 2851, ''Michelle's Law.'' This legislation protects students that are covered under their parents' health plan from losing their health insurance if they require a medically necessary leave of absence from school.

The impetus for this legislation—and the namesake for this bill—is a young woman named Michelle Morse. She was a full-time college student at Plymouth State University in New Hampshire who was diagnosed with colon cancer in 2003. Her doctors recommended that she cut back her college course load while undergoing chemotherapy treatment. She found, however, that if she cut back her classroom hours, she would lose her health insurance because she would no longer qualify as a dependent on her parents' health insurance plan.

She could not afford other coverage options, and she was forced to remain in school as a full-time student while undergoing fourteen rounds of chemotherapy. In 2005, she succumbed to her illness. Her mother has since lobbied for laws that would extend the definition of dependents to allow college students needing medical leaves of absence from classwork to retain health insurance coverage on their parents' policies.

I am pleased that this bill has bipartisan support. I thank Ranking Members BARTON and DEAL for their work as well as the Chairmen and Ranking Members of the Committees on Ways and Means and Education and Labor. Special acknowledgment should also go to Congressman HODES of New Hampshire, who has been a champion for this bill from the start.

Michelle's Law would make a small improvement in access to health insurance for individuals who find themselves in the precarious position of being at risk of losing their insurance because they are sick. We clearly have a long way to go to eliminate the growing problem of the uninsured and under insured, but this is a small step in that direction.

I am pleased to support this legislation and look forward to working with my colleagues to move it to the President's desk.

Mr. PALLONE. I yield back the balance of my time.

Mr. DEAL of Georgia. I, likewise, urge the adoption of this legislation, and yield back the balance of my time.

The SPEAKER pro tempore (Ms. BALDWIN). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2851, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. DINGELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1108) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Family Smoking Prevention and Tobacco Control Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than $13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that ''low tar'' and ''light'' cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking ''low tar'' and ''light'' cigarettes can reduce the motivation

to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from ''low tar'' and ''light'' cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the impact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) If manufacturers are permitted to state or imply in communications directed to consumers that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, or compliance.

(48) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. USA v Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. USA v Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(50) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also concealing much of their nicotine-related research. USA v Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this Act;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(rr)(1) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

''(2) The term 'tobacco product' does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

''(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

''(4) A tobacco product may not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).''.

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

''CHAPTER IX—TOBACCO PRODUCTS

''SEC. 900. DEFINITIONS.

''In this chapter:

''(1) ADDITIVE.—The term 'additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

''(2) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the

tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

''(3) CIGARETTE.—The term 'cigarette'—

''(A) means a product that—

''(i) is a tobacco product; and

''(ii) meets the definition of the term 'cigarette' in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

''(B) includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

''(4) CIGARETTE TOBACCO.—The term 'cigarette tobacco' means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

''(5) COMMERCE.—The term 'commerce' has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

''(6) COUNTERFEIT TOBACCO PRODUCT.—The term 'counterfeit tobacco product' means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

''(7) DISTRIBUTOR.—The term 'distributor' as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

''(8) ILLICIT TRADE.—The term 'illicit trade' means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

''(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

''(10) LITTLE CIGAR.—The term 'little cigar' means a product that—

''(A) is a tobacco product; and

''(B) meets the definition of the term 'little cigar' in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

''(11) NICOTINE.—The term 'nicotine' means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

''(12) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

''(13) RETAILER.—The term 'retailer' means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

''(14) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

''(15) SMALL TOBACCO PRODUCT MANUFACTURER.—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

''(16) SMOKE CONSTITUENT.—The term 'smoke constituent' means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

''(17) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

''(18) STATE; TERRITORY.—The terms 'State' and 'Territory' shall have the meanings given to such terms in section 201.

''(19) TOBACCO PRODUCT MANUFACTURER.—The term 'tobacco product manufacturer' means any person, including any repacker or relabeler, who—

''(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

''(B) imports a finished tobacco product for sale or distribution in the United States.

''(20) TOBACCO WAREHOUSE.—

''(A) Subject to subparagraphs (B) and (C), the term 'tobacco warehouse' includes any person—

''(i) who—

''(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

''(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

''(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

''(ii) who performs no other actions with respect to tobacco leaf; and

''(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person's actions described in clause (i) that is necessary for compliance with this Act.

''(B) The term 'tobacco warehouse' excludes any person who—

''(i) reconstitutes tobacco leaf;

''(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

''(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

''(C) The definition of the term 'tobacco warehouse' in subparagraph (A) shall not apply to the extent to which the Secretary determines, through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

''(21) UNITED STATES.—The term 'United States' means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

''SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

''(a) IN GENERAL.—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

''(b) APPLICABILITY.—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

''(c) SCOPE.—

''(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary's authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

''(2) LIMITATION OF AUTHORITY.—

''(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

''(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

''(d) RULEMAKING PROCEDURES.—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

''(e) CENTER FOR TOBACCO PRODUCTS.—Not later than 90 days after the date of enactment of this chapter, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner.

''(f) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act.

''(g) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

''SEC. 902. ADULTERATED TOBACCO PRODUCTS.

''A tobacco product shall be deemed to be adulterated if—

''(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is

otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

''(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

''(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

''(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in section 919 or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

''(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

''(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

''(B) it is in violation of an order under section 910(c)(1)(A);

''(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

''(8) it is in violation of section 911.

''SEC. 903. MISBRANDED TOBACCO PRODUCTS.

''(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

''(1) if its labeling is false or misleading in any particular;

''(2) if in package form unless it bears a label containing—

''(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

''(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

''(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

''(D) the statement required under section 920(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

''(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

''(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

''(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

''(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

''(7) if, in the case of any tobacco product distributed or offered for sale in any State—

''(A) its advertising is false or misleading in any particular; or

''(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

''(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

''(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

''(B) a brief statement of—

''(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

''(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

''(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

''(10) if there was a failure or refusal—

''(A) to comply with any requirement prescribed under section 904 or 908; or

''(B) to furnish any material or information required under section 909.

''(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product. No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

''SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

''(a) REQUIREMENT.—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

''(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

''(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

''(3) Beginning 3 years after the date of enactment of this Act, a listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after the date of enactment of this chapter, the manufacturer, importer, or agent shall comply with regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

''(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after the date of enactment of the Family Smoking Prevention and Tobacco Control Act that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

''(b) DATA SUBMISSION.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

''(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

''(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

''(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

''(c) TIME FOR SUBMISSION.—

''(1) IN GENERAL.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

''(2) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

''(3) DISCLOSURE OF OTHER ACTIONS.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

''(d) DATA LIST.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

''(2) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

''(e) DATA COLLECTION.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

''SEC. 905. ANNUAL REGISTRATION.

''(a) DEFINITIONS.—In this section:

''(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

''(2) NAME.—The term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

''(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If the enactment of this Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

''(c) REGISTRATION BY NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

''(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

''(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

''(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

''(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

''(h) REGISTRATION BY FOREIGN ESTABLISHMENTS.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

''(i) REGISTRATION INFORMATION.—

''(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

''(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

''(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

''(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

''(2) CONSULTATION WITH RESPECT TO FORMS.—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

''(3) BIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

''(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

''(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

''(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

''(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

''(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

''(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

''(A) the basis for such person's determination that—

''(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

''(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions granted by the Secretary pursuant to paragraph (3); and

''(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

''(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

''(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

''(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

''(iii) an exemption is otherwise appropriate.

''(B) REGULATIONS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

''SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

''(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

''(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

''(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

''(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

''(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

''(d) RESTRICTIONS.—

''(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

''(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No restrictions under paragraph (1) may—

''(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

''(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

''(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

''(4) REMOTE SALES.—

''(A) IN GENERAL.—The Secretary shall—

''(i) within 18 months after the date of enactment of this chapter, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

''(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

''(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

''(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

''(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

''(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

''(B) REQUIREMENTS.—The Secretary shall—

''(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

''(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

''(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

''(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

''(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

''(2) EXEMPTIONS; VARIANCES.—

''(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

''(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

''(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

''(iii) contain such other information as the Secretary shall prescribe.

''(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

''(i) the date the petition was submitted to the Secretary under subparagraph (A); or

''(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

''(C) APPROVAL.—The Secretary may approve—

''(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

''(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

''(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

''(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

''(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

''(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

''SEC. 907. TOBACCO PRODUCT STANDARDS.

''(a) IN GENERAL.—

''(1) SPECIAL RULES.—

''(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

''(B) ADDITIONAL SPECIAL RULE.—A tobacco product manufactured in or imported into the United States shall not contain foreign-grown tobacco that—

''(i) was grown or processed using a pesticide chemical that is not approved under applicable Federal law for use in domestic tobacco farming and processing; or

''(ii) in the case of a pesticide chemical that is so approved, was grown or processed using the pesticide chemical in a manner inconsistent with the approved labeling for use of the pesticide chemical in domestic tobacco farming and processing.

''(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

''(3) TOBACCO PRODUCT STANDARDS.—

''(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

''(B) DETERMINATIONS.—

''(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

''(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

''(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary's consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

''(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

''(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

''(i) for nicotine yields of the product;

''(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

''(iii) relating to any other requirement under subparagraph (B);

''(B) shall, where appropriate for the protection of the public health, include—

''(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

''(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

''(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

''(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

''(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

''(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

''(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

''(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

''(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

''(A) use personnel, facilities, and other technical support available in other Federal agencies;

''(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

''(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

''(b) CONSIDERATIONS BY SECRETARY.—

''(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

''(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or nontobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

''(c) PROPOSED STANDARDS.—

''(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

''(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

''(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

''(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

''(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

''(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

''(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

''(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

''(d) PROMULGATION.—

''(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, if the Secretary determines that the standard would be appropriate for the protection of the public health, the Secretary shall—

''(A) promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

''(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

''(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard. If the Secretary determines, based on the Secretary's evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

''(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

''(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

''(B) requiring the reduction of nicotine yields of a tobacco product to zero,

the Secretary is prohibited from taking such actions under this Act.

''(4) AMENDMENT; REVOCATION.—

''(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

''(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

''(5) REFERRAL TO ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

''(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

''(i) on the Secretary's own initiative; or

''(ii) upon the request of an interested person that—

''(I) demonstrates good cause for the referral; and

''(II) is made before the expiration of the period for submission of comments on the proposed regulation.

''(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

''(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

''(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

''(e) MENTHOL CIGARETTES.—

''(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among African Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

''(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol.

''SEC. 908. NOTIFICATION AND OTHER REMEDIES.

''(a) NOTIFICATION.—If the Secretary determines that—

''(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

''(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

''(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

''(c) RECALL AUTHORITY.—

''(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

''(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

''(B) NOTICE.—An amended order under subparagraph (A)—

''(i) shall not include recall of a tobacco product from individuals; and

''(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

''(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

''SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

''(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

''(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

''(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

''(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

''(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

''(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

''(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

''(b) REPORTS OF REMOVALS AND CORRECTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

''(A) to reduce a risk to health posed by the tobacco product; or

''(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

''(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

''SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

''(a) IN GENERAL.—

''(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term 'new tobacco product' means—

''(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

''(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

''(2) PREMARKET REVIEW REQUIRED.—

''(A) NEW PRODUCTS.—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

''(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

''(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

''(II) is in compliance with the requirements of this Act; or

''(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

''(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

''(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

''(ii) for which a report was submitted under section 905(j) within such 21-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

''(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

''(A) IN GENERAL.—In this section and section 905(j), the term 'substantially equivalent' or 'substantial equivalence' means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

''(i) has the same characteristics as the predicate tobacco product; or

''(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

''(B) CHARACTERISTICS.—In subparagraph (A), the term 'characteristics' means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

''(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

''(4) HEALTH INFORMATION.—

''(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

''(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

''(b) APPLICATION.—

''(1) CONTENTS.—An application under this section shall contain—

''(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

''(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

''(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

''(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

''(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

''(F) specimens of the labeling proposed to be used for such tobacco product; and

''(G) such other information relevant to the subject matter of the application as the Secretary may require.

''(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

''(A) may, on the Secretary's own initiative; or

''(B) may, upon the request of an applicant,

refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

''(c) ACTION ON APPLICATION.—

''(1) DEADLINE.—

''(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

''(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

''(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

''(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

''(2) DENIAL OF APPLICATION.—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the

information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

''(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

''(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

''(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

''(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, and there is a lack of adequate information to justify the deviation from such standard.

''(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

''(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(5) BASIS FOR ACTION.—

''(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

''(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

''(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

''(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

''(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

''(B) that the application contained or was accompanied by an untrue statement of a material fact;

''(C) that the applicant—

''(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

''(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

''(iii) has not complied with the requirements of section 905;

''(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

''(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

''(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

''(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

''(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

''(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

''(1) in person by any officer or employee of the department designated by the Secretary; or

''(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

''(f) RECORDS.—

''(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection (c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

''(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

''SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

''(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

''(b) DEFINITIONS.—In this section:

''(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

''(2) SOLD OR DISTRIBUTED.—

''(A) IN GENERAL.—With respect to a tobacco product, the term 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

''(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

''(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

''(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

''(III) the tobacco product or its smoke does not contain or is free of a substance;

''(ii) the label, labeling, or advertising of which uses the descriptors 'light', 'mild', or 'low' or similar descriptors; or

''(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''(B) LIMITATION.—No tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products', except as described in subparagraph (A).

''(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: 'smokeless tobacco', 'smokeless tobacco product', 'not consumed by smoking', 'does not produce smoke', 'smokefree', 'smoke-free', 'without smoke', 'no smoke', or 'not smoke'.

''(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

''(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

''(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

''(1) a description of the proposed product and any proposed advertising and labeling;

''(2) the conditions for using the product;

''(3) the formulation of the product;

''(4) sample product labels and labeling;

''(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

''(6) data and information on how consumers actually use the tobacco product; and

''(7) such other information as the Secretary may require.

''(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

''(f) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

''(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

''(g) MARKETING.—

''(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

''(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

''(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

''(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

''(i) such order would be appropriate to promote the public health;

''(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

''(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

''(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

''(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

''(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

''(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

''(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

''(I) is or has been demonstrated to be less harmful; or

''(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

''(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(C) CONDITIONS OF MARKETING.—

''(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

''(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant's agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary.

''(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

''(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

''(A) the scientific evidence submitted by the applicant; and

''(B) scientific evidence and other information that is made available to the Secretary.

''(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

''(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

''(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

''(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

''(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

''(E) comments, data, and information submitted by interested persons.

''(h) ADDITIONAL CONDITIONS FOR MARKETING.—

''(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

''(2) COMPARATIVE CLAIMS.—

''(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

''(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

''(3) LABEL DISCLOSURE.—

''(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

''(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

''(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

''(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

''(i) POSTMARKET SURVEILLANCE AND STUDIES.—

''(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis.

''(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

''(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that—

''(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

''(2) the application failed to include material information or included any untrue statement of material fact;

''(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

''(A) a tobacco product standard is established pursuant to section 907;

''(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

''(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

''(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

''(5) the applicant failed to meet a condition imposed under subsection (h).

''(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

''(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

''(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

''(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

''(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

''(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

''(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

''(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

''(F) establish a reasonable timetable for the Secretary to review an application under this section.

''(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

''(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

''(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

''(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''SEC. 912. JUDICIAL REVIEW.

''(a) RIGHT TO REVIEW.—

''(1) IN GENERAL.—Not later than 30 days after—

''(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

''(B) a denial of an application under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

''(2) REQUIREMENTS.—

''(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

''(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

''(i) the record of the proceedings on which the regulation or order was based; and

''(ii) a statement of the reasons for the issuance of such a regulation or order.

''(C) DEFINITION OF RECORD.—In this section, the term 'record' means—

''(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

''(ii) all information submitted to the Secretary with respect to such regulation or order;

''(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

''(iv) any hearing held with respect to such regulation or order; and

''(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

''(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

''(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

''(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

''(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

''SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

''The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

''SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

''(a) JURISDICTION.—

''(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

''(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

''(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

''(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

''(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

''SEC. 915. REGULATION REQUIREMENT.

''(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

''(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

''(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph, tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

''(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

''(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

''(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

''(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

''(A) the end of the 2-year period following the final promulgation of such regulations; and

''(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

''(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

''(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

''(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

''(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

''(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

''(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

''(4) JOINT LABORATORY TESTING SERVICES.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

''(e) EXTENSIONS FOR LIMITED LABORATORY CAPACITY.—

''(1) IN GENERAL.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

''(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

''(B) the conditions described in paragraph (2) are met.

''(2) CONDITIONS.—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

''(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

''(B) the products currently are awaiting testing by the laboratory; and

''(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

''(3) EXTENSION.—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

''(4) ADDITIONAL EXTENSION.—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

''(f) RULE OF CONSTRUCTION.—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

''SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY.

''(a) IN GENERAL.—

''(1) PRESERVATION.—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

''(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

''(A) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

''(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated

as a trade secret and confidential information by the State.

''(b) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

''SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—

''(A) MEMBERS.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

''(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

''(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

''(iii) 1 individual as a representative of the general public;

''(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

''(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

''(vi) 1 individual as a representative of the interests of the tobacco growers.

''(B) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

''(C) CONFLICTS OF INTEREST.—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member's tenure on the committee or for the 18-month period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

''(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

''(3) CHAIRPERSON.—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

''(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

''(1) as provided in this chapter;

''(2) on the effects of the alteration of the nicotine yields from tobacco products;

''(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

''(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

''(d) COMPENSATION; SUPPORT; FACA.—

''(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

''(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

''(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

''SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

''(a) IN GENERAL.—The Secretary shall—

''(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

''(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

''(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

''(b) REPORT ON INNOVATIVE PRODUCTS.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

''(A) total abstinence from tobacco use;

''(B) reductions in consumption of tobacco; and

''(C) reductions in the harm associated with continued tobacco use.

''(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

''SEC. 919. USER FEES.

''(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning on the date of the enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

''(b) ASSESSMENT OF USER FEE.—

''(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

''(A) For fiscal year 2009, $85,000,000 (subject to subsection (e)).

''(B) For fiscal year 2010, $235,000,000.

''(C) For fiscal year 2011, $450,000,000.

''(D) For fiscal year 2012, $477,000,000.

''(E) For fiscal year 2013, $505,000,000.

''(F) For fiscal year 2014, $534,000,000.

''(G) For fiscal year 2015, $566,000,000.

''(H) For fiscal year 2016, $599,000,000.

''(I) For fiscal year 2017, $635,000,000.

''(J) For fiscal year 2018, $672,000,000.

''(K) For fiscal year 2019 and each subsequent fiscal year, $712,000,000.

''(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

''(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

''(B) APPLICABLE PERCENTAGE.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

''(I) Cigarettes.

''(II) Cigars, including small cigars and cigars other than small cigars.

''(III) Snuff.

''(IV) Chewing tobacco.

''(V) Pipe tobacco.

''(VI) Roll-your-own tobacco.

''(ii) ALLOCATIONS.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108-357 for each such class of product for such fiscal year.

''(iii) REQUIREMENT OF REGULATIONS.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

''(iv) REALLOCATIONS.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

''(3) DETERMINATION OF USER FEE BY COMPANY.—

''(A) IN GENERAL.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

''(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

''(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

''(B) NO FEE IN EXCESS OF PERCENTAGE SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

''(4) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108–357.

''(5) ALLOCATION FOR CIGARS.—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

''(6) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

''(7) MEMORANDUM OF UNDERSTANDING.—

''(A) IN GENERAL.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(ii) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

''(B) ASSURANCES.—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) AVAILABILITY.—

''(A) IN GENERAL.—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act. No fees collected under subsection (a) may be used for any other costs.

''(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for the purpose described in subparagraph (A).

''(ii) STARTUP COSTS.—Clause (i) does not apply until the date on which the Secretary has collected fees under subsection (a) for 2 fiscal year quarters. Until such date, other amounts available to the Food and Drug Administration (excluding fees collected under subsection (a)) are authorized to be made available to pay the costs described in subparagraph (A), provided that such amounts are reimbursed through fees collected under subsection (a).

''(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

''(d) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(e) APPLICABILITY TO FISCAL YEAR 2009.—If the date of the enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

''(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the 'quarterly fee amounts').

''(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

''(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2).

''(f) STUDY BY GAO.—

''(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

''(A) the prevalence of youth tobacco use and the brands and subbrands that individuals under the age of 18 consume;

''(B) the feasibility of structuring the user fees or a portion of the user fees collected under this section on the youth market share of a manufacturer or year to year changes in a manufacturer's share of youth market; and

''(C) the potential effects of tobacco marketing to youth audiences if user fees were calculated in whole or in part on youth market share.

''(2) REPORT.—The Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the study conducted under paragraph (1) by not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.''.

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this Act; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg., 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this Act and the amendments made by this Act;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms ''cigarette'', ''cigarette tobacco,'', and ''smokeless tobacco'' as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert ''or roll-your-own paper'' in section 897.34(a) after ''other than cigarettes or smokeless tobacco'';

(E) become effective on the date that is 1 year after the date of enactment of this Act; and

(F) amend paragraph (d) of section 897.16 to read as follows:

''(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

''(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from distributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

''(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

''(C) For purposes of this paragraph, the term 'qualified adult-only facility' means a facility or restricted area that—

''(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

''(ii) does not sell, serve, or distribute alcohol;

''(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

''(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph; and

''(v) is enclosed by a barrier that—

''(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

''(II) extends from no more than 12 inches above the ground or floor (which area at the bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

''(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

''(vi) does not display on its exterior—

''(I) any tobacco product advertising;

''(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

''(III) any combination of words that would imply to a reasonable observer that the manufacturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

''(D) Distribution of samples of smokeless tobacco under this subparagraph permitted to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

''(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

''(A) to a sports team or entertainment group; or

''(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

''(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

''(5) Nothing in this paragraph shall be construed to authorize any person to distribute or cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product.''.

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) ENFORCEMENT OF RETAIL SALE PROVISIONS.—The Secretary of Health and Human Services shall ensure that the provisions of this Act, the amendments made by this Act, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States and Indian tribes.

(6) QUALIFIED ADULT-ONLY FACILITY.—A qualified adult-only facility (as such term is defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer and that commits a violation as a retailer shall not be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) CONGRESSIONAL REVIEW PROVISIONS.—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents'' (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document titled ''Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act'' (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents'' (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document titled ''Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination'' (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting ''tobacco product,'' after ''device,'';

(2) in subsection (b), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (c), by inserting ''tobacco product,'' after ''device,'';

(4) in subsection (e)—

(A) by striking the period after ''572(i)''; and

(B) by striking ''or 761 or the refusal to permit access to'' and inserting ''761, 909, or 920 or the refusal to permit access to'';

(5) in subsection (g), by inserting ''tobacco product,'' after ''device,'';

(6) in subsection (h), by inserting ''tobacco product,'' after ''device,'';

(7) in subsection (j)—

(A) by striking the period after ''573''; and

(B) by striking ''708, or 721'' and inserting ''708, 721, 904, 905, 906, 907, 908, 909, or 920(b)'';

(8) in subsection (k), by inserting ''tobacco product,'' after ''device,'';

(9) by striking subsection (p) and inserting the following:

''(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(3).'';

(10) by striking subsection (q)(1) and inserting the following:

''(q)(1) The failure or refusal—

''(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 916;

''(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

''(C) to comply with a requirement under section 522 or 913.'';

(11) in subsection (q)(2), by striking ''device,'' and inserting ''device or tobacco product,'';

(12) in subsection (r), by inserting ''or tobacco product'' after the term ''device'' each time that such term appears; and

(13) by adding at the end the following:

''(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

''(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

''(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

''(rr) The charitable distribution of tobacco products.

''(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

''(tt) With respect to a tobacco product, any statement directed to consumers through the media or through the label, labeling, or advertising that would reasonably be expected to result in consumers believing that the product is regulated, inspected or approved by the Food and Drug Administration, or that the product complies with the requirements of the Food and Drug Administration, including a statement or implication in the label, labeling, or advertising of such product, and that could result in consumers believing that the product is endorsed for use by the Food and Drug Administration or in consumers being misled about the harmfulness of the product because of such regulation, inspection, or compliance.''.

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (1)(A), by inserting ''or tobacco products'' after the term ''devices'' each place such term appears;

(2) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking ''assessed'' the first time it appears and inserting ''assessed, or a no-tobacco-sale order may be imposed,''; and

(ii) by striking ''penalty'' the second time it appears and inserting ''penalty, or upon whom a no-tobacco-sale order is to be imposed,'';

(B) in subparagraph (B)—

(i) by inserting after ''penalty,'' the following: ''or the period to be covered by a no-tobacco-sale order,''; and

(ii) by adding at the end the following: ''A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.''; and

(C) by adding at the end the following:

''(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.'';

(3) in paragraph (6)—

(A) by inserting ''or the imposition of a no-tobacco-sale order'' after the term ''penalty'' each place such term appears; and

(B) by striking ''issued.'' and inserting ''issued, or on which the no-tobacco-sale order was imposed, as the case may be.''; and

(4) by adding at the end the following:

''(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer's request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.''.

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking ''and'' before ''(D)''; and

(B) by striking ''device.'' and inserting the following: ''device, and (E) Any adulterated or misbranded tobacco product.'';

(2) in subsection (d)(1), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (g)(1), by inserting ''or tobacco product'' after the term ''device'' each place such term appears; and

(4) in subsection (g)(2)(A), by inserting ''or tobacco product'' after ''device''.

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking ''section 904'' and inserting ''section 1004''.

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking ''section 903(g)'' and inserting ''section 1003(g)''.

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)(1)(A)''; and

(2) by adding at the end the following:

''(B)(i) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.

''(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on Indian lands without the express written consent of the Indian tribe involved.''.

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting ''tobacco product,'' after the term ''device,'' each place such term appears; and

(2) by inserting ''tobacco products,'' after the term ''devices,'' each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)(A), by inserting ''tobacco products,'' after the term ''devices,'' each place such term appears;

(2) in subsection (a)(1)(B), by inserting ''or tobacco products'' after the term ''restricted devices'' each place such term appears;

(3) in subsection (b), by inserting ''tobacco product,'' after ''device,''; and

(4) in subsection (g)(13), by striking ''section 903(g)'' and inserting ''section 1003(g)''.

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting ''tobacco products,'' after ''devices,''.

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting ''tobacco product,'' after ''device,''.

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting ''tobacco products,'' after the term ''devices,'' ;

(B) by inserting ''or section 905(h)'' after ''section 510''; and

(C) by striking the term ''drugs or devices'' each time such term appears and inserting ''drugs, devices, or tobacco products'';

(2) in subsection (e)(1), by inserting ''tobacco product,'' after ''device,''; and

(3) by adding at the end the following:

''(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

''(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

''(B) the public health implications of such exports, including any evidence of a negative public health impact; and

''(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

''(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.''.

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking ''and'' after ''cosmetics,''; and

(2) inserting '', and tobacco products'' after ''devices''.

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking ''section 908'' and inserting ''section 1008''.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking ''section 902(b)'' and inserting ''section 1002(b)''.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term ''repeated violation'', as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as amended by subsection (c), as including at least 5 violations of particular requirements over a 36-month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer's registration or to the retailer's registered agent if the retailer has provider such agent information to the Food and Drug Administration prior to the violation;

(C) providing for a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer's request a hearing by telephone or at the nearest regional or field office of the Food and Drug Administration, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.—

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, $250;

(III) in the case of a third violation within a 24-month period, $500;

(IV) in the case of a fourth violation within a 24-month period, $2,000;

(V) in the case of a fifth violation within a 36-month period, $5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, $10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $250;

(II) in the case of a second violation within a 12-month period, $500;

(III) in the case of a third violation within a 24-month period, $1,000;

(IV) in the case of a fourth violation within a 24-month period, $2,000;

(V) in the case of a fifth violation within a 36-month period, $5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, $10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term ''approved training program'' means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (2), (3), and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this Act) shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a)(2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this Act) shall take effect on the date that is 12 months after the date of enactment of this Act.

SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of the enactment of this Act, submit a report to the Congress on the results of such study.

SEC. 105. TOBACCO INDUSTRY CONCENTRATION.

(a) STUDY.—The Federal Trade Commission shall conduct a study on the causes and effects of concentration in the tobacco industry.

(b) PUBLIC REPORT.—The Federal Trade Commission shall transmit to Congress a report not later than 5 years after the date of enactment of this Act, and a subsequent report on the date that is 10 years after the date of enactment of this Act. Such reports shall include—

(1) an analysis of trends in the market share of any dominant tobacco product manufacturer in any class of tobacco products; or

(2) an analysis of trends in competition or the emergence of a monopoly; and

(3) recommendations to Congress on any corrective actions that should be taken to address tobacco industry concentration.

SEC. 106. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS.

(a) ACTION PLAN.—

(1) DEVELOPMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this Act, or pursuant to section 102(a) of this Act, on promotion and advertising of menthol and other cigarettes to youth.

(2) CONSULTATION.—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) PRIORITY.—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) STATE AND LOCAL ACTIVITIES.—

(1) INFORMATION ON AUTHORITY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this Act, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this Act.

(2) COMMUNITY ASSISTANCE.—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

''SEC. 4. LABELING.

''(a) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

''WARNING: Cigarettes are addictive.

''WARNING: Tobacco smoke can harm your children.

''WARNING: Cigarettes cause fatal lung disease.

''WARNING: Cigarettes cause cancer.

''WARNING: Cigarettes cause strokes and heart disease.

''WARNING: Smoking during pregnancy can harm your baby.

''WARNING: Smoking can kill you.

''WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

''WARNING: Quitting smoking now greatly reduces serious risks to your health.

''(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at least the top 30 percent of the front and rear panels of the package. The word 'WARNING' shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

''(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

''(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

''(A) contains a warning label;

''(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

''(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

''(b) ADVERTISING REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

''(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

''(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

''(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

''(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

''(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

''(c) MARKETING REQUIREMENTS.—

''(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

''(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a).

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

(a) PREEMPTION.—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking ''No'' and inserting ''Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no''.

(b) CHANGE IN REQUIRED STATEMENTS.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

''(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.''.

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

''(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.''.

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

''SEC. 3. SMOKELESS TOBACCO WARNING.

''(a) GENERAL RULE.—

''(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

''WARNING: This product can cause mouth cancer.

''WARNING: This product can cause gum disease and tooth loss.

''WARNING: This product is not a safe alternative to cigarettes.

''WARNING: Smokeless tobacco is addictive.

''(2) Each label statement required by paragraph (1) shall be—

''(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

''(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

''(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

''(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

''(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

''(A) contains a warning label;

''(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

''(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

''(b) REQUIRED LABELS.—

''(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

''(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

''(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

''(C) The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

''(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

''(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements.

''(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

''(G) The label statements shall be in English, except that—

''(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

''(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

''(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in

all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

''(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

''(4) The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

''(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a)

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

''(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.''.

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking ''No'' and inserting ''Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no''.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

''(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

''(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

''(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

''(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

''(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.''.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

''SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

''(a) ORIGIN LABELING.—

''(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States'.

''(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

''(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

''(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

''(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

''(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

''(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

''(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian lands without the express written consent of the Indian tribe involved.

''(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

''(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

''(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

''(B) imported, exported, distributed, or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

''(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term 'knowledge' as applied to a manufacturer or distributor means—

''(A) the actual knowledge that the manufacturer or distributor had; or

''(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.''.

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term ''cross-border trade'' means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term ''Indian country'' has the meaning given to that term in section 1151 of title 18, United States Code.

(3) The terms ''State'' and ''Territory'' have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

TITLE IV—THRIFT SAVINGS PLAN ENHANCEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Thrift Savings Plan Enhancement Act of 2008''.

SEC. 402. AUTOMATIC ENROLLMENTS.

(a) AUTOMATIC ENROLLMENTS.—

(1) IN GENERAL.—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

''(2)(A) The Board shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay.

''(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent nor more than 5 percent, as the Board may by regulation prescribe.

''(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

''(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective from the start of such enrollment; or

''(ii) decline automatic enrollment altogether.

''(D) For purposes of this paragraph, the term 'eligible individual' means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual is eligible to contribute to the Thrift Savings Fund.

''(E) Sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.''.

(2) TECHNICAL AMENDMENT.—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

(b) DEFAULT INVESTMENTS.—Section 8438(c)(2) of title 5, United States Code, is amended to read as follows:

''(2) If an election has not been made with respect to any sums in the Thrift Savings Fund which are available for investment, the Executive Director shall invest such sums in—

''(A) the Government Securities Investment Fund; or

''(B) such alternative fund or funds (in lieu of the fund under subparagraph (A)) as the Board may designate in regulations.

The designation of an alternative fund by regulations under subparagraph (B) may be made only if, in the judgment of the Board, such designation would be in the best interests of participants. Any decision under the preceding sentence shall be made after consultation with the Employee Thrift Advisory Council (established under section 8473).''.

SEC. 403. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

''§ 8432d. Qualified Roth contribution program

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'qualified Roth contribution program' means a program described in paragraph (1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

''(2) the terms 'designated Roth contribution' and 'elective deferral' have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

''(b) AUTHORITY TO ESTABLISH.—The Board shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

''(c) REQUIRED PROVISIONS.—The regulations under subsection (b) shall include—

''(1) provisions under which an election to make designated Roth contributions may be made—

''(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

''(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

''(2) any provisions which may, as a result of the enactment of this section, be necessary in order to clarify the meaning of any reference to an 'account' made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

''(3) any other provisions which may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

''8432d. Qualified Roth contribution program.''.

SEC. 404. AUTHORITY TO ESTABLISH SELF-DIRECTED INVESTMENT WINDOW.

(a) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period and inserting ''; and''; and

(3) by adding after subparagraph (E) the following:

''(F) a self-directed investment window, if the Board authorizes such window under paragraph (5).''.

(b) REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) The Board may authorize the addition of a self-directed investment window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

''(B) The self-directed investment window shall be limited to—

''(i) low-cost, passively-managed index funds that offer diversification benefits; and

''(ii) other investment options, if the Board determines the options to be appropriate retirement investment vehicles for participants.

''(C) The Board shall ensure that any administrative expenses related to use of the self-directed investment window are borne solely by the participants who use such window.

''(D) The Board may establish such other terms and conditions for the self-directed investment window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

''(E) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before establishing any self-directed investment window.''.

SEC. 405. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants' accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the self-directed investment window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

(b) REPORTING OF FEES AND OTHER INFORMATION.—

(1) IN GENERAL.—The Board shall include in the periodic statements provided to participants under section 8439(c) the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

(2) USE OF ESTIMATES.—For purposes of providing the information required under this subsection, the Executive Director may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such

estimate shall be based on the previous year's experience.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Board'' has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term ''participant'' has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term ''account'' means an account established under section 8439 of title 5, United States Code.

SEC. 406. ACKNOWLEDGEMENT OF RISK.

(a) IN GENERAL.—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after ''who elects to invest in'' and before ''shall sign an acknowledgement'' and inserting ''any investment fund or option under this chapter, other than the Government Securities Investment Fund,''; and

(2) by striking ''either such Fund'' and inserting ''any such fund or option''.

(b) COORDINATION WITH PROVISIONS RELATING TO INVESTMENTS IN THE ABSENCE OF AN ELECTION.—Subsection (d) of section 8439 of title 5, United States Code (as amended by subsection (a)) is further amended—

(1) by redesignating subsection (d) as subsection (d)(1); and

(2) by adding at the end the following:

''(2)(A) In the case of an investment made under section 8438(c)(2) in any fund or option to which paragraph (1) would otherwise apply, the participant involved shall, for purposes of this subsection, be deemed—

''(i) to have elected to invest in such fund or option; and

''(ii) to have executed the acknowledgement required under paragraph (1).

''(B)(i) The Executive Director shall prescribe regulations under which written notice shall be provided to a participant whenever an investment is made under section 8438(c)(2)(B) on behalf of such participant in the absence of an affirmative election described in section 8438(c)(1).

''(ii) The regulations shall ensure that any such notice shall be provided to the participant within 7 calendar days after the effective date of the default election.

''(C) For purposes of this paragraph, the term 'participant' has the meaning given such term by section 8471(3).''.

(c) COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

''(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—

''(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

''(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2)(B); or

''(III) for allowing a participant to invest through the self-directed investment window or for establishing restrictions applicable to participants' ability to invest through the self-directed investment window.''.

SEC. 407. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking ''(l) In computing'' and inserting ''(l)(1) In computing''; and

(B) by adding at the end the following:

''(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes—

''(A) for an employee who retires within 3 years after the date of enactment of this paragraph, ¾ of the days, and

''(B) for an employee who retires after 3 years after the date of enactment of this paragraph, the days

of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x)-(xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.''.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking ''section 8415(k)'' and inserting ''paragraph (1) or (2) of section 8415(l)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Madam Speaker, I want to place the legislation we are about to consider in its proper historical context.

Fifty-one years ago, the Surgeon General first stated that tobacco smoking was linked to cancer.

Forty-three years ago, in 1965, tobacco products were for the first time required to carry labels warning of the health hazards to consumers who used them.

Fourteen years ago, the chief executives of the tobacco companies were summoned to appear before the Committee on Energy and Commerce to answer questions about their knowledge of the dangers to human health caused by tobacco and their reluctance or refusal to disclose what they knew.

Ten years ago, the tobacco companies entered into a master settlement with the attorneys general of the States, under which they would pay out billions of dollars to address the costs of smoking, amongst other purposes.

Today, the House will consider H.R. 1108, the Family Smoking Prevention and Tobacco Control Act. This landmark legislation will, for the first time, grant the Food and Drug Administration the authority to regulate tobacco products and to protect consumers on this particular, difficult matter.

It is hard to believe that 51 years after we first became aware of the harmful effects of smoking—and three years after a United Nations tobacco control treaty was enacted—the U.S. government has been unable to take the steps necessary to stem the tide of smoking. With this legislation, we can change that.

Cigarette smoking accounts for about one in five deaths annually, or about 435,000 deaths each year. Each day, more than 4,000 young Americans try a cigarette for the first time, and each day 1,000 of these become addicted to tobacco. One in every three of these smokers will die prematurely.

With this legislation, we will place sharp and sorely needed limits on access to tobacco products and on tobacco advertising and marketing.

Public health organizations have fought for this legislation for 20 years, and I want to commend in particular the Campaign for Tobacco-Free Kids, the American Lung Association, the American Heart Association, the American Cancer Society, and other of our colleagues in particular, Representatives WAXMAN, DAVIS and PALLONE, who deserve great credit for their diligence and persistence in bringing this legislation to the point where it is.

Passage of H.R. 1108 will stand as an historic achievement. I urge my colleagues in the strongest terms to vote for the health of America's children and to vote for the health of the American people.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, on the next bill, the Consumer Product Safety Commission reauthorization bill, I will be standing in this very spot saying extremely complimentary things about Chairman DINGELL, the process that he has used and that Speaker PELOSI has used to bring the Consumer Product Safety Commission reauthorization bill to the floor of the House of Representatives. But that's the next bill.

On this bill, I must say I still have the greatest personal respect for our distinguished chairman, Mr. DINGELL, and our subcommittee chairman, Mr. PALLONE, but I cannot say anything kind about the product of the legislation that they're bringing to the body today.

At the beginning of this Congress, Madam Speaker, our Speaker for the entire full House of Representatives, Speaker NANCY PELOSI said, ''Bills should generally come to floor under a

procedure that allows open, full and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives.''

That's not the case with this bill, Madam Speaker. The final product that's before us was given to the minority at about 1:05 this afternoon, which is approximately 3 hours and 5 minutes ago. We did have a committee markup. We did have some process. We did have some hearings in Mr. PALLONE's subcommittee. We did have a legislative hearing on the bill, but once that was concluded, the bill disappeared into a sinkhole, only to reemerge today as a suspension bill.

As you know, Madam Speaker, suspensions are theoretically about noncontroversial items in which there is little controversy and no disagreement between Members of the body on either side of the aisle. It's not the case on this bill, Madam Speaker.

This bill will cost jobs in the agricultural sector. This bill has been so controversial that we, as I said earlier, didn't even get a work product until early this afternoon.

On the substance of the bill, I disagree with the central premise, that the Food and Drug Administration should have the authority under this bill that actually certifies that tobacco is a responsible product. Isn't that an ironic thing? This bill is, in my opinion, a marketing allocation bill more than it is a regulation bill.

The FDA does not have the resources to do this new responsibility. The FDA is not the tobacco police. The FDA should not be responsible for going into every convenience store and grocery store and tobacco shop in America making sure that the tobacco products are sold exactly as required.

I could go on and on. I could quote Chairman DINGELL and Subcommittee Chairman PALLONE and Chairman WAXMAN of the Government Reform Committee where in a letter they said back in January about how short the FDA was of resources. I'm not going to do that. I might put it in the RECORD, but I won't quote them at this time.

The FDA has only increased its total number of employees in the last decade by 646. Its appropriations in adjusted dollars is about $300 million less than the inflation-adjusted dollars that the FDA says it needs. Yet we're going to give the FDA another huge responsibility and not give them the resources to do the work that the bill says they should do.

If we really need to do more to restrict advertising for tobacco products or to prevent marketing to children, we can do that by going to other agencies that have that responsibility in the marketplace right now. If there should be more enforcement to prevent children from buying cigarettes because they're under age, we should bring a bill to the floor that would strengthen the Synar amendment, a former congressman from Oklahoma and a former member of the Energy and Commerce Committee.

We could certainly encourage States to actually use their master settlement agreement funds to do things like the smoking cessation programs. It's ironic to me that less than 30 percent of the funds that have been given to the States under the master settlement agreement are being used for anti-smoking campaigns. That would be one area where I think both sides of the aisle, Republicans and the Democrats, could have bipartisan agreement.

In short, Madam Speaker, what we don't need is creating at the FDA a new, Draconian bureaucracy since they're already overburdened and have more work than they know what to do with.

I do agree that cigarettes are bad for people's health. I have never smoked a cigarette. I don't allow smoking in my office. I don't take any kind of campaign funds from tobacco companies. So I do practice what I preach, Madam Speaker, but I do not believe that this bill addresses the underlying problem in a satisfactory way.

And for that purpose, I will strongly urge a ''no'' vote—again, since this is a suspension bill which on process alone, it shouldn't be but it is—it only takes one-third vote to defeat the bill.

□ 1615

That would be the perfect solution to this bill, would be to send it to the boneyard of other suspension bills that shouldn't be on the suspension calendar in the first place.

Madam Speaker, it is getting a little tiresome to keep saying here we go again, but here we go again.

Once again we come to the House floor to consider a major piece of legislation under suspension of the rules. Traditionally, we suspend the normal rules for things like naming post offices and other noncontroversial bills. For those watching on C–SPAN, suspension of the rules means limited debate and no amendments. We all remember that Speaker PELOSI told us that—and I'm quoting here—"bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives." The reality has been different. Promise made, promise unmade.

Madam Speaker, this bill is hardly ordinary. Honestly noncontroversial bills do not require committee mark-ups that stretch over multiple days. Noncontroversial bills do not contain billion-dollar tax hikes. Noncontroversial bills do not cause working people to lose their jobs or their farms. In fact, the provisions of the bill were so controversial that the majority could not even produce a bill to be seen in public until this morning because they couldn't agree among themselves about what should be in it. Madam Speaker, handling legislation of this importance in this way is not the open and transparent process that was promised. It is the opposite.

Now, on the substance of the bill, I disagree with the central premise of the bill that the Food and Drug Administration should be given this responsibility. The FDA is tasked with protecting the safety of the food we eat, and ensuring the drugs we take, and the medical devices we use are safe and effective. It is an agency that we have held numerous hearings on and have come to a bipartisan conclusion that the agency lacks sufficient resources to do its current mission. Congress affirmed that conclusion when we appropriated an additional $150 million in the Emergency Supplemental Appropriations for the FDA. Speaker, the FDA is still the wrong agency, at the wrong time, to become the tobacco police. They need to focus on their current mission.

Here's what Chairman DINGELL, Chairman PALLONE and Chairman WAXMAN said about the current problem in a January 23, 2008 letter to FDA:

> Experts from every affected sector agree that this desperate funding situation has rendered FDA unable to protect the American public from even the most basic threats, including contaminated food, tainted and dangerous drugs, and faulty medical devices. According to FDA's own Science Board . . . American lives are now at risk.

FDA has plenty to do just to save those lives that are at risk. We, the Congress, have passed 125 laws over the last 20 years that directly impact FDA's regulatory responsibilities, yet our appropriated resources to the agency have not kept pace. During the same time period, FDA has only increased its total number of employees by 646 people; and its appropriations are about $300 million less now in inflation-adjusted dollars. We're pretty good at telling FDA what to do and how to do it, but not so good at paying for what we order. And here we go again. Instead of making it possible for FDA to do the jobs we've already given it, we are here today adding new regulatory responsibilities that dwarf any of those given to the FDA in the past two decades.

If we need to do more to restrict advertising or prevent marketing to children, we can find the right agency to do that. If there should be more enforcement to prevent children from buying cigarettes, we can strengthen the Synar amendment. The best way to reduce smoking is for States to use more of their Master Settlement Agreement funds on things like smoking cessation products. So let's talk about encouraging States to use more of their MSA funds for this purpose.

These are problems we can solve without creating a new, draconian bureaucracy at an already over-burdened agency that Members on both sides of the aisle agree needs to do a much better job at conducting its current mission.

Cigarettes are bad for people's health, period. Madam Speaker, if people believe there should be an increased Federal role in tobacco regulation, we can do better than this deceptive process and we can do better than this bill. I urge my colleagues to vote "no" and send a message that promises are meant to be kept.

With that, Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield to my dear and valued friend from West Virginia, the chairman of the Natural Resources Committee, 1 minute for the purposes of a colloquy.

Mr. RAHALL. Mr. Chairman, thank you very much for yielding. I want to thank you for the very accommodating and congenial manner in which you have accommodated the interests and the jurisdiction of the House of Natural Resources Committee on this issue.

I would like to ask the distinguished chairman, the gentleman from Michigan, a question about the provision of the bill that requires the FDA, to the extent feasible, to enter into contracts with States for the inspection of tobacco retailers within their borders. It is my understanding that this contracting provision applies to Indian tribes in the same way as the provision applies to States.

I would yield to the distinguished chairman to clarify.

Mr. DINGELL. My good friend from West Virginia is correct. The FDA is required in the legislation, to the extent feasible, to enter into contracts with Indian tribes for the inspection of tobacco retailers located on Indian lands.

Mr. RAHALL. I thank the distinguished chairman.

Mr. DINGELL. I thank my good friend.

Mr. BARTON of Texas. Madam Speaker, I want to yield 1 minute to our distinguished minority leader from the Buckeye State of Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding and say to my colleagues that we don't have time to have a vote this week on our All-American Energy Plan that would actually bring down gas prices in America, but we've got time to regulate tobacco.

Now this bill has been hanging around here for 15 years. For 15 years, we've been trying to move this piece of legislation. We're going to charge the tobacco companies about $5 billion over the next few years to pay for a bureaucracy here in Washington so we can regulate tobacco.

Now, listen. Most of my colleagues know that I smoke. I know that smoking is probably not good for my health. Most people who smoke in America know that smoking is probably not good for their health. Do we need the Federal Government to tell us? Do we need to spend $5 billion of smokers' money for the government to tell us that smoking is not good for us? I don't think so. This bill has not been through the legislative process as everything was promised that it should be. Frankly, the whole idea that the Federal Government ought to regulate more and more and more of our lives just gets under my skin.

I have great respect for my colleague from Michigan. He is a great Member of Congress, and we've worked together on a lot of issues, but this is a boneheaded idea. I mean, how much is enough? How much government do we need? More and more and more. There is not a smoker in America who doesn't understand that smoking isn't good for you, but now we're going to have the Federal Government, a big agency, set up under this bill where the FDA is going to be required to have this whole bureaucracy. It will have all of these new buildings. It will hire all of these people to issue all of these regulations that the tobacco companies are going to have to comply with and that smokers will pay for so that we can, out of all of this, understand that smoking is not good for you.

We've already got labels on cigarettes. You've got some companies that might as well put a billboard on a pack of cigarettes so that you know that it's bad for you. I can imagine what will happen after we get more government regulations on this issue. I would just ask my colleagues: How much is enough? How much regulation and how much government and how much bureaucracy do we need before we finally say, Enough is enough? Let's stop. Let's vote against this bill.

Mr. DINGELL. Madam Speaker, I yield myself 15 seconds for the purpose of responding to my beloved friend, the minority leader.

This legislation is on the floor because people are killing themselves by smoking these evil cigarettes. The distinguished gentleman, the minority leader, is going to be amongst the next to die. I am trying to save him, as the rest of us are, because he is committing suicide every time he puffs on one of those things.

Mr. BOEHNER. Would the gentleman be kind enough to yield?

Mr. DINGELL. I didn't yield to the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. DINGELL. At this time, Madam Speaker, I yield 2 minutes to my good friend from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I couldn't agree more with what Mr. DINGELL said, but I do also want to point out to the minority leader that this is about kids.

In fact, many adults smoke, and I'm sure they're very much aware of what they're doing. I suppose you could argue that, if people want to kill themselves and they're adults, then let them do so, but every day, approximately 4,000 kids, children, try a cigarette for the first time, of which 1,140 become new daily smokers.

According to my calculations, this means that since 1996 almost 5 million children have become tobacco addicts and that one-third of those kids will end up dying prematurely from tobacco-related illnesses.

So I say to the minority leader: Forget about the adults for the time being. We've got to stop the kids who are not aware and who don't understand the dangers of tobacco. They shouldn't start smoking. I think that's really what this is all about. This is a very important day, and I do resent the fact that the minority leader is belittling it by saying this is a boneheaded idea.

I want to thank Mr. WAXMAN. He has been at this for I don't know how many years—12, 15, 20 years.

Twelve years after the FDA first published a comprehensive rule that would protect children from the harmful effects of tobacco, we are finally one step closer to actually implementing its provisions and protecting millions of Americans, and particularly the children, from a lifetime of addiction and of poor health.

Madam Speaker, it's hard to believe that tobacco products are exempt from the basic health and safety regulations that apply to other consumer products, but in fact, they are. Presently, the FDA is prohibited from regulating tobacco products, one of the most dangerous products available to consumers, and that's why we have to act today. Imagine that the FDA regulates toothpaste but not cigarettes. They monitor cereal but not chewing tobacco. Ironically, the FDA regulates both over-the-counter and prescription medications to help people quit smoking; yet it has no authority over the cause of the addiction. By passing this bill today, we're one step closer to changing all of that.

In closing, I just want to say that this is a very important bill, and I urge its passage.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey (Mr. PALLONE) will control the balance of the majority's time.

There was no objection.

Mr. BARTON of Texas. I would yield to the gentleman from Indiana (Mr. BUYER), a member of the committee, for a unanimous consent request.

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Madam Speaker, I rise in opposition to this bill.

As we discuss H.R. 1108, the Family Smoking Prevention and Tobacco Control Act, the question before the House is not whether we want to decrease youth smoking as the bill is purported to do. The question is, after years of headlines and alarming stories about the FDA's failure to protect our Nation's food and drug supplies, do we in Congress believe that the FDA is in a place to take on a multi-billion dollar tobacco industry?

I believe that each one of us agrees that the FDA is under-funded and cannot perform its current functions. Over the past 2 years, this Congress has spent enormous amounts of time negotiating legislation to reauthorize programs such as the Prescription Drug User Fee Act and the Medical Device User Fee Act. Not only did we reauthorize the programs as they existed, but we added to these programs and increased the FDA's workload.

In the past several months, there have been numerous hearings in the Energy and Commerce Committee to try to determine what needs to be fixed at the FDA so that we can assure the American people that their food, their drugs, and their medical devices are safe.

Unfortunately, we all understand the realities that exist within the FDA. Foreign drug manufacturing facilities are mostly going uninspected by the FDA, and the inspections that take place are not effective. FDA's surveillance over the drugs on our market today is not where it should be. Bad actors are getting into our drug supply chain and diverting good drugs out of the supply chain and bad drugs into the chain. Hundreds of thousands of unregulated and potentially harmful drugs

are streaming into our country's international mail facilities every day and being sent to American homes with no FDA inspection or testing whatsoever. And, these problems only cover the problems with FDA's oversight over our Nation's prescription drug supply. We could go on about the problems that exist with our Nation's food supply.

It is important that we look back at our discussions over the past year in this Congress and the discussions that we have before us over the FDA's lack of resources and ability to fulfill the duties that we have vested in the Agency.

Every morning when I pick up the paper there is a new article about the dangers facing our country due to an underfunded and ill-equipped FDA. A few recent headlines have read:

''FDA inspections lag in overseas drug factories.''—Washington Times (2/28/08)

''FDA Chief is in a Budget Bind.''—WSJ (2/27/08)

''FDA Needs $375 million more to address shortcomings.''—Congress Daily (2/27/08)

In fact, just this morning in an article in the Wall Street Journal, the Chairman of the Energy and Commerce Committee is quoted as saying, ''There's a total inability of the FDA to carry out its mission.''

Many of my colleagues on the Energy and Commerce Committee have been vocal about the FDA's ineffectiveness in recent congressional testimonies.

The FDA is ''a sorry mess.''—Chairman DINGELL (7/17/07)

''The warning signs are clear: FDA is an agency in crisis.''—HENRY WAXMAN (author of the tobacco bill) (5/5/07)

''Unfortunately, as this Committee under both Republican and Democrat leadership has documented, FDA's resources have become woefully inadequate given the agency's expansive mission. Accordingly, the agency's ability to protect American families from unsafe foods, drugs, medical devices, and other products has radically deteriorated.''—BART STUPAK (1/29/08)

Despite these strong statements, these very members want to put a multi-billion dollar industry under an Agency that is not adequately performing its current functions.

The FDA itself has expressed its concerns about being mandated to regulate tobacco. The current FDA Commissioner, Andrew von Eschenbach, outlined his concerns in a recent letter to Members of Congress. Commissioner von Eschenbach wrote, ''Enactment of H.R. 1108 would redirect Agency priorities and resources to a new regulatory area, which is not only inconsistent with FDA's mission, but also diverts attention from the significant public health matters of the safety of food, drugs, biologics and medical devices.''

And, if I remember correctly, none of the last few FDA Commissioners has supported FDA regulating tobacco.

Madam Speaker, I ask that we all think long and hard about that one big question before us today. Is the FDA ready to take on this multi-billion dollar industry in the midst of the challenges already before the Agency today?

I agree that we need to keep tobacco out of the hands of our youth. I agree with the statistics that show that people become addicted to tobacco while they are in their youth. I am concerned about the growing prevalence of disease and death attributable to tobacco in our country.

However, I believe that we have means to increase enforcement in our States to keep tobacco out of our children's hands. We do not need a new government bureaucracy which will inevitably be underfunded and ill-equipped to effectively regulate the tobacco market.

Mr. BARTON of Texas. I now want to yield to the distinguished tri-captain of the victorious congressional Republican baseball team, the gentleman from Virginia (Mr. DAVIS), 1 minute.

Mr. DAVIS of Virginia. Could I have 1 minute from the other side as well?

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 2 minutes.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Four hundred thousand Americans die every year from tobacco-related diseases. That's why we're here today.

For the past 8 years, I've sought to pass legislation like this, giving the FDA authority to regulate tobacco. For the past 6, my good friend and esteemed colleague HENRY WAXMAN and I have partnered on legislation to this end. Today's hopeful passage of H.R. 1108 marks a milestone in our efforts, and I'm honored and proud to be here with him and with the distinguished chairman of the committee to take this vital step in protecting the public health.

In my view, the primary focus of our tobacco control policy should be to stem the flow of new tobacco users. Regrettably, this equates to keeping children away from tobacco since most of the new users are under the age of 18. Among this group, tobacco use has become synonymous with a rugged independence, of a refutation of authority and of an arrogant disregard for one's personal well-being—the traits that many teenagers desire.

How did this most self-destructive behavior, short of actual suicide, take hold in the collective psyche of our young people?

In large part, the marketing tactics by tobacco manufacturers fanned the flames of youthful angst. The entertainment industry added further fuel with innumerable cigarette-smoking heroes on movie screens and on television. If only the Marlboro Man had been holding a slide rule instead of a cigarette.

H.R. 1108 gives the FDA appropriate tools to restrict marketing and access so that children will have less interest in tobacco and less ability to purchase it. Tobacco can be more addictive than heroin, so it is important that the tobacco policy espoused in this legislation also addresses the needs of current users. It calls on the Secretary to closely examine innovative products that would help users end their dependence. I'm hopeful the result will be the expedited approval of cessation products and of a more vibrant market for them. H.R. 1108 also allows for the development of modified risk products.

I urge the adoption of this legislation.

Mr. PALLONE. Madam Speaker, I yield 3 minutes to the sponsor of the legislation, who has worked tirelessly on this for so many years, Mr. WAXMAN.

Mr. WAXMAN. I thank the gentleman for yielding to me.

Madam Speaker, this is truly an historic day in the fight against tobacco, but it took us far too long to get here.

In 1994, the tobacco executives stood before my subcommittee, held their hands up, swore to tell the truth, and then immediately lied under oath and said, ''Nicotine, it's not addictive. Children, we don't try to market to children.'' Of course, the opposite was true.

In 1996, the FDA tried to regulate tobacco products, but the Supreme Court told them they needed specific congressional language to give them that authority. Now, 12 years later, here we are, finally giving the FDA that authority to regulate the leading preventable cause of death in America.

Every one of us knows the tragic consequences of cigarette smoking. We've seen loved ones die, suffer. We've watched others grow sick. Many of us have felt the grip firsthand of addiction, but the worst of all is what happens to children. One thousand children start smoking each and every day. Four hundred thousand Americans die every year.

The minority leader said: When is enough enough?

Well, cigarettes, one of the most dangerous products on sale today, is not regulated at all. This bill would give the FDA, the only agency with the right combination of scientific expertise, with regulatory experience and with a public health mission, the ability to oversee the products effectively.

The FDA can stop that marketing to kids. They can prevent manufacturers from misrepresenting their products as ''light'' or as ''safer.'' They can require changes in cigarettes. They can change the level of nicotine so that people who smoke and who want to give up smoking will have a fighting chance. They can regulate ingredients such as formaldehyde or benzene or radioactive elements or any other deadly chemical.

Now, some have argued that the FDA is overburdened, that they can't do another job. Well, they are overburdened, and they're not well funded, but this bill has a user fee built into it to raise the money from the tobacco companies to give the FDA the ability to go and regulate this product.

The breadth of support for this bill is from the AARP to the American Academy of Pediatrics and from the Southern Baptist Convention to the Islamic Society of North America. It is supported by the American Lung Association, by the American Heart Association and by the American Cancer Society—the groups that are best situated to understand the damage caused by

tobacco. We've tried to accommodate specific concerns we've heard about this bill to provide fairness and flexibility for convenient stores and for others.

Join in support of this legislation. It is a bipartisan bill, and I urge its adoption.

Mr. BARTON of Texas. Madam Speaker, can I inquire as to the time on each side that is remaining, please.

The SPEAKER pro tempore. The gentleman from Texas controls 12 minutes, and the gentleman from New Jersey controls 9½ minutes.

Mr. BARTON of Texas. Madam Speaker, I wish to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman from Texas.

Madam Speaker, during my tenure in Congress, I have consistently opposed granting the Food and Drug Administration the authority to regulate tobacco. As I have stated on many occasions, I believe allowing the FDA to regulate tobacco in any capacity would inevitably lead to the FDA's regulating the family farm.

□ 1630

Let's be candid, Madam Speaker; should the FDA spend its time regulating tobacco on the farm and in manufacturing facilities, despite warnings on cigarette labels which alert consumers to their danger, or should it focus on the core mission of ensuring the safety and soundness of our food, drugs and cosmetics?

I also have concerns with the impact this legislation would have upon tobacco manufacturers and their employees. These companies employ many hardworking, diligent working North Carolinians, and I believe the FDA regulation of tobacco would negatively affect these manufacturing jobs.

Finally, Madam Speaker, taxing tobacco companies to fund additional regulation and avoid PAYGO problems is ill-conceived and will create an incentive, in my opinion, for black market activity such as counterfeiting and smuggling.

Madam Speaker, this legislation is misguided and, in my opinion, will not achieve the goals identified by proponents. Indeed, I believe it will further exacerbate an already stretched FDA, negatively impact manufacturers and farmers, and create a strain on Federal revenues to the Treasury. I adamantly oppose the measure and urge my colleagues to do the same.

Madam Speaker, tobacco is a product that is lawfully grown, lawfully marketed, lawfully manufactured and lawfully consumed. We don't need the FDA inserting its oars into these waters.

Mr. PALLONE. Madam Speaker, I would like to recognize the gentlewoman from the Virgin Islands, but I do have to remark that it is wonderful to see our colleague, BOBBY RUSH from Illinois, back here today. Thank you for being with us today.

I yield 1 minute to the gentlewoman from the Virgin Islands.

Mrs. CHRISTENSEN. Madam Speaker, first I want to thank Chairman DINGELL, Chairman PALLONE and Chairman WAXMAN for your leadership and for working with us on the CBC to address some of our concerns about the bill.

Colleagues, we've heard and read of all the methods and additives tobacco companies have allegedly used to target young people and communities, particularly African Americans and Hispanics, as well as to increase the likelihood of addiction. We also know that tobacco is the leading cause of death in this country, with or without menthol.

I rise in strong support of H.R. 1108 because we will finally end these practices and put in place the strongest standard for product regulation ever, as well as a mechanism for funding to support research and enforcement.

Madam Speaker, this bill does not contain everything that all of us wanted, but it is supported by the public health community because it is the important first step we must take in order to get to the point where products like menthol, that we believe may injure the health of minorities and others, will no longer be available.

I urge all of my colleagues to vote ''aye'' and the President to sign this bill so that we can move forward, after long years of trying, to finally protect the health of our constituents. And I will place in the RECORD a statement by the CBC.

We, the undersigned members of the Congressional Black Caucus, issue the following statement:

Recognizing the difficulty in getting a bill which would garner the sufficient votes in the House and Senate for passage, we the members of the Congressional Black Caucus stand firmly with the Public Health Community in support of:

The strongest standard for product regulation ever given to the FDA (stronger than food, drugs or medical devices);

Barriers to and serious consequences for those who try to market and sell to children;

The banning of additives used to manufacture flavored cigarettes, which are marketed to children and which are used to get children of ALL racial and ethnic backgrounds addicted to cigarettes in the first place;

A faster track for the development of smoking cessation and nicotine-replacement therapies; and

The authority for greater regulation—including of menthol—in the future.

And the other provisions of H.R. 1108.

Taking into consideration the disproportionate rates of cancer in the African-American community and the high use of menthol in our community, and given the fact that an attempt to ban menthol has already been offered and failed, we feel that this important first step which gives the authority to the Secretary to ban menthol and speeds up the research recommendations and report of the Scientific Advisory committee, is worthy of our support.

The Congressional Black Caucus has a long history in promoting smoking cessation programs in our community and will continue to make this a priority both as a Caucus and through partnership with the Congressional Black Caucus Foundation.

Our objective has been and will always be the well-being of the African-American community, other communities of color and all Americans. With our support for H.R. 1108 we continue this proud tradition.

Banning menthol and regulating tobacco are priorities for the CBC. We are pleased with the leadership role we assumed to accomplish both because this bill, which regulates tobacco, also represents a giant first step toward the elimination of menthol.

Mr. BARTON of Texas. Madam Speaker, I wish to recognize a distinguished Member from the great State of North Carolina, a great former professional quarterback, member of the Democratic baseball team, Mr. SHULER, for 1 minute.

Mr. SHULER. I thank the gentleman from Texas.

Madam Speaker, I rise in strong opposition of this legislation. I don't smoke, and I never have. I'm a father of two small children. You won't find a bigger opponent of tobacco use in this Congress.

I have a great deal of respect for Chairmen WAXMAN, DINGELL and PALLONE. I respect their hard work, and I share the dedication they have to reducing smoking, especially among teenagers. But giving FDA approval to tobacco is not the answer.

The FDA Commissioner testified that he has ''serious concerns that this bill will undermine the public health role of FDA.'' And the FDA Science Board said that ''FDA's inability to keep up with scientific advancements means that American lives are at risk.''

The FDA is dangerously overworked. Recently, the FDA shut down the entire domestic tomato industry. We've had listeria in frozen strawberries, E. coli in spinach and lettuce.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I give the gentleman an additional 1 minute.

Mr. SHULER. Salmonella in peanut butter, and poison in pet foods.

Now, I have a lot of respect for the men and women who work at the FDA, but I clearly feel that they are overworked and overburdened and have so much on their plate. We should listen to the people that are working at the FDA. We should not pile more work upon them. This bill is hazardous to your health, whether you smoke or not.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, I rise in strong support of H.R. 1108. This bill is about bringing smoking prevention and cessation efforts into the 21st century.

We have known for a long time about the health dangers—in fact, the life-threatening dangers—posed by tobacco use. Nobody uses tobacco because they think it's good for their health. What this bill does is to take the necessary steps which will most effectively help people quit, and most importantly, help them never to begin.

One of the ways that goal is accomplished through this legislation is by

giving greater authority to the Food and Drug Administration to regulate the advertising and marketing of tobacco products. By prohibiting the targeted marketing of tobacco products to children, we can help prevent countless young people from falling prey to deceptive advertising, the kind that describes smoking with the same adjectives used to describe candy and perfume, with the many enticing qualities.

Now, some of the bill's opponents may try to say the FDA is ill-equipped to do this. I just want to remind my colleagues that this bill provides the FDA new resources to handle tobacco regulation, and it's based upon a plan the agency itself devised over a decade ago.

I want to thank many colleagues who have worked tirelessly over years to bring us to this moment on this floor. I want to thank Mr. WAXMAN for his tireless leadership. I want to thank the leadership of our committee, Mr. PALLONE, and most particularly our esteemed chairman, for whom this day will mark a very special moment and milestone.

I urge all of my colleagues in this House to vote in favor of H.R. 1108.

Mr. BARTON of Texas. I yield 1 minute to the distinguished deputy whip from the great State of Virginia (Mr. CANTOR).

Mr. CANTOR. I want to thank the gentleman from Texas.

I also want to thank the gentleman from California, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Michigan (Mr. DINGELL) for their cooperation with me and my office on this bill.

As our minority leader said, the scientific community as well as the general public is pretty well steeped in the dangers of smoking. I think all of us can agree it's a legitimate public policy to want to reduce the rate of smoking with our children. This bill, though, in addition to doing some of that, some of the aim behind it is to allow for it to pave the way and in fact to encourage legitimate attempts to make tobacco and tobacco products less harmful. The net result to all of us will be to increase the health outlook for consumers of tobacco and its products.

This bill is particularly meaningful to my district, as there are over 6,000 direct jobs related to the tobacco manufacturing. And there has been significant investment in my district and in the area from where I come made towards the research and development on how we make this product less harmful.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, I applaud my chairman, the bill's sponsors, and the bill's many supporters on a bipartisan basis for bringing such important legislation to the House floor today.

Madam Speaker, this bill is personal for me. Both of my parents are part of the statistics; both of them died from lung cancer from smoking.

As a mother of four and a grandmother of three so far, I am relentless in urging that they and everyone else's kids and grandkids not acquire this horrible addiction.

In California, 138,000 children try a cigarette for the first time each year, and more than one-third of them become regular daily smokers. Some will die as my parents did, slowly and painfully. In my mother's case, though she knew of her dire health prognosis, she never quit smoking.

I think this bill sets the right balance. It's probably as much as we can get through Congress—if we can get it through—at this time, though I would support more and will support more in the future.

The bill reinstates an FDA rule that restricts tobacco marketing and sales to children. In today's consumer culture, children are most vulnerable to attractive marketing campaigns. Tobacco's campaign has been very successful.

The bottom line is we need to put a stop on creating new tobacco users. The bill also requires enhanced labeling of health warnings on product packaging. More effective labeling will better educate the public on the dangerous consequences of tobacco. Given the state of our economy, it is foolhardy to load on health costs that we know—as even the bill's opponents have said—come from those addicted to smoking.

California spends almost $10 billion treating tobacco-related diseases each year. This is critical funding that we need elsewhere.

With the passage of the legislation today, we can prevent this. I urge an ''aye'' vote.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the gentlelady from the committee, Mrs. BLACKBURN of Tennessee.

Mrs. BLACKBURN. Madam Speaker, I rise today in opposition to the bill. And I will tell you, I have great respect for the chairman and the author of the bill, but I respectfully disagree with them on this issue.

I've also served as an active volunteer with the Lung Association and with the Cancer Society and have worked diligently to stop teen smoking, but I disagree with the approach that is being taken here today.

Rather than forcing the ill-equipped FDA to regulate tobacco products, Congress should strengthen existing programs to prevent illegal tobacco use. And now the gentleman from Texas mentioned the Synar program. And I have had a piece of legislation, H.R. 5513, the Stop Adolescent Smoking Without Excessive Bureaucracy Act, that is a better solution and I think a better approach. It strengthens the existing work that the States and localities are doing to reduce underage tobacco use. It is an effective existing program.

My bill directly impacts youth access to tobacco products, which gets to the very root of the public health crisis that is brought about by the addiction of tobacco.

According to a recent Zogby poll, a majority of Americans, 82 percent, believe FDA control of tobacco would conflict with their core mission to secure the Nation's food and drug supply. And Madam Speaker, at a time when people are concerned about imported and domestic food, imported and domestic drugs, medical devices, and more, it is important that the FDA focus on that mission.

Consumers believe FDA product approval equals safety. And here we are talking about moving FDA control of tobacco and tobacco products and giving that the FDA seal of approval. I think that is a step we do not want to take.

Mr. PALLONE. Madam Speaker, I yield 30 seconds to the gentleman from California.

Mr. WAXMAN. I don't want anybody to be misled. The FDA will not give a seal of approval to any tobacco product they cannot in any way claim is safe or effective. So I think that the last statement that was made by the gentlelady is an incorrect one, and I wanted to correct that point.

Mr. BARTON of Texas. Madam Speaker, I yield for the purpose of unanimous consent to the distinguished gentleman from Connecticut.

(Mr. SHAYS asked and was given permission to revise and extend his remarks.)

Mr. SHAYS. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this legislation.

I rise in support of H.R. 1108, the Family Smoking Prevention and Tobacco Control Act.

I appreciate the willingness of MR. WAXMAN to incorporate changes and address concerns that were raised about the bill as it was initially introduced, and for the work both he and Mr. DAVIS have done to bring this bill to the floor today.

The simple fact is our society as a whole is negatively impacted by smoking, and more needs to be done to curb smoking among our youth.

Bringing tobacco under the authority of the FDA will help ensure the laws on our books are enforced and will help ensure information about the dangers of smoking is adequately disseminated.

In the past, I have opposed FDA regulation of tobacco, believing that oversight should be conducted instead by an agency such as the Substance Abuse and Mental Health Services Administration (SAMSHA).

The FDA already has too many products under its jurisdiction and has trouble responding in a timely and effective manner as a result.

I have always believed, however, that tobacco should be regulated, and with the support of a diverse group of organizations, H.R. 1108 has a real opportunity to become law and the potential to significantly limit the damaging effects smoking has on our society. I urge its adoption.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished gentleman from Coppell, Texas and Flower Mound, Texas (Mr. MARCHANT).

Mr. MARCHANT. Madam Speaker, I am disappointed—and the people of the 24th District of Texas are disappointed—by the continued misuse and abuse of the suspension calendar. Once again, Democrats bring to the floor a bill that prohibits Members from offering amendments. This comes at a time when we could be working on a comprehensive energy bill that would do far more to benefit the American people.

Energy should have been our highest priority this summer, but instead I'm afraid that Congress will leave for a five-week recess without considering real solutions to the energy crisis.

□ 1645

When is the Democratic leadership going to put the concerns of the American people before their desire to placate the radical environmentalists?

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, I rise today to thank my intrepid chairman, Mr. DINGELL, and also Mr. WAXMAN, for their unfailing commitment to the public health of Americans. This bill is a good bill. When I first came to Congress, now 12 years ago, it seemed to be a bill far outside our reach.

We had a number of hearings in those days, in which the tobacco manufacturers denied even that tobacco was addictive. To come from there to here is truly an extraordinary achievement, and I think we all agree that tobacco should be regulated by the FDA.

One concern I still have in this bill is tobacco is illegal now for people under the age of 21. We all have seen through testimony throughout the years that the people who get addicted to tobacco tend to do so at an early age, and tobacco manufacturers have targeted young people consistently.

I'm afraid that if the manufacturers say that they are targeting only adults, that what will happen will be they in fact will target young people, who will become addicted. That is why I was very pleased to include a provision in this law that directs the Secretary of Health and Human Services to conduct a study on the public health implications of raising the minimum age to purchase tobacco products. This report will be in to us within 5 years and we can see if there's more that we can do to protect our vulnerable young people from becoming the targets of advertising an improper addiction to tobacco.

Madam Speaker, this truly is a great day for the health of Americans. I want to commend my chairman again.

Mr. BARTON of Texas. Madam Speaker, I have no other speakers other than my close. I am going to reserve the balance of my time at this time.

Mr. PALLONE. Madam Speaker, I yield now 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague, Mr. PALLONE, for his leadership, and Chairman DINGELL and the Energy and Commerce committee, Mr. WAXMAN, and so many others, who have brought this legislation to the floor, finally, after so many years and so many battles. This is a very important day for the American people.

The Food and Drug Administration, as we know, has the power to regulate and oversee all sorts of products that are sold today; many that are not addictive. Yet we have always had this big hole in that regulatory authority when it came to very addictive products of nicotine and the tobacco products.

On those issues, the FDA has been sidelined, and the result is the big tobacco companies have taken advantage of that opportunity and exploited it and they have marketed these tobacco products to generation after generation of young people through flavored cigarettes and tobacco products and on all sort of things. In fact, when you think about it, they have got to do that. In order to continue to make a profit, they have got to continue to hook one generation after another.

It's great that we are finally gathered here today to say to the FDA: You do have authority over this very important area. Let's make sure that future generations of young people do not get addicted. This has a huge cost to our society, obviously in dollars, but even more importantly, the people who die every year as a result of this. We have an opportunity today to begin to put an end to that cycle.

I am very proud that in our State of Maryland we have made progress on this on a State basis. We have tried to increase the tobacco tax to reduce tobacco use among young people and use those proceeds for health purposes. But you can't have every State fighting alone to have a successful national program. You need one entity that has this power to help protect the American people, especially the young people of this country.

I thank the committee for its leadership.

Mr. BARTON of Texas. Madam Speaker, I would assume the majority has got the right to close, so I am just reserving until they are ready to close.

Mr. PALLONE. I have no remaining speakers, Madam Speaker. How much time remains on this side?

The SPEAKER pro tempore. Thirty seconds.

Mr. PALLONE. I will reserve the 30 seconds.

Mr. BARTON of Texas. Don't I have 4 minutes?

The SPEAKER pro tempore. The gentleman from Texas controls 4½ minutes.

Mr. BARTON of Texas. I would be happy to yield a minute and a half of my time to the majority so that they have 2 minutes and I have 2½ minutes, if that would help.

Mr. PALLONE. Let me thank the ranking member of the full committee for the time. I have no remaining speakers, and will reserve the balance of my time to close, Madam Speaker.

Mr. BARTON of Texas. I am going to recognize myself for the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 2½ minutes.

Mr. BARTON of Texas. I want to point out a couple of things. This bill does not ban tobacco. Most of the rhetoric on the other side has, rightfully so, been about the evils of tobacco. But the bill before us doesn't ban tobacco. In truth, what the bill before us does is allocate market share of the existing marketers of tobacco in the United States. It also sets up a huge regulatory machine at FDA, where the Food and Drug Administration literally has to go into every convenience store apparently in America and make sure that certain displays are at a certain eye level and all this kind of thing.

It bans, as I understand it, flavored cigarettes, except for menthol, in which it requires a study of menthol cigarettes to be reported by a date certain, which I think is 1 year. And then, in order to pay for this huge new bureaucracy that has to be created for the tobacco police, it sets up some sort of a gimmick in the Tax Code for people to choose between a thrift savings account and a Roth IRA. If you invest in a Roth IRA, you pay taxes before you put the money in the account. If you decide to invest in a thrift savings account, you don't have to pay taxes until you take the money out of the account.

Somehow, and we don't know much about this because we only got the bill with this section about 3 hours ago, there's something in there that they think scores about $2 billion over 10 years because more people will opt to take the Roth IRA, where they pay taxes up front.

Last, but not least, Madam Speaker, it sets up some sort of a records inspection for the Secretary of HHS to go in and look at the records to make sure that tobacco products are not smuggled or counterfeited unless those tobacco products are sold on Indian lands, in which case the Indian tribe has the right to opt out of that, which I think is going to set up a huge loophole because my guess is that the Indian tribes, not being foolish, are going to obviously opt out of Federal regulation of this inspection program.

In short, this is a bill that, while noble in intent, is very flawed in implementation. It shouldn't be on the suspension calendar. It shouldn't have come up only 3 hours before it's debated.

We should vote this bill down. If you really want to do something about tobacco products, let it go through the

regular process. I would urge a ''no'' vote on the pending legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for the remaining 2 minutes.

Mr. PALLONE. Thank you, Madam Speaker.

I just want to stress in closing that this really is a bipartisan bill that is supported overwhelmingly by both sides of the aisle. I have had the opportunity under the auspices of Tobacco-Free Kids, which is one of the big supporters of this bill, to go to an elementary school in my district one day recently. And I found out that the kids there were all from fifth grade down. It was incredible to me to realize that some of them had already started to smoke and they were very much unaware of the fact of the dangers of tobacco.

That was really a revelation for me that day, to realize that there are a lot of children at a very young age that start smoking that are unaware of the dangers, even with all the declarations and disclaimers that are out there.

So I really think that this legislation that we are passing today is for the kids. It for those children who will stop or never, hopefully, have the opportunity or think about smoking because they will realize how dangerous it is because it's now regulated by the FDA.

I just want to thank Mr. WAXMAN; I know he has worked for many years on this, and Mr. DINGELL and so many on both sides of the aisle because I think they recognize while it may be true that a lot of adults know what they are doing when they smoke, and they do it regardless of the health impact, that really what we need to address are those kids that start smoking at a young age, that become addicted, that are not aware of the perils, and then later just simply can't stop.

So I would urge all of my colleagues. This is a very historic day. This is a very important piece of legislation. Let's pass it overwhelmingly today on a bipartisan basis.

Mr. LEVIN. Madam Speaker, I rise in strong support of H.R. 1108, the Smoking Prevention and Tobacco Control Act. I urge the House to vote in favor of this legislation, which takes critical steps to protect the public, especially minors, from the dangers of tobacco use.

According to the American Heart Association, cigarette use is the number one preventable cause of poor health and premature death worldwide. It is estimated that smoking causes one in five deaths in the United States, or approximately 400,000 premature deaths per year.

Despite laws in every state prohibiting the sale of cigarettes to minors, the U.S. Surgeon General estimates that young people ages 12 to 17 continue to purchase and smoke millions of packs of cigarettes each year. H.R. 1108 contains a number of strong provisions to protect young people from tobacco advertising and access to tobacco products. The bill requires the Food and Drug Administration to ban outdoor tobacco advertising within 1,000 feet of schools and playgrounds, restrict tobacco vending machines to adult-only facilities, require retailers to verify age for all over-the-counter tobacco sales, and mandate Federal enforcement and penalties for those who sell tobacco products to minors.

The Family Smoking Prevention and Tobacco Control Act also includes provisions to ensure that tobacco advertising is not misleading to consumers. In the past, tobacco companies have been allowed to use such terms as ''light,'' ''mild,'' and ''low'' without proving that products labeled with these words were less dangerous to health than generic equivalents. This bill requires tobacco manufacturers to prove that products actually impart reduced risk or reduced exposure to users before employing terms that imply these safeguards.

In addition, H.R. 1108 contains vital provisions that aim to reduce the harmful health effects of tobacco products for adults who do decide to use them. The bill allows the Food and Drug Administration to regulate the contents of cigarettes and other tobacco products. This authority is of paramount importance. Over 4,000 chemicals, including 60 carcinogens, have been identified in tobacco smoke. It is unlikely that tobacco will ever be an inherently safe product. But allowing the Food and Drug Administration to regulate the chemical additives to cigarettes and smokeless tobacco will help to reduce the health dangers of these products to the extent possible.

Passage of H.R. 1108 is an essential step forward in promoting the health of all Americans. Let's pass this important legislation.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of H.R. 1108, the Family Smoking Prevention and Tobacco Control Act. This bill is a pioneering step forward in a decades-long struggle to safeguard the health of our citizens by ensuring that tobacco products are properly regulated. I am proud that the House of Representatives is taking this historic action on such an important public health issue.

The dangers of tobacco products are no secret. According to the Centers for Disease Control and Prevention (CDC), the adverse health effects from cigarette smoking account for an estimated 438,000 deaths, or nearly 1 out of every 5 deaths, each year in the United States. Additionally, a report released by the National Cancer Institute states that smokeless tobacco contains 28 cancer causing agents. Despite these and a multitude of other troubling revelations, the tobacco industry has remained virtually outside the realm of transparency or oversight. This groundbreaking measure will empower the Food and Drug Administration (FDA) with meaningful authority to regulate tobacco product content and marketing for the first time in our nation's history.

H.R. 1108 authorizes the FDA to restrict the sale and distribution of tobacco products, including its advertising and promotion, particularly as it affects children. It requires tobacco companies to disclose the nicotine levels and chemical contents of their tobacco products, and mandates reporting on changes to the products and any research regarding their health effects. This legislation does not permit the removal of nicotine from tobacco; however, it will grant the FDA authority to eliminate harmful ingredients and additives, and reduce nicotine levels. It will also prohibit terms such as ''light,'' ''mild'' and ''low-tar'' that mislead consumers into believing that certain cigarettes are safer than others.

Tobacco is a drug with well known adverse health effects, and it should be regulated by the Food and Drug Administration like any other. This bill will provide the FDA with the necessary regulatory and oversight authority to address how tobacco products are manufactured, advertised, and marketed. Further, it will fund this authority with user fees to ensure that other efforts at the FDA are not compromised.

The CDC estimates that every day, approximately 4,000 youth try a cigarette for the first time, and another 1,000 will become new, regular daily smokers. One-third of these youth will eventually die prematurely as a result. At a time when our nation's health care system is already straining under the increased weight of chronic disease, this Congress must take action to directly address the dangers of tobacco. To that end, I remain ready to work with my colleagues on this important issue and urge that they support the Family Smoking Prevention and Tobacco Control Act.

Ms. SCHAKOWSKY. Madam Speaker, I am a strong supporter and cosponsor of H.R. 1108, the Family Smoking Prevention and Tobacco Control Act, and I urge my colleagues to join me in voting for it today. I also want to commend and thank Congressman WAXMAN for introducing this important legislation that will significantly improve public health by strengthening the regulation of tobacco products.

There are over 44 million smokers in the United States and over 435,000 tobacco-related deaths each year. In Illinois alone, 24.3 percent of adults and 29.2 percent of youths smoke tobacco. Each year in Illinois, more than 16,000 people die from smoking-related illnesses, including 2,900 adults and children who die of second-hand smoke. In addition, $3.2 billion is spent in direct medical expenditures related to smoking in Illinois.

The tobacco industry spends $17 million a day to promote their products. Their targets are often teens, women and minorities. The average age when an individual becomes a daily smoker is 14.5 years. Every day, more than 4000 kids try their first cigarette and about half become addicted to tobacco. Nicotine and other tobacco products have become a pediatric disease. H.R. 1108 would help prevent these potentially deadly products from getting into the hands of children and youth.

This legislation would give the Food and Drug Administration (FDA) the power to regulate the manufacture, distribution and sale of tobacco products, authorities needed to safeguard the public health and our children. In addition, H.R. 1108 would lessen the cost of smoking-related medical illnesses and prevent adolescents and teens from smoking at a young age. The fact that the tobacco industry is now advertising a new generation of products with unproven claims that they are less harmful makes the need for FDA oversight even more urgent.

I am very proud that the State of Illinois has already taken measures to curb the effects of smoking on the public. I also appreciate the efforts that the Illinois Academy of Family Physicians have taken to educate the public and Congress about the dangers of smoking. Already, the Academy's ''Tar Wars'' campaign has had clear and successful results. I see it in the drawing of Alexandra Slane, an elementary school grader from Peoria, who won the Illinois Tar Wars annual poster contest. Her

drawing of a human-shaped light bulb is captioned with a warning to America, "Be Bright Don't Light!" Let us all be bright—let us pass H.R. 1108 and act to improve the Nation's health.

Mr. DINGELL. Madam Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 18, 2008.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN DINGELL: This is to advise you that, as a result of your working with us to make appropriate revisions to provisions in H.R. 1108, the ''Family Smoking Prevention and Tobacco Control Act,'' that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing further consideration of H.R. 1108 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 19, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1108, the ''Family Smoking Prevention and Tobacco Control Act''. The letter noted that certain provisions of the bill are within the jurisdiction of the Committee on the Judiciary under rule X of the Rules of the House.

The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on the Judiciary in those provisions, and we appreciate your input on drafting issues related to those provisions. We further appreciate your agreement to forgo action on the bill, and I concur that the agreement does not in any way prejudice the Committee on the Judiciary with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I will include our letters in the Congressional Record during consideration of the bill on the House floor. Again, I appreciate your cooperation regarding this important legislation.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 24, 2008.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN DINGELL: I am writing to confirm our understanding on H.R. 1108, the ''Family Smoking Prevention and Tobacco Control Act.'' The report (110–762) on the bill was recently filed by the Committee on Energy and Commerce. As you are aware, the Committee on Ways and Means believes that the amount of money raised by the assessment of the user fee in H.R. 1108 is more than the amount of money being made available to the Secretary of Health and Human Services (HHS) for the regulation of tobacco.

The version of H.R. 1108 recommended by the Committee on Energy and Commerce contains two sets of funding numbers, one set is the number raised by the user fee (the assessment) and the second number is the amount available to the Secretary of Health and Human Services for administering the regulation of tobacco. Clearly, the amount of money raised via the assessment in Section 920, 4(c)(1), is greater than the amount being made available for the regulated activity in Section 920 (b)(2).

The Committee on Ways and Means believes that this violates both the Speaker's guidelines of January 3, 1991 on the treatment of user fees and taxes under clause 5(a) of Rule XXI, which provides that the money raised by a user fee should be used solely for the regulatory activity and raises revenue generally, a matter within the jurisdiction of the Committee on Ways and Means under Rule X.

The extra money being raised is above the funding being made available to the FDA for tobacco regulation and, since the bill forbids the funds from being spent on anything other than tobacco regulation, would in fact revert back to the general fund of the U.S. Treasury. The version of the bill recommended by the Committee on Energy and Commerce would then be financing the costs of government generally, which is clearly the jurisdiction of the Committee on Ways and Means.

My staff on the Committee on Ways and Means has been in contact with your staff, and there is an understanding that you agree that the bill will not come to the Floor in its current form, but rather that there will be an Amendment in the Nature of a Substitute that will be submitted to the Committee on Rules that removes the 6% add-on from the underlying user fee, and replaces it in a way that does not negatively impact the jurisdiction of the Committee on Ways and Means.

In addition to the funding issue, H.R. 1108 includes a prohibition against the use of clove to create a characterizing flavor in cigarettes. The Committee on Ways and Means believes this provision to be within its jurisdiction because all clove-flavored cigarettes currently sold in the United States are imported. I understand that you recognize our jurisdictional interest in this question, given its effects on trade and customs revenues.

As part of our ongoing understanding regarding H.R. 1108, the Committee on Ways and Means has agreed to forgo any action on this bill as long as our jurisdictional prerogatives are being respected. This is being done with the understanding that it does not in any way prejudice the Committee with respect to any further jurisdictional questions on similar legislation in the future.

In addition, if a House-Senate conference is convened on H.R. 1108 or similar legislation, the Committee on Ways and Means understands that you will support my request for an appropriate number of Conferees to enable the Committee on Ways and Means to protect its jurisdictional interests on substantive issues.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1108, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 25, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN RANGEL: I write regarding H.R. 1108, the Family Smoking Prevention and Tobacco Control Act. Thank you for your letter to me in which you expressed the jurisdictional interest of the Committee on Ways and Means in certain provisions of the reported bill.

The bill provides for the regulation of tobacco products by the Food and Drug Administration (FDA). The Congressional Budget Office estimates that regulatory activities under the bill would curtail the consumption of tobacco products, thus reducing Federal revenues by a net amount of approximately $364 million over a 10 year period.

The bill reported by the Committee on Energy and Commerce contains a program under which the tobacco industry pays user fees. The bill pays for its $364 million net cost by proportionally increasing the user fee. In other words, the reported bill complies with Pay-As-You-Go requirements by charging the tobacco industry the additional cost of the legislation. This additional charge increases the user fee by approximately 6 percent.

This 6 percent add-on is not available to FDA, but rather is deposited in the general fund of the Treasury. I acknowledge that the Committee on Ways and Means has jurisdiction over the provisions of the bill that concern the 6 percent add-on. I appreciate that the Committee on Ways and Means did not exercise its right to a sequential referral of the bill regarding the add-on, and you have my commitment that the version of the bill the Committee on Energy and Commerce prepares for the House floor will not include any add-on to the user fees for the purpose of meeting Pay-As-You-Go requirements.

You also have expressed concerns about the provision in the bill that prohibits the use of clove to create a characterizing flavor in cigarettes. I acknowledge your concerns and understand that the Committee on Ways and Means has jurisdiction over import bans because of the effects on trade and on customs revenues. The Committee on Ways and Means did not seek a sequential referral of the bill on the basis of the clove provision. Again, I appreciate your cooperation.

I agree that the decision to forgo a sequential referral of the bill does not in any way prejudice the Committee on Ways and Means with respect to any further jurisdictional questions on similar legislation in the future or with respect to the appointment of conferees. If a House-Senate conference is convened on H.R. 1108 or similar legislation, I would support a request by the Committee on Ways and Means for an appropriate number of conferees with respect to provisions within its jurisdiction.

Per your request, I will include copies of our exchange of letters on these matters in the Congressional Record. I appreciate your cooperative attitude regarding the intent of the Committee on Energy and Commerce to consider this landmark public health legislation on the House floor expeditiously.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 30, 2008.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on changes to H.R. 1108, the Family Smoking Prevention and Tobacco Control Act, regarding provisions in the bill dealing with Indian tribes which are within the jurisdiction of the Committee on Natural Resources.

Because of the cooperation and consideration that you have afforded me and my staff in developing these changes to the bill, I did not insist on a sequential referral of H.R. 1108 even though the legislation included language within the jurisdiction of the Committee on Natural Resources. Of course, this waiver does not prejudice any existing or future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

I would ask that you place this letter into the Congressional Record during consideration of the measure on the House floor.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 30, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I write regarding H.R. 1108, the Family Smoking Prevention and Tobacco Control Act. The bill provides for the regulation of tobacco products by the Food and Drug Administration (FDA).

The bill reported by the Committee on Energy and Commerce requires the the Secretary of Health and Human Services to ensure that the provisions of the bill, the amendments made by the bill, and the implementing regulations are enforced with respect to the United States and Indian tribes. I acknowledge the jurisdictional interest of the Committee on Natural Resources in this requirement as it relates to Indian tribes, and I appreciate that the Committee did not exercise its right to a sequential referral of the bill.

I agree with you that the decision to forgo a sequential referral of the bill does not in any way prejudice the Committee on Natural Resources with respect to its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future.

I will include this letter in the Congressional Record during consideration of the bill on the House floor. I appreciate your cooperative attitude regarding this landmark public health legislation.

Sincerely,

JOHN D. DINGELL,
Chairman.

Mr. STARK. Madam Speaker, tobacco use is the Nation's leading cause of preventable death, and, without aggressive help from Congress, will continue to be in the foreseeable future. That is why I rise today in strong support of the family Smoking Prevention and Tobacco Control Act, a bill that will give the FDA extensive new authority to regulate tobacco products.

I am alarmed by CDC reports that state that 8.6 million Americans have a serious illness caused by smoking, and that close to 440,000 people in the United States die prematurely from either smoking or contact with secondhand smoke. However, I am particularly shocked by statistics that demonstrate that smoking rates among high school students stayed the same from 2003–2007. With all the awareness campaigns targeted toward youth, this rate should have dropped. These statistics are unacceptable, and it is clear that Congress needs to step in.

The Family Smoking Prevention and Tobacco Control Act allows the FDA, among other things, to restrict tobacco advertising and promotions to children, force manufacturers to obtain approval before making reduced-risk product claims, form standards to reduce or eliminate toxic chemicals within tobacco products, and recall unreasonably harmful tobacco products. This piece of legislation is a long sought after bipartisan compromise.

I trust that my colleagues will join me in supporting this bill. Tobacco does not just affect individuals who smoke; it affects our children's futures and the economic prospects of our Nation. Each year because of tobacco use we lose more than $96 billion in medical costs and $97 billion as a consequence of lost productivity. It's time for us to stamp out this burning cigarette, and voting for the Family Smoking Prevention and Tobacco Control Act will be the first step.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 1108, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONFERENCE REPORT ON H.R. 4040, CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

Mr. DINGELL. Madam Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of July 29, 2008 at page H7194.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Madam Speaker, I ask unanimous consent that the debate on this motion be extended by 10 minutes on each side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, it is with a great deal of pride and pleasure that I bring before the House a strong bipartisan bill that will protect the American public from unsafe consumer products. I have some kudos for my colleagues. I want to commend the chairman of the subcommittee, my dear friend, Mr. RUSH, for his outstanding leadership in the handling of this legislation. I also want to praise my dear friend, the ranking member of the full committee, Mr. BARTON, and all of the House conferees who served so well in working out a difficult bill. Working with them has been a privilege and a pleasure.

The House passed H.R. 4040 without a dissenting vote in December of last year, and the House followed with its amendment in March of this year. The resulting conference report represents the most significant overhaul of U.S. consumer product safety laws since the creation of the Consumer Product Safety Commission some 40 years ago under the sponsorship of myself and my dear friend from California, John Moss.

Under H.R. 4040, the CPSC will receive substantial funding and staff increases, greater laboratory and computer resources, and a stronger statutory mandate going forward. Industry-sponsored travel by CPSC commissioners and staff will be banned. The presence of lead and dangerous phthalates in toys and other products of children up to age 12 will be banned.

CPSC will be required to establish a publicly accessible data base to help consumers report and learn about deaths and serious injuries caused by consumer products. Toys and other children's products will be subject to premarket testing by certified laboratories.

□ 1700

The conference agreement also strengthens protections against the import and the export of dangerous products and enhances the tools for removing recalled products from store shelves.

To deter wrongdoing, it takes a number of important steps. It increases the

civil and criminal penalties to be sought by CPSC. It authorizes injunctive enforcement of Federal law by State attorneys general. It preserves State common law remedies and California's Proposition 65. It provides important protections for private sector whistleblowers.

I want to conclude by pointing out that this is a bipartisan bill and that it was not only the work of my Republican colleagues, but also my Democratic colleagues. I also want to point out that there was splendid work done by my good friend, Mr. BARTON, in his leadership in this matter.

The Republican staff and the Democratic staff worked countless hours and did superb work. Brian McCullough, Will Carty and Shannon Weinberg on the Republican side; and the Democratic staff, Valerie Baron, Andrew Woelfling, Christian Fjeld and Judy Bailey did extraordinary work.

In particular, I want to commend my dear personal friend, Consuela Washington, for leading the staff in such a splendid fashion. From the financial markets to the store shelves, she has been working on legislation to protect consumers for nearly 29 years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINGELL. I yield myself an additional 30 seconds.

I am grateful for the extraordinary legislation our combined efforts have produced, of which this body and this Nation can indeed be proud. I urge the adoption of the legislation.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, first let me say how delighted I am to see my good friend BOBBY RUSH back on the floor. We have missed him, but in his recovery from his situation, he has been a strong conferee. He hasn't known how strong he has been, I am sure, but he has been a stalwart in bringing this conference report to the floor, and we are delighted he is on the floor to taste the fruits of victory, which is well deserved because of his leadership on this issue at the subcommittee and on the conference.

Madam Speaker, we have a rare thing before us. We have a conference report that has actually gone through the regular process. I want to commend my good friend, JOHN DINGELL of Michigan, the chairman of the Energy and Commerce Committee, for his extremely positive leadership on this issue.

I want to compliment all of the House conferees: Mr. WAXMAN, Ms. DEGETTE, Ms. SCHAKOWSKY and Mr. RUSH on the majority side, and Mr. WHITFIELD and Mr. STEARNS on the minority side. The House conferees, under Mr. DINGELL's leadership, have met numerous times at the principal level and uncounted times at the staff level.

The negotiations on this conference have not been easy. They have not been simplistic. They have been tense and hard-fought. On more than one occasion I have felt like getting up and walking away. I hate to admit it, with Mr. RUSH being a minister, but I have thought bad thoughts about some of the conferees. But having said that, the end product is worthy of support by everybody.

This conference report shows how the House of Representatives should work. We took an issue that is not an easy issue. Chairman DINGELL and Subcommittee Chairman RUSH had a legislative hearing. They had a subcommittee markup. We had a full committee markup. We brought a bill to the floor. We had a motion to recommit. Mr. DINGELL then got the House conferees together to make sure that we had a unified House position, and, when we couldn't, he kept bringing us together until we could. As has been pointed out, the leadership of the staffs on both sides have worked together.

Under the conference chairman's leadership, Senator INOUYE of Hawaii, the conference actually met. The Senate made proposals, the House responded, and vice a versa. The end result is a conference report that I believe every House conferee signed, and, as far as I know, every Senate conferee signed.

So that is a rarity, Madam Speaker, but the result is going to be a bill on the suspension calendar which for once deserves to be on the suspension calendar. I fully expect to get the same sort of vote on the conference report that we got on the House bill, and I believe the House bill, that passed something like 407–0 or 407–1, I am hopeful that this bill will pass with that same margin.

Now let me talk about what is actually in the bill. This is a strong bill. It gives the Consumer Product Safety Commission added authority to inspect and test children's toys. It creates for the first time a national laboratory that is headed by the Consumer Product Safety Commission. It gives States the right to set up independent laboratories in the State or to do third-party testing of products. It sets the toughest lead standards in the world for products that are going to be used by our children.

Because of Senator STEVENS' leadership in the other body, it bans three-wheel ATVs from the American market. These insidious products are products that have begun to creep back into the market after the lapse of the consent agreement between the industry and the Justice Department that this body helped negotiate when I was a junior Member 15 or 20 years ago. It requires a rulemaking for four-wheel ATVs.

On a chemical compound called phthalates, it outlaws three specific phthalates that there is adequate evidence that they might be harmful in children's products. It sets up a science-based study on three other phthalates that gives the CPSC the authority to also outlaw them if the science shows that they should be. But it does also require that there be real science, that we don't ban or outlaw products on no science or bad science. There has to be reputable science that is peer-reviewed.

I want to commend Mr. WAXMAN, who was one of the House conferees. He and I disagreed on a number of issues, but we also agreed that we should try to find compromise. And we did; the bill reflects that. One of the main reasons that we have a conference report is because Chairman WAXMAN was willing to compromise, and I want to compliment him for doing that.

I could go on and on, Madam Speaker, and I will during the course of the debate, but let me simply say that this bill represents the Congress at its best. It represents a tough issue where we used the process, where we gave everybody a voice. Chairman DINGELL has been exemplary in allowing the minority to participate and to provide input and ideas.

This is not the perfect bill that I would have had if I had been the only conferee. But it is a very, very good bill. It is a strong bill. It will protect America's children, it is worthy of support, and I hope that every Member this body votes in the affirmative for the bill later this afternoon.

Madam Speaker, with thanks, I want to reserve the balance of my time.

Mr. DINGELL. Madam Speaker, it is with a great deal of pleasure that I welcome back our good friend and colleague the Reverend RUSH from Illinois, and I yield to him, the author of this legislation, the chairman of the subcommittee, 5 minutes in support of the legislation.

Mr. RUSH. Madam Speaker, I certainly want to commend and thank my chairman of the full committee, Chairman JOHN DINGELL, for his extraordinary leadership in this Congress, particularly in the conference on this particular bill. I want to thank him for his long-standing friendship and for his preoccupation with the affairs of the American people. He is a man who deserves a lot of praise and honor.

Madam Speaker, today is a day unlike any other day. It is a joyous occasion, because this Congress has demonstrated to the American people that we are capable of reaching across the aisle in a bipartisan fashion to solve a major consumer crisis.

It is also a special day, because today marks my return to this Congress following an extended medical leave. With God's grace, with the support of skilled medical professionals at the University of Chicago Medical Center, I can stand here and announce to my colleagues, to my constituents and to the Nation that I no longer have cancer in my body.

Madam Speaker, before I directly address H.R. 4040, there are several people I would like to thank. First, I give all thanks to God for all of you, especially

for your prayers, as I bear witness that the prayers of the righteous avail much.

I want to give honor and thanks to my dear wife, Carolyn, and my family, who journeyed with me through the valley of the shadow of death.

I specifically would like to thank Speaker PELOSI, who called me several times to check on my well-being. I also again would like to thank JOHN DINGELL, who called many times. I would like to thank my colleague from Chicago, Congressman DANNY DAVIS, who showed his love and concern for my well-being. I would like to thank the chairman of the CBC, CAROLYN KILPATRICK, who called many times. Chairman CHARLES RANGEL wrote me numerous letters encouraging me. And I would like to thank my good friend from New York, ED TOWNS, for all of his indications of support and well-being. Lastly, I would like to thank Ms. CORRINE BROWN of Florida. All of these individuals were prominent and prolific in their concern and care for me and in their well wishes.

I am also grateful for the prayers and support of my constituents in the First Congressional District of Illinois, and a host of others throughout the U.S. and around the world. My standing here today is a testimony to your prayers and to God's grace.

So, Madam Speaker, I stand here today. After decades of neglect, this 110th Congress will soon pass landmark legislation that comprehensively overhauls and reforms our consumer product safety laws and revitalizes the beleaguered Consumer Product Safety Commission.

This conference report represents over a year's work. It represents careful, often painstaking negotiations between House and Senate Democrats and Republicans. It wasn't easy, but, in the end, conferees were willing to make smart compromises and bridge their many divides. Indeed, this conference report is the very definition of bicameral, bipartisan cooperation.

Madam Speaker, on May 15 of last year, I held my first hearing on toy safety in the subcommittee. Since then, the Energy and Commerce Committee unanimously reported to the House floor H.R. 4040, the Consumer Product Safety Modernization Act, and the House passed the bill 407–0.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINGELL. I yield the gentleman an additional 2 minutes.

Mr. RUSH. The gentleman thanks the gentleman for yielding.

Today's conference report draws on the strength of both the House and Senate-passed bills. It fundamentally strengthens the CPSC's regulatory authority and effectively bans lead and certain phthalates in children's products.

□ 1715

It creates a publicly accessible database on consumer products, mandates laboratory testing of all toys, provides whistleblower protection to private sector employees, improves cooperation between the CPSC and the U.S. Customs and Border Control, and empowers State Attorneys General with the injunctive authority to enforce Federal law. In sum, the conference report on H.R. 4040 weaves and deploys a wide safety net that will snare the dangerous consumer products before they enter the stream of commerce and into our homes.

Madam Speaker, I want to again thank my dear friend, Chairman JOHN DINGELL, for his unbelievable leadership during the conference. I also want to express my sincere gratitude to one of the finest members of this body, to the distinguished ranking member and former chairman, Mr. JOE BARTON of Texas, for his unwavering cooperation. Mr. BARTON, along with Mr. WHITFIELD and Mr. STEARNS, have shown a remarkable commitment to bipartisanship, and their willingness to compromise cannot be overstated. And the same can be said for the other House Democratic conferees, Mr. WAXMAN, Ms. DEGETTE, and the vice chair of the subcommittee, Ms. SCHAKOWSKY.

Madam Speaker, I also want to thank the staff of the CPSC for all of their hard work and dedication throughout this process. Lastly, I want to thank both the Democratic and Republican staff of the subcommittee. They put in long hours. I want to lift up Consuela Washington, Judith Bailey, Andrew Woelfling, Valerie Baron, and Christian Fjeld. I brag about the subcommittee staff. Madam Speaker, I have the best subcommittee staff in the House of Representatives.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to commend my good friend, Mr. RUSH, for his efforts; and I see that we have a distinguished visitor from the other body. We are glad to have Senator DURBIN on the floor.

With that, I want to yield 4 minutes to a distinguished member of the committee and a conferee, Mr. STEARNS of Florida.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. I address my colleague, Mr. RUSH, and say to him I am impressed with the courage and energy that you come down here, and we want to thank you today for taking that extra time. All of us obviously wish you well, and hope and pray and provide great love and friendship that the healing powers of the Lord Almighty will bring great restorative powers on you and you will be successful. We are inspired by you being here today. Obviously it has been fun working with you on this bill and others as the ranking member when you became chairman.

Madam Speaker, I rise in support of this legislation, and obviously I urge its immediate passage. As former chairman and ranking member of the Commerce, Trade, and Consumer Protection Subcommittee, I have been involved in these issues for many, many years. When I was chairman, we held numerous hearings and markups on a variety of issues, not just on toy safety and lead standards but also the Consumer Product Safety Commission itself. In addition, we held consumer protection hearings on privacy, on the Ford-Firestone tire safety, and consumer protection on the Internet, including spyware, data security, and ID theft. We compiled a long record on this subcommittee.

This bill is a culmination of many years of hard work and oversight. However, like many bills, this bill, H.R. 4040, is not entirely perfect, not all of it is exactly what we may have wanted, but it does go a long way to protect our children against harmful products. And that is the most important issue.

Over the last 2 years, my colleagues, we have seen numerous children's product and toy recalls rise dramatically. Many of these recalls were because of excessive amounts of lead in toys being imported from China. As if parents didn't have enough to worry about, they are now faced with another dilemma: Are the toys that they are buying their children safe today? That is a question they are asking. Today, with passage of this conference report, we will make sure that children are kept safe from hazardous products.

While many Members on both sides have focused mainly on the growing compliance shortfalls with toys that are manufactured outside the United States today, particularly in China, toys have not been the only problem over the past several years. As imports of every type of product have risen over the years, so have the number of problems that have been associated with these particular products. But the Consumer Product Safety Commission has done a fairly good job of meeting this daunting challenge.

As you can imagine, there are 15,000 different kinds of products. They have issued more recalls over the last 2 years than any other time in our history. I commend them for their diligent work in protecting the American people and their children. Despite this good work, we recognize the need to provide the Commission with additional resources, which we are doing today. We authorize significant increases in their budget so that the Commission can fulfill their mission to keep defective products that can cause injury, or worse, out of the stream of commerce today.

This bill is good public policy that not only provides the Commission with new resources but also provides for new standards regarding lead paint and implements the most stringent standard ever for lead content in children's products. This bill requires testing and certification of children's products before they are ever shipped to store shelves, and provides increased penalties for companies that violate the law.

New labeling requirements will help facilitate effective recalls, and the bill provides greater authority for the Commission to recall harmful products and notify the public of these dangers.

It is very important that they have this additional recall authority that is in this bill.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. BARTON of Texas. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. STEARNS. My colleagues, all of us on this conference committee and in the subcommittee have worked with the consumer groups, industry leaders, and the Commission itself to make this a bipartisan, sound bill that works effectively. I would like to commend the hard work of Chairman RUSH, Chairman DINGELL, Ranking Member BARTON, Ranking Member ED WHITFIELD, the Senate conferees, and all the committee staff that worked so tirelessly on this important legislation. It is a fact we have a bipartisan bill. It was bipartisan out of the subcommittee and the full Committee on Energy and Commerce.

There are things you can complain about Congress, but today you can commend Congress for working in such a bipartisan fashion to get a very important bill after these many, many years. It is a commendation both to Mr. DINGELL and Mr. BARTON. Through their differences and through the different members on the Senate conferees, they were able to work patiently, consistently, and persevere until we have this final product today.

I urge all my colleagues to support this critical bipartisan legislation, and I look forward to its implementation soon.

Mr. DINGELL. Madam Speaker, I want to thank my good friend from Florida (Mr. STEARNS). He was one of an outstanding group of conferees, as was Mr. BARTON and Mr. WHITFIELD. They deserve the thanks of this body; as also was Mr. RUSH, Ms. DEGETTE, and Ms. SCHAKOWSKY.

I now yield 3 minutes to the distinguished gentleman from California (Mr. WAXMAN) who was one of the able conferees who has brought us a fine bipartisan bill.

Mr. WAXMAN. Madam Speaker, I am pleased to rise in favor of this bill, which marks a great step forward in protecting our children and all Americans from unsafe products. I want to thank Chairman DINGELL, Chairman RUSH, Ranking Member BARTON, and all the other conferees for their hard work in moving this bill forward.

I believe this is an extremely strong bill. It provides critically needed new authorities, personnel, and resources for an agency that has grown all but defunct in recent years. I look forward to a day when we can all feel safer as a result of this legislation.

There are many important pieces in this bill, as others have noted—new lead limits, mandatory toy standards, third-party testing, a ban on phthalates, whistleblower protections, and much more. In all of these areas we have strengthened Federal law and provided for better national enforcement with respect to consumer products.

At the same time, I am pleased that we have preserved essential State authorities, which are an important tool in protecting consumers. State laws and State action were the catalyst for much of this bill, and it is important that we preserve their ability to take actions in the future whenever it is needed.

I would like to engage Chairman DINGELL in a colloquy to address the issue of preserving State warning requirements.

I am pleased that the bill protects State warning laws related to consumer products or substances, such as California's Proposition 65. The conference report clarifies that any warning laws in effect as of August 31, 2003 are not preempted by this Act or by the Federal Hazardous Substances Act. This important clarification effectively harmonizes the four statutes that are enforced by the Commission. Other laws enforced by the CPSC, including the Consumer Product Safety Act, clearly do not preempt or affect State warning requirements like Prop 65.

I want to make sure that we have corrected any ambiguity with this conference report and harmonized all the Commission's statutes on this point particularly, as well as the Federal Hazardous Substances Act.

I want to yield to Chairman DINGELL and ask, is it also your understanding that nothing in this legislation or any of the laws enforced by the Consumer Product Safety Commission will preempt or affect Prop 65 in any way?

Mr. DINGELL. I thank the gentleman for yielding. Yes, that is my understanding.

Mr. WAXMAN. I thank Chairman DINGELL. Again, I am pleased to support this bill today. I am going to submit a longer statement for the RECORD, but I want to commend all those who have been involved in bringing about legislation that Democrats and Republicans can support and state with good, clear conscience that it is a very important step forward for consumers.

I am pleased to speak in favor of this bill, which marks a great step forward in protecting our children and all Americans from unsafe products. I want to thank Chairman DINGELL, Chairman RUSH, Ranking Member BARTON, and all of the Conferees for their hard work in moving this bill.

I believe that this is an extremely strong bill. It provides critically needed new authorities, personnel, and resources for an Agency that has grown all but defunct in recent years. I look forward to a day when we can all feel safer as a result of this bill.

There are many important pieces of this bill, as others have noted—new lead limits, mandatory toy standards, third-party testing, a ban on phthalates, whistleblower protections, and much more. In all of these areas, we have strengthened Federal law and provided for better national enforcement with respect to consumer products.

At the same time, I am pleased that we have preserved essential state authorities, which are an essential tool in protecting consumers. State laws and state action were the catalyst for much of this bill, and it is important that we preserve their ability to take such action in the future, whenever it is needed.

One critical state law in this process was California's Proposition 65, which requires manufacturers to label any product that contains a known carcinogen or reproductive toxin. That law has played a unique role in protecting all Americans for decades, so it was important to me that we not interfere with it in this legislation.

I am therefore pleased that the conference report makes clear that any state warning laws like Prop 65 that were in effect as of August 31, 2003, are not preempted by this Act or by the Federal Hazardous Substances Act. This important clarification effectively harmonizes the four statutes that are enforced by the Commission. Other laws enforced by CPSC, including the Consumer Product Safety Act, clearly do not preempt or affect state warning requirements like Prop 65. The Federal Hazardous Substances Act, however, is ambiguous as to its effect on state warning requirements. I am pleased that we have corrected this ambiguity with this conference report and harmonized all of the Commission's statutes on this point.

I am also pleased that under another key provision of the legislation—the new prohibition on phthalates—states retain the ability to regulate phthalates in product classes that are not regulated under this legislation. States also retain authority to enforce any toy safety standards that were in effect on the date of enactment of this bill, as long as they notify CPSC of the standard. I am pleased that the bill includes explicit language to preserve states' ability to regulate alternatives to phthalates, such as other chemical plasticizers that might be used as substitutes to the phthalates that will be removed from toys under this law.

The bill itself does not address the use of hazardous alternatives to phthalates when the prohibition goes into effect, so it is critical that states can act in this area. California has a law on phthalate alternatives and it is important that that law will remain in effect as the new Federal ban on phthalates enters into force.

Finally, I am pleased that under the bill, states have the authority to require additional or more effective testing protocols. Because testing protocols can change over time as tests become more sensitive and science evolves, states must be free to move ahead even when Federal requirements lag behind. The states' ability to act quickly and proactively provides an essential backstop of protection for consumers, and this bill makes sure that backstop remains in place.

Again, I thank Chairman DINGELL and Chairman RUSH for putting together such a strong bill for all Americans.

Mr. BARTON of Texas. Madam Speaker, could I inquire as to the time on each side.

The SPEAKER pro tempore. The gentleman from Texas controls 18 remaining minutes; the gentleman from Michigan controls 16 minutes.

Mr. BARTON of Texas. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, as we go through the debate this afternoon, I will mention some of the specifics in the bill. I would like to point out that the bill before us does have Federal preemptions so that there is one Federal standard and there is one agency to enforce that standard with regards to the safety of children's products, and that is the Consumer Product Safety Commission.

This is important to note, because if we didn't have that, you could have each of the 50 States setting different standards; you could have a conglomeration of rules that would make it very difficult for interstate commerce. So one of the compromises in the bill is that there is Federal preemption, that there is one standard for all the States, and I am very pleased that that is in the bill.

I would also like to point out that the pending bill gives the Commission new authority, gives the Commission new resources, increases the number of commissioners from three to five, and, as I have already pointed out, does create a CPSC testing laboratory so that our children's toys will be tested in the laboratory before they are tested by our children on the living room floors of America.

I would also like to compliment the staffs on both sides, as has already been done by full committee Chairman DINGELL and subcommittee Chairman RUSH. But on the Democratic staff, Consuela Washington actually I think served as the key that kept all of the staffs working together, and her patience was just extraordinary. She was even patient with members like me, and I appreciate that tremendously. Judith Bailey, Christian Fjeld, Andrew Woelfling, Valerie Baron all worked very, very hard on the majority side at the staff level. On the minority side, I am very proud of Will Carty, Shannon Weinberg, Brian McCullough, Chad Grant, Jerry Couri, and even our interns, Beth Manzullo, and John Hammond had some input into the work product, and I want to commend them, especially this past weekend where they worked both Saturday and Sunday so this conference report could come to the floor today.

Madam Speaker, I reserve the balance of my time.

□ 1730

Mr. DINGELL. Madam Speaker, at this time I yield to the distinguished Speaker of the House of Representatives, Ms. PELOSI, 1 minute.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding time, and for his hard work and great leadership in bringing this important legislation to the floor in a way that is bipartisan and shows the full support of this Congress as a Congress for America's children.

It is a special day for us because this bill is long overdue, and took a ''New Direction Congress'' to work it out and bring it to the floor in the form that it is in, which is to protect America's children.

But it is a special day for another reason, and that is because one of the main authors of the bill, Congressman RUSH of Illinois, is back with us today. We are all family, and to have our family member return in good health is really something very special to us.

He worked so hard to pass this bill the end of last year, so that before Christmas, families across America could know that Congress cared about our children. The bill passed on a suspension calendar with a strong bipartisan vote with the support of community groups that care about children.

So Mr. DINGELL, thank you for making this come to fruition, especially at a time when Mr. RUSH could be back here with us so that we could say to him, in person, thank you for your leadership for America's children. We love you. You make it a very special day for us when we can do something for America's children and to do so in your presence.

Thank you, Mr. RUSH, for your leadership.

This bill is necessary because, does anybody not know that I am a grandmother?

My husband always says, I just wonder how far into your speech it is before you start talking about your grandchildren.

But as a mother of five and a grandmother of seven, and a person who observes a wider range of children in our extended family, I know that we, moms and parents, want to do everything they can to do the best for their children. But we have our limitations. We have to depend on the Federal Government, and government in general, to protect our children from chemicals that may be harmful to their health or even worse than that.

And so, the last several years, even this past year have been called the year of recalls. The Year 2007 was dubbed the ''Year of the Recall'' by Consumer's Union.

More than 45 million toys and children's products were recalled last year, and some were found to contain nearly 200 times the legal amount of lead. Toys, toy trains, costumes, magnets, because and even baby bottles were among the common, everyday items found to be harmful to our children.

What is a parent to do?

This year dangerous toy and product recalls are happening in even swifter rates. The number of recalled toys and children's products is up 22 percent over the first half of last year. What is a parent to do?

Most of the toys that were recalled should never have found their way on to the shelves of local toy stores. Over the last several years, at the same time of these record toy recalls, the Consumer Product Safety Commission, which is charged with testing toys before they end up in the homes of our children, have been starved for resources. The agency lost 15 percent of its work force between 2004 and 2007. And in 2007, even the Commission's Acting Director complained that there was only one lonely toy tester at the Commission.

Today, at this legislation, we strengthen the ability, our ability to prevent those toys from even getting to market, get products off the shelves more quickly, and increase fines and penalties for violating product safety laws.

The legislation eliminates lead beyond a minute amount in toys and other products intended for children under 12 years of age. It also bans toxic phthalates in children's toys and child care articles.

Today the ''New Direction Congress'' is asserting our responsibility to protect children from dangerous toys. Dangerous toys. Think of that. Shouldn't that be an oxymoron? It should be a given that toys are not dangerous. Sometimes they can be used inappropriately. Somebody can fall with a toy, et cetera, but if it has within its very make-up something that is harmful to the health of children, something is wrong with this picture.

The Consumer Products Safety Improvement Act, which is what this bill is, of 2008, is the result of the leadership of many in Congress. I again want to acknowledge the leadership of Chairman DINGELL and BOBBY RUSH. I also want to acknowledge Ranking Member BARTON for his cooperation in bringing this bill to the floor. I would like to acknowledge other leaders on the Energy and Commerce Committee, Congressman WAXMAN, Congresswoman SCHAKOWSKY, Congresswoman DIANA DEGETTE, and also Congresswoman ROSA DELAURO, not on that committee, but a person on the Appropriations Committee who has some jurisdiction over this issue, and who has been relentless, a relentless grandmother on behalf of children.

So I would salute this as a bipartisan effort on behalf of our Nation's most valuable resource, our children, because it is our sacred duty to protect them.

We began this Congress calling it to order in the name of all of America's children. Today we are honoring some of our promise to them by keeping their toys and children's products safe.

Again, Madam Speaker, I urge our colleagues to give an overwhelming unanimous vote on support for this important legislation for the children.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I again want to talk about some of the specifics in the legislation. The bill before us would give the Commission new tools, such as greater authority to expedite recalls; would give the Commission the authority to strengthen reporting requirements to facilitate the identification of the origin of the problems that arise in the supply chain.

We also give the Commission expanded authority to better monitor

and regulate the tremendous increase in the number of products that we import from overseas. The Commission, for the first time, has got explicit authority to consult with United States Customs and Border Protection Service to better identify dangerous products before they enter the country.

The bill, as I have said earlier, also provides national uniform standards for many children's products, rather than relying on a patchwork of disparate State and local rules.

As has been pointed out, the bill before us has the toughest standard on lead, which is basically no lead in children's products as they come into the national market, whether they are manufactured here in the United States or overseas.

There is a concern on some part about the implementation for the schedule for manufacturers to comply with this new lead requirement, but I am confident that they have the resources to do so and will do so.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, it is a great privilege for me to yield at this time 3 minutes to the distinguished gentlewoman from Colorado, who had so much to do with the success of the conference, my dear friend, Ms. DIANA DEGETTE.

Ms. DEGETTE. Madam Speaker, I want to also thank Chairman DINGELL for his strong leadership on this issue, and also Ranking Member BARTON for his wonderful ability to compromise on the bill.

As the Speaker just told us, last year, it seemed like every day parents were being told that their children's toys were not innocent playthings and, in fact, were very dangerous. This mainly happened during the holiday season, where parents had no idea whether what they were buying to put under the tree would harm or even kill their child.

For a long time now, we have all realized that our consumer product safety system is broken. The CPSC clearly needed more staff, more resources, and more authority. Our consumer protection laws needed to be brought into the 21st century.

This legislation goes a long way to solving those problems. I am so proud to have been one of the House conferees on H.R. 4040. By working diligently with our Senate colleagues and our colleagues on the other side of the aisle, we produced a strong, bipartisan bill.

This conference report has a number of provisions which will protect our kids, and I just want to highlight a few of them. It bans lead in children's products beyond trace amounts, the highest standards in the world. It permanently bans three phthalates and temporarily bans three others in toys for kids 12 and under; and, in fact, it extends all of the consumer protections to kids 12 and under because of the issue of shared toy boxes.

It requires independent third-party testing of children's products to ensure that they are safe before they are sold.

It increases the CPSC's budget dramatically, and it stops the export of certain dangerous products.

I want to thank my conference committee colleagues and all of the staff members involved for pulling together such a good bill.

Chairman, or former chairman, Ranking Member BARTON was right when he said this is the way legislation should be, a strong collaborative effort that produces real results that will help all of the consumers of America.

I hope, throughout the fall, as we move into the next holiday season, parents can take this issue off their plates as one they have to worry about and, instead they can worry about giving their kids a strong, safe holiday season as we approach the end of this year.

Mr. BARTON of Texas. Madam Speaker, I want to yield myself 2 minutes.

Madam Speaker, I hope I can get that quote and frame it, that I was right. It is good to know that I have been right about something in this Congress. I will take that home and show it to my family and my children, and maybe they will appreciate me a little bit more.

I want to keep going through some of the substance on the conference report, Madam Speaker. I want to talk now, in this little segment, about the chemical compound called phthalates. Phthalates are the product, compound that are used in plastics to make them soft. There has been some evidence in the last several years that, in large quantities, in certain products, if a child were to ingest them, that it could cause problems in the development of that child in their teenage years. The science is uncertain, but there is growing concern.

Some States have begun to ban these products. The European Union has banned certain of these phthalates and, as a result, in the other body, the Senate bill had a prohibition based on a California standard on a large number of these particular compounds. I didn't believe then, and I am still uncertain whether it is necessary to specifically ban these compounds because they have been used in products for a large number of years and there is no known instance of any kind of a phthalate poisoning or phthalate deformity in humans.

Having said that, when Congresswoman DIANA DEGETTE came to my office unannounced as I was trying to gather support to sustain a veto of what I thought would be a different bill, I did agree to work with Mr. WAXMAN and Senator BOXER in the other body and come up with a compromise.

I must also say that Chairman DINGELL was instrumental in that, as he counseled me, in only the way that Chairman DINGELL can, about the need for bipartisan compromise. The result is the bill before us where three specific phthalates are banned outright, and another three are temporarily prohibited while we do a comprehensive scientific study. That is the essence of compromise.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. Madam Speaker, I yield myself an additional 1 minute.

And I do want to give, as I said, in the conference, Congresswoman DEGETTE should get the Henry Kissinger award for diplomacy because she actually was apparently shuttling between my office, Chairman DINGELL's office, Mr. WAXMAN's office and maybe even Congresswoman SCHAKOWSKY's office. That was a tremendous amount of effort on her part, and it does show that when there is trust and bipartisan willingness to cooperate and, as Lyndon Johnson, the great former President and Member of this body once said, ''There is nothing that is not compromisable.'' And certainly, this conference report shows that that is a true statement.

I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I am delighted to yield to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY) who was so valuable and so helpful in achieving this purpose today, 3 minutes.

Ms. SCHAKOWSKY. Madam Speaker, as a conferee on this bill, I proudly rise to support the conference report to H.R. 4040, the Consumer Product Safety Improvement Act.

When we began this process of reforming the Consumer Product Safety Commission over a year ago, I set out one goal, to ensure that the toys and products I buy for my grandchildren are safe. I am pleased to say that the conference report we are considering today fulfills that goal for all of America's children.

□ 1745

H.R. 4040 is legislation that every Member of Congress can be proud to support. It is a product of bipartisan negotiation and compromise. I, too, want to thank our esteemed chairman, JOHN DINGELL, for shepherding us through this process, as well as ranking member JOE BARTON, my fellow conferees, and all of the staff and consumer advocates that worked so hard on this bill.

I also want to thank our Senate counterparts. Chairing the conference was Senator INOUYE, and the key author of the Senate companion bill was Senator MARK PRYOR of Arkansas. They both deserve the gratitude of the House, especially if they pass this bill this week.

I am especially thrilled, however, to welcome back to Washington my friend and chairman of the Consumer Protection Subcommittee and chief sponsor of this bill, Congressman BOBBY RUSH. You have been deeply missed, and I'm so happy to have you back on this momentous occasion which you have made more momentous.

With this conference report, Congress is breathing new needed life into the

CPSC. For the first time, we are virtually banning lead in children's products as well as the harmful phthalates that can cause hormonal damage. We're improving the CPSC's enforcement authority and maintaining the authority of State attorneys general to ensure that the products sold in their States comply with the law. And we are providing consumers with a publicly searchable incident database that will allow them to report hazards to one another.

There are three provisions I am particularly proud to have authored in this conference report.

The first is language directing the CPSC to devise mandatory safety standards for infant and toddler durable products. Those are the things that are in every nursery: cribs, high chairs, playpens, strollers, bassinets. It also requires pre-market testing of those products to ensure that they meet those standards. Bottom line, we will no longer be using our children as test dummies. The government will be ensuring their safety.

Second, I'm gratified that the conference report includes the Danny Keysar Child Product Safety Notification Act in its entirety. I crafted this legislation in honor of Danny Keysar who was strangled to death when he was 16 months old at his licensed daycare facility when the portable crib he was sleeping in collapsed. The crib that killed Danny had been recalled 5 years earlier, but the daycare center didn't know that.

To improve the product recall system, manufacturers of children's products will be required to attach a postage-paid recall registration card to each product that can be mailed in to notify the purchaser when a product is recalled for safety reasons. This provision is a tribute to the work of Danny's parents, Linda Ginzel and Boaz Keysar, who created the organization Kids in Danger 3 weeks after Danny's death in order to prevent other children and families from suffering the same tragedy.

The SPEAKER pro tempore. The time of the gentlewoman from Illinois has expired.

Mr. DINGELL. I yield the distinguished gentlewoman 30 additional seconds.

Ms. SCHAKOWSKY. Finally, I am delighted the conference report contains a provision to immediately adopt the set of existing voluntary toy standards as a mandatory standard on an interim basis. Then the CPSC, working with consumer groups, will assess those standards, beginning with the toys that present the greatest hazards, and develop not only the best possible mandatory standards, but require pre-testing to those standards. At last, all toys will be tested before they arrive on toy store shelves.

Madam Speaker, the conference report we will adopt today will finally bring the CPSC into the 21st century, and will, I hope, transform it into the world's foremost consumer protection agency.

It was an honor to be working on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, in previous comments I have thanked the committee staffs. On this occasion, I want to thank some of our friends at the Consumer Product Safety Commission.

I want to thank Cheri Falvey, who is general counsel; Gib Mullan, who is the director of compliance; Lowell Martin, the deputy general counsel; Quin Dodd, chief of staff to Acting Chairman Nord; Jack Horner, director of congressional relations. They've all worked very hard on this legislation.

We also want to thank some of our hearing witnesses: Dr. Marilyn Wind, who is a pharmacologist who testified before the other body; Dr. Michael Babich, a chemist, who testified before the Energy and Commerce Committee. Some of our database presenters were Pat Weddle, who is director of IT services, and DeWayne Ray, deputy CIO. Some of the laboratory people who talked to us about how to detect lead: Dr. Joel Recht.

And finally some of the staff, some of the Commission staffers who worked with us on the budget numbers: Mr. Ed Quist, who is the director of financial management of CPSC; and N.J. Scheers, director of planning and budget.

Those are some of the staff people in the CPSC and the witnesses who helped us prepare this legislation. We should commend them for their efforts.

I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I yield to the distinguished gentleman from Illinois, Mr. RAHM EMANUEL, 2 minutes.

Mr. EMANUEL. I would like to thank the chairman as well as the ranking member for this legislation, but particularly I want to thank my colleague from Illinois, BOBBY RUSH, the subcommittee chairman who worked on this legislation who is back today from his illness. As my colleague JAN SCHAKOWSKY said, it is a special warmness to all of us to have you back.

This legislation puts consumer safety back in the Consumer Product Safety Commission. You have heard from a number of speakers prior to me—and there is no reason to go through it—all the new powers and capabilities of this commission. And while we have talked about last year the 231 recalls of 45 million toys, Fisher-Price alone recalled 1 million toys, 1 million cribs were recalled, we should not lose sight also that we had a commissioner who was not doing her job.

When all of this was breaking out in the news, the commissioner, the head of the Consumer Product Safety Commission, was taking trips paid for by the very industry they were responsible for regulating. When this broke and all of the recalls were occurring, the commissioner who not only was taking these trips said, ''I don't need any more staff for this. I don't need any more money for this,'' and yet the American people knew at that time we had a commissioner who was head of the Consumer Product Safety Commission who was not on the job doing the police work that she was responsible for doing.

So the good news is not only do we have new laws, not only will we empower this commission in a new way, after November, we're going to have a new commissioner with a new agency and a new mission and new resources to do exactly what they're supposed to be doing.

So today, for all of us who wanted to see this legislation, who read with horror the stories that came out about what was happening to toys, to cribs, and how parents and their children were being put at risk and their government wasn't doing their job, I am proud of this bipartisan accomplishment. I'm most proud of the work that our colleagues did together putting aside their differences.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. DINGELL. I yield the gentleman an additional 15 seconds.

Mr. EMANUEL. The best news is after November, we will have a new commissioner who doesn't say ''yes'' to the status quo but says ''yes'' to the new powers to make sure that we are protecting our children and their families.

Mr. BARTON of Texas. Madam Speaker, I have no other speakers, and I am prepared to close. I am also prepared to yield some of my time to Chairman DINGELL if he needs additional time.

At this point in time, though, I would reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I am delighted at this time to yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Thank you, Mr. Chairman, for your leadership on this amazing legislation. Consumer product safety is not an area that we can afford to ignore, and this historic legislation that we're passing today is a tremendous victory for consumers.

This year dangerous toy and product recalls are happening at an unprecedented rate. I remember just a couple of months ago reading a story in my local paper about possible lead contamination and the paint on plastic Easter eggs. That is unacceptable.

For far too long we've been reading story upon story about dangerous toys and contaminated food. Imports from foreign countries continue to grow, and many manufacturers from foreign countries fail to adhere to even basic safety standards.

The American people should not have to worry about the safety of the products they use or the toys that they give their children to play with. Last year, more than 25 million toys were recalled

in the U.S., and 80 percent of all toys sold in the United States are imported from China.

This relationship between the growing import safety crisis and American trade policy is notable and requires us to strengthen our oversight here at home. To do that, the Consumer Product Safety Commission needs to have the resources to help protect our families and then they need to do it.

Our bill strengthens the CPSC and ensures American families are protected from dangerous toys, and this legislation bans lead beyond a minute amount in many products, creating the toughest lead standard in the world.

Madam Speaker, my constituents deserve to know that their government is doing everything it can to keep their families safe. Today with passage of this bill, we are upholding that responsibility.

I thank you again, Chairman DINGELL, and your committee for all of your hard work, and thanks to Speaker PELOSI for making this issue a priority. I also want to express my appreciation to Representative BOBBY RUSH for his commitment and his leadership in bringing this legislation to fruition.

I urge my colleagues to support this important work.

Mr. DINGELL. Madam Speaker, I have no further requests for time. I am ready to close and to say appropriate remarks for my good friend from Texas for his fine work and that of all of the other members who have worked so hard on this. So I will close at the proper time.

Mr. BARTON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I think we've seen in the debate today that when the Congress does decide to work in a cooperative spirit, the end product is a product that's worthy of support by all Members on both sides of the aisle, in most cases regardless of their philosophical affiliation.

The Consumer Product Safety Commission is a necessary and vital part of our effort here in the United States to make sure that the products that are sold to the American public are the safest in the world. The emphasis on this bill, in addition to reauthorizing the Consumer Product Safety Commission, has really been to beef up the standards and the enforcement authority and the technical ability of the CPSC for children's toys and children's products.

As Congresswoman SCHAKOWSKY pointed out, there are some very specific things in this bill that should provide over the years, as it is implemented, the prohibition of some of the unwanted tragedies that we unfortunately have seen in the past, and in her case on the crib issue that she's been so diligent in bringing forward.

We increase the number of commissioners; we increase the budget of the commission; we create a new laboratory; we in certain cases ban certain products, specifically three-wheel ATVs that are coming into the country; we require a study on four-wheel ATVs. As we have said on numerous occasions, for the first time we prohibit certain phthalates from being used in children's products, and we require a science-based study on three other phthalates. We have the toughest standard for lead in the world today.

By any definition, this is a strong bill. It is a pro-consumer bill. But yet it is also a bill that will allow the manufacturers of children's products to have the ability to manufacture in a safe way and to market in a safe way these products to the American public.

Finally, Madam Speaker, I want to say something about the distinguished chairman of the committee, Chairman DINGELL. I am not a person who normally initially is willing to compromise. I don't think if you ask a Member of this body who's been in it very long who knows me does JOE BARTON change his mind very often, I think the answer you would get is ''not frequently.'' But it became apparent as we went to conference with the Senate that compromise was going to be a necessity.

On the issue of phthalates, being a registered professional engineer, I was not a believer that we should automatically ban the number of phthalates that the other body's bill did and I was not somebody who was really seriously interested in finding a compromise. My position was the House position, which was we don't do single products. We should leave that up—if the science shows it should be banned later on, so be it.

Chairman DINGELL came to me and said, ''You're going to have to take another look at that.'' And I said, ''Mr. Chairman, I don't want to. I don't think we need to take another look at it.''

And he said, ''JOE, I really hope that you will find it in your heart to really study this phthalate issue.'' And because of my respect for JOHN DINGELL, I promised him that I would do that.

□ 1800

And I spent the next week, both at the staff level and in phone conversations, with the leading scientists in the United States that actually manufacture and distribute the product, studying that issue.

And as a consequence of that, since I am an engineer, if the facts say something, you've got to look at the facts. And I was convinced, based on those conversations from the staff on the minority side and some of the scientists that there was some doubt and there was some reason on certain of the phthalates, that there should be a prohibition.

And we put forward a proposal from the minority side to Chairman DINGELL. He massaged it. He put forward a position as a conference. It was not accepted, but it was a starting point for negotiations, and Congresswoman DEGETTE got into the discussion. She went to Mr. WAXMAN. Mr. WAXMAN went to the other body, to Senator BOXER and Senator FEINSTEIN, and the result is we actually have a conference report that is a good compromise.

So I want to commend all of those, but I especially want to commend JOHN DINGELL because he is the dean of the House. He has served in this body over half a century, and if he had not had the wisdom and the leadership to say that you had to try to find a compromise, we wouldn't be here. We would, on my side, be rallying support to sustain a Presidential veto, and on the majority side, be trying to make sure that this got the two-thirds vote.

So, Madam Speaker and Members of the body, I have the utmost admiration for Chairman DINGELL, and I have the utmost respect for the institution, of the process of the House of Representatives, and that shows in this bill.

Vote for the conference report.

I yield back my time.

Mr. DINGELL. I yield myself the balance of the time for the purposes of closing.

I want to make a little observation about my friend from Texas. He's too kind to me and not kind enough to himself. He and I have the privilege of leading the Commerce Committee. It's a great committee composed of great Members, and we are proud, indeed, of them all, and we have an extraordinary staff, and they deserve the gratitude of this body for the fine work they did.

My good friend from Texas and I have had some fine fights, but we have over the years become great friends, as well we should be. And he has earned not just my respect and affection but that of all of his colleagues on the committee and in this body because he's a fine, decent and wonderful human being.

And I know that there were difficult times for him, as there were for all of our other conferees, Mr. RUSH, Mr. WAXMAN, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. STEARNS, and Mr. WHITFIELD, and I know on one occasion it looked like this thing was going down the tube. But Ms. DEGETTE and my good friend from Texas (Mr. BARTON) got together, and they pulled it together and made it work. And we owe them thanks for that. It's great public service.

And we also do for Mr. WAXMAN, because at a very difficult time, the question of preemption and the level of phthalates was before us, and in a very quick and gentlemanly way, Mr. BARTON and Mr. WAXMAN worked that issue out. We owe them thanks for that.

We have given the House a good bill. It's a bill that's going to protect people. It's a bill that's going to not just protect people but kids, and I think we have to give a nod here to Mr. SERRANO, the chairman of the Appropriations Committee, because without proper funding this legislation is not going to work, and people are going to keep getting killed by shoddy products,

most of which are imports. And we understand that under Mr. SERRANO's leadership, there will be $100 million in the appropriation next year for dealing with the problems of this agency.

Again, Madam Speaker, this is a good bill. It shows how the House can work together and how the process, when properly used, leads to good legislation.

My good friend, Mr. BARTON, is an institutionalist, and we're very proud of that. And I pride myself that I, in some small way, am one of those, too. But this is the way the place should work. For hundreds of years, wise men and women have left us the way that this place can and should work, and it's my hope that as we go forward in this Congress and in following Congresses that we will again be able to work as we did on this matter, not just on the Commerce Committee but on all others.

Commerce is very proud of its traditions and its history. We're also very proud of our other sister committees and of the good work that they do, and it is a real privilege for me to commend all of my colleagues on both sides of the aisle and say to them well done for the great work that you have done. All of us have reason to be proud, and all of us have reason to be grateful, and all of us have strong reason to be delighted to see back our old friend Reverend RUSH, who started this whole thing out.

And so, Madam Speaker, to my colleagues I say, well done, let's vote this legislation through. It's a great piece of legislation, and it will protect and it will save lives, health, and the security of our people.

Ms. ESHOO. Madam Speaker, I rise today in support of H.R. 4040, the Consumer Product Safety Modernization Act.

In the last year there have been countless reports about dangerous products that have slipped through the cracks and reached store shelves, only to be discovered when someone got hurt. There has been a complete failure by the Consumer Product Safety Commission to keep harmful and sometimes lethal products away from consumers. Red tape, lax enforcement, and a shortage of resources at the CPSC have contributed to the recent recalls: 25.6 million toys were recalled from stores in fiscal year 2007, compared with only 5 million toys in 2006, and it's the American consumer, especially children, who are suffering.

It's become glaringly obvious that we can't rely on manufacturers to police themselves, we need to give the chief consumer regulatory agency the authority and the resources necessary to get unsafe products off the shelves and stop them from coming into the country.

This bill is a significant improvement in product safety from the way we're operating now. It provides additional funding to the CPSC and bolsters the Commission's ability to test and identify dangerous products. It also authorizes State Attorneys General to bring action on behalf of their residents to enforce Federal consumer safety rules.

I'm pleased that my amendment to give the CPSC mandatory recall authority is included in the bill. This an is important tool for the CPSC to wield against the most nefarious companies who resist a recall of their faulty products.

On the other hand, I'm disappointed that my amendment on allowable lead levels in children's toys was not accepted. The amendment I offered in committee would have brought lead levels to 40 parts per million, the standard recommended by the American Academy of Pediatrics. It's my hope that the CPSC will take seriously its authority to adopt a more protective standard if it makes the determination that it is feasible and protective of human health.

I support this bipartisan bill to protect American consumers, especially children, and ask my colleagues to support it as well.

Mr. MARKEY. Madam Speaker, I rise to commend my colleagues on both sides of the aisle for their excellent work on reaching an agreement on this important legislation to upgrade and modernize the regulations and the Agency charged with ensuring the safety of consumer products.

In the past couple of years, Americans have been shocked to learn that the Consumer Product Safety Commission is an agency in crisis, starved of resources and slow to respond to a growing tsunami of toxic toys and other products that continue to put consumers at risk.

We learned of defective cribs that resulted in deaths whose defects were never fully disclosed to the public. We learned of lead-tainted jewelry and other products, toys coated with a notorious date-rape drug, and unacceptable delays in the investigation and recall of dangerous products on the part of the CPSC. We learned of undue influence by manufacturers within the CPSC itself. With all of these problems, CPSC had come to stand for the ''Can't Protect the Safety of Children'' agency.

The Democratic Congress made reform a priority and embarked in a New Direction. The result is a remarkable success.

We have agreed to BAN lead and pthalates in children's products.

We have agreed to greatly increase funding and personnel for the CPSC.

And we have agreed to dramatically upgrade and make mandatory testing requirements and standards for toys.

These new provisions will dramatically improve the protection of consumers across the country.

There are three provisions in this conference report that I would like to call particular attention to.

First, I am delighted that the Conference Committee has included language I first conceived of and proposed during House consideration of the bill to create an online searchable database for consumers to obtain early warning of defective and dangerous products.

In 2000 and again in 2003, the CPSC documented cases of children suffering intestinal injuries after swallowing small but powerful magnets that had fallen out of toys. The public didn't know, and the CPSC did nothing.

By mid–2005, after more reports of safety concerns associated with the magnets and two reports of serious, life-threatening injuries, the public still didn't know and the CPSC still did nothing.

On Thanksgiving Day 2005, 22 month old Kenny Sweet of Redmond, Washington died after swallowing magnets that had fallen out of Magnetix toys. It was only after Kenny's death and an additional 4 hospitalizations that the CPSC finally gave the public an inkling of what was going on.

But it took until April 2007—after seven years of reports of risks, numerous serious injuries and a death—before a full recall of all the products was undertaken.

In the past months, we have learned of additional tragic accidents related to flawed or toxic products on store shelves. The fundamental problem that needed to be solved is that the people buying these products for their children, grandchildren or households should not have to wait months or years to find out that someone has died or been seriously injured.

The database created in this legislation will give empower consumers by requiring the CPSC to create a publicly searchable database that will allow them to access specific reports from consumers, doctors, hospitals or others of serious injury, illness or death, or risk of serious injury illness or death that may be due to a faulty or unsafe product. The database will be similar to those that already exist for cars and other automotive products at the National Highway Traffic Safety Administration and for drugs and medical devices at the Food and Drug Administration.

No longer will parents be learning about ''Thomas the Toxic Train,'' ''Defective Diego'' or ''Poisonous Polly Pocket'' months or years after the CPSC learns of them, and I thank the Conferees for including my proposal in the final bill.

I also want to particularly commend the Conferees for including strong whistleblower protections for private sector employees who are retaliated against for disclosing safety problems with defective products. These provisions are similar to those I authored for rail and mass transit security workers in the 9–11 bill, and represent an excellent step forward in ensuring that these brave individuals are treated like the ''Paul Reveres'' they are instead of being threatened with loss of their jobs and livelihoods.

I wish to point out that Congress did not reiterate long standing case law and established legal principles for interpreting statutory language in the whistleblower provision, and intends that those standards continue to be respected. To illustrate, consistent with long-established Supreme Court case law, see e.g., *English* v. *General Electric*, 496 U.S. 270 (1990), these rights do not cancel or replace preexisting remedies, whether under other overlapping congressional statutes, statute laws, state tort claims or collective bargaining agreements. There also should be no confusion that the rights created by this statute supersede and cannot be canceled and overridden by any conflicting restrictions in company manuals, employment contracts or nondisclosure agreements.

I also wish to note that consistent with the Act's remedial purposes and longstanding case law, employee should be broadly defined to protect all individuals, including current and former employees, as well as job applicants, who have information that may prevent danger to consumers from illegal product hazards.

Finally, section 102 which relates to third party testing, I am pleased that the Conferees included language that requires testing of samples that are identical in all material respects to the product, meaning that submitting product prototypes rather than actual examples of the manufacturing run for testing would not, in my view, satisfy the requirements of this section.

Once again, I wish to commend my colleagues for their excellent work on this landmark legislation. I look forward to a reinvigorated CPSC, equipped with the necessary resources and authority needed to be the consumer's ''cop on the beat'', keeping Americans safe from dangerous products.

Mr. WHITFIELD. Madam Speaker, I rise today in support of this conference report for the Consumer Product Safety Improvement Act.

To begin, I would like to thank Chairman BOBBY RUSH, the original author of this bill, for his tremendous leadership on this issue. He has been in our thoughts and prayers and we are extremely pleased to see he is back and recovering. I look forward to continuing our important work together.

I also would like to thank full Committee Chairman JOHN DINGELL and Ranking Member JOE BARTON for their collaborative work during this conference. Unfortunately, we have seen in recent history that the minority—on both sides of the aisle—have been shut out of conference negotiations. We are here today under the best of circumstances, and I credit this to their character and hard work.

Madam Speaker, we were all horrified at the number of children's products that were recalled last year. I am glad the Commission worked so hard to get those potentially dangerous products off the store shelves and this bill will make that important job easier and more effective.

When parents purchase toys the last thing they should be worried about are toxic levels of lead, potential chemical side effects from accidentally swallowing a toy, or similar health hazards.

Both chambers acted swiftly to approve legislation—and I might add the House voted unanimously—to better fund and equip the Consumer Product Safety Commission (CPSC) so they can help prevent another ''year of the recall.''

Today's conference report represents months of work to get a strong but reasoned bill that protects our children, and to send it to the President for his signature into law. Among other provisions, the conference report sets the toughest lead standard for children's products in the world. We require the CPSC to lower allowable lead to only trace amounts, and task them to revise this standard downward if it is technologically possible. We also require mandatory third party testing for children's products to ensure compliance with CPSC regulations and standards.

As I mentioned, the conferees acknowledged that the CPSC has been underfunded and understaffed for years. To alleviate that, we increase the authorization levels significantly in the first year and then by approximately 7 percent for each of the next 4 years. These new resources will allow the Commission to hire additional staff and update their laboratory to help them do their job more effectively. This conference report also increases the penalties for bad actors and enhances the authority of State Attorneys General to seek appropriate injunctive relief, so that dangerous children's products don't make it into the hands of our kids and grandkids.

Finally, I would like to address one of the more controversial provisions relating to a group of chemical plasticizers known as phthalates. Most of us in Congress are not scientists; however, concerns were raised that some phthalates could potentially be harmful to young children and pregnant mothers.

While I support restricting the use of the certain phthalates that many scientists agree are harmful, I have some concerns about the interim prohibition on other phthalates that are considered to be safe. We obviously do not want to replace one safe plasticizer with a lesser known and potentially more harmful one. However, I am pleased that we asked the CPSC to quickly form an expert panel to review these phthalates and their alternatives to ensure we get it right.

I also would just like to note that the conferees on both sides of this issue worked in good faith to find a true compromise on this section, and I believe they all should be commended for their hard work and open mindedness.

I would also like to briefly mention the issue of Federal preemption. While this is sometimes a contentious issue, I believe that it is important that businesses are given some certainty as to what rules they must follow, and who will be enforcing those rules. A confusing patchwork of State laws ultimately benefits no one.

So, I am glad that this conference report preempts State standards—notably for lead, lead paint and the phthalates I mentioned—and that the authority of the State Attorneys General is appropriately limited to ensure that enforcement is swift, efficient, and consistent across the country. All of the children in America will be protected equally and vigorously.

Madam Speaker, I strongly support this conference report as the compromise product of a good process. In closing, I would again just like to thank all the members of the conference committee on both sides of the Capitol and their staffs, including my own staff, James Robertson, for working tirelessly to produce a law that will maximize our opportunity to protect children from dangerous toys and products.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of this conference report and commend the conferees for their decision to prioritize public health in this final legislation.

At the end of last year, as the country was awash in reports of unsafe levels of lead being found in children's toys, I expressed the hope that this Congress' final CPSC Reform bill would embrace the improved recall notice and strengthened enforcement authority in the House-passed bill while going beyond the House-passed legislation to broaden the scope of mandatory product testing, enhance a family's right to know about dangerous and defective products on the market, and provide robust whistleblower protections for those courageous enough to bring serious safety hazards to light.

After months of negotiations, I am gratified that this conference report accomplishes all of these objectives. H.R. 4040 retains the House bill's original focus on ensuring meaningful public notice for product recalls and empowering states' Attorneys General to help enforce Federal law. Additionally, today's conference report requires mandatory pre-market safety testing for lead and other safety standards in toys, cribs and other children's products—without preempting stronger State protocols like those we have in Maryland. It requires the CPSC to create a searchable and user-friendly public database on deaths and serious injuries resulting from consumer products so that parents have access to the information they need to protect themselves and their children. And it provides important whistleblower protections to private sector employees who report violations of CPSC-enforced product safety requirements.

Finally, this legislation takes the long overdue step of banning lead above truly minute amounts from products intended for children under twelve, and it outlaws a number of dangerous chemicals called phthalates from children's toys and child care items.

Madam Speaker, this conference report represents a vitally important bipartisan agreement on behalf of America's families. I urge a ''yes'' vote.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and agree to the conference report to the bill, H.R. 4040.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1338, PAYCHECK FAIRNESS ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–807) on the resolution (H. Res. 1388) providing for consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT TO ACCOMPANY H.R. 4137, HIGHER EDUCATION OPPORTUNITY ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–808) on the resolution (H. Res. 1389) providing for consideration of the conference report to accompany the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1108, de novo;

Conference report on H.R. 4040, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1108, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 1108, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 326, nays 102, not voting 6, as follows:

[Roll No. 542]

YEAS—326

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—102

Aderholt
Akin
Baca
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Boustany
Broun (GA)
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Carter
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hayes
Heller
Hensarling
Herger
Hunter
Inglis (SC)
Issa
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Reynolds
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)

NOT VOTING—6

Blunt
Brown-Waite, Ginny
Cubin
Hulshof
Maloney (NY)
Rangel

Messrs. SULLIVAN, SOUDER, CARTER, WALBERG and ISSA changed their vote from ''yea'' to ''nay.''

Mrs. JONES of Ohio, Mr. TIAHRT and Ms. FALLIN changed their vote from ''nay'' to ''yea.''

□ 1836

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4040, CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and agree to the conference report to the bill, H.R. 4040, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and agree to the conference report to the bill, H.R. 4040.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 1, not voting 9, as follows:

[Roll No. 543]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel

Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—9

Broun (GA)
Brown-Waite, Ginny
Buyer
Conyers
Cubin
Dicks
Hulshof
Maloney (NY)
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members, there are 2 minutes remaining on this vote.

□ 1845

So (two-thirds being in the affirmative) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2260

Mr. BOREN. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 2260.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6633) to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6633

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 ''Employee Verification Amendment Act of 2008''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''11-year period'' and inserting ''16-year period''.

SEC. 3. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—Effective for fiscal years beginning on or after October 1, 2008, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall—

(1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including (but not limited to)—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 404, but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the basic pilot confirmation system established under such section;

(2) provide such funds quarterly in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Office of Inspector General of the Social Security Administration and the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—In any case in which the agreement required under subsection (a) for any fiscal year beginning on or after October 1, 2008, has not been reached as of October 1 of such fiscal year, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be deemed in effect on an interim basis for such fiscal year until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the basic pilot confirmation system. In any case in which an interim agreement applies for any fiscal year under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal year, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal year. Until such time as the agreement required under subsection (a) has been reached for such fiscal year, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal year, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement.

SEC. 4. GAO STUDY OF BASIC PILOT CONFIRMATION SYSTEM.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study regarding erroneous tentative nonconfirmations under the basic pilot confirmation system established under section 404(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

(b) MATTERS TO BE STUDIED.—In the study required under subsection (a), the Comptroller General shall determine and analyze—

(1) the causes of erroneous tentative nonconfirmations under the basic pilot confirmation system;

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and Federal agencies.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit the results of the study required under subsection (a) to the Committee on Ways and Means and the Committee on the Judiciary of the House of Representatives and the Committee on Finance and the Committee on the Judiciary of the Senate.

SEC. 5. GAO STUDY OF EFFECTS OF BASIC PILOT PROGRAM ON SMALL ENTITIES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the Comptroller General's analysis of the effects of the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) on small entities (as defined in section 601 of title 5, United States Code). The report shall detail—

(1) the costs of compliance with such program on small entities;

(2) a description and an estimate of the number of small entities enrolled and participating in such program or an explanation of why no such estimate is available;

(3) the projected reporting, recordkeeping and other compliance requirements of such program on small entities;

(4) factors that impact small entities' enrollment and participation in such program, including access to appropriate technology, geography, entity size, and class of entity; and

(5) the steps, if any, the Secretary of Homeland Security has taken to minimize the economic impact of participating in such program on small entities.

(b) DIRECT AND INDIRECT EFFECTS.—The report shall cover, and treat separately, direct effects (such as wages, time, and fees spent on compliance) and indirect effects (such as the effect on cash flow, sales, and competitiveness).

(c) SPECIFIC CONTENTS.—The report shall provide specific and separate details with respect to—

(1) small businesses (as defined in section 601 of title 5, United States Code) with fewer than 50 employees; and

(2) small entities operating in States that have mandated use of the basic pilot program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

I rise today in support of H.R. 6633. This bill, negotiated by Members of both parties, will extend the basic pilot, otherwise known as the E-Verify program, for 5 years, while also ensuring that the Social Security Administration can continue to participate in the program without endangering its core mission of providing needed benefits to our seniors and the disabled. Without this bill, the authorization for the basic pilot program would expire this November.

H.R. 6633 also commissions two studies, which should help Congress evaluate the basic pilot program as it continues to work through the issues raised by the electronic employment eligibility verification systems. One of the studies seeks the causes, the remedies, and the effects of tentative nonconfirmations of employment eligibility. Implicit in the concept of false negatives is the converse; false positives. We naturally contemplate that the GAO study will address the question of erroneous confirmations as well.

To understand the effectiveness of the basic pilot, we must not only know about U.S. workers falsely denied the authority to work, we must also know when it clears people who are not authorized to work.

This Congress has been very active on the issue of electronic employment verification. Several committees, including the Judiciary and Ways and Means Committees, have held no less than five hearings on the subject. The Judiciary Committee alone held three hearings over the past year on electronic employment verification.

In those hearings, we have learned that because the Department of Homeland Security relies on the Social Security Administration's databases and staff to query work authorization and fix erroneous records, the basic pilot program places significant burdens on the Social Security Administration. We don't want to jeopardize SSA's ability to carry out its core mission, which is to provide benefits to America's senior citizens and disabled Americans.

We confirmed that electronic employment verification systems pose complicated issues; issues with serious consequences for American workers who could lose their jobs and even their right to work if employment verification isn't done right.

We heard testimony in April, 2007, from the Service Employees International Union, in which we learned that, and I quote, ''Unless database errors are cured, 24,000 of the 300,000 estimated workers in each congressional district would be erroneously denied eligibility to work by basic pilot.'' That is 24,000 Americans and legal workers in each of our districts who could be stripped of their right to work because the government can't design a proper verification system.

An independent evaluation of the basic pilot program commissioned by the Department of Homeland Security and conducted by Westat identified numerous issues with how the basic pilot program works. The Westat report documented abuse and misuse of basic pilot by employers. For example, 22 percent of employers who responded to Westat's survey recorded that they restricted work assignments to employees contesting tentative non-confirmations. It also noted significant privacy concerns in the program.

In short, we have learned that there is much work still to be done and there are many questions left to be answered. Based on these findings, I do not believe that we can permanently reauthorize the basic pilot program or make it mandatory at this time. But as we continue to work comprehensively to reform our immigration system, we certainly should allow the basic pilot to continue as a voluntary program.

I would like to especially thank my colleagues, MIKE MCNULTY from New York; LAMAR SMITH from Texas; and SAM JOHNSON from Texas, for their tremendous efforts in working to negotiate this consensus bill to bring it to the floor today, as well as the author, Congresswoman GIFFORDS, and the principal Republican cosponsor, Congressman CALVERT, whose leadership is truly remarkable.

I look forward to working with my colleagues to reform our Nation's immigration laws and to improve the electronic employment verification process. We certainly hope that our efforts will be bipartisan. If all goes well to refine and improve this system going forward, it will not take the 5 years that is provided for in this act. But certainly none of us wants the current system to go away while we continue to work to improve and get an even better system.

I think that this bipartisan bill is necessary to pass. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank Congressman CALVERT for introducing the original bill on which this legislation was based, and for sponsoring this legislation as well. Also, thanks go to Chairwoman LOFGREN, who just spoke; Ranking Members MCCRERY and JOHNSON, and Chairman RANGEL for reaching a compromise on such an important issue.

The E-Verify Program protects American workers by ensuring that jobs are reserved for legal workers. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 created the basic pilot program, which is now known as E-Verify. For the last decade, this program has provided American employers who want to do the right thing with an effective way to ensure that they are hiring a legal workforce. It ensures that new employees are not providing their employers with fake Social Security numbers.

As the E-Verify Program has grown more popular—over 69,000 employers nationwide now participate—it has become the subject of some very unfair criticism. To set the record straight, participating employers are happy with

the basic pilot program. Last year, an outside evaluation determined that ''most employers found the Web basic pilot to be an effective and reliable tool for employment verification'' and that an amazing 96 percent did not believe that it overburdened their staffs.

The accuracy of the databases that lie at the heart of the basic pilot program also has been unfairly maligned. However, the facts about these databases could not be more encouraging.

Last year's outside evaluation found that in less than 1 percent, only .6 percent of cases, do employees who were eventually determined to be work-authorized undergo secondary verification. This means that persons eligible to work receive immediate confirmation 99.4 percent of the time. For the native-born, 99.9 percent receive immediate confirmation. For employees born outside of the U.S., 97 percent receive immediate confirmation. That is a success rate any company in America would be happy to have.

A common misperception is that secondary verification means error by a Federal agency. That is simply not the case. Secondary verification usually means that an illegal immigrant has been caught providing false information or that an employee has failed to update their records with the Social Security Administration. This is seldom acknowledged by those who question the E-Verify Program.

Of the employees who were asked to contact local Social Security Administration offices as part of the verification process, 95 percent said their work authorization problem was resolved in a timely, courteous, and efficient manner.

Finally, it has been alleged that the Social Security Administration's Inspector General has found the agency's database to be inaccurate. However, the Inspector General actually stated, ''We applaud the agency on the accuracy of the data we tested.''

The legislation before us tonight reauthorizes the E-Verify Program for 5 years and puts in place a system to help ensure that the Department of Homeland Security covers the cost of the program.

It is hard to believe that those who attack E-Verify are serious about reducing illegal immigration or saving American jobs.

Mr. Speaker, I am pleased that the bill is on the House floor. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, MIKE MCNULTY has served our country well for many years. He will be retiring at the end of this Congress. One of the things he has stuck up for most was disabled workers who need their Social Security benefits. As a member of the Ways and Means Committee, he has worked very hard on this issue.

I would yield 4 minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. I thank the gentlewoman from California for her kind comments, and also the gentleman from Texas, both of them, for their very hard work on reaching this bipartisan consensus.

Mr. Speaker, I rise in support of the bill to extend the basic pilot program, also known as E-Verify. I wish to especially thank my friend, the ranking member of the Subcommittee on Social Security, SAM JOHNSON, for his longstanding service to the Nation and for his steadfast support of the effort to protect seniors, people with disabilities, and survivors. Together, we have worked since the start of this Congress to provide needed funding for the Social Security Administration to address unacceptable backlogs in disability hearings and the decline in the service to our constituents. Moreover, we must ensure that SSA is ready for the retirement of the Baby Boom generation.

SSA has struggled to meet an increasing workload despite a decade of underfunding. Congress only recently increased funding to help address the backlog of disability claims, and we are working to continue that trend. It will take sustained adequate funding for SSA to meet the challenges of reducing its backlog while keeping pace with growing workloads.

SSA plays a significant role in the E-Verify pilot program, which is rapidly growing under DHS's direction. There is broad consensus that SSA must be paid for this work. The legislation before us provides essential protections for seniors, people with disabilities, and survivors who need Social Security benefits to meet their daily expenses. It does so by ensuring that DHS and SSA enter into annual agreements that require DHS to pay SSA in full and on a timely basis for its E-Verify related expenses.

□ 1900

I would like to thank our colleagues on the Judiciary Committee who worked with us to include language in this bill to provide for full and timely payment to SSA for its role under the E-Verify program. This is a bipartisan bill, and I urge my colleagues to support it.

Mr. Speaker, I rise in support of this bill to extend the ''basic pilot'' program, also known as ''E-Verify.''

I wish to thank my friend, the Ranking Member of the Subcommittee on Social Security Mr. JOHNSON, for his long-standing service to the Nation and for his steadfast support of the effort to protect seniors, people with disabilities, and survivors.

Together, we have worked since the start of this Congress to provide needed funding for the Social Security Administration to address unacceptable backlogs in disability hearings and the decline in service to our constituents. Moreover, we must ensure SSA is ready for the retirement of the Baby Boom generation.

SSA has struggled to meet an increasing workload despite a decade of underfunding. Congress only recently increased funding to help address the backlog of disability claims, and we are working to continue that trend. It will take sustained adequate funding for SSA to meet the challenge of reducing its backlog while keeping pace with growing workloads.

In light of these difficulties, we have been concerned about whether SSA has been provided the necessary resources by DHS to meet its rapidly growing workload under the E-Verify program.

I thank our colleagues on the Judiciary Committee, who worked tirelessly with us to include language in this bill to provide for full and timely payment to SSA for its role under the E-Verify program.

The Social Security Act prohibits the use of Social Security program funds for non-program related purposes. Therefore, SSA executes reimbursement agreements with other agencies whenever SSA performs work on their behalf.

SSA plays a significant role in the E-Verify pilot program. Every query made by the system is run through SSA data and systems first. Every time there is a mismatch between the information sent via E-Verify and the SSA database, employees are told to contact SSA. Many must visit SSA field offices to show necessary proof of identity or work-authorization.

For this work, DHS is required to reimburse SSA. Yet the reimbursements have not always been made in a timely way. For example, the reimbursement for FY2006 was finally agreed upon within the last few weeks. Consequently, SSA has been forced to pay for the work using scarce Social Security administrative dollars, which are meant to be used to serve Social Security program participants.

At the same time, E-Verify is growing as some States and the Administration require more employers to enroll in the system.

The legislation before us provides essential protections for seniors, people with disabilities and survivors who need Social Security benefits to meet their daily expenses. It does so by ensuring that DHS and SSA enter into annual agreements that require DHS to pay SSA, in full and on a timely basis, for its E-Verify related expenses.

It also includes an important GAO study on erroneous tentative non-confirmations by the E-Verify system that are the primary cause of SSA's expenses. I am confident that the results of this study will help Congress improve the program in the next few years before it is expanded any further.

I support this bipartisan bill and urge my colleagues to support this legislation.

Mr. Speaker, now I would like to yield to my friend the gentleman from Texas, SAM JOHNSON, a great American patriot and hero, for a colloquy.

Mr. SAM JOHNSON of Texas. Thank you, Mr. MCNULTY. I will tell you what, you are a protector of our future with Social Security, and there is nothing in this bill, thanks to the Judiciary people on both sides, that changes the Social Security Act or the laws and rules governing the use of Federal appropriations. Therefore, the current prohibition on Social Security's use of its limitation on administrative expenses, known as LAE, on trust fund monies for non-program purposes, remains in effect.

Is that the understanding of the chairman?

Mr. MCNULTY. The gentleman is correct. Nothing in this bill changes

current law regarding how the LAE or trust funds may be used.

Mr. SAM JOHNSON of Texas. It is my understanding that the Social Security Act is quite specific with respect as to how Social Security's own funds, that is, trust funds and LAE, can be used, is that correct?

Mr. MCNULTY. Mr. Speaker, the ranking member raises an excellent point. Section 201(g) of the Social Security Act does prohibit SSA from spending its own funds on anything other than the programs it is responsible for administering.

Mr. SAM JOHNSON of Texas. So Social Security would not be able to pay for E-Verify expenses if there weren't agreements with DHS that require that Department to pay Social Security expenses; is that correct?

Mr. MCNULTY. Yes, that is right. Section 201 of the Social Security Act allows SSA to spend its trust fund and LAE moneys only to pay and administer Social Security benefits, special veterans benefits, SSI and Medicare. Verifying employment eligibility does not fall into any of those categories.

Mr. SAM JOHNSON of Texas. I thank the chairman for his supportive efforts to protect the Social Security programs and beneficiaries. We all recognize E-Verify is an important tool. We have to balance that recognition with the needs of our seniors, those with disabilities and others who depend on Social Security for their basic needs.

Mr. MCNULTY. I want to close by thanking Representative JOHNSON for his long military service, for enduring torture for all the people of this country, and for his excellent work as an elected public official.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of the Appropriations Committee, a sponsor of the bill that we are considering tonight, and the author of the legislation on which the bill tonight is based.

Mr. CALVERT. Mr. Speaker, I rise in support of H.R. 6633. As the original author of E-Verify in 1996, I have monitored the development of the program closely over the last 12 years. It has evolved from a humble five-State pilot program to a program that is available nationwide with over 78,000 employers participating.

All employers in the United States are required by law to hire legal workers. E-Verify is the only tool available to employers to check the work status of newly-hired employees. It is timely, user-friendly, free to employers, and 99.5 percent accurate. In fact, 94.2 percent of checks to the system receive an instant green light to work.

To date, for fiscal year 2008, over 5 million queries to the system have been run successfully. A total of 3.2 million queries were made for fiscal year 2007, and 1.7 million queries were made for fiscal year 2006. Two States, Arizona and Mississippi, have made E-Verify mandatory, and almost all 50 States have legislation pending that would require the use of E-Verify at some level in the State. Individuals who receive a tentative non-confirmation have eight business days to contact the Social Security Administration or the Department of Homeland Security to start the process to clarify that status.

DHS has also implemented the Photo Tool program for noncitizens who are authorized to work in the United States. The Photo Tool allows employers to check the photo presented on the employment authorization document with a photo in the DHS database.

As the State of Arizona has demonstrated, E-Verify prevents individuals here illegally from obtaining work, and it solves the problem of deportation, since most people choose to self-deport when they are unable to find a job. E-Verify has proved it is effective, and it is imperative we do not let the program expire on November 30 of this year.

H.R. 6633 extends E-Verify for an additional 5 years and requires two GAO reports that I believe will reaffirm the effectiveness and accuracy of this program. This legislation codifies the annual payment agreement between the Department of Homeland Security and the Social Security Administration to ensure that SSA is receiving the funds necessary to run E-Verify.

I commend Representative GIFFORDS for her sponsorship of the bill. I thank Subcommittee Chairwoman LOFGREN, Ranking Member KING, Chairman CONYERS and Ranking Member SMITH for their work on this effort as well. The American people have voiced their strong support for E-Verify. I encourage my colleagues to vote for H.R. 6633 and extend E-Verify for an additional 5 years.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this time I would like to recognize a member of the Judiciary Committee, SHEILA JACKSON-LEE, for 2 minutes, a valued member of our committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman, the chairwoman of the subcommittee, and chairman of our full committee as well, and certainly the ranking member and the ranking member of the subcommittee.

Let me also express my appreciation to Ms. GIFFORDS. We have talked about this legislation. I congratulate her for her leadership, along with the cosponsors, including Mr. CALVERT, Mr. MCNULTY and Mr. JOHNSON of my State, and all the others who are supporting this legislation.

If you talk to businesses in your community, they want to do the right thing, and Americans want the right process to be in place. It is important that we hire Americans first, and I think we have been committed to that during the whole period of the discussion of immigration reform.

But I also rise to say that it is important as we pass this legislation, giving it an extension, and I frankly believe it should not expire in November of 2008, we have to also understand that there are States where this is voluntary. I heard Mr. CALVERT say there are a number of States that will now put this in place through law, but there are a number of States that do not have it in place, and therefore it is confusing.

We need to be able to ensure that there is a comprehensive approach to the border security question that all of us agree with, but also to recognize the hard-working tax paying individuals who are here, who really should be put in a process, a line, that eliminates this undercover workforce, that allows a pathway to citizenship with paying of fines, getting in line, not getting ahead of those who have been in line, and having a period of time that they are in this country.

This particular basic pilot program, however, is vital for many of our businesses. For example, the construction industries that I have met with over and over again in Houston, Texas, and I know that have been engaged with Mr. JOHNSON and many in this Congress to try to move forward on this program that deals with the Social Security process.

We have to ensure, however, as we put this in place, that it works, that the technology works, that the oversight works, and we have to make sure that in fact we get the accurate reports to make sure that those who are using it are benefiting from it.

Mr. Speaker, I do ask my colleagues to support this legislation, but I also ask that we get to the point of comprehensive immigration reform. But as I say that, E-Verify is a good step, it is a positive step, and I know my business community will look forward it being in force.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my Texas colleague, SAM JOHNSON, who is the ranking member of the Social Security Subcommittee of the Ways and Means Committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to thank Ms. ZOE LOFGREN and Mr. LAMAR SMITH. Those two worked well with us on Social Security, and I rise today to support the bill and extend the E-Verify program. The extension is, unfortunately, the least we can do to provide a workable tool for employers who want to do the right thing and verify that their new employees are authorized to work in this country. Americans need real immigration reform. We need to protect our borders and make sure Americans are not fighting for jobs with people who are here illegally.

This bill is a step in the right direction. We have got a long way to go. I support a mandatory nationwide electronic verification system so we don't have a patchwork of conflicting State and local laws. Protecting Social Security is always the right thing to do, so as the ranking member on the Ways and Means Social Security Subcommittee, I am pleased the bill includes provisions that ensure Social

Security and DHS agree on funding to support E-Verify.

However, I ask my colleagues, how long do we have to experiment with employment verification before Congress delivers a nationwide, mandatory, long-term solution that this country needs and the American people deserve?

Last February, I, along with several of my Ways and Means colleagues, introduced the New Employment Verification Act, or NEVA. Representative GIFFORDS and I have been working together on this bill that builds on the success of E-Verify while addressing its challenges.

I hope everyone interested in this debate will take the opportunity to look at the information on this bill on my website. When it comes to immigration, the American people want, need and expect real solutions, and American employers need a first class system that helps them comply with the law.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point I would like to yield 5 minutes to the author of the bill, a freshman leader in this area of the bill with Mr. JOHNSON, Congresswoman GIFFORDS from Arizona.

Ms. GIFFORDS. Thank you, Chairwoman Lofgren, for all of your help in bringing the Employment Verification Amendment Act, H.R. 6633, to the floor today. This legislation is the result of a lot of hard work from Members on both sides of the aisle, and I appreciate the fact that Members have joined together to reauthorize the Department of Homeland Security's Basic Pilot Electronic Employment Eligibility Verification Program, also known as E-Verify. I particularly appreciate that this legislation calls for investigations into various aspects of E-Verify and ensures that we safeguard Social Security.

E-Verify was one of three employee verification pilot programs created in 1997, and it has remained a voluntary program at the Federal level for 11 years with actually very few employers enrolled. However, recent actions at the State and the Federal levels are increasing demand on E-Verify and the Social Security system that it relies on. In the last 2 years, over a dozen States have passed employee verification laws, and some, like my home State of Arizona, have mandated E-Verify for all employers and imposed severe sanctions against those who do not comply.

The administration is also increasingly requiring E-Verify's use. On June 6, 2008, President Bush signed an amendment to an executive order requiring more than 200,000 Federal contractors to use E-Verify.

E-Verify relies on the Social Security Administration's data and systems to verify the citizenship and Social Security numbers of all newly hired individuals for their eligibility to work. According to the GAO, 100 percent of E-Verify queries are first checked against the Social Security database. The need to reauthorize the E-Verify this year presented us with an important opportunity to focus on key components of our Nation's immigration crisis, that is, the need for an effective Federal employee work authorization system.

□ 1915

I have been very clear that the current E-Verify system needs to be replaced or reformed. We need to create a mandatory Federal system that is both reliable and effective.

Americans from across the country all agree that our farms, our factories, and other businesses should not abet the flow of illegal immigrants into the United States by providing them a place to work. Yet the Federal Government has failed on many accounts to enforce existing immigration laws. That forces local and State governments to do the Federal Government's work. Employment verification is vital to solving our immigration crisis, and that is why we are here today. Right now, the only options for States is E-Verify. It is still, though, a voluntary pilot program with some obvious flaws. As I have testified to three House committees, we can do better.

But while this debate continues, E-Verify will expire this November. That is why I have introduced the Employee Verification Amendment Act to extend E-Verify, but only for 5 years. By reauthorizing E-Verify for 5 years instead of the 10, we can move to a Federal mandatory system more quickly. Within 5 years or less, the Federal Government must develop a mandatory system that operates uniformly across all 50 States. This is critical to fixing our broken immigration system.

Developing the best mandatory system possible requires us to understand the pitfalls in the current E-Verify system, and that is why this bill includes some studies into how E-Verify impacts small businesses and accurately confirms workers' eligibility.

Congress has to learn from the experience of employers and employees in States like Arizona. We are on the front lines of this immigration debate. Lessons learned from Arizona will help us develop a mandatory program that can identify undocumented workers in an efficient manner without fostering identity theft or violating workers' rights of United States citizens.

This bill also requires DHS to provide timely and appropriate payments to Social Security. In order for E-Verify or any employee verification system to work, the Social Security database and system has to have the funding that it needs to handle the increased demand created by a verification system.

The Social Security protections in this bill will keep E-Verify operational. They will also prevent interference with Social Security services to seniors, people with disabilities, and also to survivors. The AARP and the National Committee to Preserve Social Security and Medicare sent letters to the Ways and Means Committee reflecting these concerns.

Before I close, again I want to thank Congresswoman ZOE LOFGREN for bringing this bill to the floor. I also want to thank Representatives MICHAEL MCNULTY, SAM JOHNSON, LAMAR SMITH, and KEN CALVERT as well as for their leadership on the bill and all of the staff's hard work.

Illegal immigration continues to be a major problem for the United States of America. The Employee Verification Amendment Act is a step forward towards solving one aspect of the problem. This is the best approach at this critical time, and I urge my colleagues to support this legislation.

AARP,
Washington, DC, July 29, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

Hon. JIM MCCRERY,
Ranking Member, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMEN: On behalf of AARP's nearly 40 million members, we write in support of the Social Security Administration (SSA) funding provision contained in the e-verify extension bill. At a time when Social Security recipients and applicants are facing ever-greater delays in the prompt delivery of needed services, and disabled Americans are enduring long waits for their earned benefits, it is critical to secure SSA funding for all the administrative tasks the agency performs. The SSA funding provision of the bill specifically gives the agency greater assurance that it will be timely and appropriately reimbursed by the Department of Homeland Security (DHS) for expenditures the SSA undertakes in administering the employee verification program on behalf of the DHS. Ensuring that SSA receives prompt reimbursement for these expenditures is critical to the successful extension of the employee verification program, as well as to protecting the integrity of core services delivered by the agency.

The SSA funding provision in this legislation does not depart from the original funding framework established when the employee verification program was created. The Department of Homeland Security, and not the Social Security Administration, has always had the responsibility for funding the employee verification program, The SSA funding provision clarifies the funding relationship by establishing a quarterly advance payment as well as an annual accounting and reconciliation of expenditures. Without full and timely payments from the DHS (which in recent fiscal years have not been forthcoming), the SSA is forced to rely on its own administrative funding to operate the employee verification program. Given that the agency already suffers from significant administrative funding shortfalls which affect millions of Social Security recipients and applicants, this is unacceptable.

The establishment of a clear statutory reimbursement process for administrative tasks, such as e-verify, which the SSA performs for other departments and agencies could meaningfully contribute to the health of the agency's administrative budget, and by extension, to the quality and timeliness of the services the SSA delivers to Social Security recipients and applicants. We urge you to adopt legislation that gives the SSA the funding it needs to administer e-verify

without endangering the quality of services the agency provides to workers and beneficiaries.

If you have any further questions, feel free to call me, or please have your staff contact Cristina Martin Firvida of our Government Relations and Advocacy staff.

Sincerely,

DAVID P. SLOANE,
Senior Vice President,
Government Relations and Advocacy.

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, July 14, 2008.

Hon. CHARLES B. RANGEL,
Committee on Ways and Means,
Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RANGEL: The National Committee to Preserve Social Security and Medicare understands that the Judiciary Committee intends, in the near future, to bring to the House floor legislation to extend the current E-Verify program, jointly administered by the Department of Homeland Security (DHS) and the Social Security Administration (SSA). The National Committee strongly urges the inclusion of language in the legislation that would ensure that SSA is being fully and timely reimbursed by DHS for its costs of administering the E-Verify system.

We are very concerned about the negative consequences of unreimbursed immigration workloads on an already overburdened Social Security Administration. For every dollar that goes uncompensated, a dollar is diverted from SSA's central mission of serving its own beneficiaries—the elderly, people with disabilities, and workers of all ages who have contributed and earned the right to collect Social Security benefits in a timely manner. As you know, SSA's resources are already being stretched thin by a disability backlog challenge. As a result, strains are being placed on other agency services, especially those in local offices where customers are experiencing long waits and unanswered phones. As always, SSA employees are making a strong effort to maintain their traditional quality service, but it is becoming increasingly difficult.

Unfortunately, Social Security has not always been fully or timely reimbursed for the costs of the E-Verify program. Agreements are negotiated annually between DHS and SSA. However, SSA is often left bearing the burden of these costs. For example, in FY 2005, SSA received only 80 percent of its actual costs. For FY 2006, DHS failed to reimburse SSA for any of its expenses. For FY 2008, costs remain in negotiation. Clearly, these failures are affecting the resources available to SSA for services to Social Security beneficiaries.

Earlier this year, I testified before the Subcommittee on Social Security opposing the expansion of the E-Verify program to a national employment verification system because I believe it is a significant mistake to require SSA to take on the burden of verifying the work status of every American for immigration-related purposes. At that time, I noted that the National Committee was not taking a position on the underlying goals of any immigration bill before the Congress. Similarly, the National Committee is not taking a position on the extension of the current voluntary E-Verify program. However, we do believe that it would be a serious disservice to America's seniors, people with disabilities, and other core customers of the agency if the current E-Verify program were extended without including language to ensure that SSA is being fully and timely reimbursed by DHS for the significant costs of this unrelated immigration workload.

Cordially,

BARBARA B KENNELLY,
President & CEO.

Mr. SMITH of Texas. Mr. Speaker, first of all I would like to thank the gentlewoman from Arizona for her comments and her endorsement of this bill.

I yield now 3 minutes to the gentleman from Iowa (Mr. KING) who is the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Thank you, Mr. SMITH, for your long work on immigration issues. I often come across legislation that was put in place during the nineties in particular and find out what kind of wisdom was there.

I want to also thank the Chair of the Immigration Subcommittee and the support on both sides of the aisle for bringing this 5-year reauthorization of E-Verify to the floor. But I especially want to thank KEN CALVERT. It is a rare legislator that has the vision to put something in place that has the legacy that has already been created by E-Verify. His face and his name will be forever identified with this policy, which I think is the smartest, most technologically adaptive, and the most useful tool that we have for employers that want to hire legal workers in America.

I look at this and I think, this is a reauthorization. It is a status quo. I would have liked to have had an opportunity to upgrade E-Verify, because we know a lot of things now that we didn't know when it was put in place.

One of the things that we know are 98.6 percent of the names that are submitted in through E-Verify on the computer database; and, by the way, I have it in my office and I have run it and operated it and I am familiar with its inner workings in a way—98.6 percent of the first requests are approved. Remaining in that 1.4 percent are people who are not authorized to work in the United States and that very small piece of the database that does need to be upgraded. 99.9 percent of those that are born in the United States and are American citizens and are legal to work here are approved the first time through.

So that remains in those statistics those who aren't authorized to work, who may be here illegally, or those who are here legally that aren't authorized to work. And the balance of that is mostly people who have gotten married and women who have not changed their name and the database doesn't match. USCIS has brought that up to speed here within the last several months and set it up so that their database search goes out to two different categories. It looks for those name changes that have to be cleaned up. And the other are naturalized citizens. Sometimes the paperwork of naturalized citizens doesn't catch up in time, and there has been a little delay gap that has caused a little bit of error. That gap has been narrowed substantially by I think a good technological move by USCIS.

What I would have liked to have seen is that we reauthorize E-Verify and provide that employers can simply check those prospective employees and make it a condition that E-Verify could be used with a job offer. Not hire the person and wait for the answer in the 8 days to come back but make a job offer conditional to an E-Verify approval. And I believe an employer should be able to use E-Verify for current employees.

Those two changes would have gone a long way towards allowing an employer to verify that their entire employee base is legal. Otherwise, under the circumstances that we have, an employer is compelled to hire someone and then find out if they are legal. I think that is the wrong message to send.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 2 minutes.

Mr. KING of Iowa. I thank the gentleman from Texas.

I support this reauthorization, but I submit that we can do better. When you require an employer in the United States to hire someone blindly as to whether they will be a legal or an illegal employee, and then after they hire them and put them on the payroll and set them up for the salary and benefits package, then they get to put the request in to go out through the Internet database, search the Department of Human Services' database, the Social Security Administration's database, and have it come back verified or not verified, that is the wrong side of this equation. I want it on the right side. I want an employer to be able to say, I didn't hire anyone illegally. But we put them in a bad position with this.

We could have done better. We could have upgraded. But this is a very, very good tool. To add to this, I am hopeful that and do expect that we will see USCIS link to E-Verify the digital photographs of those who are here working on a green card and those kind of cases. If we are able to do that, then we can verify that the face of the individual who presents the documents actually matches the documents of the individual. That is another improvement that comes along hopefully administratively.

Additionally, I will add to this that I am extra invested in E-Verify, because I have introduced legislation and will reintroduce it again this week that is called the New IDEA Act. That lets the IRS come into this mix, deny Federal deductibility for wages and benefits paid to illegals, gives safe harbor to employers that use E-Verify, and now it puts together the team and requires the IRS to communicate with the Social Security Administration and communicate with the Department of Homeland Security.

We have the tools to do this. We can work and cooperate and coordinate together with our different departments of government in the same fashion that a company would work and cooperate and coordinate with their different departments of their company. We are not doing that yet. We are taking a step in the right direction, and I am very glad to hear the bipartisan support that we have for E-Verify.

I again congratulate KEN CALVERT for a work in progress, well started, not yet well done. I urge adoption of this, and I appreciate the extension and the reauthorization.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point I would like to recognize Congressman MOORE from the heartland of the country, Kansas, for 2 minutes.

Mr. MOORE of Kansas. My thanks to Chairwoman LOFGREN for yielding me time. I would like to acknowledge the many hours and hard work my friend from California and her staff have put into the many hearings they have had on our country's history of immigration and the need for reforming our immigration laws.

I would like to thank my fellow Blue Dog, Congresswoman GABRIELLE GIFFORDS, for drafting the bipartisan Employee Verification Amendment Act, and her leadership on addressing illegal immigration. I would also like to thank Social Security Subcommittee Chair MIKE MCNULTY and Ranking Member SAM JOHNSON and their staffs for their work in ensuring we protect Social Security as we extend and improve E-Verify.

Due to their work, Social Security trust funds will not be raided, in contravention of current law, to fund the costs of the E-Verify program. Our seniors and persons with disabilities should not and will not be burdened with these costs under our bill.

This year, House committees have held hearings examining how E-Verify works and how it might be improved. I am pleased we have reached the bipartisan compromise the House is now considering. We must crack down on employers who knowingly hire and take advantage of undocumented workers, and this bill will help do that.

This bill will continue E-Verify without interruption for 5 more years, which is very important, and will protect Social Security. The bill also requires the evaluation of the E-Verify databases and the need to improve them, as well as the impact E-Verify may have on small businesses, nonprofits, and municipalities. We need to address these and other legitimate concerns, like identity theft, so we can implement a far more effective and efficient mandatory employment verification system in the near future with other immigration reforms.

I urge my colleagues to support this bipartisan legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BILBRAY), who is the chairman of the Immigration Reform Caucus.

Mr. BILBRAY. Mr. Speaker, 99 percent plus efficiency. Where else in the Federal Government can we claim that we have a program that is over 99 percent effective, efficient, and gets the job done?

I am here to support this bill; and, sadly, I am here to support it at a 5-year extension rather than the 10-year originally proposed. And my big question is, those that did not want to extend it to 10 years, what don't you understand about 99.6 percent efficiency for the American citizens in the United States? Is it too efficient and that is why we are not today extending it 10 years? That is a question I think that every Member of Congress is going to have to answer to their constituency in the very near future.

Mr. Speaker, the employee verification system is not a pilot program anymore. For over 5 years, it has been a national program not restricted to the five original States but universal throughout the United States. It has been so effective that judiciaries across this country, judges, have required that anyone caught hiring illegal has been required to use this system to make sure it doesn't happen again.

The system is so effective that the executive branch and the legislative branch has made this the gold standard for hiring employees. Congress today does and has been required to make sure that Social Security numbers and names match before we hire them. The executive branch had asked for Congress themselves to do that. You haven't heard the horror stories and the end of the world because 99.6 percent is a number hard to argue with. The executive branch was confronted by this number, and now has mandated that any contractor and every government operation will use this system from now on. The question, Mr. Speaker, is why are we just maintaining the status quo for 5 more years?

Two years ago, the American voters were very upset with the fact that the then Republican majority refused to confront the issue that the number one source of illegal immigration was illegal employment, and that there was a simple, easy way to stop the problem if there was a will in Washington to get it done, and that system was E-Verification.

Today, we are confronted with a 5-year extension of what we have had for over 5 years rather than moving forward with a system that can address the number one source of illegal immigration, a simple system that can not only stop illegal immigration but stop a lot of problems related to that.

The SAVE Act was introduced by a Democrat named HEATH SHULER from the great State of North Carolina. It was supported by over 156 Members of the House of Representatives. It has actually received a discharge petition that is within less than 30 people to sign it to be able to bring it to a vote. That would make it a universal phase-in system to allow every employer and require every employer to not only use E-Verification before hiring somebody, but using E-Verification before—are you ready for this?—claiming a tax deduction for employing somebody who may be illegal.

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I wish that Democrats and Republicans could have got together on that bill the way we did with this one. But sadly, the leadership of the Democratic Party in this House and Speaker PELOSI has blocked any legislation of substantive numbers that does not include an amnesty for the 20 million people illegally present.

Mr. Speaker, there are those who talk about compassion about those who are illegally here. Well, let me give you another number. Three hundred-plus illegals are sitting in prison today because an employer in Iowa did not use the E-Verification system before hiring them. And if you don't care about illegal immigration, and you say you care about immigrants coming to this country illegally, and you want to be humanitarian, then require the people that are exploiting them to check through E-Verification as a mandate, not a voluntary, so that future illegals that come into this country are not put in prison because their employer didn't check that the name and the Social Security Number matched.

I wish this town would act on its verbiage and its promises half as much as they expect the American people to respond to the responsibilities of citizenship.

As Members of Congress, we are now placed at having to vote for a 5-year extension rather than a 10, and we are denied the ability by the Speaker of the House to vote on a bill that is bipartisan, and able to address this issue. And I would ask that the SAVE Act be brought forward as soon as possible so we can back up this voluntary program with a mandatory one that will take care of the problem.

Ms. ZOE LOFGREN of California. I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, we have one last speaker on this side and I will recognize him or yield to him right now, and that is, again, the gentleman from Iowa (Mr. KING) my remaining time, which I believe is 2 minutes.

Mr. KING of Iowa. Mr. Speaker, again, I thank the gentleman from Texas (Mr. SMITH).

First I wanted to say that the narrow gap that we have in efficiency that has received some criticism, if you don't use a list, you can't improve the list. Using the list improves the list. And as good as it is, as close as it is, and the improvements that have been brought forth, we can get it to become among the best lists in the country if we just use E-Verify, and I expect that will be the case.

As I look at the overall immigration picture, and we talked about enforcement and how effective is enforcement. There was an announcement that came out today, a press conference this afternoon, I think about 2:30, that rolled out a study done by Citizenship Immigration Services, CIS, Dr. Steve Camarota. And as I read through the report, and I am speaking from memory, not from a document, that report, I believe, references this way. Since last August, by their study, 1.3 million illegal aliens have self-deported, have gone back to their home countries, have left America. 1.3 million. And the analysis that is there predicts that at the present rate of self-deportation, and that is what it is, that we will see the illegal population in the United States be cut in half if that pace continues. That is a huge accomplishment.

And the people that said, well, we can't deport them all, didn't understand that they got here somehow. They got here on their own, and many of them have now decided to go back on their own. And here are the reasons.

The first one is enforcement; that ICE has begun to enforce immigration law, and as they have begun to do so, and it is the same time, in conjunction with an economy that doesn't have as much demand for lower skilled laborers. And then additionally, the publicity that surrounds the more intense enforcement that we have seen has put that all together in a package that is saying to some people that are here illegally that it is better for them to go home.

Now I have argued for a long time the administration should enforce the law. I have never believed that they enforced it consistently enough nor aggressively enough. But this is an exact response to this. The Swift raids in Iowa, the Postville raids in Iowa, ICE doing their job. And if ICE does not do their job, we don't have this 1.3 million.

And additionally, during the Eisenhower administration, they got about a 10–1 self-deportation for every one that was picked up and deported. This is a 7–1 self-deportation. That is a real difference and a real change.

I support this. We can do better. And I urge its adoption.

Ms. ZOE LOFGREN of California. Mr. Speaker, there are lies, darn lies and statistics. Isn't that the joke?

There have been a lot of figures thrown out here today. I think it is important to note that, according to the GAO, of the 7 million employers that are in the United States, less than 1 percent actually use E-Verify.

And the GAO also tells us, based on their analysis, that the SSA records contain errors about 4.1 percent of the time; 4.1 percent over 163 million workers is a lot of folks. So we have our work cut out for us.

I will note that there are 11 different bills that have been introduced by Members of this House with different ways and ideas on how to improve the employment verification system. We need to do an improvement of this system. I hope that that will be a bipartisan effort. But we are not going to get that done between now and November. And so it is important that we extend the existing program so that at least we have this in place.

I would note that Mr. Camarota and the Center for Immigration Studies is not the USCIS. That is sort of a think tank that wants to restrict immigration. It is an advocacy group.

But the real point is that you can track immigration, both legal and unauthorized, into the United States based on the exchange rate between the peso and the dollar. And as our economy weakens, you see less individuals either coming or staying. That doesn't mean that we don't need to get this system improved and that we don't need to have a comprehensive reform of our immigration laws and system, because what we have now is not working as well as it should be in the interests of our wonderful America.

I am happy to support this extension at this time. I have appreciated working with the ranking member of the full committee, Mr. SMITH, in getting this bipartisan consensus. I hope that we can get this through the Senate promptly.

And as I said in my opening statement, I have every expectation that the necessary improvements to the E-Verify system or the employment verification system will not take 5 years. Hopefully, that will be done well before the 5 years has expired, and that we will be pleased with the necessary improvement that we will craft together.

Mr. GALLEGLY. Mr. Speaker, I rise in strong support of H.R. 6633, the E-Verify Amendment Act. E-Verify is an Internet-based system that can be used to verify the employment eligibility of newly hired employees. It does so by checking the worker's Social Security number and citizenship status against the Social Security database. For non-citizens, it also checks work authorization status against a separate Department of Homeland Security database.

E-Verify, formerly known as Basic Pilot, was one of the recommendations to come out of the 1995 Task Force on Immigration Reform, which I chaired.

While I support this legislation, I also firmly believe E-Verify participation should be mandatory for all employers throughout the country. We know that most illegal immigrants come to this country looking for work. If they are unable to find and hold jobs, most will go home on their own. Even more important, when they learn that finding jobs in the United States is more difficult, other illegal workers will be less likely to come to this country in the first place.

E-Verify is currently used by more than 75,000 employers. Almost everyone authorized to work in the United States is immediately verified by the system. Only about one-half of 1 percent of employees queried who are actually eligible to work in the United States receive a ''tentative non-confirmation.'' But this system gives them the opportunity to correct their information and ensure their tax and Social Security records are accurate.

Mr. Speaker, E-Verify works. I urge my colleagues to support this bill.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of the employees verification amendment. I urge my colleagues to support this bill.

The Employee Verification Amendment Act reauthorizes the Department of Homeland Security's (DHS) Basic Pilot electronic employment eligibility verification program, also known as ''E-Verify.'' Without congressional action, E-Verify will expire in November 2008. This legislation provides for a 5-year extension of this voluntary program for the electronic employment verification of employees. It also includes provisions that ensure DHS provides timely reimbursements to the Social Security Administration (SSA) for E-Verify's use of SSA resources. Two Government Accountability Office studies are also authorized.

The bill provides for the Department of Homeland Security's basic pilot program. Specifically, DHS's electronic employment eligibility verification program (known as ''Basic Pilot'' or ''E-Verify'') is scheduled to expire in November 2008. This legislation reauthorizes E-Verify as a voluntary pilot program for an additional 5 years—through 2013.

E-Verify is an internet-based system that can be used to verify the employment eligibility of newly-hired employees. It does so by checking an employee's Social Security number and citizenship status against the Social Security database and, for non-citizens, it checks work authorization status against a separate DHS database.

In the last 2 years, over a dozen states have passed employee verification laws. Some, like Arizona have mandated E-Verify for all employers while other states require employers in certain sectors, such as government employers and contractors, to verify their employees' work authorization status.

The Federal government is also increasingly requiring E-Verify's use. On June 6, 2008, President Bush signed an amendment to Executive Order 12989 requiring that more than 200,000 federal contractors to use E-Verify. This action will likely triple the number of requests that must be processed through E-Verify.

Importantly, the bill provides certain protections to Social Security beneficiaries. This is critical because E-Verify relies on the Social Security Administration's data and systems to verify the citizenship and Social Security numbers of all newly-hired individuals for their eligibility to work.

According to the GAO, 100 percent of E-Verify queries are first checked against the SSA database. When there are data mismatches, workers are instructed to contact SSA and must visit an SSA field office in order to resolve the discrepancy. As E-Verify grows, so does SSA's workload.

DHS is responsible for funding SSA's costs related to E-Verify; using the Social Security Trust Fund for E-Verify is against federal law.

In prior years, DHS's reimbursements to SSA have been either delayed or not forthcoming at all.

The bill also provides for two GAO studies to be completed. First, it requires a study of the basic pilot confirmation system. The GAO will report to Congress on the causes of erroneous tentative nonconfirmations, how they

are remedied and the effect they have on individuals, employers and Federal agencies.

Second, the bill authorizes a study of the effect of the basic pilot on small entities. The bill requires that the GAO will examine the experiences of small entities (small businesses, nonprofits and municipalities) with using Basic Pilot by investigating direct and indirect impacts on basic pilot participants. It will also provide specific data on businesses with fewer than 50 employees as well as on small entities operating in states that have mandated use of the basic pilot program.

This legislation ensures that DHS provides timely and appropriate payments to SSA, so that E-verify does not interfere with SSA's ability to serve seniors, people with disabilities, and survivors.

Ms. ZOE LOFGREN of California. Mr. Speaker, I urge approval of this, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6633.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed, as follows:

H.R. 5170, H.R. 5983, H.R. 5531, H.R. 6193, H.R. 4806, H.R. 3815, H.R. 6576, and H.R. 6073.

DEPARTMENT OF HOMELAND SECURITY COMPONENT PRIVACY OFFICER ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5170, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5170, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOMELAND SECURITY NETWORK DEFENSE AND ACCOUNTABILITY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5983, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5983, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEXT GENERATION RADIATION SCREENING ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5531, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 5531, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to Advanced Spectroscopic Portal monitors, and for other purposes.''.

A motion to reconsider was laid on the table.

IMPROVING PUBLIC ACCESS TO DOCUMENTS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6193, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6193, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REDUCING OVER-CLASSIFICATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4806, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 4806, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HOMELAND SECURITY OPEN SOURCE INFORMATION ENHANCEMENT ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3815, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 3815, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REDUCING INFORMATION CONTROL DESIGNATIONS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6576, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6576, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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OPTIONAL ELECTRONIC PAY STUBS FOR FEDERAL EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6073.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6073.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING THE MEMBERS OF THE NEVADA ARMY NATIONAL GUARD AND AIR NATIONAL GUARD

Mr. ELLSWORTH. Mr. Speaker, I move to suspend the rules and agree to

the concurrent resolution (H. Con. Res. 358) commending the members of the Nevada Army National Guard and Air National Guard for their service to the State of Nevada and the United States, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 358

Whereas since May 2003, more than 1,600 members of the Nevada Army and Air National Guard have been mobilized and deployed to or in support of Operation Iraqi Freedom and Operation Enduring Freedom;

Whereas since May 2003, more than 1,500 residents of Nevada have been mobilized and deployed to or in support of Operation Iraqi Freedom and Operation Enduring Freedom as members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve;

Whereas those deployments have been marked by the dedicated, unselfish, and professional service and commitment of the members of the reserve components so deployed, as well as by their personal sacrifices;

Whereas members of the 1st Battalion, 221st Cavalry, based in Las Vegas, Nevada, deployed to Fort Irwin, California, from July 2004 to July 2006, and to Iraq from May 2006 to July 2007;

Whereas members of the 321st Signal Company, based in Reno, Nevada, deployed to Kuwait and Iraq from November 2003 to March 2005;

Whereas members of the 777th Engineer Company, based in Henderson, Nevada, deployed to Kuwait from March 2003 to May 2004;

Whereas members of the 1864th Transportation Company, based in Henderson, Nevada, deployed to Kuwait and Iraq from November 2004 to November 2005;

Whereas members of D Company, 113th Aviation, based in Stead, Nevada, deployed to Afghanistan from March 2005 to June 2006;

Whereas members of Detachment 45, Operational Support Airlift, based in Stead, Nevada, deployed to Kuwait from February 2005 to October 2005;

Whereas members of the 593rd Transportation Company, based in Stead, Nevada, deployed to Iraq from July 2006 to October 2007;

Whereas members of the 140th Military Police Detachment, based in Henderson, Nevada, deployed to Iraq from February 2008 to April 2008;

Whereas members of the 152nd Airlift Wing and 152nd Intelligence Squadron based in Reno, Nevada, deployed to Iraq from September 2005 to September 2006, and again from February 2007 to March 2008;

Whereas members of the 192nd Airlift Squadron and 152nd Maintenance Squadron, based in Reno, Nevada, deployed to Puerto Rico from July 2005 to October 2005;

Whereas members of the 232nd Operations Squadron, based in Las Vegas, Nevada, are currently deployed in ongoing operations in Afghanistan and Iraq: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress commends the members of the Army National Guard, Air National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve from the State of Nevada for their dedicated, unselfish, and professional service, commitment, and sacrifices to the State of Nevada and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, I yield myself such time as I consume.

I rise in support of House Concurrent Resolution 358 which commends the members of the Nevada Reserve components for their service to the State of Nevada and the United States of America.

More than 1,600 brave members of Nevada's Army and Army Air National Guard have been deployed as part of Operation Iraqi Freedom and Operation Enduring Freedom since May of 2003. In addition, more than 1,500 Nevada residents have been mobilized as members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve. The courageous servicemen and women of Nevada come closest to embodying the motto of their great State, ''All for our country.''

These heroes risk their lives and make tremendous personal sacrifices to protect our Nation and our freedom. Many have served extended tours of duty in active combat zones or provided invaluable support to our forces abroad. Beyond their military role, these men and women assume a myriad of responsibilities on behalf of our communities. From fighting wildfires to civic support, from drug enforcement, to search and rescue, it is their dedication and professionalism which we honor today.

Take the members of 1st Battalion, 221st Cavalry, operating out of Las Vegas, who added a distinguished new chapter to their unit's rich history—dating back to the early days of the Nevada Territory—with their service in Iraq from May 2006 to July 2007. Or consider the invaluable support of the men and women of the 321st Signal Company, based in Reno, who operated and maintained crucial digital communications equipment during their deployment to Kuwait and Iraq from December of 2003 to March of 2005. We honor them.

Consider the 777th Engineer Company, deployed to Kuwait from May of 2003 to 2004, and the 1864th Transportation Company, deployed to Kuwait from July 2004 to November 2005. We pay tribute to D Company, 113th Aviation, who brought their experience of desert conditions in the Sierra Nevada to their trials in Afghanistan from January of 2005 to June of 2006, and to Detachment 45, Operational Support Airlift, deployed to Kuwait from February to October 2005.

We thank the members of the 593rd Transportation Company out of Stead, Nevada, who braved IEDs and ambushes in Iraq from July 2006 to October 2007. They were joined in Iraq by the men and women of the 140th Military Police Detachment, based in Henderson, Nevada, who deployed from February to April, 2008. Much needed support was provided by the 152nd Airlift Wing and 152nd Intelligence Squadron, deployed to Iraq from September of 2005 to 2006, and again from February 2007 to March 2008. And, finally, the members of the 232nd Operations Squadron, based in Las Vegas, Nevada, who are currently deployed as part of ongoing operations in Afghanistan and Iraq.

These brave men and women have answered the call of their country, their State, and their community with honor, bravery, and great skill. Their sacrifices, through extended and repeated deployments far from families and loved ones, deserve our highest respect and our deepest gratitude.

I therefore trust you shall join me in support of this resolution, a small token of our heartfelt thanks.

I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 358, as amended, which recognizes the National Guard and Reserve members from Nevada for their extraordinary service, not only to their State but also to this country.

I want to thank my fellow Republican, Mr. HELLER of Nevada, for introducing this resolution. All of America should be proud of what the citizen soldiers of Nevada have accomplished while mobilized and deployed for or in support of the war on terror. Since 2003, more than 3,100 people from the Nevada National Guard and Reserves have performed above and beyond the call of duty in both Operation Iraqi Freedom and Operation Enduring Freedom. They have served in combatant support roles putting their lives on hold while serving the country they swore to protect. They temporarily left their families and jobs behind to support the needs of the country, and they should be recognized and thanked for their sacrifice.

I would also like to thank the families of these brave men and women, for they become military families when this country needs them the most. They provide essential support to those National Guard and Reserve men and women. For that, we are forever grateful.

Since the earliest days of this great Nation, we have required a strong military, a military that is ready and willing to protect the Nation's interests. The Nevada Army National Guard and Reserves are essential to that strong military. They have always acted gallantly when called upon in any situation.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution

358 and pay respects to the brave men and women of the State of Nevada.

Mr. Speaker, I reserve the balance of my time.

Mr. ELLSWORTH. Mr. Speaker, I yield 4 minutes to my good friend and colleague, a member of the Veterans' Affairs Committee, who I know is very proud of Nevada's Reserve components, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I want to thank my colleague, Congressman ELLSWORTH, for giving me a few moments of his time in order to sing the praises of Nevada's National Guard. I particularly want to thank my colleague from Nevada, DEAN HELLER, for having the good sense and good taste to introduce this resolution honoring our National Guard. I am very grateful to him for that.

Mr. Speaker, I rise today in support of this resolution and in deep gratitude to the members of the Nevada National Guard who have made so many sacrifices to serve our country and my home State of Nevada.

Since 9/11, more than 1,850 of our soldiers have mobilized to support the operations in Iraq and Afghanistan. That's 64 percent of our Nevada Guardsmen deployed in Iraq and Afghanistan. As we speak, 263 Nevada National Guard members are serving on active duty in support of a number of operations around the world, with 136 of them currently serving in Iraq and Afghanistan.

These brave men and women have had to endure years of separation in long and difficult tours of duty overseas. Their service takes an enormous toll on them and their families, and this resolution is just a small token of our appreciation. Some of them have made the ultimate sacrifice, and for that we will forever be in their debt and the debt of their loved ones.

I want to highlight the actions of just one of these brave soldiers. Specialist Douglas Pierce of the 221st Cavalry was recently presented the Army Commendation Medal with Valor for his actions in Iraq on June 3, 2007. Specialist Pierce was providing escort security when his convoy came under attack. After escorting the convoy out of danger, Pierce returned to the area under enemy fire to provide medical aid to wounded soldiers. He didn't have to go back into the area, but because of his brave action, one of the soldiers he assisted is alive today and recovering at Walter Reed Hospital.

I am also proud that this Congress is giving back to those like Specialist Pierce who have served our country so bravely. We recently updated the GI Bill for the 21st century, increasing education benefits for those who have served since 9/11, including reservists and members of our National Guard. We have once again restored our promise to our veterans by guaranteeing a 4-year education for those returning from Iraq and Afghanistan and providing members of the National Guard with the tools they need to succeed in the workplace. And, at long last, we have finally given the same benefits to our National Guardsmen as we have long provided the rest of our Armed Forces.

Mr. Speaker, the debt we owe to our soldiers can never be fully repaid, but I hope this Congress, and I'm confident that this Congress, will continue to support them as much as we possibly can.

I urge support for this resolution. Before I yield back, I want to thank my colleague from Nevada once again, Mr. HELLER, for introducing this resolution. I appreciate it, and I know the Guardsmen and their families do as well.

Mrs. DRAKE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Nevada (Mr. HELLER).

Mr. HELLER of Nevada. I want to express my appreciation to the gentlewoman from Virginia for yielding time and thank her for her kind remarks and also to my colleagues from Indiana and, of course, from southern Nevada (Ms. BERKLEY) for the remarks that she made. Thank you very much.

Mr. Speaker, I rise today in order to honor and thank the members of the Nevada Army National Guard, Air National Guard and the members of the Nevada Reserve for their service to the State of Nevada and the United States. Members of the Nevada National Guard and Reserve serve our State and country with honor and distinction. Whether they are saving lives during natural disasters or protecting our country abroad, Nevadans and our Nation owe our Guardsmen and Reservists a debt of gratitude for their service. America must remain committed to our men and women overseas, and I pray for the safe return of every servicemember of the United States.

Today I consider it a privilege to offer this resolution along with the Nevada House Delegation, Ms. BERKLEY and Mr. PORTER, in order to honor some of Nevada's finest citizens.

As we all know, the people who make the greatest sacrifices for our country are the brave men and women of our Armed Forces. Very often this means servicemembers are deployed for extended periods of time away from family, children, and friends, sometimes in hostile conditions. In addition, when members of the National Guard deploy, their families are not the only ones that are affected. Since our servicemembers live and work in their hometowns throughout Nevada, employers and communities are also affected by these deployments. I would like to recognize and thank those employers who have displayed patriotism by saving positions for returning servicemembers and supporting the servicemembers' families during this time.

The Nevada National Guard is regarded as a technically and tactically proficient fighting force fully capable of seamlessly serving alongside active duty personnel. Nevada's Guardsmen and Reservists have bravely served both domestically and abroad in support of the global war on terrorism.

The Nevada National Guard has experienced both triumphant and disappointing moments during the past few years. Most of the Nevada National Guard's wartime deployments have been in support of Operations Enduring Freedom and Iraqi Freedom. The Nevada National Guard has had the pleasure of welcoming hundreds of our airmen and soldiers home from worldwide deployments but also has had the sorrowful task of mourning the loss of three Army Guard combat casualties, the first casualties for the Nevada National Guard since World War II.

At this time, I want to extend my deepest condolences to family members of Chief Warrant Officer John Flynn, Sergeant Patrick Stewart, and Specialist Anthony Cometa who lost their lives in defense of our country. Generations of Nevadans will enjoy greater peace and security because of the sacrifices of John, Patrick, and Anthony.

Despite trying times, I am proud of the accomplishments of the Nevada Guard during the past 5 years. The Nevada National Guard pledges to fulfill its commitment to the citizens of the Silver State and the Nation in the same conscientious and professional manner they have maintained for nearly 150 years.

I support all our men and women in uniform. From the Middle East to Fallon Naval Air Force Station and Nellis Air Force Base, our troops are doing an excellent job of protecting Americans from new threats. Recognizing the sacrifices our troops have made in the past and continue to make today is critical for every citizen.

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Mr. Speaker, I urge my colleagues to support House Resolution 358 and honor the bravery of America's best servicemembers.

Mr. ELLSWORTH. Mr. Speaker, at this time, I have no further requests for time and am prepared to my close after my colleague has yielded back. I reserve the balance of my time.

Mrs. DRAKE. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. ELLSWORTH. Mr. Speaker, I would also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 358, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: ''Concurrent resolution Commending the members of the Nevada Army and Air National Guard and the Nevada Reserve members of the Armed Forces for

their dedicated, unselfish, and professional service, commitment, and sacrifices to the State of Nevada and the United States during more than five years of deployments to and in support of Operation Iraqi Freedom and Operation Enduring Freedom.''.

A motion to reconsider was laid on the table.

HONORING EDWARD DAY COHOTA, JOSEPH L. PIERCE, AND OTHER VETERANS OF ASIAN AND PACIFIC ISLANDER DESCENT WHO FOUGHT IN THE UNITED STATES CIVIL WAR

Mr. ELLSWORTH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) honoring Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian and Pacific Islander descent who fought in the United States Civil War, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 415

Whereas soldiers of Asian and Pacific Islander descent fought bravely and honorably during the United States Civil War;

Whereas Edward Day Cohota was among the soldiers of Asian descent who fought in the Civil War;

Whereas as a small child, Mr. Cohota stowed away in the ship Cohota, leaving Shanghai, China, in 1845;

Whereas Mr. Cohota enlisted in the 23rd Regiment, Massachusetts Volunteer Infantry;

Whereas during the Civil War, Mr. Cohota fought valiantly in the fog-bound Battle of Drury's Bluff;

Whereas Mr. Cohota proved his courage at Cold Harbor;

Whereas Mr. Cohota served in the United States Army for 30 years;

Whereas Joseph L. Pierce was also among the soldiers of Asian descent who fought in the Civil War;

Whereas Mr. Pierce enlisted in the 14th Regiment, Connecticut Volunteer Infantry, in 1862;

Whereas Mr. Pierce fought at Antietam and in the Battle of Gettysburg; and

Whereas many of the soldiers of Asian and Pacific Islander descent who fought in the Civil War, including Edward Day Cohota and Joseph L. Pierce, were denied rightful recognition of their service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and expresses its appreciation for the courageous and loyal contributions made by soldiers of Asian and Pacific Islander descent during the United States Civil War; and

(2) recognizes and honors the 2 most documented of those soldiers, Edward Day Cohota and Joseph L. Pierce, for their distinguished and dedicated service to preserving and maintaining the Union.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ELLSWORTH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLSWORTH. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 415, which honors Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian and Pacific Islander descent who fought in the United States Civil War.

Despite generations of exclusion and discrimination, Asian Pacific Americans have served in our American forces with loyalty and dedication since the time of our Civil War. Unfortunately, many of their stories too often do not receive the attention, recognition, or credit they fittingly deserve. The stories of Mr. Cohota, Mr. Pierce, and other veterans of Asian Pacific Islander descent who fought in our Civil War are a few of such stories.

Edward Day Cohota, the best-documented Asian veteran of the Civil War, was found as a small child stowed away in a merchant ship bound for Massachusetts from the port of Shanghai, China, in 1854. The captain of the ship, Sergeant S. Day, discovered the half-starved child two days from port and adopted him as his own. Named after the merchant ship, Cohota, Edward Day Cohota spent the next several days sailing with Sergeant Day and Mrs. Day until Sergeant Day and his family retired to Gloucester, Massachusetts, in 1857.

When the Civil War broke out, Cohota joined the 23rd Regiment, Massachusetts Volunteer Infantry, and fought bravely in the Battle of Drury's Bluff near Richmond and at the Battle of Cold Harbor. Mr. Cohota went on to proudly serve in the United States Army for 30 years.

In 1935, he died in Hot Springs, South Dakota, still a foreigner in the only homeland he had ever really known, as he had been denied American citizenship after the passing of the Chinese Exclusion Act in 1882.

Joseph Pierce is another Asian Pacific Islander who served in uniform during the American Civil War. At age 21, Pierce enlisted in the 14th Connecticut Infantry in August 1862. Connecticut ship captain Amos Peck found Pierce adrift in the South China Seas and brought him home where he was raised with the rest of the Peck family and the family's children. The 14th Connecticut Infantry unit participated in the Battle of Antietam on September 17, 1862, and he also fought with them at the Battle at Chancellorsville in May 1863. The 14th was also at the Battle of Gettysburg where they helped repel Pickett's Charge that fateful day.

Since the Civil War through today's current conflict in Iraq and Afghanistan, Asian and Pacific Islanders continue to honorably and bravely serve our Nation in uniform.

We in Congress recognize and express our sincerest appreciation for the courageous and loyal contributions made by soldiers of Asian and Pacific Islander descent during the Civil War. We honor their distinguished and dedicated service in preserving and maintaining the Union and are proud of the rich diversity of our heritage.

I thank my colleague from California (Mr. HONDA) for bringing forward this bill, and I urge my colleagues to join me in supporting this important resolution.

I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield myself as much time as I might consume.

Madam Speaker, I rise today in support of House Resolution 415, which recognizes the service of two remarkable Asian Civil War veterans and also pays respect to all participants of this war with Asian and Pacific Islander heritage.

Arriving in America as a stowaway aboard a ship from China, Edward Day Cohota enlisted in the 23rd Regiment, Massachusetts Volunteer Infantry, in the early years of the Civil War. He fought in the Battle of Drury's Bluff in Virginia on May 16, 1864. His wartime service continued at the Battle of Cold Harbor in Virginia on June 3, 1864. After the war, Mr. Cohota continued to serve for a total of 30 years active duty in the United States Army.

Joseph L. Pierce enlisted in the 14th Regiment, Connecticut Voluntary Infantry, in 1862 and fought on America's bloodiest day, September 17, 1862, in the Battle of Antietam. After managing to avoid being one of the 23,000 casualties of that battle, he continued to distinguish himself on the battlegrounds at Gettysburg where his unit helped to repulse Pickett's charge.

These two soldiers are but two of the Asian and Pacific Islanders who served their adopted Nation so well in the Civil War.

Madam Speaker, I want to thank my colleague, Mr. HONDA of California, for introducing this resolution. I would like to encourage my colleagues to give their appreciation to these volunteers whose service has not been fully recognized. Therefore, I urge a ''yes'' vote on House Resolution 415.

Madam Speaker, I reserve the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I yield such time as he may consume to my friend and colleague, the Chair of the Congressional Asian Pacific American Caucus, the gentleman from California (Mr. HONDA).

Mr. HONDA. Madam Speaker, I want to thank my colleagues from Indiana and from Virginia for their wonderful support and recognition.

Madam Speaker, I rise today in support of House Resolution 415, a resolution I introduced which recognizes and honors Asian Pacific Islander American soldiers who fought during the United States Civil War.

Recent historical research has uncovered evidence of over 250 soldiers of Asian and Pacific Islander descent who served in the Union and Confederate forces during the United States Civil War.

I have introduced H. Res. 415 to recognize and honor Edward Day Cohota and Joseph L. Pierce, as well as the numerous others veterans of API descent who bravely fought in the United States Civil War. These two men, both of Chinese ancestry, are explicitly named in this resolution as the most-documented and researched veterans of Asian and Pacific Islander descent in the U.S. Civil War.

In comparison to the total population in the United States, a disproportionately high percentage of soldiers of API descent are listed on both the Union and Confederate rosters. By volunteering to serve in the Armed Forces of their adopted homeland, they risked their lives and declared their allegiances as vigorously as any other community.

Instead of honoring and recognizing their service, our country denied these veterans the ability to naturalize through the bigoted laws enacted during this period.

I believe that for their contribution to our Nation's history, and the injustices done to them despite their patriotism, veterans of API descent who fought in the U.S. Civil War are worthy of recognition by the United States House of Representatives.

I would like to take this opportunity to express my deep gratitude to the Chinese American Citizens Alliance, without whose efforts this resolution would not be possible. In their own words, the Chinese American Citizens Alliance has been ''committed to achieving passage of this resolution because national historic recognition was the least our country could do posthumously for an important, special group of unsung heroes.'' The Chinese American Citizens Alliance has worked arduously on behalf of these veterans and their families for years, and their work pays off today as the House considers this resolution.

In closing, Madam Speaker, I am pleased that this resolution is on the floor today. The families of these veterans and community supporters have waited a very long time for these brave soldiers to be honored by our government, and I urge my colleagues to support this small effort to recognize the contributions made by Asian Pacific Islander Civil War soldiers.

Mrs. DRAKE. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. ELLSWORTH. Madam Speaker, at this time, I have no further speakers and yield back the balance of my time.

The SPEAKER pro tempore (Ms. TSONGAS). The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the resolution, H. Res. 415, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE SERVICE OF THE USS ''FARENHOLT'' IN THE SOUTH PACIFIC DURING WORLD WAR II

Mr. ELLSWORTH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1248) recognizing the service of the USS *Farenholt* and her men who served our Nation with valor and bravery in the South Pacific during World War II, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1248

Whereas the USS Farenholt (DD 491) was launched on November 19, 1941, by Bethlehem Steel Company in Staten Island, New York, and commissioned on April 2, 1942, at the Brooklyn Navy Yard;

Whereas the Farenholt, a 1620-ton Benson-class destroyer, sailed from San Diego on July 1, 1942, for the Pacific;

Whereas the Farenholt, known as the ''Fightin' F'', participated in the invasion of Guadalcanal on August 7, 1942, which marked the first American land offensive of the war;

Whereas the Farenholt, a flagship for Destroyer Squadron 12, served as an escort for the carrier, the USS Wasp, which on September 15, 1942, was attacked by two enemy submarines;

Whereas, as the Wasp sunk, the Farenholt rescued 143 survivors;

Whereas the Farenholt, during the Battle of Cape Esperance on the night of October 11, 1942, exhibited tactical might by joining an American force that successfully intercepted and defeated enemy destroyers and cruisers;

Whereas, during the Battle of Cape Esperance, the Farenholt helped to sink an enemy destroyer, despite having received three hits and having her torpedo tube rendered inoperative, which left three of the Farenholt's crew dead and 43 wounded;

Whereas, during the Battle of Cape Esperance, the Farenholt remained afloat despite the amount of water that flooded aboard the ship due to the severe damage inflicted by the three hits;

Whereas the crew saved the Farenholt from sinking by shifting oil, water, and topside weight to starboard, thus bringing the holes created by direct shell hits out of the water and saving the Farenholt so she could fight another day;

Whereas on the night of February 17, 1944, the Farenholt steamed up the St. George Channel and bombarded Rabaul, Solomon Islands, a stronghold of the enemy;

Whereas Rabaul was heavily fortified and hosted approximately 100,000 enemy troops;

Whereas during the Rabaul raid, the Farenholt fired 214 salvos and inflicted heavy damage on shore installations at Rabaul and sunk two merchant ships;

Whereas General MacArthur said of the February Rabaul raid, ''Heartiest congratulations to you and all concerned in Rabaul air strikes. The relentlessness of the attacks and their effectiveness have aroused admiration and enthusiasm everywhere. The daring and successful destroyer raids were also splendid in every way and were conceived and accomplished in the best Farragut manner'';

Whereas one week later, on February 25, 1944, the Farenholt participated in a similar raid, this time at Kavieng which drew heavy fire from the shore, and the Farenholt was damaged on the starboard side and, once again, her men saved the ship;

Whereas the men of the Farenholt accounted for two Navy Cross awards, two members of the crew were awarded the Silver Star Medal, five members of the crew were awarded the Bronze Star Medal, eight members of the crew received Letters of Commendation, and approximately 46 Purple Hearts were awarded for the members of the crew who were killed or wounded in action;

Whereas the men of the Farenholt and their loving spouses, widows, and children celebrated their 16th reunion in Fort Collins, Colorado, in 2007, and will celebrate their 17th reunion in Santa Clara, California, on September 17, 2008 through September 21, 2008; and

Whereas the men of the Farenholt represent the bravery and selfless sacrifice of the greatest generation: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and commends the courageous and honorable men who served aboard the USS Farenholt in the South Pacific during World War II for their selfless service to the United States; and

(2) recognizes the contributions of the USS Farenholt and her crew in protecting America and its freedoms during World War II.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ELLSWORTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLSWORTH. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1248, which honors the crew of the USS *Farenholt* for their brave service in the South Pacific during the Second World War. I would like to thank my colleague from Colorado, Congresswoman Marilyn Musgrave, who introduced this resolution with me.

A 1,620-ton Benson-class destroyer, the USS *Farenholt*, affectionately known as ''the Fightin' F,'' was launched from Staten Island, New York, on November 19, 1941. The *Farenholt* sailed for the Pacific in July of 1942, participating in the invasion of Guadalcanal as the flagship for Destroyer Squadron 12 and escort for the carrier USS *Wasp*. On September 15, 1942, when the *Wasp* was surprised and sunk by two Japanese submarines, the *Farenholt* rescued 143 of the survivors.

The Farenholt's greatest test came the following month in the Battle of Cape Esperance, when the ship helped

intercept a Japanese force of cruisers and destroyers attempting to bombard Henderson Field on Guadalcanal. The *Farenholt* performed admirably, sinking an enemy destroyer despite taking heavy casualties from three direct hits from enemy fire. The brave crew managed to keep their ship afloat by shifting topside weight to the starboard, thereby lifting the shell holes out of the water. Thanks to the dedication and ingenuity of her crew, the *Farenholt* lived to fight another day.

In fact, she spent the next 2 years crisscrossing the South Pacific, providing cover for landings, escorting convoys, and rescuing downed pilots.

Her crew once again proved their courage on the night of February 17, 1944, when they launched a daring dash through the St. George Canal in the Solomon Islands to attack the Japanese stronghold at Rabaul. They managed to sink two enemy merchant ships in the process, and General Douglas MacArthur wrote that the raids on Rabaul were ''splendid in every way and were conceived and accomplished in the best Farragut manner.''

The sailors of the USS *Farenholt* were awarded two Navy Crosses, two Silver Stars, five Bronze Stars, eight Letters of Commendation, and 46 Purple Hearts for their service and sacrifice to our country.

Madam Speaker, I would like to acknowledge a constituent of mine, Gene Fithian of Newburgh, Indiana. Last year, I met with Gene in my office in Evansville, and he shared stories about the *Farenholt* and his shipmates. Gene put my staff in touch with other men who served aboard the *Farenholt*, and this resolution would not have been possible without their valuable input. Thank you, Mr. Fithian.

It is with a deep sense of gratitude and appreciation that we honor the men of the *Farenholt* and their loving spouses, widows, and children. They are part of our ''Greatest Generation,'' and I encourage all my colleagues to join me in honoring their sacrifices.

Madam Speaker, I reserve the balance of my time.

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Mrs. DRAKE. Madam Speaker, I yield myself as much time as I might consume.

I rise today in support of House Resolution 1248, which recognizes the service of the destroyer USS *Farenholt* and her men who served our great Nation with bravery in the South Pacific during World War II.

The USS *Farenholt* was commissioned on April 2, 1942 at the Brooklyn Navy Yard. The destroyer sailed from San Diego, California on July 1, 1942 for the Pacific.

Also known as the Fightin' F, she participated in the United States' first land offensive of World War II, the August 1942 invasion of Guadalcanal. The next month, *Farenholt* also served as an escort for the aircraft carrier USS *Wasp*, which was attacked by two enemy submarines. When the *Wasp* sank, the *Farenholt* rescued 143 of her survivors.

The Fightin' F fought in the battle of Cape Esperance in October 1942, and joined the American force that intercepted and defeated Japanese destroyers and cruisers. During the fight, the *Farenholt* suffered 46 casualties and severe damage from three direct hits. Despite this, her crew kept her from sinking, and she joined in the February 1944 destroyer raid on the Japanese stronghold at New Guinea where she sank two merchant ships. That raid earned very high praises from General Douglas MacArthur.

I want to thank my colleague, Mr. ELLSWORTH of Indiana, for introducing this legislation.

I urge my colleagues to recognize these brave and dedicated men of the USS *Farenholt* by supporting House Resolution 1248.

Madam Speaker, I reserve the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I also reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield as much time as she may consume to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Speaker, I thank my colleagues. It's truly an honor to stand here tonight and pay gratitude to our World War II veterans. I was very proud to cosponsor this resolution honoring the USS *Farenholt* and her crew.

Radarman 1st Class Kenneth S. Buffington served on the *Farenholt* from 1942 to 1945. Kenneth was born and raised in Nebraska, and he lived on his family's farm until he joined the United States Navy. After the war, he became a plumber, and he has called Fort Collins, Colorado his home for the last 55 years. He will celebrate his 89th birthday in September.

Kenneth fought 11 battles aboard the *Farenholt*. The destroyer endured 12 credited engagements from Guadalcanal to Okinawa. When at battle stations, Kenneth helped man the guns to help defend his ship and crew mates and to ensure that the Fightin' F could engage the enemy on another day.

The *Farenholt's* accomplishments are many, as my colleagues have mentioned, including the repelling of Japanese air attacks, the bombardment of enemy positions, the supporting of carrier raids, and the performing of rescue operations as well as that of escort and patrol duty. In battle, the crewmen were often stretched to their limits, remaining at battle stations around the clock, sleeping little but doing their duty. The crew of the *Farenholt* suffered casualties, but they always fought courageously and greatly contributed to the success of the operations in which they took part.

Twice, the *Farenholt* was badly damaged by gunfire and by shell fire, but she survived to celebrate V-J Day, and was decommissioned in April of 1946.

It is my great privilege to represent Kenneth Buffington and his family, and I am proud to honor the USS *Farenholt*, her crew and all of our World War II veterans and their families.

Mr. ELLSWORTH. Madam Speaker, I would also like to thank the gentlelady from Virginia.

At this time, I have no further requests for time, and I'm prepared to close after my colleague has yielded back.

I continue to reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I have no additional speakers.

I yield back the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the resolution, H. Res. 1248, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''Resolution recognizing the service of the USS *Farenholt* and her crew who served the United States with valor and bravery in the South Pacific during World War II.''.

A motion to reconsider was laid on the table.

HONORING THE SERVICE OF LANDING SHIP TANK VETERANS

Mr. ELLSWORTH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1316) honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam War, Operation Desert Storm, and global operations through 2002 and recognizing the essential role played by LST amphibious craft during these conflicts.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1316

Whereas the Landing Ship Tank (LST) was the military designation for naval vessels created during World War II to support amphibious operations by carrying significant quantities of vehicles, cargo, and landing troops directly onto an unimproved shore;

Whereas the British evacuation from Dunkirk in 1940 demonstrated to the British Admiralty that the Allied Forces needed relatively large, ocean-going ships, capable of the shore-to-shore delivery of tanks, other vehicles, and troops for amphibious assault upon the continent of Europe;

Whereas at their first meeting at the Atlantic Conference in August 1941, President Franklin D. Roosevelt and British Prime Minister Winston Churchill agreed with the Admiralty about the need for improved ships that could land on and retract off a beach;

Whereas in 3 separate acts, dated February 6, 1942, May 26, 1943, and December 17, 1943, Congress provided the authority for the construction of LSTs;

Whereas 1,051 LST amphibious craft were constructed during World War II;

Whereas 70 percent of LSTs were built at inland shipyards on the Illinois and Ohio Rivers, mainly by female construction, welding, and assembly line workers;

Whereas the first LST, commissioned on October 27, 1942, was a 328-foot ship with unique characteristics of bow doors and a ramp to transport troops, a reduced forward draft of fewer than 4 feet for successful beaching, 9 knot speed, a flat bottom, and equipped with 20-millimeter and 40-millimeter guns on the upper and main decks;

Whereas the LST saw action in every theater of World War II, receiving the second most battle stars after Destroyers, and mission flexibility was its hallmark;

Whereas the multiple missions performed by the LSTs included not only the amphibious landings of troops, vehicles, and other materiel, but also serving as motor torpedo boat tenders, battle damage repair ships, aircraft engine repair ships, mini-aircraft carriers, launch craft for fixed wing reconnaissance aircraft, and medical care;

Whereas LSTs led the D-Day evacuation of 41,035 wounded men back across the English Channel from the Normandy beaches;

Whereas World War II naval historian Samuel Eliot Morison described the LST as the ''most useful all-around craft invented by the Navy'';

Whereas during World War II, Navy and Coast Guard sailors manned the LST from the ships' combat debut in the Solomon Islands in June 1943 until the end of hostilities in August 1945;

Whereas LSTs were involved in the invasions of Sicily, Italy, Normandy, and southern France;

Whereas LSTs served as an essential element in the island-hopping campaigns in the Pacific Theater, including the liberation of the Philippines and the capture of Iwo Jima and Okinawa;

Whereas the brave sailors serving on the LSTs survived typhoons and other harsh weather, attacks by kamikaze planes and enemy submarines, ocean mines, and the dangers and stress of combat;

Whereas the Navy's amphibious forces rolled out tons of equipment and thousands of men onto the beaches at Normandy, France, in June of 1944, leading the way for the massive Allied invasion that wrested Europe from the power of the Nazis;

Whereas the LSTs and the sailors who manned them continued to provide amphibious landing and other services for 57 years following World War II, serving in the Inchon Landing and other operations during the Korean war, the Vietnam war, the 1974 refugee evacuations from Vietnam, Operation Sea Angel to provide humanitarian assistance to Bangladesh, Operation Desert Shield, Operation Desert Storm, and Operation Restore Hope in Somalia;

Whereas several thousand surviving Navy and Coast Guard World War II veterans are members of the United States LST Association, headquartered in Oregon, Ohio;

Whereas members of the United States LST Association and the USS LST Ship Memorial, Inc., successfully secured legislation that allowed for the retransfer of the LST 325 from Greece and volunteered members to go to Greece in 2000 to restore and refurbish the LST 325;

Whereas World War II-era LST veterans sailed the LST 325 from Greece to the United States, arriving in Mobile, Alabama, on January 10, 2001;

Whereas the LST 325 is 1 of only 2 World War II-era LSTs to be preserved in the United States, and volunteers with the USS LST Ship Memorial have converted the LST 325 into an operational museum and memorial ship based in Evansville, Indiana, to preserve the historic legacy of these ships and honor the men who bravely served their country aboard LSTs;

Whereas the LST 325 has sailed over 9,000 miles and visited 13 cities since returning to the United States, and is scheduled to sail up the Mississippi River in August 2008; and

Whereas the Navy decommissioned the last LST, the USS Frederick (LST 1184), at a ceremony at Naval Station Pearl Harbor on October 5, 2002: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the essential role played by Landing Ship Tanks (LSTs) during World War II, the Korean war, the Vietnam war, Operation Desert Shield, Operation Desert Storm, and many other military and humanitarian operations;

(2) honors the service of the Navy and Coast Guard sailors who bravely served their country aboard the LSTs;

(3) acknowledges the debt modern amphibious operations owe to the LST sailors and ships in pioneering the multiple missions carried out by amphibious landing craft; and

(4) commends the many volunteers of the USS LST Ship Memorial who have preserved the LST 325 as a living memorial in honor and remembrance of the ships and veterans in their service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. ELLSWORTH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ELLSWORTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ELLSWORTH. Madam Speaker, I yield myself such time as I might consume.

I rise in support of House Resolution 1316, which honors the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft.

I want to thank the gentleman from Massachusetts (Mr. MCGOVERN) for bringing this important resolution before us. As an original cosponsor of the measure, I'm eager for its swift passage.

At this time, I'd like to yield such time as he may consume to the sponsor of House Resolution 1316, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I want to thank the gentleman from Indiana, who represents the home base of the USS LST Memorial Ship, the LST–325, for yielding me the time.

Madam Speaker, I could not be more proud to see this resolution come before the House today for consideration. The Navy and Coast Guard sailors and seamen who served on these LSTs are true American heroes. They fought for this country in some of the most decisive battles in our history, from the 1940s to the early 1990s, and they deserve to be recognized.

I am glad that the United States Congress will be going on record in commending these veterans for their service, and it's especially nice that this resolution comes up today before the LST veterans have their national convention in Washington, D.C. at the end of August.

I want to express special appreciation to Armed Services Committee Chairman IKE SKELTON and to Ranking Member DUNCAN HUNTER for moving this bill forward in order to honor these veterans and their service.

Madam Speaker, this resolution would not have happened without a number of veterans who have remained active in preserving the heritage of the LSTs. Peter Leasca from Worcester, Massachusetts deserves a lot of the credit. He has really educated me and a lot of my colleagues about what these ships meant to the Navy, what they meant to the Allies in World War II and what they meant and still mean to the people who served on them.

I also want to express my gratitude to Mike and Linda Gunjak, at the United States LST Association, and to Captain Bob Jornlin, at the USS LST Memorial Ship, for all of their help, support and guidance on this resolution.

A few years ago, in working with Congressman RALPH HALL, I was able to get language in a defense authorization bill that allowed the Government of Greece to transfer ownership of the USS LST–325 to the USS LST Memorial Ship, Inc., the nonprofit organization set up by LST veterans to bring the LST–325 home and to turn it into an operational memorial and living museum.

LST veterans went to Greece; they refurbished by the sweat of their own brow the LST–325, and sailed her home. Now it's here in the United States so that all Americans can learn about the essential role the LSTs played in our history and about the service and sacrifices made by their crews.

World War II naval historian Samuel Eliot Morison described the LST as the ''most useful all-around craft invented by the Navy,'' but a lot of people don't fully appreciate just how important the LSTs were to achieving victory in World War II, not only during the D-day invasion but also throughout the Pacific theater, including the liberation of the Philippines and the capture of Iwo Jima and Okinawa. They were reliable and flexible just like their crews, and the image of men and of equipment off-loading on the beaches of Normandy is burned into the imagination of the American people and of all World War II-era veterans.

After World War II, the LSTs were put to great use in the Korean War, in the Vietnam War and in other military conflicts, but they were also used to deliver humanitarian assistance, which helped to literally save the lives of thousands of people and win a lot of hearts and minds around the world for the United States. Beginning in World

War II, when the LSTs evacuated over 41,000 wounded men back across the English Channel from Normandy, to Operation Sea Angel in Bangladesh, the LSTs have also been a symbol of hope to those in grave need or peril.

On Easter Sunday morning in 1945, Peter Leasca was aboard LST–824, carrying men and armored vehicles onto the heavily defended beaches of Okinawa, just 340 miles from the Japanese mainland. He was a 20-year-old naval medical corpsman. He witnessed the fierce fighting from the Japanese holding the island. He saw a kamikaze pilot slam his plane into the battleship USS New Mexico, killing 30 sailors and setting the ship ablaze.

Now at the age of 83, this very special World War II veteran and his fellow LST veterans across the country are being recognized by a grateful Congress for their service and for the essential role the LSTs played so long ago.

I thank them for their service. I thank them for their sacrifice. I thank them for keeping this history alive. May God bless them all.

I would again like to thank my colleague from Indiana (Mr. ELLSWORTH) for his generosity in yielding me this time, for his leadership in this Congress and for his friendship.

[From the MetroWest Daily News, July 28, 2008]

NAVY VETERANS TRIBUTE BILL LANDS IN CONGRESS

(By Chris Bergeron)

On Easter Sunday morning, 1945, Peter Leasca rode aboard a Landing Ship, Tank or LST carrying men and armored vehicles onto the heavily defended beaches of Okinawa just 340 miles from the Japanese mainland.

Throughout that day, the then–20–year-old naval medical corpsman witnessed ''fierce fighting'' from Japanese defenders and a Kamikaze slamming into the battleship USS New Mexico, killing 30 sailors and setting it ablaze.

Four-and-a-half months later, Japan surrendered and a year after that Leasca returned home, attended college, married and raised four children while working as a stockbroker.

If all goes as planned, the 83–year-old veteran from Worcester and his shrinking ''Band of Brothers'' who served on amphibious vessels will be thanked by the U.S. government for their service during World War II.

Recognition has been a long time coming.

Local World War II veterans, like Howard Rouse and Rosario George Puliafico, who served aboard LSTs or similar craft, are grateful for the belated recognition but hope the honors extend to those in all branches who lost their lives defending their country.

''LSTs and ships like them were the keys to victory. But a lot of guys lost their lives,'' said Rouse, a Framingham resident who retired after 40 years in broadcasting. ''I think what they did shortened the war. I think they should be recognized.''

With an estimated 1,025 World War II veterans dying every day, according to the Department of Veterans Affairs, Leasca is getting closer to winning his last battle to earn recognition for the men who served aboard amphibious landing craft.

''Guys like us are a vanishing group,'' said Leasca. ''We're in our twilight years.''

On the floor of the U.S. Congress, Rep. James McGovern will call for a vote Wednesday, July 30 on a resolution he authored with input from naval veterans to honor all who served aboard amphibious landing craft in World War II, Korea, Vietnam and Operation Desert Storm through 2002.

McGovern predicts the bill, House Resolution 1316, will pass and be sent to the Senate and the President for confirmation.

McGovern said veterans, like Leasca, Rouse and Puliafico, ''who served on these LSTs are true American heroes.''

''They fought for this country in some of the most decisive battles in our history. And they deserve to be recognized,'' he said.

McGovern added the vote was scheduled for this month so it would precede the LST veterans' annual convention in Washington, D.C., in August.

He credited Leasca for ''really educating me'' and congressional colleagues about the contributions and sacrifices made by those who served aboard amphibious vehicles. U.S. Rep. William Delahunt is also one of the resolution's sponsors.

Decades after the war's end, Leasca fought a successful rearguard action to honor his martial colleagues and return to the U.S. the 64-year-old LST–325 from Greece, where it served the Greek navy for 20 years.

For years he's been one of the most active members and former president of the Amphibious Veterans of Massachusetts.

Leasca said the 328–foot-long LSTs lacked modern amenities but inspired loyalty from the crews of about 120 men who served aboard them.

Waxing nostalgically, he recalled living on his LST as it wove the arduous voyage through the Panama Canal, into submarine-infested waters and on to Hawaii.

''We went up and down, rocked left and right. Sometimes it got pretty rough,'' Leasca remembered. ''It was a long voyage like an ocean cruiser. I saw porpoises and sights I'd never seen before.''

He pointed out the World War II naval historian Samuel Eliot Morrison described LSTs as ''the most useful all-around craft invented by the Navy.''

As time passes and veterans of amphibious craft fade away, Leasca ''wants to do everything I can for the ungainly ships and the men who sailed them into combat.

''I want to do something for all the vets of America,'' he said. ''And I want to give recognition to a glamorous ship. Too often, historians don't mention the LSTs. So we've got to toot our own horn to get recognition.''

For more information about the Amphibious Veterans of Massachusetts, visit www.amphibvetsofma.org.

To read the text of House Resolution 1316 and to check on its status, go to the Library Congress Web site, http://thomas.loc.gov, and type in H. Res. 1316 in the search engine.

USS HENRY COUNTY (LST–824)

The USS *Henry County* (LST–824) was an LST–542–class tank landing ship built for the United States Navy during World War II. Named for counties in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Ohio, Tennessee, and Virginia, she was the only U.S. Naval vessel to bear the name.

Originally laid down as LST–824 by the Missouri Valley Bridge & Iron Company of Evansville, Indiana on 28 September 1944; launched 8 November; sponsored by Mrs. Harry W. Groot; and commissioned 30 November with Lieutenant Jesse D. Jones in command. After shakedown off Florida, LST–824 departed New Orleans 4 January 1945 for San Diego, arriving there on the 24th. She embarked 107 ''bluejackets,'' then sailed for Pearl Harbor 26 January. During February she performed training exercises out of Hawaii, then loaded troops and equipment to depart Pearl Harbor 12 March. For the next month she steamed through the Pacific, stopping at Eniwetok, Guam, and Saipan before proceeding to Okinawa. American forces were already engaged in the fierce struggle to wrestle Okinawa from enemy control when LST–824 departed Saipan 12 April. Five days later she arrived off China Wan and commenced discharging troops and equipment on the embattled island. The landing ship returned to Saipan 27 April for reinforcement troops and cargo, and again steamed for Okinawa. For the remainder of World War II, she shuttled supplies between Okinawa and the Philippines in preparation for a possible invasion of Japan. After the Japanese surrender, LST–824 operated with occupation forces in the Far East until sailing for the United States in November. Arriving Portland, Oregon on 5 December, she decommissioned there 15 May 1946 and joined the Pacific Reserve Fleet. While berthed with the Columbia River Group, LST–824 was named USS *Henry County* (LST–824) on 1 July 1955.

Henry County recommissioned 5 September 1959 with Lieutenant R. L. Dodd in command. After refresher training, L8T–824 departed the West Coast 19 March 1960 for the Far East, arriving Yokosuka 2 weeks later. During the next 4 months she transported supplies, performed training exercises with U.S. Marines, and engaged in joint operations with Korean forces before returning to Long Beach 19 August. Following 20 months of operations along the West Coast, *Henry County* sailed for the mid-Pacific in April, 1962 then performed transport and amphibious duties out of Hawaii. In September she was assigned to Task Force 8 for the nuclear tests in ''Operation Dominic.'' Since the tests were considered vital to the nation's security, the Navy demonstrated her ability once again to keep pace with the advances of technology developed to maintain peace through strength. From December, 1962 through December, 1964 *Henry County* performed amphibious training operations off the California coast. Decommissioned (date unknown), the ship was struck from the Naval Vessel Register 11 April 1975. Subsequently transferred to Malaysia and renamed *Sri Banggi* (A 1501), her final fate is unknown.

LST–824 received one battle star for World War II service and four battle stars for Vietnam service.

USS LST–325

CRETE TO USA (2000–2001)—ORIGINAL SAILING CREW

James Bartlett, Marble Falls, TX; John Calvin, Dunnellon, FL; Jackson R. Carter, Palos Verdes, CA; Donald Chapman, E. Moline, IL; James Edwards, Canton, TX; Corbin Fowkes, New Bethlehem, PA; William ''Rocky'' Hill, Surprise, AZ; Norval Jones, Auburn Hill, MI; Capt. Robert Jornlin, Earlville, IL; Donald K. Lockas, Marseilles, IL; Gary Lyon, Roseville, MN; Joseph Milakovich, Wauwatosa, WI; Ronald. Maranto, Metairie, LA; and James F. McCandrew, Sebastian, FL.

Richard Meyer, Lincoln, NE; Don Molzahn, Sr., La Crosse, WI; Hichael Nedeff, Huber Heights, OH; Bill Nickerson, Margate, FL; Dominick Perruso, Easton, PA; Joe Sadler, Ketchikan, AK; Harold Slemmons, Lone Oak, TX; Paul L. Stimpson, Lock Haven, PA; Edward Strobel, Decatur, IL; Dewey L. Taylor, W. Palm Beach, FL; Bruce Voges, Oakwood, IL; Albert J. White, Roswell, NM; Lauren Whiting, Barker, NY; and Bailey M. Wrinkle, McKenzie, TN.

OVERSEAS SUPPORT CREW

The following crewmembers went overseas at their own expense to participate in preparing LST 325 for its voyage home. They actively participated in Crete and/or in Gibraltar; some sailed on the ship from Crete to Gibraltar.

Ernest Andrus, Art Cook, Glenn Gregg, Lee R. Hunter, Raymond Mai, William Reinard, Edward J. Whitman, Thomas Cadigan, Edward Dyar, Les K. Harrison, Lee James, Jack W. Melcher, Gerald Robertson, David Williams, John Chooljian, William Gollan, William Hart, Richard James, John H. Michaud, L. Scheiderman, Richard Young, Frank Conway, Richard Gouker, Fred Holp, Jim Liverca, Ernest Pliscott, George H. White, and Roald Zvonik.

USS LST 325 ORIGINAL WORLD WAR II CREW

The following are surviving crewmembers from USS LST 325's original World War II crew who have been located:

Harold Allgaier, Casper, WY; Clester Brown, Norfolk, VA; Ted Duning, Lewisburg, TN; Frances Fischer, Delpos, OH; Bill Hanley, Lavallette, NJ; Howard Kramer, Jackson, MI; Richard Martin, York, PA; Ed Nekiunas, South Windsor, CT; Don Roy, Chanhassen, MN; Harold Westerfield, Sun City, AZ; Stan Barish, Pittsburgh, PA; Lander Bumgarner, Maiden, NC; Ellsworth Easterly, Litchfield, IL; Ralph Gard, Munster, IN; Leo Horton, Seneca, SC; Bob Lemieux, Leominster, MA; C.J. Mitchell,Centralia, IL; Walt Niewinski, Lake Grove, NY; and Howard Russell, Baltimore, MD.

Gerard Belanger, Nashua, NH; Larry Cauthen, Rome, GA; Ira Ehrensall, Boca Raton, FL; Paul Genander, Beachwood, NJ; Lloyd Jacobs, Brock, MA; Dale MacKay, Center Barnstead, NH; Gerry Murphy, Clay, NY; Ernie Ninness, Holmes Beach, FL; Dick Scacchetti, Sarasota, FL; Al Binkowski, Plainville, CT; Chester Conway, Hammond, IN; Norm Ferguson, Norfolk, VA; Jack Green, Avalon, CA; Emil Kolar, Springfield, IL; Don Martin, Fargo, ND; Steve Nedoroscki, Milbury, MA; John Roberts, Faribault, MN; and Al Smith, Burleigh, NJ.

Mrs. DRAKE. Madam Speaker, I yield myself as much time as I might consume.

I rise today in support of House Resolution 1316, which not only honors the service of the Navy and Coast Guard veterans who for 60 years served on the LST amphibious landing craft from World War II onward, but it also recognizes the key role played by LST amphibious craft.

During World War II, the LST met the urgent requirement of the Allied Forces for a new vessel, a vessel that was capable of the shore-to-shore delivery of vehicles and troops while conducting an amphibious assault upon the enemy. Between 1942 and 1943, three separate acts of Congress authorized the construction of these LSTs, and over 1,000 LSTs were built during World War II.

These landing craft saw action in every theater of World War II. LSTs played an essential role during the D-day campaign of June 1944. Not only were they the first line of troop transports onto the beaches, but they completed an evacuation of 41,035 wounded men back across the English Channel. LSTs landed on the beaches of places like Sicily, the Philippines, Iwo Jima, Okinawa, and countless others. They survived kamikaze attacks, ocean mines and enemy submarine attacks. These remarkable vessels and their sailors earned the second most battle stars after destroyers.

During the Korean war, LSTs landed at Inchon. In the Vietnam war, they participated in the 1974 refugee evacuations. Also, LSTs provided humanitarian assistance during Operation Desert Shield, Operation Desert Storm and Operation Restore Hope in Somalia.

□ 2030

To honor such valued service, LST veterans, members of the LST Association, gained approval, through legislation, to sail the refurbished LST 325 back from Greece to the United States to transform the ship into a museum. They completed their sail on January 10, 2001, in Mobile, Alabama. Now the ship is based in Evansville, Indiana, as the USS LST Ship Memorial. The Navy decommissioned the last active LST, the USS *Frederick*, at Naval Station Pearl Harbor on October 5, 2002.

Madam Speaker, I urge my colleagues to support this most worthy resolution. It is impossible to express how essential these LSTs were during World War II and continuing until the early 21st century. These remarkable sailors of these ships should be recognized for their dedication, bravery, and loyalty to their Navy and their Nation. We should applaud them today, and every day.

I want to thank my colleague from Massachusetts (Mr. MCGOVERN) for introducing this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I yield myself such time as I may consume.

First I'd like to thank the gentlelady from Virginia for her leadership on this special legislation. I would also like to thank the gentleman from Massachusetts for introducing this House Resolution honoring the Landing Ship Tank, LST, not only for this resolution and his dedication to our veterans, but also for his dedicated service in bringing LST 325 back to the United States from Greece, which ended up landing in my hometown.

The LST, Madam Speaker, has a rich and shared history with my hometown of Evansville, Indiana. During World War II, a 45-acre shipyard along the Evansville riverfront produced LSTs. The peak years of production saw a workforce of over 19,000 workers, and they completed two LSTs per week. The Evansville Shipyard was the largest inland producer of the LST in the United States. And when all was said and done, 167 LSTs and 35 other vessels were built and then sent down the Ohio River and then out to sea.

Madam Speaker, I would like to briefly recount the heroic and inspiring story of the LST 325. The utility and reliability of LSTs and the strong bond developed by their crews has fostered a vibrant and active veterans' association. These brave men, proud of the service and the craft they served on, secured legislation for the refurbishment of LST 325 and for the ship's retransfer to the United States from Greece, where it had been since the early 1960s.

Having set sail from Greece on November 14, 2000, the LST 325 arrived in Mobile, Alabama, on January 10, 2001—to a great American fanfare I might add. In 2003, during a 10-day stop in Evansville, 35,000 people toured the LST 325. It was with great civic pride that Evansville became the official home port of the LST 325 on October 3, 2005. The LST 325 is now an operational museum and a memorial ship on the beautiful Evansville riverfront.

This effort would not have been possible if not for the efforts of Evansville's Mayor, Jonathan Weinzapfel, and city officials who worked closely with Captain Bob Jornlin and Mike Whicker with the USS LST 325 Memorial. The city and the LST 325 Memorial have formed a great partnership, and I'm proud of their efforts. Evansville will proudly host the LST Week 2008 on September 24 through September 27 of this year, 2008.

Madam Speaker, the Navy decommissioned the last LST, the USS *Frederick* (LST 1184) in October of 2002, but the heroic service of the LST crews and the brilliant record of their craft will not soon be forgotten.

I urge my colleagues to support House Resolution 1316.

Madam Speaker, I reserve the balance of my time.

Mrs. DRAKE. Madam Speaker, I yield back the balance of my time.

Mr. ELLSWORTH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. ELLSWORTH) that the House suspend the rules and agree to the resolution, H. Res. 1316.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ELLSWORTH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

WATER USE EFFICIENCY AND CONSERVATION RESEARCH ACT

Mr. MATHESON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3957) to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3957

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 ''Water Use Efficiency and Conservation Research Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Between 1950 and 2000, the United States population increased nearly 90 percent. In that same period, public demand for water increased 209 percent. Americans now use an average of 100 gallons of water per person each day. This increased demand has put additional stress on water supplies and distribution systems, threatening both human health and the environment.

(2) Thirty-six States are anticipating local, regional, or statewide water shortages by 2013. In addition, climate change related effects are expected to exacerbate already scarce water resources in many areas of the country.

(3) The Intergovernmental Panel on Climate Change's 2007 assessment states that water stored in glaciers and snow cover is projected to decline, reducing water availability to one-sixth of the world's population that relies upon meltwater from major mountain ranges. The Intergovernmental Panel on Climate Change also predicts droughts will become more severe and longer lasting in a number of regions.

(4) Water conservation should be a national goal and the Environmental Protection Agency should work with nongovernmental partners to achieve that goal. The Environmental Protection Agency should support the research, development, and dissemination of technologies and processes that will achieve greater water use efficiency.

(5) WaterSense is a voluntary public-private partnership program established by the Environmental Protection Agency to promote water efficiency by helping consumers identify water-efficient products and practices. The Environmental Protection Agency estimates that if all United States households installed water-efficient appliances, the country would save more than 3,000,000,000,000 gallons of water and more than $17,000,000,000 per year.

(6) The WaterSense program has developed a network of partners, and therefore can disseminate the results of research on technologies and processes that achieve greater water use efficiency.

SEC. 3. RESEARCH PROGRAM.

(a) IN GENERAL.—The Assistant Administrator for Research and Development of the Environmental Protection Agency (in this Act referred to as the ''Assistant Administrator'') shall establish a research and development program consistent with the plan developed under section 4 that promotes water use efficiency and conservation, including—

(1) technologies and processes that enable the collection, storage, treatment, and reuse of rainwater, stormwater, and greywater;

(2) water storage and distribution systems;

(3) behavioral, social, and economic barriers to achieving greater water use efficiency; and

(4) use of watershed planning directed toward water quality, conservation, and supply.

(b) CONSIDERATIONS.—In planning and implementing the program, the Assistant Administrator shall consider—

(1) research needs identified by water resource managers, State and local governments, and other interested parties; and

(2) technologies and processes likely to achieve the greatest increases in water use efficiency and conservation.

(c) MINORITY SERVING INSTITUTIONS.—In the execution of this program, the Assistant Administrator may award extramural grants to institutions of higher education and shall encourage participation by Minority Serving Institutions.

SEC. 4. STRATEGIC RESEARCH PLAN.

(a) IN GENERAL.—The Assistant Administrator shall coordinate the development of a strategic research plan (in this Act referred to as the ''plan'') for the water use efficiency and conservation research and development program established in section 3 with all other Environmental Protection Agency research and development strategic plans.

(b) PLAN CONTENTS.—The plan shall—

(1) outline research goals and priorities for a water use efficiency and conservation research agenda, including—

(A) developing innovative water supply-enhancing processes and technologies; and

(B) improving existing processes and technologies, including wastewater treatment, desalinization, and groundwater recharge and recovery schemes;

(2) identify current Federal research efforts on water that are directed toward meeting the goals of improving water use efficiency, water conservation, or expanding water supply and describe how such efforts are coordinated with the program established in section 3 in order to leverage resources and avoid duplication; and

(3) consider and utilize, as appropriate, recommendations in reports and studies conducted by Federal agencies, the National Research Council, the National Science and Technology Council, or other entities in the development of the plan.

(c) SCIENCE ADVISORY BOARD REVIEW.—The Assistant Administrator shall submit the plan to the Science Advisory Board of the Environmental Protection Agency for review.

(d) REVISION.—The plan shall be revised and amended as needed to reflect current scientific findings and national research priorities.

SEC. 5. TECHNOLOGY TRANSFER.

The Assistant Administrator, building on the results of the activities of the program established under section 3, shall—

(1) facilitate the adoption of technology and processes to promote water use efficiency and conservation; and

(2) collect and disseminate information, including the establishment of a publicly-accessible clearinghouse, on technologies and processes to promote water use efficiency and conservation, including information on—

(A) incentives and impediments to development and commercialization;

(B) best practices; and

(C) anticipated increases in water use efficiency and conservation resulting from the implementation of specific technologies and processes.

SEC. 6. ADVANCED WATER EFFICIENCY DEVELOPMENT PROJECTS.

(a) IN GENERAL.—As part of the program under section 3, the Assistant Administrator shall carry out at least 4 projects under which the funding is provided for the incorporation into a building of the latest water use efficiency and conservation technologies and designs. Funding for each project shall be provided only to cover incremental costs of water-use efficiency and conservation technologies.

(b) CRITERIA.—Of the 4 projects described in subsection (a), at least 1 shall be for a residential building and at least 1 shall be for a commercial building.

(c) PUBLIC AVAILABILITY.—The designs of buildings with respect to which funding is provided under subsection (a) shall be made available to the public, and such buildings shall be accessible to the public for tours and educational purposes.

SEC. 7. REPORT.

Not later than 18 months after the date of enactment of this Act, and once every 2 years thereafter, the Assistant Administrator shall transmit to Congress a report which details the progress being made by the Environmental Protection Agency with regard to—

(1) water use efficiency and conservation research projects initiated by the Agency;

(2) development projects initiated by the Agency;

(3) outreach and communication activities conducted by the Agency concerning water use efficiency and conservation; and

(4) development and implementation of the plan.

SEC. 8. WATER MANAGEMENT STUDY AND REPORT.

(a) STUDY.—

(1) REQUIREMENT.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the National Academy of Sciences to complete a study of low impact and soft path strategies for management of water supply, wastewater, and stormwater.

(2) CONTENTS.—The study shall—

(A) examine and compare the state of research, technology development, and emerging practices in other developed and developing countries with those in the United States;

(B) identify and evaluate relevant system approaches for comprehensive water management, including the interrelationship of water systems with other major systems such as energy and transportation;

(C) identify priority research and development needs; and

(D) assess implementation needs and barriers.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the key findings of the study conducted under subsection (a). The report shall evaluate challenges and opportunities and serve as a practical reference for water managers, planners, developers, scientists, engineers, non-governmental organizations, federal agencies, and regulators by recommending innovative and integrated solutions.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''low impact'' means a strategy that manages rainfall at the source using uniformly distributed decentralized micro-scale controls to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source; and

(2) the term ''soft path'' means a general framework that encompasses—

(A) increased efficiency of water use;

(B) integration of water supply, wastewater treatment, and stormwater management systems; and

(C) protection, restoration, and effective use of the natural capacities of ecosystems to provide clean water.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency for carrying out this section $1,000,000 for fiscal year 2009.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Assistant Administrator for carrying out this Act $20,000,000 for each of the fiscal years 2009 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. MATHESON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. MATHESON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3957, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MATHESON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, dwindling water supplies are creating concern across this country. Thirty-six States are currently or expect to experience significant water shortages within the next 5 years. That's why I introduced H.R. 3957, the Water Use Efficiency and Conservation Act. This bill would establish a research and development program within the Environmental Protection Agency's Office of Research and Development to promote water efficiency and conservation.

Madam Speaker, tough decisions lie ahead for water managers who must balance the needs of agriculture, consumption by cities, industrial and energy production, transportation, tourism, wastewater treatment, energy response, and ecosystems. We are not going to solve this problem overnight, but H.R. 3957 will provide us with several important tools to address the coming issues we face with technology and innovative thinking. By encouraging research and development into water-use efficiency, we can create a path to increase our Nation's water supply.

H.R. 3957 would expand EPA's scope and involvement solving the Nation's water crisis through the development of technologies and processes to expand water supplies through storage, treatment, and reuse of rainwater, storm water and grey water.

The program will also conduct research on water storage and distribution systems, research on behavioral, social, and economic barriers to achieving greater water efficiency, and research on the use of watershed planning.

As part of the program, EPA will develop a strategic plan to outline the best path forward to avoid duplication and work towards the most relevant problems facing our water supply.

My bill directs the EPA to facilitate the adoption of technology and processes to increase water efficiency and conservation. The new program will collect information on new technologies that achieve more efficient use of water and provide this information through a public clearinghouse.

I want to thank Chairman GORDON for his interest in this legislation and for his leadership in ensuring adequate water supply for the 21st century in this country. I also want to thank all of the members of the House Science and Technology Committee for their bipartisan support and for their collaboration—their thoughtful collaboration I would say—on this bill. In the full committee, amendments were adopted that were authored by Congresswoman EDDIE BERNICE JOHNSON, Congressman PHIL GINGREY, and Congresswoman GABRIELLE GIFFORDS. Their amendments made this a better bill, and I certainly appreciate their input.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

The Environmental Protection Agency, better known as the EPA, is the Nation's lead agency charged with protecting the environment and supporting the goals of the Clean Water Act and Safe Drinking Water Act by providing methods, approaches and tools needed to protect water sources. As such, relevant and high-quality research and development is very vital to EPA's ability to carry out its many missions.

However, EPA's research and development program is far from comprehensive or rationally organized. As of today, EPA only conducts coordinated research and development activities in three areas; water quality protection, watershed management, and source control management. And while these are essential research areas, I believe EPA is missing a critical component to their research agenda, and that is the research and development of technologies that increase efficiency and conservation.

According to the American Water Works Association, an international nonprofit scientific and educational organization, daily indoor per capita water consumption in a typical single family home is about 70 gallons. By installing more efficient water fixtures and checking for leaks, single family homes may reduce their daily per capita water consumption by about 35 percent.

While some of these technologies are on the market and utilized, many water-saving ideas linger in the research phase for lack of a coordinated Federal research program.

H.R. 3957 establishes a research and development program for water efficiency technologies and conservation at the EPA. It instructs the Assistant Administrator of the Office of Research and Development to develop a strategic research plan, coordinated with other relevant EPA strategic plans, to compel synchronization of different research agendas.

EPA is to use recommendations in existing reports from the National Academies and the National Science and Technology Council in the development of the plan. However, their effort should not be just a regurgitation of previous work.

Other countries, such as Israel, have invested significant resources in water efficiency and conservation research areas. We, too, have to invest resources if we are to weather water shortages in the future.

Madam Speaker, at a time when our Nation is really facing greater numbers of water events, we just can't afford to fall behind on technology research and development.

I urge all of my colleagues to support H.R. 3957.

Madam Speaker, I yield back the balance of my time.

Mr. MATHESON. Madam Speaker, I just would encourage everyone to support this. The Science Committee reported this bill in a unanimous bipartisan vote. That's the tradition of the Science Committee to work in a bipartisan way.

I encourage all my colleagues to support this bill.

Mr. GINGREY. Madam Speaker, I rise in strong support of H.R. 3957—the Water Use Efficiency and Conservation Research Act. I commend my colleague from the Science Committee—Mr. MATHESON of Utah—for crafting this thoughtful legislation that was reported to the House on a broad bipartisan basis.

Over the past year, my home State of Georgia—and specifically my district—has experienced significant and historic drought conditions that have brought to the forefront what the future may hold for our local water supply.

In addition to the drought conditions in my district, a number of other States are facing similar challenges. Over the next 5 years, more than half of the States in our country anticipate some sort of water shortage that will wreak havoc on our environment, as well as our economy.

Madam Speaker, H.R. 3957 addresses ways in which the Environmental Protection Agency can use its Office of Research and Development to promote technologies that increase water efficiency and conservation via collection, treatment and reuse of rainwater and greywater, and research on water storage.

I am encouraged that this legislation will promote the adoption of emerging technologies to help us make better use of one of our most precious resources—water. I am also very pleased that the Science Committee adopted an amendment that I offered directing the EPA to ensure that the research and development efforts resulting from this legislation complement all other EPA research and development endeavors. Proper implementation of a strategic research plan will ultimately make this program successful.

Madam Speaker, at a time when water shortages are becoming more commonplace in our Nation, I applaud the bipartisan work of the Science Committee under the leadership of Chairman GORDON and Ranking Member HALL on this important legislation. I urge all of my colleagues to support H.R. 3957.

Mr. MATHESON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. MATHESON) that the House suspend the rules and pass the bill, H.R. 3957, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRODUCED WATER UTILIZATION ACT OF 2008

Mr. MATHESON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2339) to encourage research, development, and demonstration of

technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2339

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 ''Produced Water Utilization Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PRODUCED WATER.—The term ''produced water'' means water from an underground source that is brought to the surface as part of the process of exploration for or development of coalbed methane, oil, natural gas, or any other substance to be used as an energy source.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3 PURPOSES.

(a) IN GENERAL.—The Secretary shall carry out under this Act a program of research, development, and demonstration of technologies for environmentally sustainable utilization of produced water for agricultural, irrigational, municipal, and industrial uses, or other environmentally sustainable purposes. The program shall be designed to maximize the utilization of produced water in the United States by increasing the quality of produced water and reducing the environmental impacts of produced water.

(b) PROGRAM ELEMENTS.—The program under this Act shall address the following areas, including improving safety and minimizing environmental impacts of activities within each area:

(1) Produced water recovery, including research for desalination and demineralization to reduce total dissolved solids in the produced water.

(2) Produced water utilization for agricultural, irrigational, municipal, and industrial uses, or other environmentally sustainable purposes.

(3) Re-injection of produced water into subsurface geological formations to increase energy production.

(c) PROGRAM ADMINISTRATION.—To carry out the purposes under this Act, the Secretary may enter into an agreement with a consortium whose members have collectively demonstrated capabilities and experience in planning and managing research, development, demonstration, and commercial application programs for unconventional natural gas and other petroleum production and produced water utilization.

(d) ACTIVITIES AT THE NATIONAL LABORATORIES.—The Secretary, through the appropriate National Laboratory, shall carry out a program of research, development, and demonstration activities complementary to and supportive of the research, development, and demonstration programs under subsection (b).

SEC. 4. CONSULTATION AND COORDINATION.

(a) CONSULTATION.—In carrying out this Act, the Secretary shall consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency.

(b) COORDINATION.—To the maximum extent practicable, the Secretary shall ensure that the activities under this Act are coordinated with, and do not duplicate the efforts of, programs at the Department of Energy and other government agencies.

SEC. 5. FUNDING.

(a) ALLOCATION.—Amounts appropriated for this Act for each fiscal year shall be allocated as follows:

(1) 75 percent shall be for activities under section 3(a), (b), and (c).

(2) 25 percent shall be for activities under section 3(d) and other activities under section 3, including administrative functions such as program direction, overall program oversight, and contract management.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $20,000,000 for each of fiscal years 2009 through 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. MATHESON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. MATHESON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 2339, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MATHESON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that the House will consider the bill, H.R. 2339, the Produced Water Utilization Act.

I particularly want to acknowledge and thank the ranking member, Mr. HALL from Texas, for introducing this bill. And I look forward to working with him on other water-related issues in the future.

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Domestic production of oil, natural gas, and coal bed methane are essential to our Nation's economy. The term ''produced water'' refers to the water brought to the surface during the extraction of these fossil fuels. For every barrel of oil generated in the U.S., 10 barrels of produced water are created.

Since produced water comprises 98 percent of all waste generated by petroleum production activity, handling and disposal of this water can be a major impediment to efficiently increasing domestic oil production.

This bill before us, H.R. 2339, the Produced Water Utilization Act, creates a research, development, and demonstration program for beneficial water produced in connection with oil and gas extraction. The program will focus on improving safety and minimizing environmental impacts during produced water recovery.

The utilization of treated produced water will increase water supply, reduce injections into underground formations, and increase domestic energy production through cost reductions. At a time when water supplies are dwindling and oil prices are high, a research program to turn waste water into a clean reusable resource is just good common sense. I urge all Members to support H.R. 2339.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

I thank Mr. MATHESON and his fine staff, the staffs on both sides of the aisle, for doing a very good job on this bill.

Madam Speaker, I rise today, of course, in support of H.R. 2339, the Produced Water Utilization Act of 2008. I introduced H.R. 2339 in May of last year, and it was recently reported out of the Committee of Science and Technology by a voice vote. It comes to the floor today with unanimous, bipartisan support.

For those who are not familiar with the term, the Department of the Interior defines produced water as mainly salty water trapped in reservoir rock and brought up along with oil or gas during production. Produced water cannot, in its current form, be used for any purposes, and it is most commonly reinjected into the ground at great expense to small producers across the country. Each barrel of oil produced generates approximately 10 barrels of produced water, and we currently produce over 5 billion gallons of produced water a day in the United States. That is enough water to accommodate 14.3 million homes a day.

As we are facing shortages in energy and water, my bill could not be more timely, in my opinion. H.R. 2339 is legislation that has two main purposes: one, increasing domestic energy production by lowering production costs for small producers; two, increasing the amount of water available for agricultural, irrigational, municipal, and industrial uses by making produced water usable. The Produced Water Utilization Act will provide important funding for research, development, demonstration, and commercial application of technologies to purify and use produced water.

There is a critical interdependency between energy and water. Water is needed to produce energy, and the treatment and distribution of water requires energy, and as our population grows, so will the demands grow on both. According to a report by the Department of Energy on the Interdependency of Energy and Water, ''The lack of integrated energy and water planning and management has already impacted energy production in many basins and regions across the country. For example, in three of the fastest growing regions in the country, the Southeast, Southwest, and the Northwest, new power plants have been opposed because of potential negative impacts on water supplies. Also, recent droughts and emerging limitations of water resources have many States, including Texas, South Dakota, Wisconsin, and Tennessee, scrambling to develop water use priorities for different water use sectors.'' We obviously need to take a serious look at how we can avoid a water/energy crisis, and my bill certainly helps.

Madam Speaker, produced water is currently considered an expensive nuisance by oil and gas producers, but it could be—no, it needs to be—considered

a valuable, usable commodity. With the research and development set forth in the Produced Water Utilization Act, we can make it happen. I urge my colleagues to vote for this bill.

Mr. GINGREY, Madam Speaker, I rise in strong support of H.R. 2339—the Produced Water Utilization Act of 2008—introduced by the Ranking Member of the Science Committee, Mr. HALL of Texas. I want to thank Mr. HALL for constructing this important legislation and for the leadership he has provided to the Committee throughout the 110th Congress.

Produced water is comprised of mainly salty water that is trapped in reservoir rock below ground. It comes to the surface when drilling for oil or natural gas and usually contains oil and metals from production. Approximately 10 barrels of produced water are captured for every barrel of oil derived, and that results in a total of 15–20 billion barrels of produced water generated here in the United States on an annual basis.

H.R. 2339 directs the Secretary of Energy to establish a program for research and development to harvest produced water in an environmentally safe way for irrigation, municipal, and industrial purposes. Once this program is established, we can help address the droughts that are occurring across the country—including in my Northwest Georgia district—simply by providing the public with additional water resources.

Madam Speaker, the United States could be generating even more produced water if the Democratic Majority would allow for the environmentally safe drilling of oil in the Arctic National Wildlife Refuge. Polls show that a majority of Americans would support energy exploration in a small portion of ANWR, which could yield an additional 1.5 million barrels of oil a day. These efforts have unfortunately been foiled by radical environmentalists, content with skyrocketing gas prices.

So, Madam Speaker, to be clear: if we open up ANWR for drilling *and* enact this legislation, not only will we help reduce the price that the American people are paying at the pump, but we will also be better prepared to stave off anticipated drought conditions across the country.

H.R. 2339 only reinforces the need for us to drill here and drill now: to save money at the pump and increase the amount of water we have available in the United States. I urge all of my colleagues to support this important legislation.

Mr. HALL of Texas. I yield back the balance of my time.

Mr. MATHESON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. MATHESON) that the House suspend the rules and pass the bill, H.R. 2339, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO LEBANON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–140)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

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* for publication stating that the national emergency and related measures blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions and certain other persons are to continue in effect beyond August 1, 2008.

The actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty contribute to political and economic instability in that country and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions and certain other persons.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 30, 2008*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

(Mr. SKELTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DISASTER RELIEF FOR IOWA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LOEBSACK) is recognized for 5 minutes.

Mr. LOEBSACK. Madam Speaker, I rise this evening to speak about the natural disaster that has hit Iowa, first tornados and then floods, in the most recent weeks. This is a natural disaster obviously that also hit other parts of the Midwest. Some 10 States in the Midwest have been struck by massive flooding since June.

First of all, I want to commend my colleagues from Iowa in the House and in the Senate. We have worked together, I think, in stellar bipartisan fashion since the floods struck Iowa, and I commend my colleagues. I am very proud of the fact that we have come together to do what we can for our great State. I have every confidence that we are going to continue to work together in the coming months and indeed in the years ahead.

The people of Iowa are self-sufficient and self-reliant. We are strong. We are the salt of the earth. We do not believe in asking for much. We would rather earn things on our own. When faced with a disaster, Iowans stand together to move forward and rebuild.

Our commitment to community and resilience may lead some to believe that the tornadoes, severe storms, and flooding which hit the State of Iowa was only a minor event. However, having spent the majority of my time back home, I can assure you that this is anything but a minor event.

Indeed, in my district alone, the Second District of Iowa, we have several rivers, and in virtually every case they flowed out of their banks in early to mid June. Whether it's Cedar Rapids that saw the Cedar River rise 50 percent above its previous record and overflow its banks and displace 20,000 to 25,000 individuals; or the Iowa River in Iowa City, where it again spilled over the Coralville Reservoir and exceeded its previous record level by 3 feet and caused some $232 million damage to the University of Iowa; or whether it was the Iowa River coming together with the Cedar River in Columbus Junction and engulfing much of that city, and particularly its commercial areas; or whether it was the Iowa River that split off just before it hit Oakville, the tiny town of Oakville, and formed two channels but included the town of Oakville really in one large channel, a town of just over 400 people; or the Mississippi from Muscatine on down to Keokuk; or the Des Moines River from Ottumwa on to Keokuk. All of these rivers flowed out of their

banks and caused massive damage in Iowa during this period.

I have gone to every one of the counties. I have seen the damage, from urban areas to rural areas. We have probably close to $10 billion worth of damage, if not more, in the State of Iowa.

We did get an initial $2.65 billion package that included Iowa and other States affected by the flooding. But, Madam Speaker, it's time to do more.

It has been 2 months and 5 days since this disaster struck our State. Next month, I have flood assistance meetings set up in all of my flood-related counties, and I am going to do everything I can obviously to help my constituents. I am committed to working every hour of every day to get the necessary assistance to my constituents.

I am, of course, disappointed that this Congress has yet to move forward on a second disaster package, and indeed it looks as though we are not going to move forward before this weekend. That has caused me great disappointment and displeasure. But I am also committed to working with the leadership on both sides of the aisle, and the President, to provide them with any information they need for us to move forward.

As I said before, I am committed to working with my colleagues in the House and in the Senate from Iowa, and others in the Disaster Working Group, which my office helped to create, a bipartisan working group that includes 19 Members of the House of Representatives. I know that, working together, we can provide the relief that Iowa and these other States deserve.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LOWER THE PRICE OF GASOLINE AND OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Well, it's 9 o'clock, it's a Wednesday night, and 2 days from now we will all be home for 5 weeks and Congress will not have acted on many pieces of legislation that deal with the energy crisis. While we are home talking to our constituents and doing things that we have to do back in our districts, the people of the United States of America will continue to pay $4, $5 a gallon for gasoline. They will have to take money away from other important areas of their homes; food, clothing, whatever it might be, so they can put enough gasoline in the car to get to and from work or to take the kids to school. I think that is tragic, Madam Speaker.

This Congress should be doing something immediately to lower the price of gasoline and oil. A few days ago, I think last week, the President of the United States removed the executive moratorium on drilling offshore. As soon as he did that, the price of oil per barrel dropped. Likewise, just in the last couple of days, the price of gasoline dropped. If the Congress of the United States were to act likewise to remove the moratorium on drilling offshore on the Continental Shelf, the price of gasoline would drop I believe dramatically in a very short period of time.

But we are not going to do that. We are going to leave here in the next 2 days without doing a darn thing. The American people sit at home, 70, 75 percent of them saying, Why in the world don't you drill? Why don't you drill here in America. Why are you sending all that money overseas, $700 billion a year to the Saudis and to others who aren't really our best friends? Why not keep that money at home; why not drill here; why not become energy independent so we don't have to worry about the rest of the world and what they are doing. But we are not going to do that.

□ 2100

We are going to leave here without doing a darn thing. Now, there are a number of bills pending before the Congress that have been introduced that would solve the problem, but none of them have seen the light of day and none are going to see the light of day between now and when we leave.

Today, a bipartisan group headed by NEIL ABERCROMBIE of Hawaii and JOHN PETERSON of Pennsylvania, about 15 or 20 Members, bipartisan, introduced a bill that had a lot of compromises in it that would have dealt with this problem of energy independence and would have helped lower the price of energy and gasoline.

It was a multifaceted bill. It dealt with solar energy. It dealt with wind energy. It dealt with cars that use all kinds of fuel, the hybrid cars, the hydrogen powered cars. It gave tax credits to encourage the people around this country and the industries around this country to move on wind-driven energy and solar energy and other forms of energy that we are not dealing with right now.

In particular, it dealt with the drilling off the continental shelf. It did not talk about ANWR, because that was one of the areas where there was some disagreement. So in order to go ahead and move forward with an energy bill, this bipartisan group decided they wouldn't put the ANWR issue in there, but they would go ahead with the continental shelf exploration. They said that 25 miles off the continental shelf from the shore would not be explored, and 25 to 50 miles offshore the States would have the right to decline to drill should they want to do that.

But it was a giant step forward, and they moved this bill today to the committees of jurisdiction and we should be acting on that. If we don't act on it between now and when we leave on Friday, we should certainly be acting on it in September.

Now, today we had a vote up or down on whether or not we should adjourn for 5 weeks starting this Friday until September. The vote passed by one vote. Democrats, many Democrats, and almost all the Republicans voted not to leave this body until we dealt with the energy crisis, and it failed by one vote. So the people of this country saw today that a large number of the people in this body that represent them in the Congress want to deal with the energy crisis, but the majority, the Speaker of the House, once again blocked this effort, and I think that is very unfortunate.

It is extremely important that we move on this before we leave in September. The people in this country are going to suffer for another 2 months, and we really need to do something about that before we adjourn for the rest of the year at the end of September, as has been told to us is going to be the case.

We have enough energy in this country to be energy independent. We have enough oil to be energy independent. We have enough gas to be energy independent. We have enough coal shale to be energy independent. We are not doing anything to deal with the problem, and the American people know it.

So I would just like to say tonight, Madam Speaker, before we leave, that this is intolerable, what we are doing. The American people want action. They want the gas prices down, they want the energy prices down, and it is within our power to get the job done, but we are not doing it.

So I would like to urge the leadership in this House, the majority in this House, as well as the minority in this House, to move rapidly; to move rapidly on an energy bill between now and when we leave on September 30th. This is one of the most important issues, it is the most important issue that we are dealing with this session. Madam Speaker, I think it is unconscionable that we have not yet dealt with it.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IMMEDIATE RELIEF FROM RISING FUEL PRICES NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Madam Speaker, my constituents in Maine and millions of Americans nationwide face an unprecedented crisis as they agonize over how

they will pay skyrocketing oil bills to keep their homes and their families warm in the winter ahead. Hundreds have written to me with their concerns. I want to share a few e-mails and letters to illustrate the magnitude of this problem.

Amelia from Harrison, Maine, writes: ''I am a 16-year-old girl. This summer, instead of being a teenager and having fun, I am staying home to take care of the house because my parents don't have time. My dad works three jobs and my mom works one to pay for the constantly rising prices of gas, food and oil. With my parents working four jobs, you would think we would have enough money to get by. We don't.''

Marie from Gorham writes: ''I am a single foster parent. I have two daughters with special needs. I am worried sick on how I am going to be able to pay $500 or more every 3 to 4 weeks to heat my home. I can't look my foster daughters in their eyes and tell them I can't afford to keep them. We are their family.''

Michael from Topsham wrote on behalf of his 87-year old father-in-law, who lives alone Auburn, Maine: ''Last year his oil fuel cost was approximately $6,400. He is a retired Army Reserve Master Sergeant with 20 years of service. His annual expenditure for fuel oil this year would likely be $10,200. This would consume 85 percent of his annual income of $12,000. Our elderly American citizens will be unable to financially manage these costs. Our government needs to intervene and help our elderly citizens during this unprecedented fuel crisis.''

Marie, Amelia and Michael's stories are just a few examples of the human toll from soaring heating oil prices. More than 8 in 10 Mainers rely on oil to heat their homes. The average Maine household uses between 800 and 1,000 gallons of heating oil a winter. The median home income in Maine is $43,000. At current prices, the average home will pay between $3,700 and $4,700 just to heat their homes. Many will spend more than $5,000. This is more than 10 percent of the gross income for the median income household in 5 months. Coupled with soaring costs for gasoline, food and other essentials, people worry they may have to choose between heating their homes and feeding their families.

Madam Speaker, this Congress must act now before the winter freeze sets in. We need a new comprehensive energy policy to free ourselves from foreign oil. The people in Maine and America are suffering right now, and we need to provide them with immediate relief in the short term to help them get through the winter.

I have a plan to do just that. First, we must fully fund the Low Income Home Energy Assistance Program, LIHEAP, and weatherization programs to help the poor, the disabled and the elderly on fixed income.

Second, we must provide relief for middle-class families fighting to make ends meet.

Last week, Carolyn McCarthy of New York and I introduced H.R. 6605, the Home Heating Fuels Cost Relief Act. Our legislation would provide a $1,000 refundable tax credit for individuals, $2,000 for families, toward the price of home heating oil, as well as a program to provide up to $10,000 in low interest loans for families to weatherize their homes

Third, soaring gas prices and heating oil prices are crippling small business like independent truckers and lobstermen. These businesses are the backbone of the Maine economy. I have introduced H.R. 2133, the Small Business Fuel Cost Relief Act, to create a tax credit for eligible businesses for any amount they spend on fuel, including gasoline, diesel, natural gas and heating oil, over the price on Labor Day 2004, adjusted for inflation.

Madam Speaker, families and small businesses in Maine and across America work hard for the money they spend on fuel. They deserve leadership in Washington that will act now to bring immediate relief from rising gasoline and heating fuel prices.

They also demand leadership to change direction and implement an energy policy that harnesses American ingenuity and entrepreneurship to reduce dependence on foreign oil, maximize conservation and efficiency, perfect alternative fuels and technologies, create jobs, and put America on the path to sustainable, affordable energy future. That is the task this Congress faces.

The SPEAKER pro tempore (Ms. RICHARDSON). Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO SISTER LULA WALKER, FOUNDER OF TABITHA HOUSE SHELTER FOR BATTERED WOMEN AND CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to one of the most caring, most willing to share, most sensitive and most delightful ladies that I have ever known. Sister Lula Walker was a rock in her family, in her church, in her community, in her city, and in her country. She was a deeply religious lady, highly motivated, willing to sacrifice, and fiercely determined. She did not know how to retreat, and she did not know how to take ''no'' for an answer.

Raised in a Christian home, she met and married her husband, Reverend Willie Walker, a Christian man who is an ordained elder in the Church of God in Christ Church. Together Sister Walker, her husband Reverend Willie and their children have built a legacy of living and giving which will rarely be surpassed.

With little money and no public support, Sister Lula organized a ministry of providing for battered women and children. She named it Tabitha House, after the disciple Tabitha in Hebrew, or Dorcas in Greek. Tabitha was known for her good works, especially for helping widows and the poor.

Through her good works at Tabitha and in other ways, Sister Lula became the Mother Teresa of our community. Her work became so famous and well-known that she was invited to come to Washington D.C. and testify before Congress on the plight of women and children who are homeless and in need of shelter.

Sister Walker had several bouts of serious illness, but like Tabitha, or Dorcas, she was able to rise up and continue with her work. Finally, on Saturday, July 19th, 2008, Sister Lula could not rise anymore and graciously passed out of this life into another.

So, Madam Speaker, I take this opportunity to extend to Reverend Willie Walker and the Walker family, the Tabitha House family and the Church of God in Christ church family our heartfelt condolences and the great joy that I have experienced as a result of knowing and working with the Mother Teresa of our community, the neighborhood where I live, Sister Lula Walker.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

(Mr. CULBERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

(Mr. WELLER of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is July 30, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,973 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least 4 things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,973 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is July 30, 2008, 12,973 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Con. Res. 362.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast a vote on the following legislative measure on July 15, 2008. If I were present for the roll call vote, I would have voted ''yes'' on the following: Rollcall vote 491, July 15, 2008.

REPUBLICAN FRESHMAN QUARTERLY REPORT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. MCCARTHY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCARTHY of California. Madam Speaker, tonight we come with a quarterly report from the freshmen Republicans. This is something that we promised to do when we were first elected, and we continue to do it each and every quarter because we want to come back to the American people and tell them what their House is doing.

Tonight, for many of you and many of your houses it might be summer school, and last week I just got my daughter and my sons' report cards. They did very well, if you were concerned about that, Mr. HELLER. But what the report will be from this Congress on this night is not good.

In less than 2 days, this House is scheduled to adjourn; adjourn without solving the energy crisis, or even allowing a vote on this floor. So tonight as the freshmen Republicans come to you to talk about this quarterly report, something has happened in the last 2 weeks.

You know, in the minority party here, Madam Speaker, one thing that these freshmen Republicans will do is they don't sit back.

□ 2115

Even if the majority party, the Democratic controlled House here, will not allow a vote on the floor, we believe the American people are hurting; we understand the American people are hurting when it comes to the energy crisis with the price of gas over $4 a gallon, the heating fuel costs which continues to not only hurt the individuals, but it hurts the nonprofits, it hurts the school districts. As we continue to move forward, some districts in my area are talking about even maybe going to 4 days a week, some are talking about charging if the kids want to even ride the bus to school. So we talked about, how can we go about helping America? How can we help solve this problem?

So collectively as freshmen and as Republicans, we got together along with our leader, Mr. John Boehner from Ohio, and we decided, let's go on the all-American energy tour and let's actually sit down and talk to some experts.

So not last weekend, but the weekend before, we went together to Golden, Colorado. In Golden, Colorado they have the National Renewable Energy Laboratory from the Department of Energy. Here, they study from wind, from solar, to hybrids, to hydrogen cars. We drove them. We looked at them. We went through with the biomass, different ways about where the future will go in energy and how we can actually become independent and have an American energy program that creates American jobs. Because, as many of you know, in America today we use 20 million barrels of oil a day but we only produce 7. So to solve this problem, we really need all of the above. We need more wind, we need more solar, we need to actually be able to conserve more, but we also have to be able to explore more.

So just as we went out and looked at the renewable energy and we looked to where you build the windmills; you build them where the wind blows. Where do you put out the solar panels? You put them out where the sun shines. Where do you explore for oil? Where it is, underground.

From there we traveled up to Alaska. We landed in Fairbanks and we went up to ANWR. We went out and looked exactly where we are already drilling today. We went out to the first place where the Alaskan pipeline starts. The Alaskan pipeline, when it starts right there, it sends 700,000 barrels of oil a day. It takes 9 days to get from the beginning to the end. But in 1989, that used to produce 2.2 million barrels a day. Every year that we do nothing, it loses 15 percent. That is 15 percent less barrels of oil coming down. America is still using 20 million barrels, but only producing 7.

And as we looked around, we looked for environmentally friendly ways to do it. We found that in the past you would take 64 acres, today you would only take maybe 16, maybe 6. You could actually drill down and drill out 8 miles because of technology advancements, and that we could do it in an environmentally sound way. And as we went to ANWR, just a few miles over, we found that there is another 10 billion barrels.

We found out that if ANWR was allowed to be drilled, where this body will not even let it come up for a vote, it would add 1 million barrels a day. And 1 million barrels a day added inside that pipeline, what would it mean to you back home? What would it mean to the average citizen? It would mean 50 cents less in the gasoline per gallon that you buy.

Our Federal Reserve Chairman was before our committee just 2 weeks ago, and he said 1 percent added in production would decrease the cost by 10 percent. That is just a 1 percent addition. One million barrels of oil would lower the barrel $20 a barrel from what you see out on the market.

We have a plan. We have an idea. But tonight, and unfortunately when we come to you, the power of the idea will not win on this floor. Not because the desire is not there, but because the majority party will not allow it.

Today we had a very big vote, like many of our votes here. But do you know what the vote was today? By one simple vote. If you wonder if that one votes ever makes a difference, that one vote made a difference today, because on this floor by one vote the Democrat-controlled Congress voted to adjourn, voted to adjourn while the gas prices were over $4 a gallon; saying to the American people that, as I listened to the Speaker the other day, she is trying to save the planet. She is looking at the longevity of the world. I am looking back for the constituents back home that can't afford to continue to live the way this economy is going.

Tonight, we are going to listen to a lot of the different freshmen that actually went on the tour, been a part of it, seeing what is going on in America today. And first we are going to start off with my good friend from the State of Michigan, District 7, back in Battle Creek, TIM WALBERG.

Mr. WALBERG. I thank the gentleman from California, and I thank him for his good words and bringing us really to perspective what is going on here.

I wish I could have joined you on the trip to ANWR as well as to Golden, Colorado and seen what you saw up close and personal. But, frankly, I felt it was more important at that time to look for the pictures you would bring back and hear the testimony that you and other good colleagues and friends of mine would bring back, but for me personally to stay back in Michigan, a State that at present is a one-State recession, that has the highest unemployment rate in the Nation, sadly, that was at one time the greatest manufacturing State, and, more importantly, was the motor capital not only of the United States but of the world, a place called Detroit, Motown, Motor City, all of the above, that established the pattern for what transportation was all about and, I contend, still is; and yet is frustrated by a government system, both in the State and here, with the leadership in Congress, Madam Speaker, that will not do what is necessary to allow us to continue to not only keep our faith to our people, not only keep our position as the greatest Nation on this earth in every area, including transportation, but rather at this point in time is willing to say that the process of saving this planet as our Speaker intends to do involves a Democrat energy plan which was stated very clearly.

And I bring this with some comedy as we look at the picture, and yet it is a stark, painful reality that this plan will not work. And that plan is what? Drive small cars and wait for the wind. If we do that, as the title of an old movie said, it will be Gone With the Wind.

We need to do something, Madam Speaker, now for the people of this great country, for my great State of Michigan, and all of those concerned to produce energy that deals with the reality of what this country needs.

I am tired of living in a State right now where our Governor says with great pride that she rides her bicycle to work to the State capitol from her Governor's residence every day with her escort of security people following her on their bicycles as well. The motor capital of the world with a Governor riding a bicycle. Now if that was for conservation purposes, fine, I support that. For purposes of austerity, I support that. But promoting this because of necessity? I can't accept that.

This morning I sat on the floor of the House and I looked up. And I looked up to the highest point of this Chamber directly above the Speaker's rostrum, Madam Speaker, and I see engraved there in a stone-carved monument to us this statement. It is a statement by Daniel Webster, and I read from the paper because I can see it better in front of me right now. But Daniel Webster said this many, many years ago: Let us develop the resources of our land.

How up-to-date is that? Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day, in our generation, fellow colleagues, freshmen, Republicans, standing here for the defense of our great country, Daniel Webster said, and see whether we also in our day and our generation may not perform something worthy to be remembered.

I submit to you that that is what we are doing, standing here tonight.

Under an adjournment resolution that will take place sometime in the next 24, 48 hours, sending us home, most likely as it appears without doing anything to give an opportunity for my Governor to get in her flex fuel hybrid Tahoe again, if she determines so, to go to her residence.

Well, we can jest about that. I could talk about a lot of statistics. But tonight, while you were in ANWR, I had the privilege of, on five occasions in my district, South Central Michigan, going to various gas stations and pumping gas into constituents' vehicles as they would allow me. I would simply say, ''Hi, I'm Congressman TIM WALBERG. If you will share with me your ideas and concerns on energy and the price at the pump, I would be glad to pump your gas while you tell me your stories.'' I came away with plenty of stories. I came away with plenty of pictures.

Just Monday afternoon in Battle Creek, Michigan, a mother, single parent, one child, came to the pump with a small mini van. She left it running. And when I questioned her about that, she says, ''I'm afraid it won't start if I turn it off.'' She said, ''I'd be glad to talk to you.'' And I said, ''How much do you want me to fill it?'' And she said, ''$11.'' That's just a little over 2 gallons.

She began to tell me her story of how she is working two jobs, and the gas that she was putting into her vehicle that day would get her through 2 days of work and her transportation to each of those jobs and back. Those are stories that talk of reality.

Another story that I wrote down came from a lady who said, ''Because I'm a truck driver and the high price of fuel has damaged the economy so badly, my employer started limiting the miles given to older, higher paid drivers such as myself. My income last year dropped a full 30 percent. Then I was injured on the job and denied workers' comp. I finally began receiving my disability payments after 4 months. During those 4 months, however, I was scraping up every cent available to pay for LP gas to heat my trailer home. Because I spent every available cent on heating fuel, food, and electricity, I could not pay the taxes on my paid-for home. I am now in default, and my home will be forfeited in October for back taxes.''

This is reality that we are talking about here. It is not simply price at the

pump; it is lifestyle, it is living conditions. It is keeping a home that is paid for.

''I can't afford a cheaper vehicle,'' she said. ''I can't afford to repair the one vehicle here that would get a few more miles per gallon than the old F–150. I'm a careful shopper, but the rising price of groceries is also directly related to the energy crisis.''

Let me read one last story that was told to me. This was by a wife from Jackson, Michigan whose husband was in sales, which ultimately diminished and ultimately was lost because of the fuel prices.

She makes a number of points, but in the last point she says, ''At approximately $175 per week in gas costs, we can no longer afford to send our children to Catholic school. That was a choice, yes, but a choice made specifically for our children's interests. They cannot go to camp, they cannot have the braces which they need. The money I would have put aside for college is now being spent on gas. We cannot tithe to our church, nor can we donate to the myriad of other charities we routinely helped. Every decision is weighed based upon''—and get this again. ''Every decision is weighed based upon the extreme cost of leaving the driveway.''

Now those are life stories. Those are stories that make an impact upon me as a congressman representing South Central Michigan, the Seventh District of Michigan.

These are stories that go way beyond the political partisan haggling that goes on here, that goes beyond even making jokes about a plan that will not work, cannot work, and isn't going to be allowed to work to drive small cars and wait for the wind.

Daniel Webster said this, again: ''Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.''

□ 2130

I submit to you, my colleagues tonight and, Madam Speaker, that that is what we are attempting to do here and now; not to produce something that we will be remembered about, but something worthy to be remembered, that we fought for, this great country, the resources that allowed us to be blessed, that allowed us to expand our capabilities and allowed us to bless other nations all over this globe because we used our resources, we built up our land and powers, and we have done something worthy to be remembered.

I thank you for the opportunity. I look forward to sharing in the banter back and forth about reality tonight. But I think that would be beyond the facts and figures that I could put forth, probably the most important thing I can start with tonight, and I yield back my time.

Mr. MCCARTHY of California. Well, I thank the gentleman from Michigan as he tells of the personal stories within his district of the suffering, of the pain.

But as I said earlier, what did this Democrat-controlled Congress do? Today it voted to adjourn, adjourn for an entire month, as many across America dreamt about maybe going on a summer vacation, but told their kids, no Disneyland this year; we can't afford even to drive there.

But, as the Republicans, we don't sit back and just complain. We believe that we can lead. When you look at Congress, you look at the opinion polls, it is down at 9 percent. Many across America are now beginning to call this Democrat-controlled Congress the ''No Drill Congress.''

And we won't even bring up appropriation bills. One of the major jobs of this Congress is to fund government. 13 appropriation bills they are supposed to bring up each and every year, but the majority won't even bring them up because they are afraid of an amendment coming on the bills. The amendment would say, let's create an energy plan. And what would that energy plan be? It would be all of the above. It would expand solar, it would expand wind, it would explore, it would go beyond for the new technologies at the same time, and it would lower the price of gas and create an American energy independent program that creates American jobs.

We have other members from the Freshman Class here with us tonight. Our next speaker, you may have heard him just a little bit ago talking about the National Guard in Nevada, and he continues that leadership now as he begins to talk to us about the energy. Representing Reno, Sparks, Carson City, the majority of Nevada, coming from the Second District, I yield to my good friend, Representative DEAN HELLER.

Mr. HELLER of Nevada. Thank you very much. I appreciate the comments, and I appreciate you putting this together. I am proud to be part of the quarterly report that we have going on here today, spend some time with the folks back home and let them know what is going on here in Washington, D.C. and what we are trying to do to help them. And I want to thank you again for putting us together.

And you know what is great is to be able to listen to the gentleman from Michigan talk about the experiences that he has within his district. And I think we can do that with Louisiana, with Ohio, Tennessee, California, but I want to give a couple of examples of what I am seeing in Nevada.

I have got a pretty large district. I joke with my colleagues sometimes about the distance that I have to drive, 15 hours to get from one end of my district to the other. I go home most weekends and probably drive 500 miles. In fact, this weekend I am driving out to Elko, which is going to be another 500-mile drive. But that is okay. That is okay.

You know, the difficult part about this is that I try to meet my constituents in my district. Every year I try to travel as far as I can, and the exorbitant cost now that it is, just to visit with my constituents, is becoming incredible. I drove about 50,000 miles this year. And had I done that 2 years ago, in trying to visit with my constituents it would have cost me actually $90,000 less, $90,000 extra dollars to drive because of the non-actions of this particular Congress.

But I want to put a face, just like the gentleman from Michigan did, on what is going on here in the State of Nevada. As I drive across the State, I can give examples.

I have a daughter, and many of you have children that are in sports. And it is a shame that playing in some of these competitive teams, once you get to a competitive level you find yourself traveling great distances. She happens to be playing out of Reno, and she has to go down to Las Vegas or maybe to Sacramento, maybe up to Oregon, across the State to Elko or somewhere of that nature. So it is getting pretty expensive for parents, and I am having parents starting to complain that they can't go to the away games. It is difficult for them to get to the away games because of the cost of travel because of the high fuel costs.

Another example of that, I was in a small town called Lovelock, and they have a restaurant over there called Sturgeons, and I was talking to the general manager. And they were talking about the price of eggs. The price of an egg, since the beginning of the year has gone from 7 cents to 13 cents.

Now, Lovelock is not that far out of the way. From Reno it is probably an hour and a half or so. So you wouldn't think that travel costs would be that expensive. But it is the cost of everything, because of the inaction of this particular Congress, that is causing these problems. It isn't just the price of fuel. Of course it is the price of poultry.

When we start taking all of this corn and the grains and the byproducts and start turning them into ethanol and using what could be used for feed for cattle, for poultry, for hogs and everything else, everything is going up and getting very expensive very, very quickly.

I think ethanol is a mistake right now. I think we need to take a look at other ways, other ways of providing energy, and that is why we went on this trip to ANWR.

But I want to give one more example, and that is a particular family that came to visit me last week. The Anderson family came in, one of my constituents, family from Nevada, and they came out here. They have a couple of children and they want to show their children Washington, D.C. And I was fortunate enough to have them come by my office. And I believe he is a dental technician and she is a nurse, and they have a young daughter that

plays volleyball, very good at volleyball. Their son is a very good baseball player. And they are talking about how difficult it is for them to provide, and the problems that they are facing now with these high fuel prices.

They are very good athletes, and so they want to make all of their events, and it gets more and more difficult.

To tell you how difficult it is getting, in my home State of Nevada, according to the USA Today, because of fuel prices for airlines, they are cutting 10 percent of their flights. Well, we are one of five States they are going to cut more than 10 percent of their flights into Nevada.

Now, for a State like ours that relies heavily on tourism and traffic, you can imagine the impact that that is having. But it is not just coming into the State, the lack of 10 percent flights. It is the lack of 10 percent flights now that are going out. And they talked about how difficult it is to get a flight now and the exorbitant cost it is.

I think an airline industry today just announced that the extra bag is not going to be $25, it is going to be an additional $25 on top of that, for a total of $50 so that they can compensate for these huge costs.

I want to banter back and forth more. I want to talk about our trip to ANWR. I want to talk about our experiences in Golden, Colorado. I think they were great. I want to give others a chance to introduce themselves. And thank you again for the opportunity to be here. And I will yield back to you.

Mr. MCCARTHY of California. Well, I thank the gentleman from Nevada for the leadership he continues to show in this work that we are trying to do within the energy.

Tonight, when we went up to ANWR, one thing that I found most interesting when we talked about is how you can do it environmentally friendly. One thing that they showed when we were up in Alaska, that in the 1970s, it took them 20 acres and they would go down 1 mile. 1980s it took them 16 acres.

But you think about technology, and the greatest way for America to understand technology, think of that very first cell phone. It came in a bag. It was about the size of a brick. Today it is a very little phone, and you know within that phone that it has more technology in the cell phone today than we had on the Apollo when it landed on the moon.

But you expand with that technology. Today, present, it takes only 6 acres, so your footprint is much smaller. But what they are able to do when they drill down, to go out 8 miles across, what does that mean to the American people?

One, that we are able to explore much further, to do it in an environmentally sound way, have a much smaller footprint, and actually have fewer wells to drill.

There is a plan to be able to go forward that allows exploration, wind and solar, but the Democratic-controlled Congress will not even allow it to come up on to the floor.

This is becoming, Madam Speaker, a ''No Drill Congress.'' But the American people continue to suffer.

And tonight we wanted to hear from our good friend from Ohio, JIM JORDAN. I yield to my friend from Ohio.

Mr. JORDAN of Ohio. I thank the gentleman for putting this hour together. I thank the folks who are participating and those who were able to go on our trip when we went to, we were up in ANWR, up in Alaska to see.

You know, the thing I just feel so strongly about is, Americans realize we live in the greatest country ever. But they are frustrated. They are frustrated by the fact that this Congress, if you saw the news yesterday, this Congress has run the largest deficit in history. $482 billion is the projected deficit this year.

They are frustrated that this Congress won't act on increasing the supply of energy, won't act on drilling more offshore, drilling more in Alaska, won't act on bringing down the price at the pump, bringing down the price of energy, won't act on those things that are necessary to help every single family across this country.

A few months ago, in our district, I had the opportunity to be in one of our Federal judge's courtroom for the ceremony where new Americans take the oath of citizenship. And I don't know if you have ever had a chance to participate in those ceremonies, Madam Speaker, but when you get an opportunity, it is an emotional experience to watch these, in my case, it was 36 new Americans, raise their hand, take the oath and become an American citizen. And when they completed that oath, the smile on their face, when they now realized that they were a citizen of the greatest country in the world, it is special to see. And frankly, those Americans, those new Americans, as all Americans, deserve better from their Congress.

The idea that we are going to leave here without taking an up or down vote on increasing supply on drilling offshore, on drilling in ANWR, is just wrong, and they deserve better.

One of the things that we learned that the gentleman from California has pointed out in some of his comments and remarks, when we were in Alaska, I will just be frank with you. If ever there was a place that we should be producing oil, it is in ANWR. Alaska is a beautiful State, except in ANWR where we were. When you went and looked across that area, this was a desolate, barren place that has over 10 billion barrels of oil waiting to be brought to production, waiting to be helping with our supply needs, waiting to be helping with the price at the pump that families are paying, and it is just something that we need to go do.

And as the gentleman points out, technology is our friend in this area. The footprint needed now on the surface to go down and get a much larger area subsurface is so small, and we can do it in an environmentally safe way.

I thought it was interesting, and my colleagues will recall this as well who were on the trip, that we flew over ANWR in propeller planes, prop planes, so we were flying pretty low to the ground. When we flew over ANWR I didn't see any wildlife. I am sure it was there, but I just thought it was sort of ironic and somewhat of a coincidence. We didn't see it. As I told the press, we didn't see caribou, we didn't see, you know, polar bears. We didn't see Bambi. We didn't see it. What we saw was a barren, desolate place which, as I said, has over 10 billion barrels of oil that needed to be brought to market.

But when we were on the ground, as the gentleman from California pointed out, in the Prudhoe Bay area, in that production are, where we have been taking oil out of the ground, bringing it to market for 30 years, when we were on the ground there in that area, at the pipeline itself, mile marker 0, pump station Number 1, we saw the caribou. They were right there. In fact, we saw one caribou trotting across the airport runway where we landed the plane as we flew into the Prudhoe Bay area.

So the idea that we can produce this in a way that is going to be friendly to wildlife, it is already there. We saw proof of that firsthand. This is something we need to do.

As I said, the American people get it, and the fact that their Congress doesn't is frustrating. It is frustrating them. It is frustrating for those of us who want to drill more, who want this legislation to pass so we can get started on bringing down the price right away.

They get it. And I am confident what is going to happen over the August recess, you know, is there is an old line in politics that most politicians don't see the light; they feel the heat. And I think when some of these Members go back home, they are not just going to feel the heat from the August summer weather, they are going to feel the heat from families and constituents back home who tell them, we need to drill; we need to go get more supply.

The American people get it. It is time that this Democrat-led Congress get it. I am still confident we can get a vote on this before the election, hopefully, when we come back in September, and we are going to continue to push on that.

And with that I would yield back to my good friend, the gentleman from California.

Mr. MCCARTHY of California. Well, I thank the gentleman from Ohio. And the one thing that he was talking about was we flew over ANWR. We took a few photos. And what you will see here, here is a photo of ANWR. You wonder, where are the animals? Where are they at?

And people wonder about, well, how far away is this from where we are currently drilling? It is within 70 miles. 10 billion barrels of oil sitting right there. It would not take you 10 years to begin.

Mr. JORDAN of Ohio. Will the gentleman yield?

Mr. MCCARTHY of California. Gladly.

Mr. JORDAN of Ohio. One of the arguments we hear is just what the gentleman brought up, it is going to take 8 to 10 years to bring this production. We forget about the fact that, as you indicated, ANWR is only 70, 75 miles away from the existing pipeline. We have already got that infrastructure in place.

And as the gentleman indicated earlier, it used to be 2 million barrels a day moving through that pipeline. Today it is 700,000. If it gets to a certain level, it drops to a certain low level, it becomes physically, the feasibility physically is just not there to continue to maintain it. And frankly, from an economic standpoint, there needs to be a certain volume of oil moving through that every day.

This place is right next door, 75 miles away. And the infrastructure is in place. It will take a lot less time to get that oil to market and help every single family.

□ 2145

Mr. MCCARTHY of California. The gentleman makes a very good point because in 1970 when this was created, back then when Jimmy Carter became President of the United States, he had full intention of drilling in ANWR because that's where the oil is. That's why you put the windmills where the wind blows and the solar panels where the sun shines. You discover where it's at.

And what the Member did talk about was if you look here, this is where we currently are, and ANWR is just to the side. And you're wondering just how large is it. It's 19 million acres. We're looking at only talking about 2,000 acres.

To put it in perspective, as you go out when school starts back up, you go to your high school football games, I want you to look across that football field when no one's there. I want you to just look out at it, and I want you to take one little postage stamp and set it on the field. That's the equivalency. That's how much we want to be able to talk about being able to get 1 million barrels of oil a day out of ANWR, a postage stamp on a football field.

The gentleman from Ohio brought up a very good point that we have this infrastructure, this pipeline. It produces 700,000 barrels a day. Once it goes to 300,000, it will no longer produce then. You have to have more than that.

Now I would like to yield to my good friend, a new member from the freshman class from the First District of Louisiana, STEVE SCALISE.

Mr. SCALISE. Thank you. And I want to thank my colleague from California for putting this together. I think it's very important that while our country is facing a national energy crisis, the only debate that's going on on the House floor is right here tonight with Members of the freshmen class that are sick and tired of the delays and the inaction of the leadership of this Democratically controlled Congress.

Madam Speaker, I think today might have been one of the lows of that 110th Congress, the fact that the only real vote that was taken today on this floor was a vote to adjourn Congress for 5 weeks. The fact that Congress passed a resolution to adjourn for 5 weeks and take a vacation at a time when our country is facing a national energy crisis—we should be here debating solutions to this problem. We should be here talking about the proposals that are on the table. And there are a number of proposals that are on the table to debate.

If the leadership doesn't want to have a straight up-or-down vote, there's going to have to be some reckoning because the American people are sick and tired of it. I think if you look right now—and it's ironic, and it is very unfortunate, that many of the families in my district, in my colleagues' districts, throughout this country, families are canceling their summer vacations because they can't afford the price of energy to go to the places that they wanted to go this summer.

So what is Congress doing to address that big problem that's facing our country? Today Congress voted by one vote, voted to take a 5-week vacation at a time when American families are canceling their vacations. I think that's a low point for this Democratically controlled Congress, and I think they're going to have a hard time answering to the people why they won't bring up a vote.

What are they afraid of? Are they afraid of debating these ideas that we put on the table?

I filed a bill called the GAS Act, Grow American Supply. Removes the barrier that exists. There's a congressional ban on drilling in the Outer Continental Shelf. I come from Louisiana. We know how to drill in an environmentally safe way. People know that you can drill and not do harm to the environment. In fact, now the environment thrives in the areas where drilling occurs. The best place to go fishing in south Louisiana is next to an oil rig because the fish congregate around that area. It's an estuary for them.

By the same token, when we went on that American energy tour when we were in Alaska, we went to Mile Marker Zero, the beginning of the Alaskan pipeline, and we saw three caribou approach about 40 yards away. They were just walking to us. They weren't afraid of us. They were walking towards the pipeline, and we found out back when they built the pipeline 30 years ago, some of these same radical groups that don't want to explore natural resources in America today, some of those same radical groups were saying, ''Don't build the Alaskan pipeline. You'll destroy the caribou population.'' They were there.

You can't find them now because guess what happened? After they built the pipeline, the caribou population increased by about five times, a five-fold increase in the caribou population because they like the warmth of the pipeline and they mate around the pipeline. So it's actually helped the environment. You can peacefully coexist with the natural habitat by safely and environmentally friendly drilling in exploration for our natural resources.

So we put all of those different solutions, the all-of-the-above plan that my friend from California talked about in a bill called the American Energy Act, and everybody in this room cosponsored it. I would encourage all of my Democratic friends to cosponsor the bill as well because it is a comprehensive approach to a major national crisis that's facing our country.

It doesn't just talk about exploration and drilling for oil. It talks about renewable sources of energy, the things that we found at the National Renewable Energy Lab when we went and looked at the wind and solar and the hydrogen technologies that are being advanced.

But even the people that are advancing those technologies will readily admit that those technologies alone will not meet the energy needs of our country 10 years from now, 20 years from now. You're still going to have to have a reliance on multiple sources, multiple approaches to this, including fossil fuels.

So we look at things like oil shale and tar sands where we know we can get billions of barrels of oil. Yet what's standing in the way? The Democratically controlled Congress will not let us have a vote on lifting a Federal moratorium that even exists on exploring those alternative sources of energy.

So I think the more that the American people see this, and the fact that they see every 2 weeks or so the Democratically-controlled Congress brings out another scapegoat, another person to blame. They blamed OPEC and said, ''Let's sue OPEC.'' And then the price rose. And then they said, ''What about use-it-or-lose-it, and oil companies are sitting on millions of acres of leases.'' And then people looked at that and researched it and realized that's not true.

In fact, it's some of these radical environmental groups that filed lawsuits to stop people from exploring for our own natural resources, and that's the biggest delay in bringing oil to the markets so that our people can see a lower price of gasoline.

Mr. JORDAN of Ohio. Will the gentleman yield?

Mr. SCALISE. I will happily yield.

Mr. JORDAN of Ohio. I just want to ask the gentleman a question. He comes from Louisiana.

Isn't it true that the oil production facilities offshore in your State in the gulf that during Katrina, that terrible disaster that hit our country, hit your State so hard, but isn't it true those production facilities withstood that hurricane and there was no spill, no environmental hazard whatsoever during that entire storm?

Mr. SCALISE. My colleague makes a great point because that, in fact, is what happens.

Katrina was a horrible, horrible tragedy. Hurricane Rita came right behind it. So you had two of the worst hurricanes in our Nation's history, came through the Gulf of Mexico within a few week period of time of each other, and many rigs were knocked down. We saw the price of oil go up because our State supply is about 30 percent of the Nation's domestically produced oil. We would sure like to increase that percentage.

But when those rigs got knocked down, one thing that didn't happen is you did not see environmental spills because they do, they do drill today in an environmentally safe way, and you had no disasters because they know how to do it in a very technologically safe way, as my friend from California showed.

The platform, the footprint of an oil rig today is about one-fourth of the size of an oil rig just a few decades ago, and yet they can also drill in a wider area, directionally drill up to 8 miles. So the technology is there.

We have a plan that we've laid out, and if the Democratically controlled Congress has a better idea, put it on the table. Let's stay. Let's roll up or sleeves during this next 5 weeks and solve this crisis rather than taking a 5-week vacation, which is the plan, I guess, the only energy plan that the Democratically controlled Congress had.

That's why I'm proud to say no Republicans voted to adjourn because we want to stay here and work on the solution because, we know, we've got the ingenuity here in our country. We've got the technology to lower gas prices.

Mr. MCCARTHY of California. I thank the gentleman from Louisiana. He made some very good points. And one thing you think of this House and you think of America. I still believe this is the most beautiful building we have in all of this country. You would think the power of the idea would win at the end of the day. And you would think of the debates you have here. But when did you ever think that the Democratic controlled Congress would be so afraid of having a debate, to actually allow a vote to take place? They have the majority. They can vote the way they want.

Today they had the majority to vote to adjourn. Now they're going to have to go home and answer to the American people why they are not back working and finding an American independent energy policy to move forward.

Now I would like to yield to my good friend from eastern Tennessee, DAVID DAVIS.

Mr. DAVID DAVIS of Tennessee. Thank you for your leadership on this subject and so many others. It's good to be with you tonight and many of my colleagues from around the country.

The American people are hurting. Young families are hurting, senior adults are hurting, small businesses are hurting. Energy prices are hurting us all. A family that rents cabins for a living in my district back in northeast Tennessee recently told me they have seen a 50 to 60 percent decrease in rentals during the past spring and summer. They told me that this decrease in rentals may force the family business to go into bankruptcy because they rely on tourists who travel to the beautiful mountains of northeast Tennessee.

Oil prices also affect the cost of many of our daily essentials. Here is just a small list of everyday items that rely on oil for their production. See if you use any of these products. We need oil. We need American oil.

Hearing aids, tennis rackets, eyeglasses, soft contact lenses, trash bags, glue, ballpoint pens, carpets, tires, artificial limbs, bandages, and dentures, to name just a few.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. DAVID DAVIS of Tennessee. Yes.

Mr. BROUN of Georgia. I appreciate the gentleman going through that list of things.

I used to farm. I'm a medical doctor, as you know, and a lot of things that we deal with in health care are petroleum-based also. But as a farmer, I used not only diesel fuel in my tractor, but I also used oil-based or petroleum-based products to keep weeds out of my crops, to keep bugs out of my crops, and those sorts of things.

Having a shortage of oil is going to drastically affect agriculture, which means it's going to drastically affect food prices to every single consumer in America today. That's another reason why I think it's absolutely critical that we get American oil and stop being dependent upon this Middle East oil and foreign oil.

So I appreciate the gentleman yielding. But I wanted to add that as just another issue that's extremely critical for us to think about as we look because it's going to hurt the American consumer when they go to the grocery store that they can't buy their groceries at a reasonable price. So it not only hurts people at the pump but it hurts people in the grocery store. It hurts people at their job and in every single other way.

Mr. JORDAN of Ohio. Today in the Budget Committee we had a hearing today where we were talking about the increased price in food. We had two economists that were a part of the panel, and I asked them how much—you think about the fact that every commodity price is up. I asked them, I said, How much of all of these other commodity prices, the price being driven up, is attributable to the price of fuel? And they couldn't give a percentage, but they said it's a lot.

And it's not just a lot. When you think about the farmer and the fact that his input costs and just putting diesel in the tractor to plant the crops and harvest and cultivate the crops, but it's all our distribution. You have got to move all of these products that my friend from Tennessee listed, that my friend from Georgia talked about in agriculture. You have got to move them across this country.

Fuel drives up every single other commodity price, and that's why, again, it highlights and underscores the fact that we have got to pass legislation that allows us to get more supply.

Mr. DAVID DAVIS of Tennessee. Very good points. And I represent a rural east Tennessee district that has a lot of farming as well. You make some good points.

You actually start, when you start to till the ground, you have to have diesel. The cost has gone up to the point where it's almost put some farmers out of business. Then you have to put fertilizer on the ground, if you can afford it. If you don't have the fertilizer, you don't make the product. So it really is hurting people from all backgrounds.

Families are canceling vacations. Police departments are cutting patrols. Small businesses are closing across America. Moms and dads are sitting around their kitchen tables trying to put a budget together to decide if they're going to be able to send their kids to school and buy the products that they need, all while the leadership here in Washington refuses an up-or-down vote on increasing American energy.

Mr. MCCARTHY of California. Would the gentleman yield for one moment?

Mr. DAVID DAVIS of Tennessee. Yes.

Mr. MCCARTHY of California. So what the gentleman is saying is the Democratic controlled Congress, the majority who controls what comes to the floor, will not even allow a vote? Not even allow a vote on a plan that says all-of-the-above, that says ''yes'' to solar, ''yes'' to wind, ''yes'' to more drilling, ''yes'' to the new technologies for geothermal and others, but you can't even have a vote on this floor?

Mr. DAVID DAVIS of Tennessee. If they will allow us to vote, I will vote ''yes.'' They may decide to vote ''no.'' But we need to be able to vote and vote the will of the American people.

We have 435 distinct, separate districts across America. Out of those 435, I'm sure some will vote ''no,'' some will vote ''yes,'' but it's really up to Speaker PELOSI to allow it to come to the floor for a vote. The American people sent us here to do a job.

Mr. HELLER of Nevada. If the gentleman will yield.

Mr. DAVID DAVIS of Tennessee. Yes.

Mr. HELLER of Nevada. Thank you. You make a very good point on this. You have heard me say this before, but this energy policy is a three-legged stool. We have to conserve; we have to look at renewable sources; we also need to drill for more oil. You can't do one without the other. You'll have an energy policy that fails. You can't do two without the third or that energy policy will fail.

I'll tell you what I got out of this trip to ANWR, which I thought overall really put this in perspective for me. And that is, as was mentioned, we use 20 million barrels of oil a day here in this country. If we do everything we can to conserve—and the American people are moving in that direction, and I applaud that—if we do everything we possibly can for renewable energy, and that is meet our goals—we have a goal here in these Chambers of 15 percent by the year 2020. If we meet those goals, if we conserve, we're still going to need an additional 10 million barrels of oil a day by 2030.

□ 2200

So where are we going to get the additional 10 million barrels of oil that the American people are going to need if we continue to stop this possibility of going to ANWR, going offshore, looking at shale, looking at all these other prospects, and building additional refineries: Where are we going to get that additional 3 million barrels that we are going to need, even though we're on top of the renewable process and we have conserved, as the American people are doing today? That's the question that needs to be answered.

Mr. BROUN of Georgia. You make a great point, Congressman HELLER.

I keep hearing from the other side, from the radical environmentalists, as well as the Democratic leadership that won't let us vote on this bill, that it will take 10 years if we pass a bill—if we're to pass this bill, it will take 10 years to start producing oil. That's hogwash.

We don't have enough refinery capacity in America. We need to build new refineries, and they say it will take 10 years to get them permitted. And that's hogwash. If Habitat for Humanity can build a house in one week that will withstand a hurricane, as we've seen it happen, if America just has the gumption to do so, we could build a refinery in a year. We could start pumping oil very quickly.

But NANCY PELOSI's leadership won't allow us to vote, and it's just absolutely unconscionable to me that we can't vote to supply more oil and stop this dependence upon foreign oil. It is absolutely critical for our national security.

Mr. HELLER of Nevada. In my local newspaper just today, there was an article written by some of the people that you're talking about, some of the more extreme environmentalists saying that this country would be better off today if we had the same gas prices as they have in Holland, $10 a gallon: $10 a gallon, if we had that, America would be better off. I have a hard time believing that we are better off if we to try to Europeanize ourselves and increase the price per gallon.

I've had town hall meetings. I've had over a hundred thousand people polled of what they thought of a 50 cent per gallon increase. Eighty-two percent are against it. We have people now calling for doubling the gasoline prices we have today.

Mr. MCCARTHY of California. You're all raising very good points, but you're showing what is happening on this floor by not allowing the vote. But there is another way. There is all-of-the-above. If we were able to drill in ANWR, the Federal Reserve Chair said, if you increase production by 1 percent, it goes down 10 percent. ANWR will produce 1 million barrels a day. That automatically would lower the price per gallon by 50 cents.

But think about what's happening today. It's the largest transfer of wealth from our country, America, to countries that disagree with us. If we had an American energy plan that made us independent, what else does it do? It creates American jobs. The $700 billion stays in America.

Mr. WALBERG. If the gentleman would yield, I'd love to hop on that point there.

We talk about those that we pay, and in some cases, even prop up their economy such as Venezuela with Hugo Chavez, who is a dictator who has said that he wants America to be defeated and off the face of the Earth as it were. But we send a check to him of $170 million per day that props up his failing regime, that allows him to continue, and we pay this to an enemy.

I would also submit to you, as I mentioned earlier, as I come from the former motor capital of the world, we have a Volt vehicle that GM is producing that has the ability to run 40 miles, whether standing in traffic, in a traffic jam, or going 40 miles straight on electric power. Most people in their commute would allow them to purchase that Volt vehicle and never have to use the gas portion of the propulsion.

Now, keeping that in mind, we're talking about drilling and we need to drill, but we're also talking about our plan, all-of-the-above, which includes nuclear power, wind power, solar power. I submit to you that, if we have an electric vehicle like that, it won't be any good if we don't do some of the infrastructure.

We need nuclear power to produce that electricity. We need an infrastructure to get it to the box where they have to plug in to recharge. Now, that would allow us the opportunity to expand.

And the gentleman from Nevada, you bring up a good point about those that offer alternatives. We have, at present, the founder of Greenpeace on our side about alternative fuels and the specific nature of nuclear power who says nuclear power is the greenest energy that we can have and we ought to be producing more nuclear power, we ought to be putting nuclear plants up.

So with drilling, with nuclear power, with wind, with solar, with all of the above, natural gas and others, we can make this country independent from any other country on this Earth and put ourselves back in a competitive position that not only allows us to continue our lifestyle and expand it the world around, but also make ourselves secure.

Mr. BROUN of Georgia. These are all great things and they're included in the American energy plan, and that's the reason we need to vote on these. And I think it's absolutely critical—all of us voted to stay here to vote on this bill, and I think it's critical for us to do so.

But a lot of naysayers say, well, even if we voted on this bill, it would take a long time to lower the cost of gas. But I just submit what happened when the President rescinded the Presidential moratorium on offshore drilling. Oil prices immediately fell. Gas prices are coming down. If we would vote on this bill and pass it, I guarantee you almost overnight we'd see much, much lower prices of gas at the pump, and oil prices would come down.

We had this bill about speculation. Well, this is the way to deal with speculation. Let's pass this bill. It will stop the whole problem that we hear from the Democratic side about speculators running up the cost of oil. That's hogwash, too. We need to pass this bill, and I call on the Democratic leadership to bring it to the floor.

Mr. SCALISE. Again, a lot of interesting points are being brought up, great points that you just brought up, and ultimately, this comes down to a supply-and-demand problem. And when you're talking about the price, you are exactly right, because when you talk to economic experts, what they will tell you—and anybody that understands basic market economics, and I think most people in the American country do—unfortunately, I think the Democratically-controlled leadership of this Congress doesn't understand that you've got an increase in global demand for oil all across this world, not just in the United States, and yet the supply is flat. OPEC's not going to increase their supply because they want a high price.

But we here in our country have the ability to increase some of those moratoriums that were arbitrarily placed by Congress. And you talked about the President lifting the ban on Outer Continental Shelf drilling. You saw a $10 drop in the price of a barrel of oil in just 1 day because of an executive ban, even though still now and I think most in people in the country now see that the only thing standing in the way of opening up that Outer Continental Shelf to drilling is the congressional ban that's in place, and that's the ban that's part of the all-of-the-above strategy, and we're asking Speaker PELOSI to just give us a vote on that.

If she wants to disagree with it, if these radical environmental groups don't want to do that, that's their prerogative, but let's have a straight up-or-down vote. I think that a lot of Democrats would vote for that, too, as well as Republicans because ultimately you would see a real solution being placed on the table.

But in fact, what we're left with is this do-nothing approach and the leadership in Congress saying let's adjourn for 5 weeks rather than address this problem because they're afraid of the realization, and I think they realize that if we had a vote on this, we opened it up to all amendments so that we could actually talk about a full, comprehensive energy plan which our country doesn't have—the fact that if we did that, you would see an immediate drop, even bigger than that $10 a barrel drop you saw that one day. You would see a dramatic drop, as my friend from California talked about, at least a 20 percent drop, which our people, our constituents all across this country would realize very quickly in a lower price of gas at the pump, and that's ultimately what we should be trying to achieve.

Mr. DAVID DAVIS of Tennessee. We're here tonight to ask the Democrat majority to let us take a vote on all-the-above, no more excuses.

You know, the interesting thing is we actually took a vote on the floor today. You know, we're here taking votes, 435 Members. We took a vote today to go home. So leadership's letting us take votes but just not on energy bills. I think that's a point that ought to be taken to the American people. They need to understand that we're taking votes. We're just not taking votes to increase the supply of energy. All of the above, wind, solar, coal, oil, drilling, natural gas, we're taking votes but not to increase energy. We're taking votes to go home for 5 weeks. That means for 5 weeks gasoline prices are going to be high back in northeast Tennessee. That's not what the American people look for.

Mr. BROUN of Georgia. I ask any Member here, what's the Democratic leadership afraid of? Do y'all know? I think they're afraid it will pass. I think that's the problem. I think they're afraid that this will pass and they won't have the environmental wackos and radical environmentalists that they can pander to anymore.

Mr. DAVID DAVIS of Tennessee. I think I have an answer to that because I do believe there are some commonsense Democrats on this floor. This is not a Republican issue. This is not a Democrat issue. This is an American issue. The only thing standing between us and the vote is NANCY PELOSI's Democrat leadership. I would call on the Democrat leadership to let us vote. Let Republicans vote. Let Democrats vote. Let them vote their conscience. Let them vote their district.

And I would, without a doubt, believe that we could go home on August 1, 48 hours from now, with an energy plan that would bring down prices at the pump because there's going to be some commonsense Democrats that will vote to make sure that moms and dads have some relief at the pump; young families have some relief at the pump; senior adults have some relief at the pump; small businesses have some relief at the pump. We need some relief at the pump.

Mr. MCCARTHY of California. Reclaiming my time, because as we begin to end here, one, I want to thank all my colleagues for coming down, for talking to the American people about the quarterly report, telling them what actually goes on in this building.

When we think for one moment that, as this House adjourns—not because anybody on this floor right now voted to adjourn. We said let's stay here and let's create a plan that creates an energy program that has all the above, from wind, to solar, to hydrogen, to nuclear, to exploration, takes us into the new frontier.

Because when you think of the floor that we're on, they built this Dome in the Civil War. You think of the challenges that this country has faced. And time and time again, we have met that challenge. But how did we meet that challenge? By not being afraid of debate, by not being afraid of the idea coming forward, not being afraid of one side of the aisle or the other, not saying the country's red or blue. This country is red, white and blue.

And that's the American energy plan we have. It makes us American independent of foreign countries. It stops sending the greatest amount of wealth out of this country to somebody else by creating American jobs right here.

But the only way we're ever going to be able to do it is that this Democratic-controlled Congress has got to change. It's got to allow the idea to come forth and not be afraid of the vote.

So, today, when you go home and when you see your Member out maybe in a parade, maybe on a street corner, maybe they're having a town hall meeting, ask that Member if they voted to adjourn. Did they vote to stay? Did they vote to make America energy independent? Or did they vote no, let's go home, let's let that price go up higher?

Well, I want to thank the Members for being a part of this tonight, and thank you for coming down and telling the American people where the report stands, where we're going forward and being willing to lead, going to Golden, Colorado, to see the renewable energy, and going to ANWR.

□ 2215

D&D DISPLAYS INNOVATES IN NORTH WILKESBORO

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to salute the innovative and hardworking folks at D&D Displays in North Wilkesboro, North Carolina.

Earlier this week, I visited D&D's manufacturing facilities in North Wilkesboro, North Carolina to learn more about this fine company's contributions to the local economy in Wilkes County. I toured D&D Displays' facility and spoke with company employees about policies that promote economic growth and well-paying jobs in North Carolina. I was honored to be joined by D&D Displays' CEO, James D. Brown, as well as by representatives from the Chamber of Commerce.

Our great Nation has a long tradition of economic growth that provides one of the foundations of our freedoms, so it is exciting to see the progress that D&D Displays has made in Wilkes County to create good jobs and to boost the local economy.

During my visit, I also learned that this local employer recently landed a new project that could provide up to $22 million in new revenue for the North Wilkesboro-based company and that could double or triple the company's employment rolls.

Success stories like D&D Displays are based on the innovative, creative and hardworking people of this country who ask nothing from government except to get out of their way so they can thrive. Congratulations to D&D Displays on their upcoming expansion. My hope is to see them continue to expand their business and to contribute to North Carolina's economy.

IMPROVING ENERGY, NATURAL DISASTER AND HEALTH CARE POLICIES IN AMERICA

The SPEAKER pro tempore (Ms. TSONGAS). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate the honor to be recognized to address you here on the floor of Congress, and to kick off this Special Order moment, I would be pleased to yield 5 minutes to the gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank my colleague for yielding.

America right now is drilling for ice on Mars. Yet we cannot drill for oil in America. This is insane. If we have the technology to explore beneath the surface of Mars, then we must have the technology to explore for oil here at home in an efficient, environmentally friendly fashion.

Our home-grown energy businesses employ that technology off the coast of Louisiana today. Hurricanes Katrina and Rita toppled many of the oil rigs offshore, but there was no environmental catastrophe. Not one drop of oil was spilled. Not one drop washed up on the shorelines.

I respect Louisiana Democrats CHARLIE MELANCON and MARY LANDRIEU, who support their State's exploration and development in the face of stiff opposition within the Democratic Party's ranks.

Why can't we learn from Louisiana's success?

There are some who like to say we're facing an energy crisis, and then they'll use those two words to manipulate votes this December. For there

truly to be an energy crisis, there would have to be a shortage of fuel. Fortunately, there isn't one today, but there is a shortage of courage in this body, a shortage of creativity and a shortage of will to do what needs to be done to ensure that there will never be another 1970-style fuel shortage.

The best way to cope with a crisis, real or not, is to avoid it in the first place. The Georgia Bulldogs are in my district, so you know I love a good football analogy. We all grew up with Charles Schultz and his Peanuts comic strip, so we are familiar with the image of Lucy's yanking the football away from Charlie Brown just as he's running to kick a field goal.

What image better represents the Democratic leadership's approach to energy policy—this so-called new direction for our Nation? this new direction energy policy? the Democratic leadership's energy policy? A sound, obvious proposal comes to the table, such as expanding domestic resource exploration. The Democrats quickly yank it away from under the American consumer.

Why? Because it's tradition for most of them to appease radical environmental groups and to oppose domestic exploration and production even in the face of rising costs and of increasing dependence upon Middle Eastern oil.

Some of the ideas springing forth from the New Direction Congress are policies from an old era best left forgotten. I'm speaking about this absurd notion of nationalizing, read ''socializing'' our Nation's oil and gas businesses. The most recent mention of it has been quickly forgotten by the press, but I want to point out how this allegedly fresh idea has evolved without even going into the original idea's ultimate failure in the former Soviet Bloc.

Nearly 80 percent of world oil reserves are controlled by nationally owned oil companies, not by American or by other private companies. Today, as a nation, we scoff at nationalized oil and gas production in Iran, Cuba, Venezuela, and Bolivia, but somehow socialization is acceptable to some Members of the ''New Direction'' House and Senate. To me, it's a new direction headed down an old path to a dead end.

I reject socializing oil companies because it is un-American and because I trust our market economy. As we learned when Hurricane Katrina and Hurricane Rita caused no oil spills, offshore oil rigs are safe, and offshore oil rigs attract new marine life as we're still learning from the new artificial reefs there.

One Democratic aide summarized the liberal energy plan as ''drive small cars and wait for the wind.'' We developed this picture of the Democratic Party's policy for energy in America. It's absurd. Well, Madam Speaker, not everybody owns a small car, and it's not windy every day. America wants energy solutions now, and we should vote to serve their interests, not the interests of the radical environmentalists.

We've introduced a bill called the American Energy Plan. It encompasses all of the above, every single possible energy source that we can figure today, and we'll even stimulate the production of new sources that we may not even know about. We need to have a vote on that bill.

The Georgia Bulldogs' head football coach, Mark Richt, has a saying he uses to energize the Georgia Bulldogs football team: Finish the drill. As a Congressman, I've got three words to energize America: Start the drill.

We do that by voting for the American Energy Plan. We do that by voting to expand offshore drilling, ANWR drilling. We do that by voting to produce new nuclear energy and to permit new refineries. If Habitat for Humanity can build a house in 1 week that will withstand a hurricane, we can build a refinery to produce more gasoline for America in 1 year. We have to have a vote. The American public is absolutely dependent upon it. I want people to understand the reason that the gas prices are high at the pumps when you go pump your oil today. It is because we're not able to vote on the American Energy Plan or on some comprehensive means of establishing new oil supplies in America.

I thank the gentleman for yielding. I yield back.

Mr. KING of Iowa. I appreciate the gentleman from Georgia's coming to the floor here tonight, Madam Speaker, and for addressing these issues that matter to America, also from a Georgia perspective.

There are a lot of things I do want to say about energy tonight, Madam Speaker. Yet I think it's important for me to address first the situation that's going on in Iowa with the disasters that we've had.

To lay some of this backdrop out for you, I have significant background when it comes to the experience of having been flooded myself. I go back to '93 when we had the 500-year flood event in Iowa. I can remember earlier than that, in about 1991, sitting down and actually playing gate tag in the airport with Ellen Gordon, who was the director of Iowa Emergency Management at the time.

We worked out a system by which we could respond to disasters in Iowa. She was very, very good, and was in the business of making sure that we were prepared for disasters. Yet our discussion didn't really cover the breadth of the floods. It was more the idea of the more localized tornadoes that do come and that have visited our State and many others throughout the centuries.

Our focus was on: What if there is a large fire? What if there is a series of tornadoes or of bad tornadoes? How could we put the equipment in and the people in to respond to that kind of disaster and clean it up?

Yet, just a couple of years later, we had the 500-year flood event, and so it wasn't something that we had had previous significant experience with in our memories. Although, anyone can look back at the times before we did some of the Corps of Engineers' work that stabilized the Mississippi River on our east side and the Missouri River on the west border and some of the other major rivers, including the reservoirs that we built throughout the State on up through the Des Moines River that are designed to protect Des Moines. For example, there is the Saylorville Reservoir and the Red Rock down below Des Moines and the Coralville Reservoir that protects Iowa City. At least it did a respectable job of doing so. Those would be the major reservoirs in the State. Then additionally, there's Rathbun down in the south.

It turns out that we have actually done work on all of those reservoirs, Madam Speaker. Having been under water myself and having delt with four of our major projects in 1993 and having volunteered to go over to Keokuk to spend some days on a rock pile, which at that time was out in the middle of the Mississippi River which today is on the shoreline of the Mississippi River at Keokuk, I'm not without experience when it comes to floods and disasters.

Having been one of the first Members of Congress to go down into New Orleans in the immediate aftermath of Katrina and having flown, really, all of that—most of it in helicopters, some of that in a plane—and having gone down on the ground and having traveled on the ground around New Orleans and into Louisiana—Slidell, Louisiana comes to mind immediately—and having slept in a Red Cross cot and having felt bad about it because I found out that a Red Cross personnel had given up his cot for me to sleep on, I've been in the middle of this. I've watched people when they've been hit by floods. I know, I think, what goes on in their heads and how it is when the flood waters come up. The faster they come up, the more adrenalin you get to try to stave off that flood and the more sandbags you can throw and the more you can mobilize, let's say, manpower and machinery to protect us from those floods and to try to keep the floodwater out of our critical infrastructure.

When it crests and if it runs over the top of your levees and over the top of your sandbags and when you watch that fill up, it's a feeling of despair. It's a feeling of we tried as hard as we could. We did everything we could do to be ready for this, and then when it was time for all hands on deck, all hands were on deck. All men and women came to the levees, and they pitched the sandbags, and they did everything they could do to get ready. When the flood crests and you lose and when the water fills up in places where it has never been before, like in Cedar Rapids, Iowa and in places like Iowa City and Coralville, when that happens, you have a crushing feeling of despair.

Sometimes there is that long wait, the wait for the water to go down because, especially on the eastern side of

the State, along the Mississippi drainage area and in the Mississippi Valley, the water comes up slow, and it goes down slowly. So there's a longer period that it takes to be in a position to recover.

On the west side of the district that I represent, the water goes up fast and comes down fast, and there's a shorter period of time that it takes for it to dry up and a shorter period of time for us to recover, but all the while that's going on, your adrenaline peaks at about the crest of the flood, and then it diminishes in the aftermath of the flood.

As to where we are now, I was actually, I will say, surprised, sadly surprised, internally taken aback to see what I saw last Saturday in Cedar Rapids and in Iowa City. I know those towns. I know those cities. I know those river valleys. I've seen them flooded before, especially the Iowa River Valley, not so much the Cedar River Valley. I've not seen the cities of Iowa City and Cedar Rapids under water like I did when I flew over that just after the high watermark. First, I'll tell you what happened.

It rained perhaps more than ever before in a section of Iowa that would be the northern half of the State, almost exactly the northern half of the State. It would be 100 miles from north to south, from the Minnesota border down to the south—that line and 300 miles roughly east and west. That area also expanded into southern Minnesota and into other places of the east and west of Iowa, but in that area in Iowa, 100 miles by 300 miles—and there were intermittent rains and additional rains, but in one rain on one night and on one morning, Iowa took in that area of 100 by 300 miles no less than 4 inches of rain, something meeting and exceeding 10 inches of rain in other areas within that 100- by 300-mile area, three-30,000ths square miles with more than 4 inches of rain and up to 10 inches of rain.

When you see something like that, you see that it's probably more water than has ever come in a single rain before. When it came on saturated soils and as the water ran off of those hillsides and down the rivers and it crested at Cedar Rapids, the Cedar River cresting at Cedar Rapids—it did its share of flooding in Cedar Falls and in Waterloo, but when it crested at Cedar Rapids, that city had already been seeing the worst in '93. When the high watermarks in '93 were noted, the businesses looked at that and said this is as high as it's ever going to get. This is a 500-year event.

□ 2230

And so if I make sure that my business is above that elevation of the water crest in 1993, put it up, say, a foot above, who above that line would need to buy flood insurance? The rational thing is, when you get a 500-year flood event, you're probably not going to live to see another event where the water gets higher than it did.

And it might be something that one could understand if it came back and it approached that level or exceeded the 500-year flood event level by a foot or so, but what really happened in Cedar Rapids was the high water mark there was in 1851, and the new high water mark set in the floods less than a couple of months ago crested 11.12 feet above the previous high water mark, which was set in 1851. That's not a level that anyone could have anticipated. It's not something anybody can build for. Its not something the Corps of Engineers can tell us that we can adjust for. It was a weather anomaly where huge rains came in—and just in the watershed areas, and broader, but it focused on those watershed areas. It sent the water down through the funnels that are the river valleys, the Cedar River Valley and the Iowa River Valley.

And Cedar Rapids, the second largest city in Iowa, had its downtown flooded with something like 600 to 800 businesses flooded, and now, 1,300 square blocks of residences that were flooded—probably more than that, but that would be one of the measures. And I'll submit this, Madam Speaker, that I've been to those places where we've had natural disasters and had floods and hurricanes.

And I did a number of trips into New Orleans and I walked the streets of New Orleans and I went back to see their downtown dark when the power was off and the utilities weren't functioning and the businesses were gone. And some of them had the windows out and the doors open and they were being aired out, trying to dry them out. To go in and strip out the drywall off the walls—the wet drywall, I would add, if that's not an oxymoron—to have to go in and replace all the furniture and the carpet and the walls and the appliances and re-wire and come back in with new walls and new flooring and new carpeting, for example, and new furniture, to get all of that done takes time. It takes time to find people, it takes time to find the resources. And the sad thing is it takes a lot more time to find the money and know what you can plan on. All of that I've worked with in New Orleans. And all of that that I've described exists in downtown Cedar Rapids today and in the residential areas.

To go into downtown Cedar Rapids on a Saturday afternoon and look around there and see there isn't any business functioning down there, that there are generators set up to run light plants to carry just some streetlights at night because the utilities aren't back up. There is a steam power system that has been providing that utility for the downtown Cedar Rapids; about 25 percent of the businesses have access to that and all the rest do not.

There were businesses that were established businesses that have been there for—the building was functioning in that fashion for perhaps a century or more; never been flooded—or not flooded in our memory, anyway—but under water six, eight, 10, 12, 14 feet of water that went in and destroyed these businesses, depending on the elevation of the business and where the water decided it would want to go.

This Congress, however much empathy they've provided—and I appreciate it all. And I appreciate, of course, the how responsive they had for Katrina—but this Congress has not reacted fast enough to the situations in Iowa and in Illinois and in the Midwest from these past floods.

What we have done in this Congress to date is, in a supplemental bill, we brought $2.65 billion in funding to backfill FEMA, an existing account for FEMA. And that's all that's been done from an appropriations standpoint or from a policy standpoint.

We do have a whole series of tax packages put together by Senator GRASSLEY. And this tax package that he has put together is a good one, it does what can be done for tax relief. And it is the tax relief that was offered to the people and the businesses in New Orleans during Hurricane Katrina and Rita. It was that with some loopholes closed that were found by some folks down there—we were happy to close the loopholes. That tax package hasn't been moved. We don't have a response from Ways and Means here. I don't know that we have a response from the Finance Committee in the Senate and how that might be. Those things need to happen.

The business people in these communities, in Iowa City and in Cedar Rapids, and the smaller communities up and down the river, including Columbus Junction and including Oakville, they need to have some definitive action on the part of this Congress. This Congress can act definitively when they see a disaster that grips their heart. Here's how they acted in Katrina back in 2005:

September 2, 2005, we appropriated, in a special supplemental spending bill, $10.5 billion for the initial down payment on Katrina relief; $10.5 billion, September 2. Six days later—not a week later, six days later—Congress appropriated $51.8 billion for Katrina relief. That was September 8. Then December 30, Congress appropriated $29.1 billion, Katrina relief. Then June 15, 2006, $19.3 billion, Katrina relief. Then on May 25, 2007, $7.7 billion, Katrina relief. And on November 13, 2007, late last year, $6.4 billion, Katrina relief. That adds up—and don't hold me to this math, this is a memo note—$123.5 billion in Katrina relief that began when—the disaster declaration was made August 29, 2005. And on the second day of September, the first $10.5 billion came through. And then 6 days later, and then late December, then June of the following year, then May of the following year, then November also of last year; $123.5 billion, Madam Speaker.

And this Congress—and the only measure is not how much money did we appropriate to backfill FEMA, that was

$2.65 billion, in that same bill, Katrina relief, more than twice as much went to Katrina, $5.8 billion, Madam Speaker.

So I wouldn't make a big issue of this if I didn't think that there was a desperate need. And even though I had flown over the entire flood area—that we could identify at least in eastern Iowa—and western Iowa for that matter, and we had some of our own flood that wasn't as broad and probably not as severe, even though I've flown all over that and looked at that—and I know what floods look like from the air and the ground and I've lived them and I've been flooded myself—I was sadly surprised and gripped when I saw especially downtown Cedar Rapids with the businesses dark on a Saturday afternoon.

And also, to talk to the businessmen and the businesswomen there that are trying to figure out what they can do without definitive answers and response, I know it's difficult. And I said with Katrina that even if Mayor Nagin and the Governor of Louisiana—let me just put it this way: Even if the city of New Orleans, the State of Louisiana and the Federal Government, all of our agencies, if they had all performed at their maximum statutory authority, we still didn't have the resources and we didn't have the mechanism in place to save everybody, and as many resources as possible in that disaster down in New Orleans.

We've learned a lot from that. I'm not here to criticize FEMA or Small Business—they're certainly not the Corps of Engineers—and the balance of the Federal agencies, and certainly not to criticize the Red Cross. Everybody mobilized, they went to the rampart, so to speak. The volunteers came out in numbers to the point where sometimes they were actually turned away because there were more volunteers than there were sandbags, so to speak, in some areas. I'm proud of that. I'm proud of that response, and I'm proud of the work that got done and I'm proud of the example that got set.

And I'm proud of the spirit of our Iowa people. And as I met with the business leaders and the businessmen and women in both of those cities, Cedar Rapids and Iowa city, as I went back to FEMA headquarters and stayed and spent some time—about 2.5 hours on a Sunday morning—with the State Disaster Coordination headquarters of FEMA, I met with many of their people, and even right down to a second generation FEMA employee. There is a lot of accumulated knowledge, a lot of disaster expertise within FEMA. I'm not here to criticize that.

Madam Speaker, the issue that I raise is, downtown Cedar Rapids is dark. Their power is off. They've been flooded out. Six hundred to eight hundred businesses are out; some will not come back. Every day that goes by, the odds of losing another business and another business and another business get greater and greater.

These businesses that have been flooded have lost a lot of their capital base, a lot of their assets. Some of these people have worked for a lifetime and put all of their resources back in their business. And their business was above the 100-year flood event. They didn't have flood insurance because that was a rational decision, not an irresponsible decision. And the water got 11.12 feet higher than ever before and they are caught by an act of God calamity of rarest proportions, and yet they don't have anything that they can really hang their hat on as to what will be the sequence of events? What resources will be deployed in the area?

Yes, we know that Small Business Administration is in there offering loans. And I think they've done an acceptable job of processing the paperwork and giving people something that they can count on. They showed me the numbers of the loans that have been written and approved. And yet I know that, even though the loan is approved for people in residences, for example, as well as businesses, that isn't the only thing required to get people up and going. For example, if your business has been flooded and wiped out, and let's say you qualify for a small business loan, you still have to come up with locating the materials and you have to locate a contractor, and you have to put together a real business plan that's going to carry you on.

I had to make some of those decisions when I was under water in 1993. And at that time I was in my early forties. So to look at something that was capitalized over 20 or 30 years was a different equation for me than it is today in a place like Cedar Rapids or Iowa City, where some of the business owners are retirement age, 63, 64, 65 years old. And when they're looking at a disaster that's cost them hundreds of thousands of dollars, and the equity that they've used to leverage their business through these years is gone and they're looking at a 4 or an 8 percent loan—and by the way, the higher the risk, the higher the interest—a 4 to an 8 percent loan, they have to make a decision, when they're borrowing money, when the last payment on that 30-year loan is beyond their life expectancy and they've already reached about the end of their working life expectancy, how, then, do you pay the bills? What do you do with your life's work?

When you think of the Enron people who had all their pensions wrapped up in Enron stock and found out that the Enron loophole allowed for the fraud and their pension funds collapsed, many of those people that were retired had to go back to work. And some of them that stayed retired had to dramatically shorten their budget and squeeze everything down. The happy golden years of retirement didn't materialize because of something that was beyond their control. And yet we have a situation here that was beyond the control especially of the business people and the residences, and all of the region. And I'm using Cedar Rapids as an example because that's where this chart is.

Madam Speaker, I have here a picture of a residential area in Cedar Rapids, Iowa. And this is very, very typical. Although the report from FEMA is that essentially the debris removal and clean-up is caught up—and I don't disagree with that—when they pile this out in the middle of the street, they come along and pick it up and load it way. We don't have what I saw in Katrina, which was huge wind rows of debris that were piled out there. And sometimes you had people objecting to having the debris hauled out. That's not happening in Iowa. When people haul debris out, they put it by the edge of the street, sometimes right in the edge of the street so it's easy to pick up. It's being picked up and removed.

I saw the city of Palo was entirely under water. Every house in that city had suffered major damage. And they carried their furniture and their appliances and the ruined material on out into the street and began to strip out the wet drywall—which is now a common phrase. And most of that debris is all picked up.

This is an example of a pile waiting to be picked up. You can see it has furniture in here, it has appliances in here, it has some clothing and waste. There are pieces of lumber and boards and furniture all piled out here to be hauled out. And all of this, Madam Speaker, has got to be replaced, and it's all got to be put back again.

And the homeowner back here doesn't know whether there is going to be an initiative to buy this all out, whether there will be an initiative to come in and rebuild, whether there is going to be a flood insurance premium that will be too costly and it might be wiser to move on out. They don't know if they can get a building permit to go in and rebuild their house and put it back into pre-flood conditions with or without a loan, with or without a buyout, with or without a city plan, they don't know.

And the hardest part of being in a flood—and it isn't easy to answer all these questions—the hardest part is you can't make decisions because there are so many variables that are beyond the scope of being answered or can be answered by the local officials. But that's an example of the debris that's there last Saturday.

This is a relatively fresh picture. This is an example of the spirit of America and the spirit of Iowans. This is in Cedar Rapids. These buildings are all empty, they're all flooded. The high water line I'm going to guess is someplace about right here.

□ 2245

The defiance of America shows up this way, Madam Speaker. That is, you go find the largest, boldest American flag that you can find and you hang it up there for all to see, and that says,

We're going to beat this. We are coming back. We're not going to let this get us down. That is what that flag said.

If you look up this street off in this direction, there was flag after flag coming out from the buildings that were set up. That is the message that I am proud of. But these buildings are stripped empty now. They have been flooded out. They have all got to come back again. These are businesses that probably don't get a grant of any kind. They will have to settle for a loan, if they can qualify. And then for 30 years they can pay it back.

This also, Madam Speaker, is another example of along the street in Cedar Rapids. Again, Cedar Rapids is just the epicenter. This goes up and down the river valley, town after town.

You can see the appliances that are laid out here and the debris that has been stripped out of the homes right along the street so it's easy to pick up. Nobody is resisting here like they did in New Orleans and taking the position that the workers, the volunteers, and the cleanup crews shouldn't set foot on this ground. They are saying, I put it out here for you to pick it up. Please do so. Thanks for helping me. Let's all get to work.

We have some people that don't know whether they are going to have enough money to fix their house or not, but they want to do something. So they go in there and they strip it out, they clean everything out, they throw everything away that they can throw away, that they need to throw away, and fix that house so that they can start rebuilding if they come up with the money, if they get a grant, if they get a loan, and if they can come up with the materials and the contractor.

But that looks to me like New Orleans looked. I spent a lot of time walking the streets in New Orleans. If I would take this picture and ask the question of our friends from Louisiana, I think a lot of them would say, Oh, yeah, I saw that down south. I saw that along the gulf coast in 2005. Well, it's 2008. It's Iowa. They are still looking for some answers and looking for some relief.

This also is an example of what we saw for the disaster. This is a bridge that was taken down. They knew that the bridge was going to take a lot of water so they ran train cars out here, filled these train cars with stone and ballast, and I believe they said water, to put some weight on the bridge so the bridge wouldn't go out. The bridge went out anyway.

Here's the train cars still sitting on the bridge. This is a little bit older picture. Some of these are actually floating homes that were pushed down up against this bridge. I saw this all from the air when I flew over Cedar Rapids.

So that is an idea of how devastating this was when you see this kind of carnage with a railroad bridge taken out and the homes that are floated down against it.

This, City Central, this is an island in the middle of the Cedar River, where city hall and some administrative buildings are. This is at not quite the peak high water mark, but that shows you what happened.

We have, Madam Speaker, a grant system that comes primarily from FEMA that does this. It allows for residences to qualify. So a residence like this potentially could qualify for up to a $28,800 grant. That grant then can be used to refurbish and rebuild the interior of the home and put it back in its pre-flood condition. That is there for the residential homeowner.

We also have qualified grants to help the city out. Political subdivisions, say the city, the county, perhaps the State, and I believe the State, so that if they have damage to their buildings, they will be rebuilt. We have a Federal building that was flooded, the Federal courthouse in Cedar Rapids. It's slated for reconstruction, to be built new, but I do believe that it's going to be refurbished before we can get a new building built. That's a pretty big check to replace the building. It's also a big check to refurbish the building.

But my point is that political subdivisions, the institutions of government, will receive Federal dollars to be reconstructed, Madam Speaker, and the residences will receive Federal dollars to be reconstructed. Even some of our critical infrastructure can qualify. Our railroads will likely qualify in some areas, as we have in past disasters seen that our utilities qualified for grants to put power poles back. Say in the case of an ice storm that might take the power out in a large area, we provided Federal dollars to go to those utilities, put the poles back up, the lines, and at least take some of the sting out for the utility companies.

So it's not unprecedented for us to cross a line, a line from a residence here, a line that includes municipal government and county and State government here, a line that includes a railroad bridge here, a line that includes utilities occasionally. All of those things qualify for Federal grant.

The only people that we're asking to go without any kind of a grant in this are the people that are paying the taxes on everything else, and that's the businesses in the communities. So if you run a business in Cedar Rapids, Iowa City, in the valleys of the Cedar or Iowa River or the Mississippi River Valley, likely below the confluence of the two rivers in Oakville, if you run a business in those areas and your business is flooded, chances are you're going to be applying for an SBA loan, if you qualify. If you're a large business, you may not.

But there is no provision in law that allows the Federal Government to step in and provide a grant for the small businesses that are as devastated, in fact, in many cases more devastated, than the residences are themselves.

I don't know that we have got this entirely backwards, Madam Speaker, but I will submit that if you have the healthy, economic, social, and cultural ecology of a community, it was the evolution of that community that was formed around the commerce in the first place. It's likely somebody set up a trading post. Maybe that trading post was on the Cedar River or the Iowa River and then they traded furs through there and the trading post began to sell goods and then, after a while, services, and they built a residential house. They probably slept in the store when they first moved there. Then they built a home to live in and then they needed more services. As the businesses expanded, they justified the people that would be building more businesses around them. They needed a place to live. So they built homes. It wasn't that somebody moved to Cedar Rapids 150 or 180 years ago and decided that they just wanted to live there like a vacation home, Madam Speaker. It was the first people that built the towns and the cities in the Midwest at least and in the United States, for that matter, they set up the businesses first and the residences came next. Then they had to have government to provide order and the government buildings were built.

Sometimes it was the transportation links like the railroads that caused the towns to be built along them, especially at the intersections of the railroads, and where we had the intersections of the rivers, which were the flow of commerce back in the day. All of this was surrounded and came together because somebody went out there and established a business because there was an opportunity to make some profit. The residences were built around the businesses.

And so we have our priorities in a condition where they need to be rearranged. Our priorities, I believe, should be this. Recognize that the source of the taxes are the businesses that earn the wealth and pay the taxes and hire the workers to pay the wages so that people can afford to live in the houses that they live in.

So we here in our government response to disasters of, let me say, epic proportions, help out the residences and the railroad and the political subdivisions but not the businesses.

I have legislation I have introduced in the Congress this week, Madam Speaker, and the number of the legislation escapes my memory for the moment, but what it does, it goes in and amends the Stafford Act. The Stafford Act is the language that allows FEMA to provide grants to residences and this allows businesses with 25 or fewer employees to qualify for disaster relief grants in the same fashion, on up to the $28,800 limit that is there today in statute for residences.

This, I think, is a change that is a long time coming. It's been endorsed by all of the Iowa House delegation. We are asking to go out then to the Representatives from the other States that are affected by this flood, asking them

to sign on as well. The idea being this: Small businesses can perhaps be put back on their feet very quickly if their damage is such that a limited grant, and I know for some of these businesses, it won't amount to a lot, and some will turn up their nose and say, You're not really helping me enough. But it's something and it's what we can do. It may in fact be all we can do. I don't think that it's more than we can do. But, for me, if we are going to justify grants to residences and grants to railroads and municipalities, then I don't know how we say no to the businesses that are funding it all and the reason for it all in the first place.

So what is the point in fixing up homes and providing residences for people that won't have jobs in the businesses that are closed? Why is Cedar Rapids dark? Why is there not a plan, a plan that they can at least count on, and if the answer is no, then it's no, and they can make their plans accordingly.

But right now, under the current statute that we have, the answer is, well, maybe. And there will be some decisions made later. The city will work in cooperation with the county, with the State, who will work in cooperation with the Federal Government. I endorse all of that. The working groups that have been put together look to me like they are good people, working in a good cause, but we still don't have the definitive response.

So I am encouraging this, the adoption of the language to amend the Stafford Act so that small businesses with 25 or fewer employees qualify for grant relief in the same fashion that residences do, up to $28,800, and that can be enough to keep a business open, it can be enough to refurbish the inside of the businesses.

I walked into a number of them on Saturday. Some are under reconstruction and some are just sitting there. Some have been stripped out but they don't have a plan to put it back together. That is what we are working with, Madam Speaker.

We have got to move on this. If Speaker PELOSI is not willing to move the tax relief package that is drafted and introduced by Senator GRASSLEY and endorsed by Senator HARKIN, the package that was good enough for Katrina and Rita, it should be good enough for Iowa floods, Madam Speaker.

This $123.5 billion that flowed through to Katrina relief, we are looking right now at $2.65 billion for the Midwest flood relief, which includes a number of States, including parts Minnesota, Wisconsin, Illinois, Missouri, Arkansas. Those States come to mind right away.

We have got to move some relief, and this Congress is ready to adjourn for August, the August break, by late Thursday night or sometime on Friday. We will go home for 6 weeks and during that entire 6 weeks that this Congress doesn't at least send a signal that we are willing to step up and help the people that are in distress, then if we do not do that, we have failed them. They need a definitive response from this Congress. You have to be able to plan on something.

I believe that the people have performed well in Iowa. One of the things that they said was that they just went out and worked. They didn't ask for anything. I have talked to the FEMA people that have been around the country in these disasters for a career—and they were constantly complimentary of the way Iowans have responded to this. I hear anecdotes about Iowans that will say, Yes, I could use some relief, but don't stop and help me because my neighbor needs it worse than I do. Go help my neighbor.

It's been neighbor helping neighbor. What has been missing here is not volunteers, not good cheer, because there is a smile on their face in a lot of the cases no matter how the dire circumstances are, no matter how much adrenaline has drained off, and no matter how much they look through that tunnel looking for the light at the other end. No matter how much that is, their spirit has been strong.

But the joke came up, Well, we didn't have any protesters, we didn't have any looters, and we didn't have much media. So if we'd had protester, looters, and media, maybe we would have had some of this legislation moved by now. Maybe Speaker PELOSI would have had a little more sensitivity. But these polite and quiet people, these respectful people, these salt-of-the-earth people, as Congressman LOEBSACK referenced earlier tonight, haven't been beating the drum, they haven't been demanding relief. They have just been doing their work and pulling their end together.

□ 2300

It reminds me, Madam Speaker, of our debate on the Medicare reimbursement language that we fought through here in this Congress back in I believe it was 2003, perhaps 2004. When one calculates the relief, or the funding for Medicare patients, the per-patient funding for Iowa was last in the Nation. Medicare reimbursements, last in the Nation. Of the 50 States, Iowa ranks 50th. Before we passed that legislation, Iowa ranked 50th, and it was a long ways up to 49th. It is more than a coincidence that Louisiana ranks first. They ranked first then. We passed the reform relief, and they ranked first afterwards.

So the analysis goes this way. Back in the seventies, when Richard Nixon imposed a wage and price freeze, Iowa health care providers honored that wage and price freeze, so they didn't give increases in wages. They lost some people to other States that didn't respect that and gave wages anyway, but Iowa respected that.

There is another situation. That is Iowans don't use health care services with the frequency and regularity that they do in Louisiana, for example. So, historically, at least, Louisiana didn't honor the wage and price freeze imposed by President Nixon, and they utilized the medical services more regularly than those in Iowa.

So the formulas that were put in place that were based upon frequency of usage and cost reflected the two things: More wages were being paid in Louisiana than Iowa because they didn't freeze their wages, and they used the health care services more. Those two indicators, multiplied over the years from back in the early seventies to today, where the reimbursement rates in Louisiana were far higher, highest in the Nation, and Iowa, lowest in the Nation. We were 50th, and a long ways up to 49th. We have made some marginal improvements in that. We are still 50th, it is just not so far up to 49th.

But what happened is Iowans not using health care services is similar to Iowans not demanding services from this Federal Government. It was said by the former chairman of the Ways and Means Committee, here is how it works: Iowans will not go to the doctor or the hospital sometimes when they need to. Sometimes they will stay home and die in bed instead. So they aren't running up health care costs, because they are independent and want to be self-reliant and take care of themselves. But that former chairman of the Ways and Means Committee said, but Louisianans are a little different. They will wake up in the morning and feel good and go to the doctor and ask them why.

Well, if those two things are right, and they are just used to describe the stark differences and not meant to be a particular representation of the people in either State, because we know there are outstanding people in all States, that is the kind of people though that we have here in Iowa right now that have been underwater and seen floods of epic proportions; the kind of people that will stay home and die in bed; the kind of people that won't go to the streets and demonstrate; the kind of people that aren't criticizing the Federal, State, county or city government for not doing enough. They are not criticizing their Governor or Members of Congress or their Senators. They are not criticizing FEMA in an intense, significant way. They are saying, just give me some answers so I can plan, and I will do what I have to do. And if I have lost my entire life's work and all I have left is a chance to go on Social Security, I am going to figure out how to adjust to that. But give me some real answers.

I think this Congress needs to give some real answers, and I think we need to expand the Stafford Act to include small businesses so they qualify for grants in the same fashion that residences do. And if we can't do that, I don't know how I can justify the grants that go to the residences.

The businesses are essential in the entire economic ecosystem of the communities, because if it weren't for the businesses, the residences wouldn't be there. If it weren't for the businesses, the railroad wouldn't need to be there. If it weren't for the businesses, there won't be anything there.

Nobody is going to go out and move out in the countryside and just live there and live on the land, because, sooner or later, somebody has to start a business. They are the key, and they are the source of at least 80 percent of the new employment in America. We need to get them on their feet quickly.

One of the smart people in the meeting on Saturday is a city council member who is also a CPA who said, these businesses that have taken the flood losses have been kicked into a business startup mode. The risk of failure in a new business startup is significantly greater than it is in a business that is established. Even though these businesses were established, for the most part they have lost so much capital and they have got such a deep hole to come back out of, they are essentially startup businesses.

So they don't need to have a 30 year liability. That doesn't help their cash flow. And, by the way, these losses that they have are losses that aren't going to be funded. It isn't like a new investment that you put in when you go in and replace the floor and the furnishing and appliances and the walls and the wiring in your business, and the inventory. It isn't like you have added on to a production line and you kick up your gross receipts and help your bottom line. This is a great big hole that has to be filled in the equity that has been created often through a lifetime of work. That is what is up.

I am asking the leadership in this Congress to quickly go to work with us, and let's get the tax package passed that all of the Members of the Iowa delegation in the House and Senate support. Let's get some relief there. Let's provide some grant money for the businesses that all the members of the Iowa delegation in the House of Representatives support, the amendment of the Stafford Act. Let's send a message from this Congress that there is hope to the people that live in the city that has seen more water than ever before, a city that is indistinguishable from New Orleans at the peak of the recovery of its disaster, a city that is the second largest city in the State of Iowa, as an example, which represents the cities up and down those valleys of the Cedar, the Iowa, the Turkey River and others, and along the Mississippi River Valley.

All this needs to be done by this Congress. When one goes and looks at the example of the appropriations that have taken place to try to lift the people in Louisiana, Mississippi, Alabama, along the Gulf Coast and parts of Texas out of their Katrina and Rita disasters, we can do the same for people in the Midwest. Not just Iowa, Madam Speaker, but also across the river, up the river and down the river. We need to do the right thing.

Once we cross the line and make the commitment, we need to do a balanced commitment and help these businesses out, as well as the residences. And it needs to be a definitive response, a response that they can count on, and one that build their future on.

That is what I am asking of this Congress. That is what I am asking of our leadership. And I am asking for the cooperation across the aisle between the Democrats and the Republicans. I am going to ask my colleagues in this Congress to come down to this floor and raise this issue and join me in the next opportunity we have to do a special order together.

That, Madam Speaker, concludes this subject matter. I believe that being this close to our adjournment time, I am going to just fit in one more subject quickly for the matter of information purposes for the CONGRESSIONAL RECORD.

It is something that is continually distorted on the floor as we have these energy debates. The statement is consistently made, why would you drill in ANWR? It will take 10 years to get any oil out of ANWR. Then that moves up to 15 years, and then 20 years I heard last week; 20 years to get oil out of ANWR.

Well, we passed ANWR legislation out this House not that long ago, I am going to say not 20 years ago, but about 4 or 5 years ago. Had that made it to the President's desk, instead of having been filibustered in the Senate by the same party that opposes energy expansion in this Congress, we would have oil coming out of ANWR today.

I was signed up to go up to Alaska to open up the oil fields in the North Slope of Alaska. I was signed up to do that in 1970, and as I prepared to go up there, there was a court injunction that was filed. That court injunction in 1970 froze the development of the Alaska North Slope oil fields, and as it froze that development, there was no development that took place. It took until 1973 to open up those oil fields. I actually reported that to be 1972. I was operating from memory. It was actually 1973. I went back to get some of those records, and here is what I find.

The court injunction stopped the development of the Alaska pipelines in 1970, and it froze that development with an injunction that prohibited their development until 1973.

In 1973, the Congressman for Alaska, who is here in this Congress still, Congressman DON YOUNG, introduced legislation, because the environmentalists had successfully blocked access to a massive supply of crude oil that this country needed. Mdand this legislation was introduced and became law, and I see the date here, and I believe this is the date that it was enacted, but I am not certain, and it is November 16, 1973, when legislation was passed to open up Alaska for oil, and it reads like this. There had to be legislation that blocked all of the litigation, all the environmentalist, extremist lawsuits, and allowed for the development of the oil fields.

It says in this piece of legislation, Public Law 95–153, November 16, 1973, Section 203(a): ''The purpose of this title is to ensure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or judicial delay or impediment. To accomplish this purpose, it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.''

In other words, Article III, Section 2, court stripping said you don't have any jurisdiction to hear any cases that are going to block the development of the North Slope of Alaska, the right-of-way roadway to go from Fairbanks north up to there, nor the about 850 miles of pipeline that was built from milepost zero up on the North Slope at what is known as Dead Horse access on down to Port Valdez.

Reading again from Public Law 93–153, ''The actions taken pursuant to this title which relate to the construction and completion of the pipeline system and to the applications filed in connection therewith necessary to the pipelines' operation at full capacity as described in the final environmental impact statement of the Department of Interior shall be taken without further action under the National Environmental Policy Act of 1969.''

Congress said enough with the litigation. We want the energy out of the North Slope. Environmentalists said, you will destroy the ecosystem. What happened? Article III, Section 2, stripping, said courts, you don't get to hear any more cases. This is going to go forward, because Congress says so.

This Congress can say so to open up ANWR the same way, the same ecosystem. That is right, neighbors. It takes 74 miles of pipeline to be added to connect it to the 850 miles or so of Alaska pipeline that is there.

This legislation, November 16, 1973, opened it up. We had to build the road. We had to build the pipeline. We had to drill the wells. We had to put the feeder tubes together. We had to get it to the terminal, get all of that done. And 3 years later, by our calculation, actually 35 months later, crude oil came out of the pipeline in Valdez.

Now, if that can happen back in 1973, with the technology we have today, who would believe that we can't drill ANWR, build a 74 mile pipeline and get that oil coming out of that pipeline at Port Valdez in a lot less than 10 years, and a far lot less than 20 years. I would submit it is easily less than 3 years.

This Congress has vacillated on this subject matter. We can't get a vote out

of this Speaker because they don't believe that we ought to have more energy in the marketplace. I believe we should. I believe that it is the law of supply and demand.

We need more energy into the marketplace of all kinds. We need to drill ANWR; we need to drill the Outer Continental Shelf; we need to drill the nonnational park public lands; we need to open up the natural gas, the vast supplies we have, about 420 trillion cubic feet on the Outer Continental Shelf; we need clean burning coal, and lots of it; and we need to take the oil out of the coal shale in the heart of the west, in the Rockies.

We need more nuclear, and this Congress blocked access to another location for uranium, the last place that I know we can go to. We need to expand our nuclear. And, yes, we need wind and we need solar and geothermal. Those are the only three sources that were not met with vigorous opposition. But those three sources altogether, wind, solar and geothermal, only comprise 0.74 of 1 percent of the overall energy consumption in the United States. My friends on this side of the aisle, that really don't have a plan except to shut down access to energy, would want to take those three little pieces and expand them into 100 percent of the new energy supply for the United States and then say, well, we want to be energy independent.

Now, how are you going to do that? It is not possible to do so, unless we expand and grow the size of the energy pie, produce more of every kind of energy that we use, in an environmentally safe fashion, add another piece to the pie called energy conservation, and take that 72 percent of the energy that we are consuming, 72 percent of the energy we are consuming is the energy that we are producing, we need to expand the 72 percent to 100 percent to be energy independent.

We can do it. We must believe. We must do it in all ways, and we need to act now before it is too late and our wealth is transferred overseas to the Middle East, to people that don't like us all that much.

Madam Speaker, I thank you for your indulgence and the privilege, and I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATHESON) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. LOEBSACK, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, July 31, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7850. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Catastrophic Risk Protection Endorsement and the Group Risk Plan of Insurance Regulations (RIN: 0563-AC17) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7851. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerance for Emergency Exemption [EPA-HQ-OPP-2008-0302; FRL-8369-5] received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7852. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Conforming Changes — Standards of Conduct and Extraordinary Contractual Actions [DFARS Case 2008-D004] (RIN: 0750-AG01) received July 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7853. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Small Business Program Name Change [DFARS Case 2008-D001] (RIN: 0750-AG00) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7854. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Definition of Congressional Defense Committees [DFARS Case 2007-D026] (RIN: 0750-AF99) received July 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7855. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Withdrawal of Final Flood Elevation Determination for the District of Columbia, Washington, DC [Docket No. FEMA-B-7791] received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7856. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision; Withdrawal of Immediate Final Rule [EPA-R03-RCRA-2008-0256; FRL-8574-7] received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7857. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology Under the 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2007-0449; FRL-8696-6] received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7858. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Idaho [EPA-R10-OAR-2008-0336; FRL-8697-1] received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7859. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing [EPA-HQ-OAR-2002-0086, FRL-8695-9] (RIN: 2060-AN80) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7860. A letter from the Deputy Bureau Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership [WC Docket No. 07-38] received July 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7861. A letter from the Deputy Division Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commercial Mobile Alert System [PS Docket No. 07-287] received July 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7862. A letter from the Deputy Bureau Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership [WC Docket No. 07-38] received July 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7863. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-73 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

7864. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-86 concerning the Department of the Army's proposed Letter(s)of Offer and Acceptance to

Iraq for defense articles and services; to the Committee on Foreign Affairs.

7865. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed lease of defense articles to the Government of the Kuwait (Transmittal No. 01-08); to the Committee on Foreign Affairs.

7866. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification of a proposed manufacturing agreement for the manufacture of significant military equipment to the Government of Japan (Transmittal No. DDTC 079-08); to the Committee on Foreign Affairs.

7867. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for technical data, defense services, and defense articles to the Government of Turkey (Transmittal No. DDTC 043-08); to the Committee on Foreign Affairs.

7868. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for defense services and defense articles to the Commonwealth of Australia, the Government of Bermuda, the Government of Indonesia, the Government of the Philippines, and the Government of Singapore (TransmittalNo. DDTC 066-08); to the Committee on Foreign Affairs.

7869. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Russia and the Government of Kazakhstan (Transmittal No. DDTC 027-08); to the Committee on Foreign Affairs.

7870. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 057-08); to the Committee on Foreign Affairs.

7871. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

7872. A communication from the President of the United States, transmitting the report entitled, ''Comprehensive Nuclear Threat Reduction and Security Plan,'' consistent with Section 699M of the Consolidated Appropriations Act of 2208, Pub. L. 110-161; to the Committee on Foreign Affairs.

7873. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-441, ''Priority Employment for Economically Disadvantaged Youth in the Youth Employment Program Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7874. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-442, ''Marriage Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7875. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-443, ''Access to Youth Employment Programs Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7876. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-445, ''Closing of a Public Alley in Square 127, S.O. 07-1209, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7877. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-446, ''Closing of Public Alleys in Squares 564, 566, and 568, S.O. 07-122, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7878. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-447, ''Downtown BID Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7879. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-448, ''New Convention Center Hotel Technical Amendments Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7880. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-449, ''Adams Morgan Taxicab Zone Enforcement Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7881. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-450, ''Spam Deterrence Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7882. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-444, ''Metropolitan Police Department Retirement Options Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7883. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XI90) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7884. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 9 [Docket No. 071219865-8771-02] (RIN: 0648-AP60) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7885. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XI64) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7886. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 30A [Docket No. 070718369-8731-02] (RIN: 0648-AV34) received July 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7887. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Expansion of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning [Docket No 080630803-8805-01] (RIN: 0648-AW99) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7888. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XI92) received July 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7889. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prohibition of Midyear Benefit Enhancements for Medicare Advantage Organizations [CMS-4121-F] (RIN: 0938-AO54) received July 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7890. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, notification of a significant cost increase in the program, as describes in the Section 36(b)(1) AECA certification 04-05 of 7 August 2004; jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON: Committee on Science and Technology. H.R. 2339. A bill to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; with an amendment (Rept. 110–801). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 3957. A bill to increase research, development, education, and technology transfer activities related to water

use efficiency and conservation technologies and practices at the Environmental Protection Agency; with an amendment (Rept. 110–802). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEORGE MILLER of California: Committee of Conference. Conference report on H.R. 4137. A bill to amend and extend the Higher Education Act of 1965, and for other purposes (Rept. 110–803). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6432. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, and for other purposes; with an amendment (Rept. 110–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6433. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to generic new animal drugs; with an amendment (Rept. 110–805). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2851. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes; with an amendment (Rept. 110–806 Pt. 1). Ordered to be printed.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1388. Resolution providing for consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes (Rept. 110–807). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 1389. Resolution providing for consideration of the conference report to accompany the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes (Rept. 110–808). Referred to the House Calendar.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 6575. A bill to require the Archivist of the United States to promulgate regulations to prevent the overclassification of information, and for other purposes (Rept. 110–809). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 6576. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes (Rept. 110–810). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEES

Pursuant to clause 2 of rule XII the Committees on Education and Labor, and Ways and Means discharged from further consideration. H.R. 2851 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. VELÁZQUEZ:

H.R. 6651. A bill to amend the Food and Nutrition Act of 2008 to decrease the period of benefit ineligibility of certain adults during their unemployment; to the Committee on Agriculture.

By Mr. LATHAM (for himself, Ms. BALDWIN, Mrs. CAPPS, Mr. MCNULTY, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. KIND, Mr. BUTTERFIELD, Mr. SMITH of New Jersey, Mr. SARBANES, Ms. BORDALLO, Mr. GUTIERREZ, and Mr. ENGLISH of Pennsylvania):

H.R. 6652. A bill to amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY:

H.R. 6653. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. GEORGE MILLER of California, Mr. BACA, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. COHEN, Mr. CONYERS, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. ETHERIDGE, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SESTAK, Mr. STARK, and Ms. SUTTON):

H.R. 6654. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Education and Labor.

By Mr. JACKSON of Illinois (for himself, Mr. CLYBURN, Mr. BERMAN, Mr. PAYNE, Mr. KENNEDY, Mr. ELLISON, Ms. WATSON, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. LEE, Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. CARSON, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. THOMPSON of Mississippi, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. TOWNS, Mr. ISRAEL, Mr. ROTHMAN, Mr. CLEAVER, Mr. WATT, Mr. BUTTERFIELD, Mr. CLAY, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, and Ms. EDWARDS of Maryland):

H.R. 6655. A bill to authorize assistance for Liberia; to the Committee on Foreign Affairs.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. WAMP, Mr. BRADY of Pennsylvania, Mr. LAHOOD, Mr. LATHAM, and Mr. EHLERS):

H.R. 6656. A bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes; referred to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin (for herself, Ms. BALDWIN, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DINGELL, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. GRIJALVA, Mr. HINCHEY, Ms. HIRONO, Ms. KAPTUR, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SIRES, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. VAN HOLLEN, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 6657. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; referred to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. FILNER, Mrs. TAUSCHER, Mr. BOSWELL, Mr. BISHOP of New York, Mr. CARNAHAN, Mrs. NAPOLITANO, Mr. BRALEY of Iowa, Mr. COHEN, Mr. CARNEY, Ms. MATSUI, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6658. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GARRETT of New Jersey:

H.R. 6659. A bill to amend the Federal Deposit Insurance Act to provide the same treatment for covered bonds as for other qualified financial contracts to which a depository institution is a party when such institution is in receivership or conservatorship, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. HARE, Mr. PAYNE, Mr. BISHOP of New York, Ms. SHEA-PORTER, Mr. HOLT, Ms. CLARKE, Mr. DAVIS of Illinois, Mr. ANDREWS, Mr. SARBANES, and Ms. LINDA T. SÃNCHEZ of California):

H.R. 6660. A bill to prohibit the Secretary of Labor from issuing, administering, or enforcing any rule, regulation, or requirement derived from the proposal submitted to the Office of Management and Budget entitled ''Requirements for DOL Agencies' Assessment of Occupational Health Risks'' (RIN:1290–AA23); to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself and Mr. AKIN):

H.R. 6661. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; referred to the Committee on Science and Technology, and in

addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. PAUL, Mr. GILCHREST, Mr. ORTIZ, Mr. TAYLOR, Mr. POE, and Ms. SHEA-PORTER):

H.R. 6662. A bill to require the Department of Defense to grant access to accredited members of the media at military commemoration ceremonies and memorial services for members of the Armed Forces who have died on active duty and when the remains of members of the Armed Forces arrive at military installations in the United States; to the Committee on Armed Services.

By Mr. SESSIONS (for himself, Mr. BERRY, Mr. JACKSON of Illinois, and Mr. DELAHUNT):

H.R. 6663. A bill to amend title 31, United States Code, to provide additional clarification with regard to the implementation of the Unlawful Internet Gambling Enforcement Act of 2006, and for other purposes; referred to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself and Mrs. MCCARTHY of New York):

H.R. 6664. A bill to amend chapter 44 of title 18, United States Code, to impose limitations on the transfer of firearms by a person who has received official notice of the revocation of the Federal firearms dealer license of the person, or of the denial of the application of the person to renew such a license; to the Committee on the Judiciary.

By Mr. BARRETT of South Carolina:

H.R. 6665. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for individuals who care for certain dependents with long-term care needs; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself, Mr. WALBERG, Mr. LAMBORN, Mr. GINGREY, Mr. DOOLITTLE, Mr. HERGER, Mr. BISHOP of Utah, Mr. KINGSTON, and Ms. FALLIN):

H.R. 6666. A bill to amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. SHADEGG, Mr. PENCE, Mr. FEENEY, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. DAVIS of Kentucky, Mr. CHABOT, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, Mr. WALBERG, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. GOODE, Mrs. MYRICK, Mr. KLINE of Minnesota, Mrs. MUSGRAVE, Mrs. SCHMIDT, Mr. BISHOP of Utah, Mr. LATTA, Mr. POE, Mrs. BLACKBURN, Ms. FOXX, Mr. GINGREY, Mr. WESTMORELAND, Mr. MCHENRY, and Mr. DANIEL E. LUNGREN of California):

H.R. 6667. A bill to amend the Internal Revenue Code of 1986 to provide a deduction for the cost of fuel used for commuting to and from work whether or not the taxpayer itemizes other deductions; to the Committee on Ways and Means.

By Mr. FATTAH:

H.R. 6668. A bill to establish the Centennial Historic District in Philadelphia, Pennsylvania, and for other purposes; to the Committee on Natural Resources.

By Mrs. GILLIBRAND:

H.R. 6669. A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself, Mr. CUELLAR, Mr. DAVIS of Alabama, Mr. ORTIZ, Mr. LAMPSON, Mr. BOREN, Mr. COSTA, Mr. RODRIGUEZ, Mr. CRAMER, Mr. GONZALEZ, Mr. CAZAYOUX, Mr. FOSTER, Mr. ABERCROMBIE, Mr. HINOJOSA, Mr. MELANCON, and Mr. CHILDERS):

H.R. 6670. A bill to open areas of the Outer Continental Shelf to oil and gas leasing, to direct the Commodity Futures Trading Commission to utilize its authority to curb immediately the role of excessive speculation in energy markets, to require sales of light grade petroleum from the Strategic Petroleum Reserve and acquisitions of equivalent volumes of heavy grade petroleum, and for other purposes; referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Science and Technology, Transportation and Infrastructure, Education and Labor, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN (for herself and Mr. ROGERS of Michigan):

H.R. 6671. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; referred to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. FORTENBERRY):

H.R. 6672. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the reduction of renewable energy credit for certain authority under the Farm Security and Rural Investment Act of 2002; to the Committee on Ways and Means.

By Mr. INSLEE (for himself and Mr. SIMPSON):

H.R. 6673. A bill to amend the Geothermal Steam Act of 1970 to authorize noncompetitive leasing of certain areas adjoining other lands for which a qualified company or individual holds a preexisting legal right to develop geothermal resources, and for other purposes; to the Committee on Natural Resources.

By Mr. JEFFERSON:

H.R. 6674. A bill to amend the Internal Revenue Code of 1986 to provide incentives for building homeless shelters in areas warranting assistance due to incidents of national significance; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 6675. A bill to amend the Internal Revenue Code of 1986 to increase the standard charitable mileage rate for delivery of meals to elderly, disabled, frail and at risk individuals; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself, Mr. KIRK, Mr. CONYERS, Mr. MORAN of Virginia, Mr. SHAYS, Mr. RANGEL, Mr. CASTLE, Mr. ROTHMAN, and Mr. KENNEDY):

H.R. 6676. A bill to amend chapter 44 of title 18, United States Code, to require background checks for employees authorized to possess or transfer firearms or ammunition in the course of a licensed firearms business; to the Committee on the Judiciary.

By Mr. PLATTS:

H.R. 6677. A bill to amend the Internal Revenue Code of 1986 to provide for an inflation adjustment of the base amounts used to determine the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 6678. A bill to establish the Northern Plains National Heritage Area in the State of North Dakota; to the Committee on Natural Resources.

By Mr. RODRIGUEZ (for himself, Mr. GONZALEZ, and Mr. SMITH of Texas):

H.R. 6679. A bill to amend the Water Resources Development Act of 2007 to provide for reimbursement for costs incurred by the non-Federal interest in the flood control project in San Antonio, Texas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SERRANO (for himself, Ms. CLARKE, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Mr. FARR, Mr. FATTAH, Mr. HINCHEY, Mr. HONDA, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. PASTOR, Mr. PAUL, Ms. ROS-LEHTINEN, Ms. ROYBAL-ALLARD, Mr. TOWNS, Mr. WAXMAN, Ms. WASSERMAN SCHULTZ, and Ms. WOOLSEY):

H.R. 6680. A bill to permit the use of Federal funds for syringe exchange programs for purposes of reducing the transmission of bloodborne pathogens, including HIV and viral hepatitis; to the Committee on Energy and Commerce.

By Mr. WELLER (for himself, Mr. EMANUEL, Mr. MANZULLO, Mr. DAVIS of Illinois, Mr. FOSTER, Mr. HARE, Mr. KIRK, Mr. ROSKAM, Mr. COSTELLO, Mr. JACKSON of Illinois, Mr. RUSH, Mr. LIPINSKI, Mr. SHIMKUS, Mr. JOHNSON of Illinois, Mr. LAHOOD, Ms. SCHAKOWSKY, Ms. BEAN, Mr. GUTIERREZ, and Mrs. BIGGERT):

H.R. 6681. A bill to designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the ''Jacob M. Lowell Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 6682. A bill to allow the State of Alaska to fulfill a portion of its remaining Statehood land entitlement by selecting certain lands from within the Tongass National Forest and for those lands to be managed and operated by the Department of Natural Resources of the State as State Timber Management Areas and for other purposes under the laws of the State, and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 6683. A bill to clarify the provisions of the Western Alaska Community Development Quota Program, and for other purposes; to the Committee on Natural Resources.

By Mr. GEORGE MILLER of California:

H. Con. Res. 398. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. TIBERI:

H. Con. Res. 399. Concurrent resolution honoring and recognizing Howard E. LeFevre for his lifetime of accomplishments; to the Committee on Oversight and Government Reform.

By Mr. CARDOZA (for himself, Ms. KAPTUR, Ms. BORDALLO, Mr. SMITH of Nebraska, Mr. PETERSON of Minnesota, Mr. HOLT, Mr. MCNULTY, Mr.

SALAZAR, Mr. ETHERIDGE, and Mr. MCNERNEY):

H. Res. 1390. Resolution expressing support for the designation of a 4–H National Youth Science Day; to the Committee on Science and Technology.

By Mr. FORTENBERRY (for himself, Mr. TERRY, Mr. ADERHOLT, Mr. GALLEGLY, Mr. BOEHNER, Mr. MCCAUL of Texas, Mr. BARRETT of South Carolina, Mr. MCKEON, Mr. DANIEL E. LUNGREN of California, Mr. CULBERSON, Mr. LAHOOD, Mr. HOEKSTRA, Mr. MARIO DIAZ-BALART of Florida, Mrs. MCMORRIS RODGERS, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. POE, Mr. PUTNAM, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KINGSTON, Mr. SHUSTER, Mr. DENT, Mr. GERLACH, Mr. CANTOR, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. SESSIONS, Mr. KELLER, Mr. BARTON of Texas, Mr. SMITH of Nebraska, Mr. BOUSTANY, Mr. MARCHANT, Mr. MCCARTHY of California, Mr. EHLERS, Mr. STEARNS, Mr. TOM DAVIS of Virginia, Mr. MCHENRY, Mr. TIM MURPHY of Pennsylvania, Mr. CONAWAY, Mr. GOODE, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. HENSARLING, Mr. TIBERI, Mr. COLE of Oklahoma, Mr. HAYES, Mr. HELLER, Mr. CHABOT, Mr. LATOURETTE, Mr. GOHMERT, Mr. SCALISE, and Mr. DAVIS of Kentucky):

H. Res. 1391. Resolution prohibiting the House of Representatives from adjourning until it has approved a bill to establish a comprehensive national energy plan that addresses energy conservation and the expansion of renewable and conventional energy sources; to the Committee on Rules.

By Mr. KANJORSKI (for himself, Mrs. BIGGERT, Mr. BACHUS, and Mr. HINOJOSA):

H. Res. 1392. Resolution supporting the goals and ideals of ''National Life Insurance Awareness Month''; to the Committee on Oversight and Government Reform.

By Mr. PRICE of North Carolina:

H. Res. 1393. Resolution expressing support for designation of January 29, 2009, as ''National Data Privacy Day''; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mrs. BIGGERT.
H.R. 211: Ms. WOOLSEY.
H.R. 245: Mr. ALLEN.
H.R. 423: Ms. WATERS.
H.R. 847: Mr. SALI.
H.R. 996: Mrs. TAUSCHER, Ms. BALDWIN, Mrs. MCMORRIS RODGERS, Ms. MCCOLLUM of Minnesota, Ms. GIFFORDS, Mr. MEEKS of New York, Mr. NADLER, Mr. HINCHEY, and Mr. ROTHMAN.
H.R. 1038: Mr. BISHOP of New York.
H.R. 1073: Mr. CHANDLER.
H.R. 1256: Ms. SCHAKOWSKY.
H.R. 1390: Mr. BARTON of Texas.
H.R. 1392: Mrs. BIGGERT.
H. R. 1527: Mr. SIMPSON.
H. R. 1537: Mr. LAMBORN.
H.R. 1542: Ms. WATERS and Mr. COSTELLO.
H.R. 1606: Mr. LARSEN of Washington, Ms. HIRONO, Mrs. MALONEY of New York, and Mr. WEXLER.
H.R. 1738: Mr. SCHIFF.
H.R. 1748: Mr. ALLEN and Mrs. BIGGERT.
H.R. 1783: Mrs. JONES of Ohio.
H.R. 1801: Mr. CONYERS, Mr. OBERSTAR, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. JEFFERSON, Mr. ROSS, Mr. RAHALL, Mr. BAIRD, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, Mr. TIERNEY, Ms. ESHOO, Mr. ABERCROMBIE, Ms. LEE, Mr. FARR, Ms. KAPTUR, Mr. WEXLER, Ms. DEGETTE, Mr. WATT, Mr. ETHERIDGE, Mr. SCOTT of Virginia, Mr. VISCLOSKY, Ms. WATSON, Mr. MICHAUD, Mr. FOSTER, Mr. MCNERNEY, Ms. SOLIS, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. CARNAHAN, and Mr. BRADY of Pennsylvania.
H.R. 1866: Mr. MARSHALL.
H.R. 1947: Mr. MCGOVERN.
H.R. 2058: Ms. BERKLEY.
H.R. 2221: Ms. ROYBAL-ALLARD.
H.R. 2407: Mr. CAZAYOUX.
H.R. 2604: Mr. MURPHY of Connecticut.
H.R. 2677: Mr. SCHIFF.
H.R. 2726: Mr. CHANDLER.
H.R. 2842: Mr. GENE GREEN of Texas.
H.R. 2882: Mr. SHAYS and Mr. TERRY.
H.R. 2993: Mr. BRADY of Pennsylvania and Mr. DEFAZIO.
H.R. 3282: Mr. SCHIFF.
H.R. 3298: Mr. COSTELLO.
H.R. 3322: Mr. MCINTYRE.
H.R. 3359: Mr. CHABOT.
H.R. 3543: Ms. SOLIS.
H.R. 3587: Ms. NORTON.
H.R. 3622: Mr. JORDAN and Mr. NUNES.
H.R. 3654: Mr. HENSARLING, Mr. SHIMKUS, Mr. MCCAUL of Texas, Mr. PICKERING, Mr. MARCHANT, Mrs. DRAKE, Mr. JORDAN, Mr. BACHUS, Mr. BOOZMAN, Mr. HAYES, Mr. PETERSON of Pennsylvania, Mr. MCCOTTER, Mr. CALVERT, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3689: Mr. MICHAUD and Mrs. BACHMANN.
H.R. 3861: Mr. MORAN of Virginia.
H.R. 3990: Ms. HARMAN.
H.R. 4048: Ms. MATSUI.
H.R. 4100: Ms. HIRONO.
H.R. 4105: Mr. MORAN of Kansas.
H.R. 4206: Mr. BISHOP of New York, Mr. GRIJALVA, and Ms. SUTTON.
H.R. 4236: Mr. SALAZAR.
H.R. 4450: Ms. WOOLSEY.
H.R. 4544: Mr. CARNAHAN, Mr. BONNER, Mr. COSTA, Mr. BARTON of Texas, Mr. TAYLOR, Mr. FEENEY, Ms. ZOE LOFGREN of California, and Mr. MCGOVERN.
H.R. 4845: Mr. CANTOR.
H.R. 5167: Mr. ISSA.
H.R. 5513: Mr. DOOLITTLE and Mr. BISHOP of Utah.
H.R. 5534: Mr. MCGOVERN.
H.R. 5535: Mr. SNYDER, Mr. MCNULTY, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. SARBANES, Mr. PLATTS, Ms. WATERS, and Ms. DEGETTE.
H.R. 5546: Mr. KLEIN of Florida.
H.R. 5552: Mr. SHULER.
H.R. 5595: Mr. BISHOP of New York.
H.R. 5630: Mr. ACKERMAN.
H.R. 5635: Mr. FORTUÑO.
H.R. 5660: Mr. BLUMENAUER.
H.R. 5700: Mrs. CAPITO.
H.R. 5752: Mr. MARSHALL.
H.R. 5782: Ms. FALLIN.
H.R. 5793: Mr. MCCARTHY of California and Mr. PITTS.
H.R. 5823: Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROTHMAN, Mr. WEINER, Mr. MCGOVERN, Mr. HALL of New York, Mr. GENE GREEN of Texas, Mr. HARE, Mr. TIM MURPHY of Pennsylvania, Mr. CARNEY, and Mrs. LOWEY.
H.R. 5864: Mrs. CHRISTENSEN.
H.R. 5865: Mr. MILLER of Florida, Mr. PAUL, Mr. BURTON of Indiana, and Mr. BROUN of Georgia.
H.R. 5873: Mr. AL GREEN of Texas and Ms. SOLIS.
H.R. 5901: Mr. GENE GREEN of Texas and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5936: Mr. KILDEE.
H.R. 5971: Mr. BROWN of South Carolina.
H.R. 6011: Mr. KLINE of Minnesota.
H.R. 6025: Mr. LATTA.
H.R. 6064: Mr. SMITH of New Jersey, Ms. FALLIN, and Mr. MARKEY.
H.R. 6066: Mr. TIERNEY.
H.R. 6108: Mr. KING of New York and Mr. HASTINGS of Washington.
H.R. 6126: Mr. SHERMAN.
H.R. 6146: Mr. FRANKS of Arizona.
H.R. 6151: Ms. LEE.
H.R. 6179: Mr. GOODLATTE.
H.R. 6185: Mr. CARNAHAN.
H.R. 6202: Mr. KUCINICH.
H.R. 6217: Mr. CARNAHAN and Mr. BLUMENAUER.
H.R. 6258: Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BARTLETT of Maryland, Mr. ENGLISH of Pennsylvania, and Mr. PICKERING.
H.R. 6259: Mr. GRIJALVA, and Mr. MURPHY of Connecticut.
H.R. 6260: Mr. GOODLATTE.
H.R. 6268: Mr. BISHOP of New York, Mr. GRIJALVA, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6280: Ms. GINNY BROWN-WAITE of Florida.
H.R. 6282: Ms. ROS-LEHTINEN and Mr. CASTLE.
H.R. 6293: Mr. BISHOP of Georgia.
H.R. 6367: Mr. GOHMERT, Ms. FALLIN, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. PLATTS, Mrs. SCHMIDT, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Mr. WALBERG, Mr. LAMBORN, Mr. CANTOR, Mr. FEENEY, Mr. BROUN of Georgia, Mr. DOOLITTLE, Mr. BISHOP of Utah, and Mr. ROYCE.
H.R. 6368: Mr. PAUL.
H.R. 6379: Mr. SULLIVAN, Mr. SOUDER, Mr. LATTA, Ms. FOXX, Mr. KINGSTON, Mr. GINGREY, Mr. SHIMKUS, Mr. LAMBORN, Mrs. BLACKBURN, Mr. KLINE of Minnesota, Mr. DAVIS of Kentucky, Mrs. MUSGRAVE, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. WAMP, Mr. ADERHOLT, Mr. BONNER, Mr. FEENEY, Mr. DANIEL E. LUNGREN of California, Mr. WALBERG, Mr. BARRETT of South Carolina, Mr. GOODE, Mr. SHADEGG, Mr. PITTS, and Mr. BARTLETT of Maryland.
H.R. 6381: Ms. PRYCE of Ohio, and Mr. BISHOP of Georgia.
H.R. 6384: Mr. SHIMKUS.
H.R. 6394: Mr. GENE GREEN of Texas.
H.R. 6434: Mr. GRIJALVA.
H.R. 6438: Mr. HARE, Ms. MCCOLLUM of Minnesota, Mr. KAGEN, Mr. CARNAHAN, Mr. HINCHEY, Mr. WELCH of Vermont, Mr. HOLDEN, Mr. PETERSON of Minnesota, Mr. MCDERMOTT, and Mr. OBERSTAR.
H.R. 6453: Mr. MILLER of Florida and Mr. LINDER.
H.R. 6458: Mr. THOMPSON of California, Mrs. DAVIS of California, and Ms. LORETTA SANCHEZ of California.
H.R. 6462: Mr. GRIJALVA.
H.R. 6475: Ms. WOOLSEY.
H.R. 6478: Mr. SESSIONS, Mr. ENGLISH of Pennsylvania, Mr. WELCH of Vermont, and Mr. BERRY.
H.R. 6485: Mr. BLUMENAUER, Mr. FALEOMAVAEGA, Mr. GILCHREST, Ms. HOOLEY, Mr. DONNELLY, Mr. ETHERIDGE, and Mr. WILSON of Ohio.
H.R. 6491: Mr. DAVIS of Alabama and Mr. DAVIS of Illinois.
H.R. 6494: Mr. MAHONEY of Florida, Ms. GIFFORDS, Mr. HINCHEY, and Mr. SERRANO.
H.R. 6495: Mr. CARNAHAN and Ms. SCHWARTZ.
H.R. 6496: Ms. LEE.
H.R. 6503: Mr. WOLF, Mr. BOOZMAN, Mr. MCGOVERN, Mr. KILDEE, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. NORTON, and Ms. ROS-LEHTINEN.
H.R. 6508: Mr. HINCHEY, Ms. LEE, Mr. BRADY of Pennsylvania, Mrs. LOWEY, Mr.

DAVIS of Illinois, Mr. COHEN, and Mr. YARMUTH.

H.R. 6512: Mr. TERRY.

H.R. 6514: Mr. SMITH of New Jersey.

H.R. 6520: Mr. DAVIS of Illinois.

H.R. 6559: Mr. BARROW and Mr. COHEN.

H.R. 6562: Ms. BORDALLO, Mr. MARIO DIAZ-BALART of Florida, Mr. REHBERG, and Mr. HINCHEY.

H.R. 6566: Mr. TIM MURPHY of Pennsylvania.

H.R. 6570: Mr. DEFAZIO and Mr. ABERCROMBIE.

H.R. 6579: Mr. DEAL of Georgia, Mr. SESSIONS, Mr. BROUN of Georgia, Mr. BLUNT, Mrs. DRAKE, Mr. BONNER, Mrs. MYRICK, Mr. LAMBORN, and Mr. KING of New York.

H.R. 6587: Mr. PENCE and Mr. HARE.

H.R. 6594: Mr. SMITH of New Jersey, Mrs. LOWEY, Mrs. CAPPS, Mr. ACKERMAN, and Mr. MCNULTY.

H.R. 6595: Ms. SUTTON and Mr. COHEN.

H.R. 6597: Mr. HINCHEY.

H.R. 6601: Mr. HALL of New York, Mr. RODRIGUEZ, Ms. MOORE of Wisconsin, and Mr. RUPPERSBERGER.

H.R. 6604: Ms. SUTTON, Mrs. CHRISTENSEN, Mr. HODES, Mr. HOLDEN, Mr. POMEROY, Mr. CHILDERS, Mr. SALAZAR, and Mr. BARROW.

H.R. 6605: Mr. DAVIS of Illinois, Mr. ELLISON, and Mr. HODES.

H.R. 6611: Mr. KAGEN.

H.R. 6618: Mr. BUTTERFIELD.

H.R. 6629: Mr. HODES.

H.R. 6633: Mr. DAVIS of Alabama, Mr. BRADY of Texas, Mr. CARDOZA, Mr. CAZAYOUX, and Mr. CARNEY.

H. Con. Res. 276: Mr. CROWLEY.

H. Con. Res. 362: Mrs. TAUSCHER, Mr. BROWN of South Carolina, Mrs. BIGGERT, Mr. TURNER, Mr. SMITH of Texas, Mrs. MCMORRIS RODGERS, Mr. CRENSHAW, and Mr. WALSH of New York.

H. Con. Res. 378: Mr. SALI, Mrs. BONO MACK, and Mrs. MYRICK.

H. Res. 282: Mr. WEINER.

H. Res. 672: M. ISSA.

H. Res. 800: Mr. MARCHANT.

H. Res. 858: Mr. BISHOP of New York.

H. Res. 1017: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. LAHOOD, and Mr. BISHOP of Georgia.

H. Res. 1064: Mr. ENGLISH of Pennsylvania and Mr. SHUSTER.

H. Res. 1224: Mr. DUNCAN.

H. Res. 1254: Ms. WATERS.

H. Res. 1303: Mr. DELAHUNT, Mr. MANZULLO, Mr. ROYCE, Mr. WILSON of South Carolina, Mr. MCCAUL of Texas, Mr. POE, Ms. BERKLEY, Mr. WALSH of New York, Mr. BARRETT of South Carolina, and Ms. ROS-LEHTINEN.

H. Res. 1310: Mr. DAVIS of Illinois.

H. Res. 1314: Mr. GALLEGLY.

H. Res. 1316: Mr. ETHERIDGE.

H. Res. 1319: Mr. CLEAVER and Mr. RAMSTAD.

H. Res. 1328: Mr. GENE GREEN of Texas and Mr. Latta.

H. Res. 1334: Mr. MCNULTY.

H. Res. 1335: Mr. WALZ of Minnesota, Mr. SMITH of Washington, Mr. ROSS, Mr. DELAHUNT, Mr. ALLEN, Mr. WAXMAN, Mr. GOODLATTE, Mr. ROGERS of Kentucky, Mr. CLAY, Mr. MURTHA, and Mr. SPRATT.

H. Res. 1351: Mr. MCNULTY and Mr. BRADY of Pennsylvania.

H. Res. 1352: Mr. MCCOTTER, Ms. BORDALLO, and Mr. DAVIS of Illinois.

H. Res. 1356: Mr. DUNCAN and Mr. JORDAN.

H. Res. 1366: Mr. SPRATT.

H. Res. 1377: Mr. ELLISON, Mr. CARSON, Mr. KUCINICH, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. PASCRELL, Mr. HINCHEY, Mr. HOLT, Mr. MCGOVERN, and Mr. SERRANO.

H. Res. 1383: Mr. BROUN of Georgia, Mr. PITTS, Mr. KLINE of Minnesota, Mr. BRADY of Texas, Ms. FALLIN, Mrs. MYRICK, Mr. BARTLETT of Maryland, Mrs. SCHMIDT, Mr. MANZULLO, Mr. DAVIS of Kentucky, Mr. BURTON of Indiana, Mr. GOODE, Ms. FOXX, Mr. BUCHANAN, Ms. LINDA T. SÁNCHEZ of California, Mr. LAHOOD, Mr. GOODLATTE, Mr. SKELTON, Mr. ORTIZ, Mr. PRICE of Georgia, Mr. BOUSTANY, Mr. KIRK, Mr. DREIER, Mr. HOEKSTRA, Mr. ISSA, Mr. MORAN of Kansas, Ms. WATSON, Mr. DELAHUNT, Mr. PRICE of North Carolina, Mr. HOLT, Mr. BACHUS, Mr. COSTA, and Mr. ABERCROMBIE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2260: Mr. BOREN.

H. Con. Res. 362: Mr. DAVIS of Illinois.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 6599

OFFERED BY: MR. BUYER

AMENDMENT NO. 28: Page 41, line 14, before the period insert ": *Provided further:* That $7,000,000 of the amount appropriated in this paragraph shall be for the installation of alternative fueling stations at 35 medical facility campuses".

H.R. 6599

OFFERED BY: MR. BUYER

AMENDMENT NO. 29: Page 41, line 14, before the period insert ": *Provided further*: That $150,000,000 of the amount appropriated in this paragraph shall be for the installation of appropriate solar electric energy roof applications".

H.R. 6599

OFFERED BY: MR. TAYLOR

AMENDMENT NO. 30: At the end of title IV of the bill, before the short title, insert the following:

SEC. 408. None of the funds made available in this Act may be used to implement section 2703 of Public Law 109–234.

H.R. 6599

OFFERED BY: MR. JEFFERSON

AMENDMENT NO. 31: At the end of title II (page 51, after line 11), insert the following:

SEC. 226. In making amounts available under "General operating expenses" and "Medical support and compliance" to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, priority shall be given for funding to any area in the Gulf Opportunity Zone.

H.R. 6599

OFFERED BY: MR. TERRY

AMENDMENT NO. 32: At the end of title II (page 51, after line 11), insert the following:

ESTABLISHMENT OF NATIONAL CEMETERY

SEC. 226. (a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Sarpy County region to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Nebraska and local officials in the Sarpy County region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) SARPY COUNTY REGION DEFINED.—In this section, the term "Sarpy County region" means the geographic area consisting of—

(1) the following counties in Nebraska: Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Thayer, Fillmore, York, Polk, Platte, Madison, Pierce, Cedar, Wayne, Stanton, Colfax, Butler, Seward, Saline, Jefferson, Gage, Lancaster, Saunders, Dodge, Cuming, Thurston, Dixon, Dakota, Burt, Washington, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, and the following counties in Iowa; Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Pottawatomie, Mills, Fremont, Osceola, Dickinson, O'Brien, Clay, Cherokee, Buena Vista, Ida, Sac, Crawford, Carroll, Shelby, Audubon, Guthrie, Cass, Adair, Montgomery, Adams, Union, Page, Taylor, and Ringgold; and

(2) the following counties in Missouri: Atchison, Holt, Buchanan, Platte, Clay, Clinton, Dekalb, Andrew, Nodaway, Worth, and Gentry.

H.R. 6599

OFFERED BY: MR. TERRY

AMENDMENT NO. 33: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out the construction of any new national veterans' cemetery, unless the Secretary of Veterans Affairs provides to Congress, within 180 days after the date of the enactment of this Act, a list of the six new locations for establishment of national cemeteries that includes Omaha, Nebraska, notwithstanding the current veteran population threshold for the appropriate service area standard of the Department of Veterans Affairs

H.R. 6599

OFFERED BY: MR. PATRICK J. MURPHY OF PENNSYLVANIA

AMENDMENT NO. 34: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be expended by the Veterans Administration to prevent nonpartisan voter organizations, including veterans service organizations, from conducting voluntary and nonintrusive voter registration drives at facilities of the Department of Veterans Affairs.

H.R. 6599

OFFERED BY: MR. BURGESS

AMENDMENT NO. 35: Page 2, line 14, insert after the dollar amount "(increased by $100,000,000)".

Page 3, line 8, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $100,000,000 shall be available for the design and construction of one petroleum refinery for the Army''.

Page 3, line 16, insert after the dollar amount ''(increased by $200,000,000)''.

Page 4, line 4, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $200,000,000 shall be available for the design and construction of one petroleum refinery each for the Navy and Marine Corps''.

Page 4, line 10, insert after the dollar amount ''(increased by $100,000,000)''.

Page 5, line 7, insert before the period the following: ''*Provided further*, That of the amount appropriated in this paragraph, $100,000,000 shall be available for the design and construction of one petroleum refinery for the Air Force''.

Page 15, line 17, insert after the dollar amount ''(reduced by $400,000,000)''.

H.R. 6599

OFFERED BY: MR. WAMP

AMENDMENT NO. 36: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions under sections 1513(a) and 1521(e) of title 38, United States Code, as in effect pursuant to the opinion of the United States Court of Appeals for Veterans Claims in the case of *Hartness v. Nicholson* (No. 04-0888, July 21, 2006).

H.R. 6599

OFFERED BY: MR. MURPHY OF CONNECTICUT

AMENDMENT NO. 37: Add at the end of the bill (before the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce section 3, Policy of VHA Directive 2008–25.

United States
of America

Congressional Record

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

Vol. 154 WASHINGTON, WEDNESDAY, JULY 30, 2008 *No. 128*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

Eternal Father, our help and our hope, we honor Your Name. Lord, often when we need You most, we find it difficult to come to You. Sometimes we do not come because we are impressed with our own strength and don't feel any need. Sometimes our failure and sin blocks the path to You. Either way, Lord, it is pride that deprives us of Your blessings and favor. Forgive us, Lord, for finding it difficult to understand and accept the unmerited favor of Your grace.

Today, as our lawmakers reach out their hands to accept Your grace, free them to do Your will. Help them to see You are a Friend who can keep them strong and turn their sorrow into singing. Lead and guide them so that Your Name will be honored. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON, 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 30, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be an hour for debate, with the time equally divided and controlled by the two leaders or their designees. I will control the final 10 minutes and the Republican leader will control the 10 minutes prior to my statement. Senator LEAHY will control 10 minutes of the majority time. At 11 a.m. the Senate will proceed to vote on cloture on the motion to proceed to the media shield bill, S. 2035. If cloture is not invoked, the Senate will proceed to vote on the motion to invoke cloture on the Senate tax extenders bill, S. 3335.

There are other matters we could turn to: the consumer product safety conference report, the higher education reauthorization conference report. They may be made available later in the week.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS TIMOTHY R. VIMOTO

Mr. MCCONNELL. Mr. President, I rise because a soldier from my home State of Kentucky has fallen. On June 5, 2007, PFC Timothy R. Vimoto was tragically killed while on patrol in the Korengal Valley in Afghanistan. Private First Class Vimoto, who called the town of Fort Campbell, KY, his home, was 19 years old.

For bravery in service to his country, Private First Class Vimoto received several awards, medals, and decorations, including the Bronze Star Medal.

Private First Class Vimoto's Kentucky story may be more circuitous than most; yet I am proud to stand here and say we both hail from the Bluegrass State. Born in Hawaii, Tim's father is CSM Isaia T. Vimoto. Being from a military family, Tim followed his father to Army postings as a child.

This led Tim to Fort Campbell, KY, home to thousands of our brave soldiers and the 101st Airborne Division. Command Sergeant Major Vimoto was a senior advisor to the commander of the 101st. Tim attended Fort Campbell High School, where he made many friends and was part of the school's football team.

''Tim was known throughout the school as the kid with the biggest and best smile,'' says Shawn Berner, Tim's high school football coach. ''He was always smiling and willing to help anyone in the school. . . . He was a very caring and generous person that touched a lot of people's lives in a positive manner.''

''He's one of our babies,'' says Kesha Ladd, one of Tim's old teachers at Fort Campbell High. ''When you teach on post, it's like you help raise these children when their parents are deployed.''

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

''Tim was liked by everyone,'' Shawn Berner adds.

After graduating high school in 2006, Tim chose to follow in his father's footsteps and enlist in the Army.

He was assigned to the 2nd Battalion, 503rd Infantry Regiment, 173rd Airborne Brigade Combat Team, based in Camp Ederle, Italy. In fact, he was at the same posting as his father at that time, and as Isaia Vimoto was the brigade's most senior enlisted soldier, Tim actually fell under his command.

Fellow soldiers remembered the influence Tim's father had on him and how it shaped him into the model soldier he became.

''He saw the transformation from being a son to being a soldier,'' says SGT Andy Short. And ''no matter what Vimoto was doing, he had a smile on his face.''

''Throughout his childhood, [Tim] watched his father train, deploy, re-deploy and develop into one of the strongest leaders in the Army,'' says another fellow soldier, CPT Matthew Heimerle.

Command Sergeant Major Vimoto himself, currently stationed in Italy, says his son was ''a very talented young man with lots of potential.''

Tim's family and fellow soldiers held a memorial service for him in Italy, and hundreds of friends who wanted to say goodbye packed the chapel. We are thinking today of all those who mourn his loss.

Our thoughts are with his parents, Isaia and Misimua Vimoto; his brothers, Isaia Jr. and Nephi; his sisters, Sabrina and Ariel; and many other loved ones.

Mr. President, the Vimoto family's loss of their beloved son and brother—while serving alongside the father who raised and inspired him, no less—cannot be measured. But neither can this U.S. Senate's immense pride and reverence for his service and his sacrifice.

Our Nation honors him as a soldier and a patriot. And we thank the Vimoto family for giving their country such a hero.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DURBIN). Under the previous order, the leadership time is reserved.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2035, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 2035) to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

The PRESIDING OFFICER. Under the previous order, the hour prior to the cloture vote will be equally divided and controlled by the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the final 20 minutes under the control of the two leaders, with the majority leader controlling the final 10 minutes prior to the vote, and with 10 minutes of the majority time under the control of Senator LEAHY of Vermont.

The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak in support of S. 2035, the Free Flow of Information Act.

This legislation is truly a product of bipartisan effort during this Congress. Senator SPECTER and I have worked closely together to craft a careful bill that protects both the freedom of the press and the safety of our citizens.

In a free and democratic country, we should be able to do both, and this bill does.

Other Senators—including Senators LUGAR, DODD, and GRAHAM—have been instrumental in moving the bill to this point, and I wanted to thank our chair, Senator LEAHY, for being not only a sponsor of the bill but somebody who helped bring it to the floor.

S. 2035—a product of lengthy compromise and negotiation—is ripe for passage. In fact, it is long overdue.

There is now overwhelming support for a Federal law that gives a qualified—I repeat, qualified—privilege to allow journalists to honor promises of confidentiality to their sources unless a judge finds that compelling disclosure better serves the public interest.

How widespread is support for this legislation?

The presumptive Democratic Presidential nominee, BARACK OBAMA, supports this bill. The presumptive Republican nominee, JOHN MCCAIN, supports this bill. Forty-two State attorneys general—both Democratic and Republican—support this bill. The Senate Judiciary Committee, as evidenced by a vote of 15 to 4, supports this bill. The House of Representatives, as evidenced by a vote of 398 to 21, supports a similar bill. And, of course, over 100 newspaper editorials support this bill.

Conservative voices, such as former Solicitor General Ted Olson and the editorial page of the Washington Times, support this bill, as well as the Washington Post. So it does have broad support.

Given some of the ill-founded handwringing by the current administration over this bill, it is worth listening to what former Justice officials such as Mr. Olson say. Here is what Ted Olson recently wrote:

A free society depends on access to information and on a free and robust press willing to dig out the truth. This requires some ability to deal from time to time with sources who require the capacity to speak freely but anonymously. . . . [The Free Flow of Information Act] is well balanced and long overdue, and it should be enacted.

That is Ted Olson, so it is surprising the administration is opposed to the bill. There is similar support from both liberal and conservative sides.

Here is how the conservative Washington Times put it:

A sound shield law guards not ''the media'' but something much more vital—the public's right to know . . . A measured law would not shield sources who perpetrate demonstrable and articulable harm to the country's national security interests. But it would rightly shield most others. Such a bill awaits Senate action now. It should be passed.

That is from an editorial of July 25, 2008.

Unfortunately, given the broad and bipartisan support of this legislation, a minority of critics have taken to attacks that are overwrought and overstated.

Every criticism is either wrong or is effectively addressed in the substitute bill, which I spoke about last night on the floor and is in the RECORD as of last night, so my colleagues can see it. Senator SPECTER and Senator LUGAR and I have worked to meet every one of these objections.

Fundamentally, critics have suggested the bill would represent a radical change in the law. Nothing is further from the truth. It even tracks this Justice Department's own guidelines. All we are saying is that given recent events and Government actions, a judge should be the final arbiter when it comes to subpoenas to journalists for sensitive information. It is not an absolute law. It doesn't say ''never.'' It doesn't say ''always.'' Some on the press side wanted ''always.'' Some on the administration side wanted ''never.'' It is a careful, balancing test. Moreover, a majority of Federal circuits now recognize some privileges for journalists in, of course, 49 States, plus the District of Columbia recognizes those protections.

However, because of some of the recent comments about the bill, Senator SPECTER and I have undertaken to address a series of other concerns, and should we move to proceed, the substitute measure will be on the floor. I outlined last night on the floor the changes that I think meet the concerns of the critics in two places in particular: one, making sure classified information does not get out and is protected, and, two, the definition of who is a journalist so we make sure that those who just casually criticize or whatever do not get the protection, as would professional journalists.

So the text of the substitute is here, and I hope my colleagues—I hope we will move to this. I know we have disputes on other issues, but this is the Senate working: broad, bipartisan, carefully thought out legislation that can move forward with an overwhelming vote. I hope we will move forward today.

On the other bill coming before us, the extenders bill, just one point before I yield the floor.

If you care about reducing gasoline prices, the bill on the floor today, with tax incentives for alternative energy,

will do far more than any amount of drilling to free our dependence on foreign oil and to reduce prices. I hope my colleagues will support that bill as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate the comments of the Senator from New York on the so-called media shield bill. Let me address those briefly before I talk for a moment about the extenders, and then what I wish to spend most of my time on is the subject we have been talking about but, frankly, not doing enough about during the last 2 weeks; that is, bringing down the price of gasoline at the pump for the American people.

The problem that I continue to have, as the distinguished Presiding Officer knows as a member of the Judiciary Committee, we discussed in the Judiciary Committee whether it is appropriate for the Congress to designate members of the media who would be the beneficiaries of a media shield while saying that there are other people who are engaged in the free flow of public information, such as bloggers, who would not.

I remember when William Safire, the distinguished journalist, testified before the Judiciary Committee and someone asked him about bloggers. He said he considers them the new pamphleteers, modern-day pamphleteers. In other words, they could be writing things just as importantly as Thomas Payne might have written at the time of the country's founding, and yet the legislation the Senator from New York talked about would do nothing to provide them the benefits of a media shield, and there would be—in effect, Congress would be deciding who is a legitimate journalist and who is not. I, for one, am not comfortable with the Federal Government in essence licensing journalists and ignoring the new media, which is the source of a lot of information, and treating them in a discriminatory manner.

TAX EXTENDERS

With regard to the extenders package, there are many, if not most, of us here in this Senate who would love to see the extenders package, or some form of it, passed. Renewable sources of energy such as solar and wind are very important in my State. We are No. 1 in the production of wind energy in Texas. Of course, T. Boone Pickens, one of my constituents, has been up here talking rather visibly about his advocacy of generating more electricity from wind and using natural gas to power vehicles and thus reducing our dependency on imported oil from the Middle East.

However, the fact is that I believe we will probably vote against moving off of the energy issue generally because, frankly, we shouldn't be changing the subject at a time when we are very close to being able to have a vote on producing more American energy and relying less on imported energy and oil from the Middle East and abroad. Why it is that our colleagues in the majority are trying so hard—putting up cloture vote after cloture vote—to try to change the subject rather than allowing us to stay focused on and actually do something on bringing down the price of gasoline is, frankly, beyond me.

Mr. KYL. Mr. President, would my colleague from Texas be willing to answer a couple of questions I would like to pose to him?

Mr. CORNYN. I would, Mr. President.

Mr. KYL. Mr. President, the first question I have for my colleague is this: The Senator from Texas and I both serve on the Judiciary Committee, which considered this so-called media shield legislation some months back.

Does my colleague recall that when the bill was brought to the committee, it was brought with the suggestion that it was pretty perfect as written and that we shouldn't change a comma of it or we would be roundly criticized by editorial boards around the country? In point of fact, I was.

Does my colleague recall—and maybe you can refresh my recollection. My recollection is that we adopted 10 or 12 pretty serious amendments to that legislation in an effort to try to improve it and that most of the amendments that were adopted were overwhelmingly in their support. Is my recollection correct on that?

Mr. CORNYN. Mr. President, I believe the Senator from Arizona is correct. There was a lot of activity at the Judiciary Committee level to try to improve this bill on a bipartisan basis. I believe his recollection is correct.

Mr. KYL. Mr. President, the second question: When we passed that bill out of the committee, there were explicit assurances that we would continue to work on it because of the recognition that it was not, in my words, ready for prime time, but it was clearly in need of additional work. It is complicated. We would continue to work on it, A; and B, is it also correct that the Senator from Texas, as well as others, including my staff and myself, have been engaged in a lot of discussions since then, including, as the Senator from Texas noted, trying to figure out how to define who is a journalist and who would be protected?

Mr. CORNYN. Mr. President, the Senator is correct again. This has been a challenging issue because, frankly, the very nature of communications has changed dramatically. I mentioned the bloggers, which are sort of a new innovation. There is nothing in this bill that would prevent someone—let's say a jihadist or someone let's say from al-Jazeera or those who pretend to promote some of the activities that are directed against our own citizens or against our allies—from posing as a journalist and thus gaining the protection against testifying or cooperating with a grand jury that any average citizen in the country would have to do. So there remain problems we have not been able to work through.

Mr. KYL. Mr. President, if I could just pose two other quick questions.

So would my colleague from Texas agree that at such point in time as this legislation is brought to the Senate floor, we are going to need to continue to make improvements on it that will, first, necessitate debate and amendments? Also, would my colleague agree that it would be a huge mistake to try to bring this bill to the floor under a scenario in which we are pushed up against the recess, we are trying to do an energy bill, we are trying to do a tax extender bill, and that it would take far too much time in terms of amendments; that presumably, if cloture were invoked and this bill were to be brought up, the parliamentary procedure would be such that we wouldn't be able to offer any amendments, and that would be a mistake in the way this bill would be considered? Would my colleague agree with that?

Mr. CORNYN. Mr. President, I agree with the Senator from Arizona. My understanding is that because of the delays, because the majority leader has basically refused to allow us to go to the energy package we proposed which we believe will actually bring down the price of gasoline at the pump, we find ourselves up against an adjournment on Friday, which I believe the majority leader has addressed, with two very important issues we need to address: lowering gas prices at the pump and then the tax extenders bill. The tax extenders would provide tax credits and support for things such as renewable energy and the like, which I support and which I hope we will pass as well. So I don't know how we can do justice to the media shield bill and give it the kind of debate and the amendment process it deserves in this compressed timetable.

Mr. KYL. Mr. President, just one final quick question. Is my colleague from Texas also aware of an editorial in the USA Today magazine on Monday, July 28, by the DNI—the Director of National Intelligence, Mike McConnell—who joined with the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, the Secretary of the Treasury, and, as he put it, every senior intelligence community leader in expressing his strong belief that this bill will greatly damage our ability to protect national security information?

Mr. CORNYN. Mr. President, I did read that op-ed piece with great interest myself when it was published in USA Today, and I hope we can make that part of the RECORD following my remarks.

Mr. KYL. Mr. President, if my colleague will indulge me for another 10 seconds, I hope that on the basis of this information, our colleagues would agree that whatever the view on the energy legislation, we should not be turning to the media shield legislation,

and, in point of fact, if we are going to do something about gas prices, we need to keep our eye on that ball and get that work done before we leave here on Friday.

Mr. President, I ask unanimous consent to have the op-ed piece I referred to printed in the RECORD at this point.

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

[From USA Today, July 28, 2008]

BILL WRONGLY SHIELDS PRESS; THOSE WHO LEAK CLASSIFIED DATA SHOULD BE PUNISHED

(By Mike McConnell)

The Senate is considering a proposal that would bestow a ''privilege'' on reporters, shielding them from revealing confidential sources of important national security information, even when their sources have broken the law by disclosing classified information. The intelligence community recognizes the critical role that the news media plays in our democratic society. However, this bill would upset the balance established by current law, crippling the government's ability to investigate and prosecute those who harm national security.

I have joined the attorney general, the secretaries of Defense, Energy, Homeland Security and Treasury, and every senior intelligence community leader in expressing the belief, based on decades of experience, that this bill will gravely damage our ability to protect national security information. Unauthorized disclosure of classified information disrupts our efforts to track terrorists, jeopardizes the lives of intelligence and military personnel and inhibits international cooperation critical to detecting and preventing threats. Those who illegally disclose information recklessly risk our national security and breach a sacred public trust.

It is a delicate balance to protect national security information from improper disclosure, while respecting the rights of the press to publish information it deems of public interest. This legislation upsets that balance by shielding those who illegally leak national security information and increasing the likelihood of destructive revelations in the future. The bill forces the government to meet ill-defined standards that require the disclosure of additional sensitive information. It also cedes critical judgments about harm to national security from national security professionals, charged with protecting the country, to the subjective determination of individual judges.

We do not see the problem that this bill is meant to address. All evidence indicates that the free flow of information has continued unabated in the absence of a federal reporter's privilege. Indeed, prosecutions in this area are exceedingly rare, and the longstanding policy of the Department of Justice strictly limits circumstances in which prosecutors may seek information from journalists. We must retain the ability to bring to justice those who break the law and cause irreparable harm to the United States and its citizens.

Mr. CORNYN. Mr. President, may I inquire how much more time I have remaining?

The ACTING PRESIDENT pro tempore. There is 11 minutes 11 seconds remaining.

Mr. CORNYN. I thank the Chair.

Mr. BAUCUS. Mr. President, parliamentary inquiry.

The ACTING PRESIDENT pro tempore. Does the Senator yield for a parliamentary inquiry?

Mr. BAUCUS. Mr. President, parliamentary inquiry: I wish to clarify the remaining time.

The ACTING PRESIDENT pro tempore. The final 20 minutes of the debate has been reserved for the two leaders. The time preceding that, the minority now has 10 minutes 50 seconds. Of the majority time, 10 minutes is reserved for the Senator from Vermont. The remaining 4 minutes 44 seconds is available.

Mr. BAUCUS. I ask unanimous consent that during the remaining time, the Senator from Montana be allocated the remainder of that 5 minutes on the majority side.

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

Mr. BAUCUS. I thank the Senator from Texas, and I thank the Chair.

Mr. CORNYN. Mr. President, there is a lot about the tax extenders package that I support. The State and local sales tax deduction—Texas doesn't have an income tax, thank goodness. I don't believe we ever will. We do have a sales tax, and we would hope to be treated in a nondiscriminatory way by the Federal Government in providing a deduction for sales tax. We have had the ability to do that, which has expired, but it saves over $1 billion for Texans in tax relief each year. Of course, I support the research and development tax incentives, the temporary AMT, or alternative minimum tax, relief, as well as the other renewable energy tax incentives, including those for solar and wind.

However, I do not understand the insistence of the majority leader of filing repetitive motions to proceed to something other than an energy bill that would actually generate more American production of oil and gas here at home and cause us to rely less on imported sources. Why there is this repeated insistence time and time again with these repetitive votes to take us off of the only bill that has been offered—the only legislation that has been offered that would actually increase American energy resources and require us to rely less on imported oil is beyond me.

As I said, I support the renewable energy provisions that would continue to encourage the production of solar and wind power. I believe that conservation is a very important part of what we need to do as well.

My colleagues have seen this chart before. We have said that what we need to do is find more and use less. Yet the majority leader has consistently, so far, refused to allow us the opportunity to introduce amendments and to have debate and votes on something that would actually have an impact on the price of gasoline at the pump.

We think we need a balanced and comprehensive approach to deal with this problem. Since the majority leader became the majority leader—on January 4, 2007, the price of gas was $2.33 a gallon. It has been as high as $4.11 a gallon. Now, thank goodness, the average price is $3.93 a gallon.

The fact is, we have a supply problem and we have a demand problem. The supply problem is that for some reason, for the last 30 years or so, Congress has placed 85 percent of our domestic oil and gas reserves out of bounds. We passed annual bans in the form of a moratorium on appropriations riders that prevent the production of oil and gas that we know is there in the Outer Continental Shelf or the submerged lands along the coastlines of the United States, as well as up in Alaska where we know there are huge volumes of gas and oil. And there is a pipeline conveniently close by that could actually deliver that for use in the lower 48 States.

We know there are as much as 2 million additional barrels of oil a day out in Idaho, Wyoming, and Colorado in the form of oil shale, which now the technology exists to be able to produce that. Can you imagine how much different things would be if, instead of importing those 3 million barrels of oil a day from countries such as Saudi Arabia and organizations like OPEC, the Organization of Petroleum Exporting Countries, and people such as Hugo Chavez in Venezuela—can you imagine what it would be like if we actually produced 3 million more barrels of oil in the United States so we didn't have to import that from abroad?

I don't know anybody who has done a better job of capturing the public's imagination on that than my constituent, T. Boone Pickens. He has been an oilman all his life, but now he is perhaps the most visible and forceful advocate for wind energy and for natural gas to use to power cars. His main focus is because he wants to reduce the $700 billion of American money we send each year abroad to pay for oil and import that into this country. He has a plan that he thinks can bring that down by about 38 percent.

We all know that, at best, additional supply is a partial answer. That is why we say we need to find more and use less. Conservation is an important part of this, as are things such as biofuels. We know we have challenges dealing with corn ethanol because, frankly, using food for fuel has backfired on us somewhat, causing food prices to go up, and feed for livestock, which has caused grave hardship in my State, which is a huge cattle producer, as well as a poultry producer. It has caused the price of food to go up, so we need to continue to research the use of cellulosic ethanol, which doesn't compete with the food supply for our energy sources.

So far, we have been met with a brick wall from the majority leader when it comes to our attempt to try to find more American oil, as we transition to a clean energy future. What I mean by that is one where we are going to be less and less reliant on oil for our transportation needs, our aviation needs.

Let me mention a couple of examples on the horizon that are very exciting. In 2010, most of the major car manufacturers are going to be producing plug-in hybrid cars, which actually will be running on batteries. You can plug it into the wall socket at night and charge the battery, and it will go 40 or more miles a day before plugging it back in at night. Obviously, that will displace the internal combustion engine and avoid the need to provide oil and gasoline for transportation needs. It is going to take some time to transition as we research things such as hydrogen fuel cells and other alternatives for our basic transportation needs.

I think that holds great promise in the future, as does additional research in things such as coal-to-liquids technology. We have in this country about a 300-year supply of coal. We know that coal has a problem because of pollution. But we have the ingenuity and expertise to be able to use coal—to find a way to use it in a way that will not only provide things such as aviation fuel and transportation fuel, but I believe we can come up with a way to sequester the carbon dioxide byproduct of coal-to-liquids technology in a way that will allow us to displace oil, gas, diesel, and regular aviation fuel from our demand side.

As a matter of fact, the coal-to-liquids technology has existed a long time. Adolf Hitler, back in World War II, when he was worried about getting cut off his supply of oil and gas that was necessary to fuel the Third Reich, developed a coal-to-liquids technology. Today, the Air Force is using coal to liquids to power B–1 bombers and B–52 bombers for aviation fuel. So we know we can rely on good, old-fashioned American research and technology and ingenuity to come up with a way to deal with this problem.

We are not going to get it done until the majority leader allows us the opportunity to debate and vote on this important imperative to develop more American energy here at home. It is not enough to rely on solar and wind. Those are important, but it is not a complete answer. We need—I believe we should insist, and we are—a right to vote on some production in the Outer Continental Shelf, in the oil shale out West, and up in the Arctic.

Frankly, I don't understand the reluctance on the part of the majority leader to allow that vote to go forward. I am encouraged by some indications that there are some negotiations. I hope they are successful. I don't think we should leave here this week for a month-long recess until we have dealt with the single most important problem facing the American people today and our economy, which is high gasoline and high diesel prices. We can have an immediate impact on the futures markets where those contracts for the future delivery of oil and gas are sold if we will act and say that Congress will be part of the solution and not continue to be part of the problem.

Mr. President, may I inquire how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 1 minute 15 seconds.

Mr. CORNYN. Mr. President, I thank the Chair and yield the floor.

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

Mr. BAUCUS. Mr. President, I remind my good friend from Texas that there are a lot of things he favors and I think we all favor. He mentioned plug-in hybrid automobiles and clean coal technologies, and they are in this bill. Frankly, I believe most Senators want to pass this bill. I urge Senators on both sides to vote for it. We can, frankly, pass it and send it back over to the House and be done with it. The American people want us to pass this legislation.

Mr. President, the great writer William Faulkner said of the artist:

> Only what he creates is important, since there is nothing new to be said.

Writers could say much the same about us. What is important is not what we say, but what we create. What is important here is not the speeches, but the laws that we pass.

Today, we have a chance to do something important. Today, we can choose to legislate.

We can proceed to a bill that addresses what's important. It is a bill about jobs. It is a bill about energy. It is a bill about families.

I am speaking of S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008—what some call the tax extenders bill. Today, we can choose to do something important. We can move to this bill.

This bill would do something to create jobs.

This bill would extend the research and development credit. This credit encourages businesses to invest in research. It helps to keep America competitive in the global economy.

America accounts for one-third of the world's spending on scientific research and development, ranking first among all countries. Relative to the size of our economy, however, America stands in sixth place.

Our R&D tax credit expired on December 31 of last year. American corporations are at a competitive disadvantage. They are unsure if they will be able to obtain the benefit of the credit this year. They need to plan for the future.

About 70 percent of R&D spending goes to salaries. That helps to create jobs. These are jobs that help America stay in the forefront of several global industries.

We can do something today to create high-paying R&D jobs, with this bill.

This bill would also create jobs in infrastructure, by repairing a shortfall in the highway trust fund. The highway trust fund relies on fuel taxes for 90 percent of its revenues. And as fuel prices have risen to record highs, Americans are driving less and buying fewer gallons of gas.

As a result, fuel tax receipts are down sharply. The Department of Transportation reported that Americans drove 9½ billion fewer miles in May than they did a year before. And OMB projects a highway trust fund deficit for 2009 of more than $3 billion.

We have a problem with highway trust fund finances. And that financing problem is a jobs problem.

Failing to fix the highway trust fund's shortfall will cause Federal transportation funding cuts of more than a third. Industry experts have calculated that funding cuts of this magnitude would result in the loss of about 380,000 jobs.

We can do something today to create well-paid infrastructure jobs, with this bill.

This bill would do something about energy.

This bill would take real action to break America's dependence on oil. Gasoline is more than $4 a gallon across the country. Americans want Congress to steer away from foreign oil. They want us to turn toward alternative and renewable energies.

This bill has the right energy incentives to help America to turn the corner. It would support renewable electricity from wind, water, biomass, and other sources. It would boost biodiesel and solar energy. It would reward energy-efficiency, and push for cleaner coal plants.

It would even provide a brand new tax credit for plug-in electric cars, so that Americans could choose vehicles that use less fossil fuel or none at all.

Mr. President, do you know what. If every time a car went up to the gas pump and filled up and the vehicle also had electric power, with a battery in the car, and it would go 50 miles on that electric power, guess what. Crude oil imports in this country would fall by 50 percent—It would be cut in half if every time a car would drive up to the pump and, when it fills up, 50 miles that that car drives is on electric energy—a battery. It would cut oil imports by 50 percent—something as simple as that.

I ask that I be notified 30 seconds before my time expires.

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds remaining now.

Mr. BAUCUS. With gas at $4 a gallon, why would we wait another minute to get these energy technologies moving?

We can do something today to create alternative sources of energy, with this bill.

This bill would do something for American families.

This bill would keep the alternative minimum tax from ensnaring new taxpayers. Without this legislation, 21 million additional taxpayers would have to pay the AMT.

We can do something today to protect families from the AMT, with this bill.

This bill would help teachers who have taken it upon themselves to spend

money from their own pockets on classroom supplies. The average teacher's salary is about $38,000 a year. But in 2005 alone, 3½ million families took the teacher expense deduction.

We can do something today to help teachers' families, with this bill.

This bill would help families with tuition expenses. The average tuition and fees at a 4-year private college in New England is now more than $30,000 a year. Four and a half million families took the qualified tuition deduction in 2005. But the provision expired at the end of 2007.

We can do something today to help families paying for college, with this bill.

This bill would help families with the State and local sales tax deduction. This deduction gives a tax benefit to taxpayers who live in States without an income tax, including Florida, New Hampshire, Nevada, South Dakota, Tennessee, Texas, and Wyoming. In 2005, this deduction benefitted more than 11 million families.

This bill would expand the child tax credit. Current law bars about 6 million working families from receiving any relief under the child tax credit. Families with 10 million children receive a partial credit. With this bill, the families of nearly 3 million more children would be eligible for this tax relief.

We can do something today to help working families with kids, with this bill.

This bill would also help improve health care for countless families dealing with mental illness. It includes the mental-health-parity legislation advanced by Senators TED KENNEDY, PETE DOMENICI, and the late Paul Wellstone.

This bill would require private insurance plans that offer mental health benefits as part of their coverage to offer the same level of benefits as they offer for medical-surgical benefits.

Mental illness is a disease like any other. We should treat it that way. We can do something about it, today.

This bill would provide much-needed relief to families who have suffered from natural disasters. This bill contains a package of disaster relief provisions developed to address all Federally-declared disaster areas with immediate, reliable, and robust tax relief.

We can do something today to help families struck by disasters, with this bill.

I say to my Colleagues: If you want to do something about creating jobs before you go back home, then vote for this bill.

If you want to do something about energy before you go back home, then vote for this bill.

If you want to do something to provide tax relief for American families before you go back home, then vote for this bill.

What's important is not what we say. What is important is the laws that we pass.

Let us pass a law that creates jobs. Let us pass a law that fosters new forms of energy. Let us pass a law that helps the American family.

Today, let us do something important. Today, let us choose to legislate. And today, let us move to this bill.

Mr. President, I ask unanimous consent that a list of supporters of the bill be printed in the RECORD.

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

The following organizations and companies have expressed their support for passage of Baucus-authored tax extenders legislation for jobs, energy, and families.

Agilent Technologies, Inc.; Air Products and Chemicals, Inc.; Alliance for Children & Families WI; American Association of Homes & Services for the Aging DC; American Association of Museums DC; American Bible Society MO; American Farm Bureau Federation; American Foundation for the Blind NY; American Friends Service Committee PA; American Heart Association TX; American Kidney Foundation MD; Americans for the Arts DC; America's Second Harvest IL; American Trucking Associations; Appalachian College; Applied Materials, Inc.; Association for the Blind and Visually Impaired NY; and Avance, Inc TX.

BAE Systems, Inc.; BASF Corporation; Benchmark Asset Managers, LLC; Benedictine Mission House NE; Big Brothers and Big Sisters of America HI; Big Brothers and Big Sisters of America PA; Blue Summit Financial Group; Boston Common Asset Management, LLC; Boy Scouts of America VA; California Public Employees' Retirement System; California State Teachers' Retirement System; California State Controller; California State Treasurer; Camp Fire USA Wathana Council MI; Capricorn Investment Group; Caterpillar Inc; Carbon County Museum Foundation WY; Carroll College MT; Rosalynn Carter; Catholic Youth Organization MI; Cedarhurst Center CA; and Center for Effective Philanthropy MA.

Central Louisiana Community Foundation LA; Christopher Reynolds Foundation; Cisco Systems, Inc.; Cleveland Foundation OH; Colorado Nonprofit Association CO; Community Foundation of St Joseph County IN; Compass Point Nonprofit Services CA; Compton Foundation; Corning-Elmira Musical Arts, Inc NY; Council for Advancement and Support of Education DC; Cumberland Trails United Way KY; Cystic Fibrosis Foundation MD; Deere & Company; Discovery Communications, LLC; DuPont Company; Easter Seals of Arkansas AR; EMC Corporation; F&C Management Ltd.; Falk Foundation PA; Family Means MN; Family Service Inc. Foundation MT; First Baptist Church of Indiana Rocks FL; and First United Methodist Church NM.

Food Bank of Central Louisiana LA; Betty Ford; Fred Hutchinson Cancer Research Center WA; Fulbright Association DC; Generation Investment Management; Grace University NE; Green Century Funds; Habitat for Humanity International GA; Harry Singer Foundation CA; Health Focus of SW Virginia VA; Hewlett-Packard Company; Honeywell International, Inc.; Honored to Serve Inc. AR; Independent Sector DC; Information Technology Industry Council; International Business Machines Corporation; Investment Network on Climate Risk; Johnson & Johnson; KaBOOM! DC; KLD Research and Analytics Inc.; Land Trust Alliance DC; Large Public Power Council; and League of American Orchestras NY.

Lockheed Martin Corporation; Looking for My Sister, Inc MI; LSU Foundation LA; Lutheran Senior Services MO; Lutheran Social Services of North Dakota ND; MMA; Maine Association of Nonprofits ME; Marin Community Foundation CA; Massachusetts State Treasurer; Memorial Home, Inc KS; Michigan Historical Center Foundation MI; Miller/Howard Investments; Minnesota Orchestral Association MN; Missionpoint Capital Partners; Monsanto Company; National Association of Counties; National Committee on Planned Giving IN; National Council of Private Agencies for the Blind & Visually Impaired MO; National Education Association; National Governors Association; National Motorsports Coalition and International Speedway Corporation; Needmor Fund; and New Jersey State Investment Council.

New Jersey Division of Investment; New York City Comptroller; New York State Comptroller; Nonprofit Coordinating Committee of New York, Inc NY; Nonprofit Resource Center LA; North Carolina State Treasurer; Northeastern University MA; Northrop Grumman Corporation; Oregon State Treasurer; Palm, Inc.; Pax World Funds; Pennsylvania Association of Nonprofit Organizations PA; Pennsylvania State Treasurer; Pfizer Inc; Philips Electronics North America; Portfolio Twenty-one Investments; Prairie Public Broadcasting, Inc. ND; Presbyterian Church USA; Progressive Asset Management; Rainbow Kitchen Community Services PA; Raytheon Company; Rhode Island General Treasurer; and Ronald McDonald House—Missoula MT.

Rose Community Foundation CO; S.C. Association of Nonprofit Organizations SC; Santa Clara University CA; SAS; Sentinel Financial Services Company; SME Education Foundation MI; SPCA Tampa Bay FL; Special K Ranch MT; St. Xavier High School KY; Stetson University FL; SUNY College at Oneonta Foundation NY; Texas Children's Hospital TX; The Arts Council of the Southern Finger Lakes NY; The Center for Effective Philanthropy MA; The Fowler Center Inc. MI; The Henry Ford MI; The Hospice Foundation of the Florida Suncoast FL; The Jewish Community Foundation NY; The Leukemia and Lymphoma Society NY; The Mentoring Partnership of SW PA; The Seed Company TX; The Sierra Club Foundation CA; and The Stonewall Community Foundation NY.

Thomas Jefferson University & Hospitals PA; The Timken Company; The Winslow Foundation; Trillium Asset Management Corporation; UJA Federation of NY; Underdog Ventures; United Jewish Communities NY; United Nations Foundation; United Technologies Corp.; United Way of Kentucky KY; United Way of Paducah-McCracken County KY; University of Minnesota Foundation MN; Vermont Community Foundation; Vermont State Treasurer; Volunteers for America—Colorado CO; Waldon Asset Management; Washington State Investment Board; Williamson County Historical Society TX; Winslow Management Company; YMCA of NW Dupage County IL; YMCA of USA IL; Youth Service Bureau of St. Tammany LA; and Building Owners and Managers Association International.

MidAmerican Energy Holdings Company; National Education Association; Puget Sound Energy; New Markets Tax Credit Coalition; The American Federation of Teachers; National Association of Industrial and Office Properties; Xcel Energy, Inc.; National Association of Realtors; USA Biomass Power Alliance; Sierra Club; Solar Energy Industries Association; National Grid; Film and Television Production Alliance; Directors Guild of America; Mesa Power Group, LLC; Portland General Electric; NorthWestern Energy; Avista Corp; Hawaiian Electric Company, Inc; PSEG Corp.; Otter Tail Corporation; Constellation Energy; and Iberdrola Renewables.

PG&E Corporation; International Council of Shopping Centers; International Speedway Corporation; National Motorsports Council; Discovery Communications, LLC; Solar Technologies; Heliotronics, Inc.; Energy Innovations, Inc.; Suntech America; Regrid Power; DuPont; Sunlight Direct; The Stella Group, Ltd; American Solar Electric, Inc.; groSolar; Third Sun Solar and Wind Power, Ltd.; GeoGenix, LLC; Solar Millennium; AIL Research, Inc.; SOLEC; SCHOTT Solar; SunTech Power; and ATAS International Inc.

The Solar Center; Sharp USA; Dow Corning Corporation; Spire; California Solar Energy Industries Association; American Solar Energy Society; The Vote Solar Initiative; MMA; Sanyo Energy Corporation; Sharp Electronics Corp.; Akeena Solar, Inc.; Western Renewables Group; Solar Rating and Certification Corporation; MMA Renewable Ventures; Ausra, Inc.; iEnergies; MegaWatt Solar; Stellaris; Solar Integrated Technologies, Inc.; Evergreen Solar, Inc.; United Solar Ovonic, LLC; Energy Conversion Devices, Inc.; and Blue Sky Energy, Inc.

Solar Alliance; Sunpower Corporation; Trina Solar; Safeway; Minnesota Power; Sierra Pacific Resources; Nevada Power; Sempra Energy; Environment America; Earthjustice; National Tribal Environmental Council; PennFuture; KyotoUSA; Western Organization of Resource Councils; The Wilderness Society; Audubon; Union of Concerned Scientists; Sierra Club; Southern Alliance for Clean Energy; Public Citizen; Greenpeace; Chesapeake Climate Action Network; and Natural Resources Defense Council.

National Wildlife Federation; American Express Company; Citigroup Inc.; The Coca Cola Company; The Dow Chemical Company; Genworth Financial; Hewlett-Packard Company; Intel Corporation; International Business Machines Corporation; International Paper; Johnson & Johnson; Monsanto; Oracle; PepsiCo Inc.; Pfizer Inc.; Proctor & Gamble; Texas Instruments, Inc.; Tupperware Brands Corporation; and United Technologies Corporation.

Mr. DURBIN. Mr. President, the Free Flow of Information Act is a bipartisan bill that goes a long way towards protecting the freedom of the press and the public's right to information without compromising national security or the work of law enforcement. It strikes the right balance between these competing priorities, and it deserves this body's support. I want to commend Senator SPECTER and Senator SCHUMER, the authors of this legislation, which I am proud to cosponsor.

During the last 30 years, many of our most important news stories were revealed to us by reporters who obtained their information from confidential sources. Often, these stories exposed government and corporate waste, fraud and abuse. Let me give you a few examples of what these confidential sources enabled journalists to report to the public: the President's warrantless surveillance program; the unsafe and deteriorating conditions at Walter Reed Army Medical Center; the treatment of Iraqi prisoners at Abu Ghraib; the Enron accounting fraud scandal; the rampant abuse of steroids in major league baseball; and the government's misleading statements to the American people about the Vietnam war, as documented in the Pentagon Papers.

These and other major stories led to important reforms in the government and in industry. If confidential sources had not trusted reporters and come forward with this information, these stories would not have come to light when they did. We are a better and stronger country because of these stories.

Unfortunately, the relationship of trust between reporters and confidential sources has come under attack since September 11.

Increasingly, Federal prosecutors, special prosecutors and civil litigants are issuing subpoenas to reporters for their confidential sources.

In the last 4 years alone, journalists have received at least 35 Federal subpoenas for confidential information. During this period, Federal courts have held 13 journalists in contempt for refusing to disclose their confidential sources.

Since 2000, four journalists—Judith Miller, Jim Taricani, Josh Wolf and Vanessa Leggett—have been imprisoned for 19 months in total for refusing to disclose their confidential sources.

Earlier this year, a Federal judge ordered a reporter to disclose a confidential source and threatened her with fines of $5,000 per day if she did not.

This has created a chilling effect on the flow of information between confidential sources and reporters.

The media shield bill would address this problem by creating a Federal qualified privilege for communications between confidential sources and reporters.

It allows the government and private litigants to compel the disclosure of confidential information only if they persuade a Federal judge that: they have exhausted the alternative sources of that information; the information is essential to their case; and nondisclosure would on balance be contrary to the public interest.

The bill makes it easier for the government to overcome the privilege in criminal cases.

It also creates sensible exceptions that ensure that this qualified privilege does not compromise national security or the work of law enforcement agencies. In particular, the privilege does not apply to: confidential information that relates to criminal conduct by a journalist; confidential information that is necessary to stop or prevent an act of terrorism, death or substantial bodily harm, a kidnapping, or an act that involves child pornography or the sexual exploitation of a child; or confidential information that would harm national security.

The qualified privilege and the exceptions for national security and law enforcement concerns reflect the serious and careful effort by Senators SPECTER and SCHUMER to take into account the perspectives of journalists on the one hand and law enforcement on the other. The product is a bill that strikes the right balance.

I am pleased that the managers' amendment includes language that I authored on who should be protected by the privilege. In the fast-changing media world, the notion of who qualifies as a journalist is evolving quickly. Journalists are no longer just the reporters who work for newspapers, magazines or television or radio stations. It is increasingly common for Internet bloggers and citizen-journalists to report breaking news stories that shape our Nation's most important debates. However, not everyone with a laptop and an internet connection should be protected by the important privilege created by this bill.

The privilege will now apply to reporters who are regularly engaged in investigative journalism. It will protect reporters who are in a position to develop and rely on confidential sources for their stories, whether they report in the television, radio, print or online world.

Specifically, it will cover journalists who regularly: report on local, national or international events of public importance; do the things that constitute good investigative journalism, meaning conducting interviews, collecting information and making observations on the scene of an event, or collecting original documents and statements; and collect this information for the purpose of bringing it to the public's attention.

This definition, like the rest of the bill, protects the relationship between reporters and confidential sources, but ensures that Federal agencies are able to get the information they need to prevent harm to national security and advance urgent law enforcement investigations. In short, it strikes the right balance between journalistic integrity and the public's right to seek justice.

Forty-nine States and the District of Columbia give journalists at least a partial shield against compulsory disclosures. This bill fills the gap at the federal level and gives investigative journalists a qualified shield in federal court. I am proud to be a cosponsor of this legislation and urge my colleagues to support it.

Mr. DODD. Mr. President, I rise in support of the Free Flow of Information Act. This bill would protect journalists from being forced to reveal their confidential sources not as an end in itself but as a means to a well-informed public.

I applaud the tireless efforts of those who have made this possible, including our colleagues in the other body who have shown their strong commitment to this issue. As far back as 2004, I introduced similar legislation which was called the Free Speech Protection Act. Since that time, I have worked closely with the senior Senator from Indiana, Mr. LUGAR, and earlier this Congress we introduced legislation that would have provided more protection to journalists. Companion legislation passed the House 398 to 21.

I was also pleased to cosponsor Senators SPECTER and SCHUMER's legislation, which passed the Judiciary Committee earlier this Congress. Over the last several months, we have worked to

bring this important issue to the attention of Congress and the Nation.

And while this bill does not include everything I had hoped for, I recognize that in this body, we do not get to write or pass these bills by ourselves. We have to reach out and work together that is how we advance or in this case protect our more cherished principles. I thank both of my colleagues for their diligence and commitment to the first amendment.

Indeed, though I recognize this fight will not likely be over today, in the 4 years we have been working together on this legislation, we are closer than ever to acting on this bill.

I hardly have to recite the litany of abuses that have been exposed because journalists called the powerful to account nor must I remind my colleagues how many of those exposures relied on confidential sources.

Without confidential sources, would we still know about the abuse of power in the Watergate era?

Without confidential sources, would Enron still be profiting from defrauding its investors?

How long would torture at Abu Ghraib have persisted, if proof of these abhorrent crimes had not been provided to the press?

The most meaningful check on abuses such as these is the free flow of information. Thomas Jefferson said it best: If I had to make a choice, to choose the government without the press or to have the press but without the government, I will select the latter without hesitation. Jefferson clearly understood that a free government cannot possibly last in the absence of a free press.

But today, we find this cornerstone of self-governance facing a new threat—one that comes not from the dictates of a dangerous government, but for the best of intentions.

As we have heard time and again in recent years, in a spate of cases, prosecutors have used subpoenas, fines, and jail time to compel journalists to reveal their anonymous sources.

Judith Miller of the New York Times was famously jailed for 85 days for refusing to reveal a source.

Two San Francisco Chronicle reporters were found in contempt of court for refusing to identify sources and hand over material related to the BALCO steroids investigation.

A Rhode Island journalist was sentenced to home arrest on similar charges.

In 2005, some two dozen reporters were subpoenaed or questioned about confidential sources.

Their offense, Mr. President? Journalism.

As one prominent magazine editor told Congress because of what has happened: ''Valuable sources have insisted that they no longer trusted the magazine and that they would no longer cooperate on stories. The chilling effect is obvious.''

Experience has shown us that the most effective constraint on free speech need not be blatant censorship. It only takes a few cases like Ms. Miller's and the San Francisco Chronicle's before the news begins censoring itself. We can only speculate as to how many editors and publishers put the brakes on a story out of fear that one of their reporters could be caught in a spider web of subpoenas, charges of contempt, and prison.

When we minimize the impact of confidential sources, serious journalism is crippled. We will find our papers full of stories more and more palatable to the powerful and secretive. No one argues that that is the intention of those prosecuting these cases I think prosecutors simply want to do their jobs. But few deny that it could, in time, be the effect.

When journalists are hauled into court and threatened with imprisonment if they don't divulge their sources, we enter dangerous territory for a democracy. The information we need to remain sovereign will be tarnished and the public's right to know will be threatened. And I would submit to you that the liberties we hold dear will be threatened as well.

That is exactly why we need a Federal reporter shield. Forty-nine States as well as the District of Columbia have already adopted shield laws or other legal protections for reporters trying to safeguard their sources. The Free Flow of Information Act simply extends that widely recognized protection to the federal courts.

This bill will allow journalists the opportunity to argue before a court that they should not have to reveal sources and this can include bloggers. This is an important step the Federal Government can take to ensure that the free flow of information is protected.

That is why I have such a difficult time understanding our Director of National Intelligence's recent comments regarding this bill. In an opinion piece in USA Today earlier this week, Admiral McConnell writes:

> The intelligence community recognizes the critical role that the news media plays in our democratic society. However, this bill would upset the balance established by current law, crippling the government's ability to investigate and prosecute those who harm national security.

I find that very hard to believe. Every time the Congress seeks to balance the need for security with our rights as Americans, this administration says ''we can't have both—it's one or the other. You either can be safe or give up rights.''

As I have said before—it is a false choice.

And it is a mischaracterization of what this bill does. The reporter shield is not absolute—nor should it be. The public's need to know must and will be weighed against other goods, which is precisely why the bill establishes a balancing test that will weigh the Government's interest in disclosure and the public interest in gathering news and maintaining the free flow of information.

In other words, we are balancing our right to know with our need for security, whether physical or economic.

This bill makes clear that secrecy is as necessary in extreme circumstances as it is dangerous on the whole.

Ultimately, it comes down to what makes us most secure in the long run. As men and women on both sides of the aisle understand, a prosecution, whatever its individual merits, sacrifices something higher when it turns on reporters—and so those merits must be balanced against the broader harms such a prosecution can work.

If a free press inexorably creates a free government, as Jefferson suggested, then the agents of that free government—prosecutors included—owe a high debt to journalism. When prosecutors threaten journalism, they have begun to renege on that debt.

So, Mr. President, I am proud to support this valuable legislation—it is a critical first step toward rebalancing the pursuit of justice and the diffusion of truth. I thank my colleagues again for their leadership.

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

Mr. GRASSLEY. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 1 minute 10 seconds.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to have 2 minutes 10 seconds.

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

Mr. GRASSLEY. The American people rightly wonder why these popular expiring tax relief provisions can't be passed by the Senate on their merits alone. Why can't we get there and ''get 'er done''? Part of the problem is that the committee and floor process have been disregarded by the Senate Democratic leadership. The debate and exchange of ideas, which is the essence of the Senate, has been bottled up. The Senate process is being truncated.

For the first time in this decade, since 2001, the Finance Committee members have not been allowed to exercise their right in committee markup with respect to these issues. With one exception—the 2002 stimulus bill—for the first time in this decade, Senate Members have not had the opportunity to debate and amend the extenders in a real Senate floor process. For the first time in this decade, Senators in the minority are being presented with a top-down deal, crafted in the dark corners of Democratic leaders' offices of the House and Senate.

The irony of all of this is compelling. Almost 2 years ago today, we faced an attempt to end run the natural order of the committee and floor process by the bicameral Republican leadership of the House and Senate. I referred to it at that time as a wrongheaded effort that was doomed to fail—even when it came

from my own party. It envisioned a unicameral tax writing committee that ignored the rights and privileges of Members of both parties. I used sharp words and directed them at my side's leadership in the House and Senate. I am sure some on my side thought I had gone a bit overboard in criticizing the Republican leadership at that time.

Then the Health, Education, Labor and Pensions chairman, Senator ENZI, stood with me. Some of my friends on the Democratic side spoke up about the harm the leadership was doing to the rights of the Members of the Senate.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. May I have 1 more minute?

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

Mr. GRASSLEY. Ironically, today we find the Democratic leadership attempting to do much the same thing. Like the failed trifecta jam to which I referred, today's jam will not work.

It is part of a larger problem with the Senate because we are not going through the regular order at the committee and the floor level. Issues are building up, tempers are flaring, and, most importantly, nothing is getting done. The Senate is constipated. This legislative body needs a function, a laxative. Legislation needs to circulate through this body in the usual form like food through your body. We need real debate, real amendments, and we need an informal bipartisan process that leads to an agreement that can pass the House and the Senate.

I have my pencil sharpened, my notepad out. I am ready to engage in our usual bipartisan process with my Democratic friend, Chairman BAUCUS. I am hopeful that the Democratic leadership will relieve the constipation on the tax extenders legislation. The Finance Committee and the Senate need to function just like our intestinal system functions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, voting for cloture on this bill will take us off the single most important issue in America. The American people are clamoring for legislation that will bring down the price of gas at the pump. They expect their representatives in Washington to do something about this crisis and to do something about this crisis right now.

Unfortunately, the Democratic leadership has already tried to take us off the subject, to take us away from this issue a full four times in the last 5 days. About 8 in 10 Americans disagree with them. Eight out of ten Americans disagree with the decision to try to move us off legislation dealing with the No. 1 issue in America. The American people think $4-a-gallon gasoline is a crisis that ought to be dealt with now; not in September, now. Dealing with this issue should not have to wait until even next year, as some have suggested. The high price of gas at the pump is the most important domestic issue in America. I am not even sure at this point what is in second place, but we all know what is in first place.

I will vote that we stay on the Energy bill, and we ought to stay on it until we get a solution for the American people. I urge my colleagues to vote against moving off the subject of lowering the price of gas at the pump. Let's finish the job. This is only July. We have plenty of time left this year to do other things that are confronting our country. But let's focus on the No. 1 issue confronting the American people: the price of gas at the pump. The way to do that is to stay on the subject and vote to stay on the subject, vote to avoid going to some other issue. While it may be important, it is not as important as this one.

Mr. President, I reserve the remainder of our time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Parliamentary inquiry, Mr. President: How much time is reserved for the Senator from Vermont?

The ACTING PRESIDENT pro tempore. Ten minutes has been reserved.

Mr. LEAHY. I thank the distinguished Presiding Officer.

Mr. President, I said on the Senate floor yesterday that I support the Free Flow of Information Act, S. 2035. Senator SPECTER, the distinguished ranking member of the Judiciary Committee, was exactly right when he said in his remarks last night that ''this bill is long past due.'' After months and months of needless delay by the Senate minority, I hope we will finally be permitted to consider this important legislative effort this morning. This is legislation that passed overwhelmingly in the other body. If the Republicans would allow it, it would pass overwhelmingly in this body.

The Senate minority's delay tactics are nothing new. Since the beginning of this Congress, we have witnessed all manner of obstructionism by a minority of Republican Senators using filibuster after filibuster, the most ever in the history of this country for that period of time. They use these filibusters to thwart the will of the majority of the Senate to conduct the business of the American people.

Republican filibusters prevented Senate majorities from passing the climate change bill. Republicans blocked us from passing the Employee Free Choice Act. Republicans blocked the Lilly Ledbetter Fair Pay Act. Republicans blocked the DC Voting Rights Act. Republicans blocked the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007. Republicans blocked the Renewable Energy and Job Creation Act of 2008. Republicans blocked the Medicare Improvements for Patients and Providers Act of 2008. Republicans blocked the Consumer-First Energy Act. Most recently, Republicans blocked the Warm in Winter and Cool in Summer Act. That was designed to bring much needed relief to poor families who struggle to heat and cool their homes in times of soaring gas prices, matters that have become literally life or death for some of these people.

Republican filibusters blocked the Advancing American's Priorities Act which includes 35 stalled legislative matters including—and these were blocked by the Republicans—the Emmett Till Unsolved Civil Rights Crime Act, the Runaway and Homeless Youth Act, and Republicans blocked several bills to help law enforcement cope with mentally ill offenders and to protect our children from the scourge of drugs, child pornography, and child exploitation. Republicans blocked all those bills. It would be a lot more if we also list all those bills President Bush has vetoed since the beginning of this Congress.

Here are the measures blocked by the Republicans and the President: legislation to fund stem cell research and fight deadly and debilitating diseases. Republicans blocked to extend and expand the successful State Children's Health Insurance Program. Republicans blocked a program that would have provided health insurance to more of the millions of American children without it. They blocked setting a timetable for bringing American troops home from Iraq. They blocked an attempt to ban waterboarding and help restore America as a beacon for the rule of law.

The Free Flow of Information Act should not be added to the long list of legislative victims of Republican obstructionism. It is time for Senate Republicans to climb down from the barricades and work with us to improve the lives of the American people.

Time is running short in this Congress. It is past time to end the partisan gamesmanship and to make progress. That is what I have been trying to do throughout this Congress. I hope, after 18 months of unnecessary obstruction, all Senators are finally ready to join us in getting our work done. We have a historic window of opportunity to enact a Federal statutory shield law to protect Americans' right to know.

I thank Majority Leader REID for his willingness to bring the matter before the Senate. I worked with him to find an opportunity for Senate action since the Judiciary Committee reported this bill last October, and I appreciate his support.

Senator SPECTER and I wrote to him and the Republican leader in March urging consideration of this bipartisan measure. Before that, I had written and spoken with the majority leader about this legislation.

Our bill has 20 Senate cosponsors. The claim made yesterday by a Republican Senator that this bill is not ready for the Senate's consideration is simply unfounded. The Judiciary Committee has been working on a bipartisan basis for the past year to reach

consensus on Federal shield legislation. In addition, the Judiciary Committee held three separate hearings on this bill during the 109th Congress. I hope that the Republican cosponsors of this bill will join us in moving to the bill and that they will bring along the seven or eight Republicans needed to defeat another Republican filibuster and allow us to make progress.

A free and vibrant press is essential to a free society in our country or any country. That has been demonstrated over and over again during the past 8 years. That is why I cosponsored the Senate version of this bill and worked hard for a meaningful reporters' shield law this year. That is why I made sure that for the first time ever, for the first time in history, the Senate Judiciary Committee reported a media shield law to protect the public's right to know. I was glad to see that this bill was favorably reported by a strong bipartisan 15-to-4 vote.

I thank the leaders in the Senate who worked hard on the Federal reporters' shield law—Senators SCHUMER, SPECTER, DODD, and LUGAR as well as the dozens of media groups that support this measure.

All of us, whether Republican, Democratic, or Independent, have an interest in enacting a balanced and meaningful shield bill to ensure the free flow of information to the American people. Forty-nine States and the District of Columbia currently have codified or common law procedures to protect confidential information sources. But even with these State law protections, the press remains the first stop, rather than the stop of last resort, for our government and private litigants when it comes to seeking information.

Our time to act is now. Our opportunity to act is now. The Washington Times editorialized on July 25, ''[a] sound shield law guards not 'the media' but something much more vital—the public's right to know.''

I urge that all Senators do the right thing and end this unnecessary and counterproductive filibuster.

I ask unanimous consent to have printed in the RECORD the Washington Times editorial in support of this bill.

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

[From the Washington Times, July 25, 2008]

THE RIGHT TO KNOW

The great swinging pendulum of press liberty and government secrecy has lurched too far in one direction. It is time for a correction. Congress should pass and President Bush should sign a reasonable, measured shield law to push the pendulum back in the direction of the First Amendment and the legitimate powers of the Fourth Estate.

A sound shield law guards not ''the media'' but something much more vital—the public's right to know. Guarding that right often requires confidential sources deep inside government. A measured law would not shield sources who perpetrate demonstrable and articulable harm to the country's national-security interests. But it would rightly shield most others. Such a bill awaits Senate action now. It should be passed.

We endorse the Free Flow of Information Act in full knowledge of the genuine conflicts between national security and press freedoms in the toughest cases. We are also among the first to note it when media outlets abuse their privileges. We regarded the New York Times revelation of federal terrorist surveillance, for instance, as a wanton act of damage to a vital and completely legal national security program. But no realist and no proponent of limited government can watch the epidemic of American journalists subpoenaed, questioned, held in contempt or jailed—more than 40 in recent years—without wondering when the slow march of the Fourth Estate into an investigative arm of government reaches its ugly apotheosis. It is possible to have both liberty and security—indeed, that is the American way. Part of the answer lies in assuring sources who risk all to convey information vital to the public interest that the newsman who offers confidentiality will not be forced to divulge—unless a high crime with real national-security import has been committed.

The simple, constitutionalist reading of the First Amendment—''Congress shall make no law . . . abridging the freedom of speech, or of the press''—does not countenance the stripping of the core functions of the free press. It must end.

Yesterday, reporter Bill Gertz of The Washington Times appeared before a federal judge in California expecting to face questions he should not have to answer. U.S. District Judge Cormac Carney, a Bush appointee, declined to force Mr. Gertz to divulge his sources in a 2–year-old Chinese espionage story. ''Today's ruling is an important victory for our entire industry, the first in a long time to recognize a reporter's rights to keep confidential sources,'' said Executive Editor John Solomon. Press reports had indicated an intent to probe Mr. Gertz on the notoriously amorphous subject of newsworthiness. The subtext: What details of the story did Mr. Gertz consider newsworthy, and when did he consider them? On sources' identities: What promises of confidentiality did he make, and why did he make them? This would have been extremely chilling.

The truth is that not all classified information is created equally. We live in an era of gross overclassification of government data—much of which belongs rightfully to the public but is kept secret for reasons of bureaucracy, territoriality, undue risk aversion or sheer inertia. Responsible media outlets can—and do—exercise discretion. More than three-quarters of the nation's attorneys general have called for the passage of a federal shield law. Attorney General Michael Mukasey opposes it on national security grounds. Mr. Bush has previously threatened a veto. It is time to let this pendulum swing back.

Mr. LEAHY. Mr. President, we have found, especially in this administration, time and again that when crimes have been committed, when scandals have erupted, it is not because the Congress found them out, it is because the press found them out.

Abu Ghraib, one of the worst scandals in the history of this country, something that hurt us throughout the world—we didn't find out about it because questions were asked in this body or the other body; we found out because the press found it out. We found out through the press and subsequently through our own investigations the scandals of politicizing law enforcement by this administration through the prosecutors' offices.

If we do not have the ability for our press to seek out these things, then we are all hurt. Any administration, Republican or Democratic, is going to be perfectly willing to give us all the press releases in the world saying all the wonderful things they have done. What I have found—and I have been through six administrations—is that they rarely want to talk about when they make a mistake. That is what we need a free press for.

My parents had a small newspaper in Waterbury, VT. I grew up in a family who revered the first amendment, revered it for the right to know, for the public's right to know. What has set this Nation apart from virtually any other nation on Earth is that our press is free, our press is open, our press can ask questions, and our press can point out mistakes—whether it is mistakes of Members of Congress or mistakes of the administration.

We need this shield law. Let's not use any more excuses for one more filibuster. If you really believe in having the shield law, vote for it. If you are against it, vote against it. But don't hide behind some parliamentary maneuver of a filibuster.

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

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

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SPECTER. How much time remains on this side of the aisle?

The ACTING PRESIDENT pro tempore. There is 7 minutes 47 seconds remaining.

Mr. SPECTER. Mr. President, I ask for 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am using this time even though my position differs from what I believe will be the Republican caucus position, and I have asked for only 3 minutes. I will support cloture on this issue because I am a prime sponsor of the bill. I do not like displacing the pending legislation on the oil speculators bill, but I believe if we are to move forward on that measure, we will do so in any event regardless of what happens here.

I have supported the Republican caucus position in opposing advancing legislation where we have been denied the opportunity to offer amendments, but that is not an issue on a motion to proceed.

I believe this bill is of enormous importance, and if we do not act on it now, it will not be acted on for the balance of the Congress, and who knows what will happen next year.

I spoke at length on the merits of this subject yesterday, and the essence of my position is that reporters have been intimidated—a chilling effect—by the subpoenas which have been issued. The record shows a tremendous number of subpoenas have been issued, and

there have been incarcerations of reporters. I will put in the record the details of one of those involved, Judith Miller of the New York Times, who spent 85 days in jail and whom I personally visited.

There is no doubt about the extremely high value in our society of a free press and an investigative press for the disclosure of corruption, malfeasance, and wrongdoing at all levels in public life and in private life. I think Jefferson expressed it best when he said if he had to choose between government without newspapers or newspapers without government, he would choose newspapers without government. So I believe this is a very important matter to go forward.

I didn't want to use time on Senator MCCONNELL's watch, if anybody objected to it, but there is no other Republican on the floor, and I have used only 3 minutes, leaving the remaining 4 minutes and some seconds to anybody else who chooses to speak.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand there are no further Republican speakers, so I yield back the remainder of our time.

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

The majority leader.

Mr. REID. Mr. President, have the Republicans yielded back their time?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. Mr. President, not long ago I had a meeting with representatives from the San Francisco Chronicle. Among those at the meeting was a sportswriter named Lance Williams. Lance Williams covered football games and baseball games and basketball games. Some of them were high school level. He was not an investigative reporter. But one day this young reporter was contacted by a man who said: I can give you one of the biggest stories this country has seen in a long time, but you have to give me your word that you are not going to give them my name. I can give you a lot of places to go, I can even give you some grand jury testimony, but you have to protect me because I could be in danger, my physical well-being.

So Lance Williams talked to his people at the paper, his bosses, because that was his obligation, and overnight Lance Williams became an investigative reporter, not a sports reporter. In his investigation he found that these leads took him down a very disturbing road, a road that ended with evidence and a book that was published, ''The Game of Shadows,'' which exposed the rampant use of steroids in sports that we now know so much about, including such sports names as Barry Bonds.

After he released this information, he was subpoenaed by the Government to release the identity of his informant who had leaked to him a lot of things, including, as I mentioned, grand jury testimony. Well, this was an interesting day for him because Lance had never been in a predicament like this before. Again, as I said, he had covered ball games. Nothing like this before. He suddenly was faced with the knowledge that he may have to go to jail for stories he had written and information he had released. But he decided not to release the name. He thought it was the right thing to do. He had given his word. He said he would sooner go to prison than release the name of that confidential informant.

On the same day I met him, I met with his lawyer, the lawyer for the San Francisco Chronicle. The lawyer told me that although the Lance Williams controversy had been the most famous in recent cases she had dealt with, in the last 3 years that newspaper had been served with 207 subpoenas by Federal, State, and local prosecutors requiring confidential information about sources. That uncertainty—207 subpoenas to the Hearst Communications Company—puts the media in a very difficult position and places a burden on them and reduces the likelihood that whistleblowers will come forward with information.

Forty-nine States and the District of Columbia already have laws to protect the relationship between journalists and their sources, so it is long past the age when the Federal Government should follow suit.

The first amendment we have in our constitution, the right to a free press, a press able to pursue charges of wrongdoing in our government and society and basically to write whatever they want to write, is a critical pillar of our democracy. The first amendment separates us from other nations and governments. The State attorneys general of 41 States called upon Congress to pass a national media shield law, and today we have the opportunity to proceed to act in that regard by voting to proceed to the Free Flow of Information Act.

Mr. President, the National Association of Attorneys General sent a letter, which says, among other things, in the last paragraph:

By exposing confidences protected under State law to discovery in Federal courts, the lack of a corresponding Federal reporter's privilege law frustrates the purposes of the State recognized privileges and undercuts the benefit to the public that the States have sought to bestow through their shield laws. As the States' chief legal officers, attorneys general have had significant experience with the operation of these State law privileges; that experience demonstrates that recognition of such a privilege does not unduly impair the task of law enforcement or unnecessarily interfere with the truth-seeking function of the courts. The sponsors of S. 2035 have sensibly sought to strike a reasonable balance between these important interests, as the States have done, and we are confident that the legitimate concerns for national security and law enforcement can be addressed in the court procedures for evaluating a claim of privilege. We urge you to support the Flee Flow of Information Act.

Mr. President, I ask unanimous consent to have printed in the RECORD the full content of the letter from which I have just quoted.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, June 23, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We, the undersigned Attorneys General, write to express our support for the Free Flow of Information Act (S. 2035). The proposed legislation would recognize a qualified reporter's privilege, bringing federal law in line with the laws of 49 states and the District of Columbia, which already recognize such a privilege. The Senate Judiciary Committee reported S. 2035 favorably on October 4, 2007, by a vote of 15–4. The House passed a similar reporter's privilege bill, H.R. 2102, by a vote of 398–21.

Justice Brandeis famously referred to the important function the states perform in our federal system as laboratories for democracy, testing policy innovations. See *New State Ice Co.* v. *Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting). Reporter shield laws, which have been adopted—through either legislation or judicial decision—by every state but one, must now be viewed as a policy experiment that has been thoroughly validated through successful implementation at the state level.

The reporter's privilege that is recognized by the laws of 50 United States jurisdictions rests on a determination that an informed citizenry and the preservation of news information sources are vitally important to a free society. By affording some degree of protection against the compelled disclosure of a reporter's confidential sources, these state laws advance a public policy favoring the free flow of information to the public. An overwhelming consensus has developed among the states in support of this public policy, and United States Justice Department guidelines, on which the current legislation is largely modeled, likewise recognize the interest in protecting the news media from civil or criminal compulsory process that might impair the news gathering function. Nevertheless, the federal courts are divided on the existence and scope of a reporter's privilege, producing inconsistency and uncertainty for reporters and the confidential sources upon whom they rely.

By exposing confidences protected under state law to discovery in federal courts, the lack of a corresponding federal reporter's privilege law frustrates the purposes of the state-recognized privileges and undercuts the benefit to the public that the states have sought to bestow through their shield laws. As the states' chief legal officers, Attorneys General have had significant experience with the operation of these state-law privileges; that experience demonstrates that recognition of such a privilege does not unduly impair the task of law enforcement or unnecessarily interfere with the truth-seeking function of the courts. The sponsors of S. 2035 have sensibly sought to strike a reasonable balance between these important interests, as the states have done, and we are confident that the legitimate concerns for national security and law enforcement can be addressed in the court procedures for evaluating a claim of privilege.

We urge you to support the Free Flow of Information Act and to enact legislation

harmonizing federal law with state law on this important subject.

Thank you for your consideration of our views.

Sincerely,

Douglas Gansler, Attorney General of Maryland; Rob McKenna, Attorney General of Washington; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown Jr., Attorney General of California; John Suthers, Attorney General of Colorado; Richard Blumenthal, Attorney General of Connecticut; Joseph R. Biden III, Attorney General of Delaware; Bill McCollum, Attorney General of Florida; Thurbert E. Baker, Attorney General of Georgia.

Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Tom Miller, Attorney General of Iowa; Stephen N. Six, Attorney General of Kansas; Jack Conway, Attorney General of Kentucky; James D. ''Buddy'' Caldwell, Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Michael Cox, Attorney General of Michigan.

Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Jon Bruning, Attorney General of Nebraska; Catherine Cortez Masto, Attorney General of Nevada; Kelly A. Ayotte, Attorney General of New Hampshire; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Roy Cooper, Attorney General of North Carolina.

Wayne Stenehjem, Attorney General of North Dakota; Nancy Hardin Rogers, Attorney General of Ohio; W. A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Henry McMaster, Attorney General of South Carolina; Lawrence E. Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Darrell V. McGraw Jr., Attorney General of West Virginia.

Mr. REID. Mr. President, for all of those who are, as I am, concerned with providing law enforcement with the tools they need to keep us safe, it is important to note that this legislation strikes the appropriate balance between the public's right to know and law enforcement's need for information. It is based largely upon existing internal Department of Justice guidelines and provides for a qualified privilege for journalists who are subpoenaed to testify about their confidential sources, unless the government can show there is no reasonable alternative source of the information and the information is critical to the case.

This legislation includes exceptions for harm to national security, acts of terrorism, death, kidnapping, or other bodily harm. This is a balanced piece of legislation, and it carefully considers the needs of the media and law enforcement. It is bipartisan and provides what both sides want most of all: clear guidelines and certainty.

In doing so, it offers us the opportunity to strengthen our public safety and national security while firmly defending the right to a free and open press.

TAX EXTENDERS

Mr. President, we have heard Republicans expend a tremendous amount of words and energy talking about energy. Today, Democrats offer them yet another chance to stop the talking and actually do something to solve the problem. We have already offered Senate Republicans three opportunities to pass the so-called tax extenders. Today, they have a fourth opportunity.

This tax extender legislation provides tax incentives to private sector innovators who are discovering new ways to harness the power of the wind, the Sun, geothermal, and other sources of clean renewable energy all over America—from the State of Nebraska, the State of Nevada, and other places around the country.

I see the Senator from the State of Texas, where T. Boone Pickens is a resident. He is moving forward big time on alternative energy. But the people who are doing the big projects in Nebraska and in Nevada need tax credits. It is important. It is part of the process.

Mr. President, this is something we need to do. This tax extender legislation provides tax incentives that are so very important. If they succeed, these innovators—and with our help they will—immediately we will find the creation of hundreds of thousands of jobs—not tens of thousands but hundreds of thousands of jobs, real jobs, high-paying jobs, construction jobs. It will be good for the economy and it will be good for the environment. These are American jobs. These are jobs you can't take overseas.

Chairman BAUCUS has done a tremendous job with this legislation. If anyone in this Senate knows how to bring all sides to the table and bring common ground, MAX BAUCUS does, and this bill is no exception. Having heard Republican criticism of the previous version of the tax extender legislation, Chairman BAUCUS set out to make this bill be one that would satisfy a significant number of Senators. Not only did Chairman BAUCUS address previous Republican concerns about the tax extender package, this new legislation also does other things that are very important.

For example, there are provisions which will provide for much needed assistance not only to flood victims in the Midwest but also victims of natural disasters in Nevada, Kentucky, Georgia, Tennessee, Colorado, Mississippi, and a significant number of other States.

This bill also transfers funds to the highway trust fund, which, in street parlance, is upside down. It is out of money. There is a projected shortfall of $3 billion next year. This proposal is overwhelmingly supported on a bipartisan basis and passed the House by a vote of 387 to 37.

Also in this legislation is something that is long overdue. Paul Wellstone was a great Senator, and his No. 1 issue was mental health parity. He believed people who are sick emotionally or mentally deserve the same attention as people who are sick physically. He worked with Senators DOMENICI, KENNEDY, and others to get this passed.

Unfortunately, Paul was killed in a plane crash, but now is the time to move forward on this legislation. This simply says that mental health is considered just as serious and legitimate a medical concern as physical health, and those who suffer should receive equal access to the health care they need to get well.

We have made some compromises in the current version of the legislation that we would rather not have made, but we made them in an effort to pick up help from the other side of the aisle. We did so because we understand that compromise is essential to legislate, and we acted in good faith in responding to Republican concerns. I hope our Republican colleagues will see this—as we do—as an opportunity for a bipartisan solution to the energy crisis.

This is just one piece of the puzzle, but it is an important piece, the most important piece, and one that can make a difference in energy prices now—immediately. So we hope Republicans will decide to take yes for an answer.

Legislating requires the participation and cooperation of both sides of the aisle. We can't do this by ourselves. Surely the American people are tired of Republicans delaying and rejecting every effort Democrats make to solve our Nation's problems. We don't need every Republican to agree. Perhaps today is the day that we will get enough Republicans to reject the politics of delay and inaction and embrace the path of progress.

Mr. President, if Republicans don't vote to move forward on this legislation, we will continue to be on the motion to proceed to this legislation—the tax extenders. We are not going to be in a position to legislate anymore, it appears, on the speculation bill. That is too bad. I spoke with the president, as I have said on the Senate floor on a number of occasions, of United Airlines, and he is convinced the price of oil has gone down because we are talking about speculation.

So it appears that the Republicans have rejected our offers to do something on the tax extenders package that we have just talked about. The Republican leader said: Have Senator BAUCUS deal with Senator GRASSLEY and compromise. Well, that was a total waste of time because, again, all the Republicans want to do is not pay for anything, and we know the House will not accept that—and rightfully so. This is really unfortunate. So we are going to be on this matter to proceed to the tax extenders.

We are willing to complete the most important legislation. The Consumer Product Safety conference report has been completed. The higher education conference report has been completed. We will be happy to work with that. It should take a short period of time. We hope we would not have to have cloture on those but around here it appears, with 90 filibusters, they may even filibuster something that has overwhelming bipartisan support again.

We are also, before we leave here, going to have a vote on a motion to proceed to the Defense Authorization bill that Senators WARNER and LEVIN have worked so hard on.

If the Republicans decide they want to negotiate in good faith on this matter that is before the Senate and this does not pass, that is the extenders, Senator BAUCUS is standing by ready to do that—but it has to be in good faith. It has to be in an effort to get something accomplished, not to say we want to pay for nothing, more red ink, more red ink. We know the deficit now is approaching half a trillion dollars this year because of the programs we have seen President Bush initiate and not initiate.

We are willing to move forward on these tax extenders. We think the matter should be paid for, as does the House. We have a letter signed by 220-odd House Members saying don't bother to send anything back that is not paid for. We will not pass it.

We have tried to be as reasonable as we can be. We hope the Republicans will join with us and move forward on energy legislation, that is the tax extenders, that will actually help the country.

UNANIMOUS-CONSENT REQUEST—S. 3268

Mr. REID. Mr. President, I ask unanimous consent that S. 3268, energy speculation, not be displaced and that it remain the pending business notwithstanding the Senate adopting the motion to proceed to a calendar item.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Mr. CORNYN. Mr. President, reserving right to object, this side of the aisle believes we need to dispose of the pending Energy bill to help bring down the price of gas at the pump first, before turning to other matters, so for that reason I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 434, S. 2035, the Free Flow of Information Act.

Harry Reid, Charles E. Schumer, Debbie Stabenow, Christopher J. Dodd, Maria Cantwell, Richard Durbin, Barbara A. Mikulski, Frank R. Lautenberg, Bernard Sanders, Robert Menendez, Patty Murray, Barbara Boxer, Ron Wyden, Ken Salazar, Bill Nelson, Daniel K. Inouye, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER).

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

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—51

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

NAYS—43

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

NOT VOTING—6

Kennedy	McCaskill	Rockefeller
McCain	Obama	Wicker

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the media shield bill.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. For the knowledge of all Members here now, we are now still on the motion to proceed to the media shield bill; the one that cloture was not invoked on. So that is what we are going to be on for the foreseeable future.

We have a couple matters that are possible that we can move forward on. That will be up to the minority as to when and where we will do that. We have the consumer product safety bill, we have also the work that has been done on the higher education bill.

I am going to file cloture before we leave on the motion to proceed to the Defense authorization bill. As I told the distinguished Republican leader today, if there is some serious negotiations on the extenders, Senator BAUCUS is ready to do this.

But as a notice to everyone, as I said in my statement before the vote, there is a new sheriff in town by the name of PELOSI. The House will not allow matters to be passed without being paid for. I agree with her. We have far too long not paid for things.

We have a situation now where we have had 8 years of buying red ink by the trainload. We have now a situation where the deficit this year will be about half a trillion dollars. The only thing we have heard, and Senator BAUCUS heard yesterday on the tax extenders, is what the Republicans want to do: We want to have some more things, but we do not want to pay for any of it.

The Speaker has sent a letter to me signed by 220 Members of the House of Representatives, saying these matters have to be paid for. What we did in this work done by Senator BAUCUS, there were matters that rightfully should not be paid for, such as disaster assistance.

As we have indicated in the past, even though the House does not like it, and we do not particularly like it, the AMT in this bill is not paid for. So other than that, things are paid for and paid for in a very responsible way.

The tax extender package includes some things that would change energy in this country as we have known it for 100 years.

It would change from a situation now where everything is done with fossil fuel to a situation that T. Boone Pickens and others envision, where we would be depending on the Sun, the wind, geothermal, biomass. This is real. There are people during the last 4 months who have been laid off, working on these alternative energy projects, renewable energy projects. There are people who could go to work tomorrow on these projects. Remember, these are all American jobs, jobs that can't be exported anyplace else.

As I said to the Republican leader today, the August schedule is in his hands. I have told those assembled here

today what we have to do. I told Senators what we have to do. I am tremendously disappointed that the tax extenders were not passed. I was just given a note by the chairman of the Environment and Public Works Committee about something that also is in this bill that would create lots of jobs, at least 150,000 high-paying jobs, and that is to replenish the money from the highway trust funds. Those moneys are not going to be there, which will cause people not only to not have jobs, but it will stop projects from going forward that are already in progress.

The schedule in August is up to the Republican leader. As I have said before on a number of occasions, we basically have finished what we have to do this work period. We have tried mightily during the last 18, 19 months to get things done. We have had to deal with about 90 filibusters. Whatever the number is, we increased it by one today. We will see what happens on the legislation dealing with higher education and see what is going to happen with the Republicans as it relates to the consumer product safety legislation. That may add two more filibusters. Of course, we have the Defense authorization bill to which we wish to proceed. We will have a vote on that on Friday. It is up to the minority to determine what we will do on that.

As I have indicated on a number of occasions, we have the conventions coming up in August, which is important to every Senator. We have other important items we have been working on that need to be done at home. We can't do them in Washington. But we await word from Republicans, if they are going to negotiate seriously on the tax extenders. Other than that, I have stated, I believe pretty clearly, where we are.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I wish to note that the energy tax extenders would have been law as of 7 a.m. this morning if they had not been taken out of the housing bill by the Democratic majority. We should be aware of the fact that one of the reasons why this issue remains is the strategy from the majority on the housing bill.

Mr. REID. Understand, though, that is the whole problem. They don't want to pay for anything. The bill that is before the Senate is paid for. What he is talking about is the flimflam where you pass all these things and don't pay for them. That is why we have a staggering deficit that during this administration has gone up more than $3 trillion. When George Bush took office, over 10 years there was a surplus of about $10 trillion. That is long since gone. I appreciate very much the statement of my friend from Arizona, but the fact is, that is what we are talking about here. They don't want to pay for anything. The tax extenders in our package are paid for, as they should be. The American people should not be burdened and leave a legacy looking forward of their children, grandchildren, and great-grandchildren buried by Bush deficits.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I note that 88 Senators voted in favor of that approach dealing with this subject.

Mr. REID. I appreciate the statement of my friend from Arizona. I believe in these extenders so strongly that even though I would much rather have them paid for, we all know the debt has to stop someplace. As I indicated, the House of Representatives, to their credit, will not accept these not being paid for. That is the way it should be. We should not be running up massive deficits that the Bush administration—first year, second year, third year, fourth year, fifth year, seventh year, and now in the eighth year—is willing to accept. The war in Iraq, $5,000 a second; it doesn't matter.

We are where we are, but I am very disappointed that we are where we are. As I said, my Senators are waiting to hear from the Republican leader what he wants to do the rest of this week and into the future.

JOBS, ENERGY, FAMILIES, AND DISASTER RELIEF ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 898, S. 3335, the Jobs, Energy, Families, and Disaster Relief Act of 2008.

Harry Reid, Max Baucus, Bernard Sanders, Christopher J. Dodd, Maria Cantwell, Benjamin L. Cardin, Daniel K. Inouye, Hillary Rodham Clinton, Patty Murray, Ron Wyden, Debbie Stabenow, Patrick J. Leahy, Dianne Feinstein, Richard Durbin, Robert Menendez, Sherrod Brown, Carl Levin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3335, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Mississippi (Mr. WICKER).

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

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—51

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

NAYS—43

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

NOT VOTING—6

Kennedy	McCaskill	Rockefeller
McCain	Obama	Wicker

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to the energy renewables package.

The PRESIDING OFFICER. The motion is entered.

FREE FLOW OF INFORMATION ACT OF 2007—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, it is my understanding until 12:30 the Democrats control the time; is that correct?

The PRESIDING OFFICER. There is no agreement in order.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized for 5 minutes and Senator STABENOW be recognized for 20 minutes following me.

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

ENERGY

Mr. DURBIN. Mr. President, this vote that was cast is something America should not miss. This was about an energy program for America, and it was defeated. It was defeated because only four Republicans—maybe five—managed to cross the aisle and help us.

This is 2 days running that the Republicans—who have given us speech after speech about why we need an energy policy—have voted no. That is all they do: vote no.

What did this proposal include? It included energy tax credits desperately needed by America. This morning, Senator STABENOW gathered together Governors, leaders in business and leaders in labor and they all told us the same thing: Pass the energy tax credits, and pass it now. Jobs are at stake across America.

I had a major company in Chicago that came in—the CEO came in to see Senator REID and myself last week—facing bankruptcy because we cannot pass this bill. Why? Because the Tax Code was written year to year, creating incentives for investment in wind power. That is the power that does not pollute but creates electricity. Wind turbines all over my State and all over the country are doing the right thing for our future. They will not continue without these tax credits, and the Republicans consistently vote no. And then—hang on—after lunch they will be on the floor saying we desperately need an energy policy.

Where were they when we needed them? That was not the only thing in this bill. This bill also put $8 billion in the highway trust fund that has gone broke. Across America, we are losing jobs, at a time when we need good-paying jobs right here at home, because Republicans refuse to do this. They will not vote for it.

There was another provision or two in there equally important, but I wish to focus on those two. Let me explain to you why they would not vote for it. They would not vote for it because on the Democratic side we insisted that if you are going to have tax credits given, we pay for them so that, ultimately, it does not add to our national deficit.

This President inherited a surplus from President Clinton and has now taken the gold, the silver, and the bronze medals for the biggest deficits—top three deficits—in the history of the United States in his 8 years. We are saying this has to end. We cannot broker America's future for our children. So we want to pay for these tax credits. We do it in a way that even the business community says: That is reasonable. We can live with it. But not the Republicans. Only four or five will cross the aisle to help us.

A minute ago, I met in my office with the CEO of American Airlines, Gerard Arpey. This poor man is struggling to keep one of the major airlines in America out of bankruptcy. He is cutting back on schedule, reducing the number of employees because, unfortunately, when oil is $125, $135 a barrel, the cost of jet fuel is bankrupting his airline. He is begging me—begging me—the United States and the Congress to show some leadership.

Now, what can we do? First, we can get some Republicans to join us for this energy policy. If they want to produce more energy in America, have them vote for it, not give more speeches with their ''produce more, use less'' slogans on the floor. Produce some votes for us. A few less speeches and a few more votes and we would have an energy policy. That is the reality.

There is something that can be done immediately, though, and it is something this President can do and does not need to wait on Congress, and he ought to do it today. President Bush should announce he is going to start selling off oil from the Strategic Petroleum Reserve to bring the price of a barrel of oil down to $100 a barrel. That is our target price for America. That will turn this economy on. That will give the airlines a chance. That will put the truckers back to work. That will give the farmers a break.

The President can do it without any congressional approval. His father did it. It is not a radical idea. Seven hundred million barrels of oil—if the President released and sold 10 percent of that, saying: My goal is to get to $100 a barrel, that oil on the market would start the price coming down.

All this discussion on the Republican side and from the President about drilling—if we decided today to start drilling certain acreage, you would not see the first drop of oil for 8 to 14 years. You would have to wait 8 to 14 hours for the President's announcement about releasing oil from SPR to see an impact on the market.

It is time for Presidential leadership. The fact that the President comes out of the oil industry and the Vice President does as well, they understand it. And the oil industry has never done better.

Now it is time for the President to show leadership. He can do it. We should call on him in Congress, on a bipartisan basis: Release this oil from the SPR, bring down the price of a barrel of oil, give American families a fighting chance when they go to the gas station, and give these companies a chance to create more good-paying jobs in America. That is what is at stake.

Mrs. BOXER. Mr. President, will the Senator yield for a couple questions?

Mr. DURBIN. Mr. President, I am happy to yield.

Mrs. BOXER. First of all, Mr. President, I have known my friend from Illinois, the senior Senator from Illinois, for many years. We served in the House together. He is one of the most collegial Members of the Senate. I say to the Senator, I do not think I have ever seen you quite as upset and angry as you are.

I wish to ask my friend—because he touched on this—as to the real impact on America's families that he started to discuss. As chair of the Environment and Public Works Committee, I know, as he does, we have to fund our highway program. I know my colleague from Michigan and my colleague from Minnesota both are going to talk about the need for safe and sound infrastructure and the fact that with it comes good jobs.

But here is where we are at this point. Because of the no, no, no votes by that side—what they said no to today was making sure we can pay for the highway projects we have already authorized, we have already told the States to go ahead and start constructing.

I say to the Senator, $8 billion was in this bill that they just said no to, again—$8 billion to replenish the highway trust fund. That translates to—and hold on to your hats, folks—400,000 good-paying jobs that will be lost if we do not replenish this fund, not to mention the jobs that are already being lost because they refuse to renew these tax credits for solar, wind, and geothermal.

Mrs. BOXER. In my State, we have a horrible housing crisis. It is terrible. Construction is down. What has been keeping us afloat, I say to my colleagues, is the renewable energy industry. Four hundred solar companies have moved in. They are taking these workers. So how could we have—Mr. President, I ask unanimous consent that the Senator have 1 more minute.

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

Mrs. BOXER. So I say to my friend, this Republican Party here, they are the recession party. They stand for recession and moving into depression with their votes, does my friend not agree, with their votes today?

Mr. DURBIN. This is the second time in 24 hours we have given the Republicans a chance to show whether they are for an energy policy which will produce more clean energy and more jobs for America, and four of them came forward to support us—only four. There are 49 of those Senators, and 4 voted with us.

Mrs. BOXER. And the trust fund.

Mr. DURBIN. And the trust fund, of course—a critical point—which can create 400,000 jobs across America.

Middle-income families are struggling to survive. We need more good-paying jobs right here in this country. How can they come down here and consistently vote no and say they want an energy policy?

The President should release oil from SPR this week. Our goal should be $100-a-barrel oil. The President doesn't need Congress. Let him show some leadership in this energy crisis.

Mr. President, I yield the floor to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I ask unanimous consent that the majority control the time until 12:30, the Republicans control the next 30 minutes, the majority control the next 30 minutes, and the time until 6 p.m. be controlled in 30 minute blocks in an alternating fashion.

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

AMERICA'S PRIORITIES

Ms. STABENOW. Mr. President, I wish to thank my colleagues, our assistant majority leader from Illinois

and the Senator from California, for speaking today, because we are quite astounded, I have to tell my colleagues. Coming from the great State of Michigan where we care about jobs—and I know the Presiding Officer does, coming from the great State of Pennsylvania—our folks are desperate for good-paying jobs, middle-class jobs that allow them to pay that mortgage and pay those outrageous gas prices and to be able to keep their families afloat and put food on the table.

What we had happen in front of us today was an effort to once again block the future of alternative energy jobs and block today, by stopping it, an investment in the highway trust fund that would keep 400,000 jobs going in our country. That is a lot of jobs—400,000 jobs.

Now, why would they do that? When you look around, since this President and Vice President have taken office, gas prices have tripled. Oil prices are four times higher. Families and businesses are being squeezed on every side. Why can't we get action? Who benefits? I wonder who would like this picture.

Well, let's look at who would like this picture. I only pick on one company because they happen to be the ones showing the highest profits. During this time that families and truckers on the road are trying to make a living, and businesses, small and large, are trying to hold it together, during this time of crisis, $185 billion profit since our President and the Vice President—two oilmen from Texas—took office. Mr. President, $185 billion in profits. What we have here is an oil agenda. We have had an oil company agenda since they took office on every step of the way.

The bill that was turned down today—it wasn't just turned down today; it was, in fact, turned down on June 10 of this year, June 17 of this year, July 29, and today. This isn't the only time. We have gone back as far as last year, a year ago. Tax incentives in the Energy bill were blocked twice by Republican colleagues on behalf of big oil on June 21, 2007, and December 13, 2007. We can go on. February 7 of this year, Republicans blocked adding critical energy production tax incentives to the stimulus that was passed. They are willing to give everybody a little bit of a check, a little bit of a rebate check, but when we are talking about creating jobs and investing in competition with the oil companies, oh, no. Oh, no.

Who wouldn't want that competition? Let me see. Maybe these folks wouldn't want that competition. Maybe they were the ones who said: No, no, we don't want to be focusing on electric vehicles and investing in battery technology or consumer credits for new vehicles. No, no, we don't want to be investing in solar and wind and geothermal. No, no. Getting off of oil? No, no, no, no. This is the oil administration. We don't want to get off of oil; we want to embrace it. We want to continue it.

Unfortunately, that is exactly what has happened.

Record profits. The total combined net profits of the big five oil companies since our President took office are upwards of $556 billion. If I sound a little upset, I am because I have folks in my State who are just struggling to try to make it. Are they investing here at home with that $556 billion? The oil companies spent $188 billion buying back their own stock in the last 5 years. Exporting. A record 1.6 million barrels a day were exported, 33 percent higher than before.

We are in a global economy. Unfortunately, even though I think it is important to have a domestic oil supply, it is in a global economy. It is not necessarily going to stay here. The drill-only, the drill-forever crowd, that is the oil agenda. It is the oil profits agenda in a global economy.

Let me share for a moment some folks who are suffering under the oil agenda of this President and Vice President and the Republicans who have been in charge.

In South Haven, MI, a beautiful little town along Lake Michigan, this was in the paper. Early last month, Jeanne Fair, who is 62 years old, got her first hot meals delivered to her home in this little lake community in the rural southwestern part of the State. After two deliveries of meals, they stopped because the volunteers couldn't afford the gas to get her the food. ''They called and said I was outside of the delivery area,'' said Mrs. Fair, who is homebound and hasn't been able to use her left arm since a stroke in 1997.

Faced with soaring gasoline prices, agencies around the country that provide services to the elderly say they are having to cut back on programs such as Meals on Wheels, transportation assistance, and home care, especially in rural areas that depend on volunteers to provide their own gas. In a recent survey by the National Association of Area Agencies on Aging, more than half said they already cut back on programs because of gas prices. Ninety percent say they are expected to cut them back in 2009.

This is the United States of America, and we have volunteers who have to stop giving meals to people in rural Michigan so these folks can keep up this agenda here: $185 billion profit since George Bush took office. And our folks can't afford gas.

Let me share something else, a letter from a gentleman:

> As my family's only breadwinner, I drive over an hour each day to my job at LifeWays in Jackson . . . The reason I drive over an hour each way is because jobs for professionals are extremely rare in Hillsdale County where I live. Over 16 car industry-related plants have closed in Hillsdale County in the past 10 years, leaving the unemployment rate sky high and wages extremely low. The newest hit is the high prices for energy which are hurting me and my family. Not even looking at the 55-cent increase per gallon of propane we were just notified of, my commute costs me $28 a day and I drive a midsized car. I urge Congress to act immediately.

Mr. President, we had a chance to act immediately today to do something that would make a difference, a real difference, and Congress didn't do it.

I also have one other letter from a 17-year-old high school student who has a job. She says: I make $7.15 an hour and put in about 20 hours a week. My job sometimes interferes with my education because I am trying to make money that I need. My job affects school because I need to work. It makes it difficult for me. I am paid every 2 weeks and spend about $100 a week on gas to get back and forth to school and work. She says: Even during school time, I ride the bus to try to save money, but now I probably won't be riding the bus because school districts are cutting back on transportation to school. They are doing this because they don't have enough money to fill up the buses' gas tanks.

What is going on? What is going on here? We are fighting for the people of this country who expect to be able to put gas in the schoolbus, who expect to be able to have seniors get Meals on Wheels, who expect to be able to drive to work. That is what this is about. It is about time we change the agenda of this country and who decisions are being made for. The reality is—I think it is, unfortunately, way too simple, but it is true—we have had 8 years of two oilmen in the White House and it has gotten us paying $4-a-gallon gasoline, maybe a little less, maybe a little more. That is the reality. We have seen over and over not only efforts on this floor to block what we are doing but on top of that, to add insult to injury, a free ride for the oil companies.

In January of 2006, the New York Times reported that the Bush administration was allowing oil and gas companies to forgo royalty payments—forgo royalty payments—on leases in Federal waters, public waters in the Gulf of Mexico. It would cost American taxpayers more than $60 billion. Sixty billion dollars would equal 38 days of free gas for every American. How about that. So not only are they blocking us from creating alternatives, not only are they blocking us from taking taxpayer money—the same people I just read about are subsidizing the oil companies because we can't stop these subsidies going to the most profitable companies in the world—the world. We can't get that stopped when we are trying to say: Take those dollars and move them over to the future, which is alternative energy that will allow gas prices to go down, that will free us from foreign oil, get us off of a policy that depends on those around the world who aren't exactly our friends, and make us stronger in terms of national security. We can't get that done. Then, to add insult to injury, they waive oil and gas leases—$60 billion. I would love to have been able to waive some house payments. I would love to have been able to say to folks who were trying to

make it and not lose their house in foreclosure: We will give you 90 days, don't worry about it, because we care about families and we want to make sure you keep your house.

We finally have a housing bill. It is too late for many people, but we finally have one, thank goodness, that the President would sign.

Where are the priorities of this country? Who are we making decisions for? That is the question. Who are we making decisions for?

So I have extreme concern about the direction in which we are going. I have to tell my colleagues, as somebody who comes from a State where there is such a little bit of support right now, it would give us a whole lot more impact in the short run if we were to invest—and I know that. I am so grateful to our Senate leadership for supporting our efforts to retool our auto plants, to keep jobs in America for new vehicles. We are now focusing our talk so many times on this floor on what we are doing to support the advanced battery research and development so we are making those new batteries in America, not only for automobiles but for energy storage, and making sure we are the energy producers and creating the jobs of the future. A few investments we can do immediately within the next couple of years would tremendously impact us.

I know my time is up. Let me just indicate that it is time to change the agenda. The American people have had enough. This big-oil agenda which has been driving the train here on the Senate floor and which has been driving the train in the White House has to stop.

We have to take away their track and turn this thing around, so that we are focusing on what the American people want us to focus on to help them and their families in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today to continue the discussion we are having on our Nation's energy situation and to point out that it is a discussion, it is not action.

I point out that the other side of the aisle could be called the ''great pretenders.'' They are pretending to be interested in energy, but they are not doing anything about energy. The only thing we have been allowed to debate on this has been the bill on speculators. I have talked about speculators and the role they have and what the possibilities are for them to skew the market. It is the blame game. For every person who gains a dollar, a person loses a dollar.

Our airlines rely on the speculation, rely on those markets to hedge their prices, and we call it speculation. It has allowed them to lock in a reasonable price some of the time.

So it is the great pretender package, because it doesn't solve energy. If we don't find some ways to use less and find more, we are not going to be able to make the transition to renewable energies. We are being blocked from doing that.

What we are doing is ''gotcha'' politics. We have been doing it for several months now, and it is wrong. How can you tell when it is ''gotcha'' politics? When a bill doesn't go through the regular process, when it doesn't go to committee so that there can be extensive debate among the people who are expert in that area, so that the people in that specific committee have a chance to make amendments. That is where a lot of the legislating happens. By the time it gets to the floor, it is kind of take it or leave it—maybe a few amendments but not many are ever allowed. On this one, the most we have been allowed is four amendments, which have been written by the other side of the aisle.

That is unconscionable. It has never been done in the history of the United States. And then they demand a 60-vote margin on those. It will not happen, and neither is anything else, until we do something about energy because it is the No. 1 concern of people in America now. There is good reason for that. I know trucking firms that are going out of business. People want to take vacations, and they are either having to reduce the distance they are going or eliminate the vacation altogether. I know people who are having trouble getting to work.

We can put quick solutions, medium, and long-range solutions, in there that would resolve the energy problem for America. The world is becoming more energy oriented. The world understands energy. China understands energy. China is buying up every source of energy it can find around the world, because it grows their economy. They are using some of the worst stuff they can possibly use. That is why housing at the Olympic village isn't going to be able to used for the athletes, because they won't be able to breathe properly—even though they have bought clean Wyoming coal, and they tried to buy an oil company in the United States so they could take that oil to China. India is also competing for energy. That competition is driving up the prices.

Unless we find more and use less and transition into renewables, we are going to have a long problem in the economy of this country. As long as we keep bringing bills to the floor that have not been through committee, where people with disagreements can move off to the side and work that out and bring it in, it is not going to work. We are going to have a higher education bill this week, and that will make a difference to students throughout the United States—in high school, going to college, and those in college continuing with college. That went through the whole process. That has been through the committees in both the House and the Senate. A lot of changes were made. That has been passed in the Senate and passed in the House on the floor, and changes were made. Now it has been conferenced. Last night, it took us all of an hour and a half to work out the differences and finish the bill. That will be a privileged motion that will come here. So we will finish up a major bill in about an hour and a half because it went through the process.

You cannot take something such as energy, put out a phony bill, expect it to pass, and check off the box on energy. It is not going to work. We are not going to do that. That has never been the way we have done work in the Senate. We take a bill to committee, get it worked out, bring it to the floor, and let people make amendments. That is the way we do things here. It takes time, but it doesn't take nearly as much time as forcing all of these filibusters by putting up bills that the tree will be filled on, which means nobody can do any amendments—a take-it-or-leave-it bill.

As long as we are doing take-it-or-leave-it bills, nothing is going to happen. It makes good publicity because they will run ads in Wyoming that will say Senator ENZI voted against this and that. And you know, I think the people in Wyoming kind of have it figured out. They know we are actually trying to get something done. They know what a crisis it is on energy. We have to make a difference there.

So, remember, if a bill hasn't been to committee, it is a ''gotcha'' bill, designed by one party. Several times there have been negotiations started between the two parties, such as on the tax extenders bill. But thinking that would be a good ''gotcha'' vote, we had the package that you saw earlier that didn't make it through cloture. That could be negotiated out. That could make it through the process. It needs to make it through the process. But it is not going to make it through the process if one side says let's put this out there, and the other side will have a lot of trouble voting for this, and we can claim they don't like tax extenders. I don't think that has been the history of the country. I know it hasn't been the history of the Senate.

Energy is so important. Energy impacts every part of our lives. When gasoline and diesel fuel are more expensive, you pay more to fill up your vehicle at the pump. So do truckers who transport the items we need, such as food. In turn, you pay more at the grocery store. You pay more for gifts you buy for loved ones. The high cost of fuel makes it harder for families to fill up their gas tanks. They are canceling vacations or they are picking ones closer to home. Because they are forced to cancel vacations, main street shops are closing down because they don't have consumers to buy their products.

Low energy costs make it possible for our economy to flourish, and at a time of economic concern, we should be doing everything we can to improve

our Nation's energy situation as opposed to hindering it. The ''energy bill'' we are debating ignores this fact because it only deals with a small part of our energy situation—energy speculation.

I have noticed that whenever a situation gets bad, Congress plays the blame game. In this instance, the price of gas is making you angry. It makes me angry, too. I am sick of paying $4 a gallon to fill my gas tank. I want action. Instead of action, the majority has given us the legislation to punish speculators. Never mind that speculators are pension funds, airlines, and other consumers who are looking for certainty in an uncertain market. They have given us a bill that clamps down on speculators even though the Chairman of the Federal Reserve has said there is no evidence that speculation is impacting the market.

As I mentioned in my statements last week, this speculation bill might even have negative consequences on the market. I spoke at length regarding the possible unintended consequences of the majority leader's bill on institutional investors, including pension funds, and their ability to access and participate in our markets. Since I made those statements, I received two letters from The Committee on Investment of Employee Benefit Assets, and from a group of 10 associations that represents pension funds, companies, and their investment managers and fiduciaries, expressing their concern about the majority leader's bill. I ask unanimous consent that both of these letters be printed in the RECORD.

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

THE COMMITTEE ON INVESTMENT
OF EMPLOYEE BENEFIT ASSETS,
Bethesda, MD, July 25, 2008.

Re energy speculation legislation (S. 3268) erodes core ERISA principle of investment flexibility.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. MICHAEL B. ENZI,
Ranking Minority Member, Committee on Health, Education, Labor and Pension, U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Minority Member, Committee on Finance, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN KENNEDY AND BAUCUS AND RANKING MEMBERS ENZI AND GRASSLEY: I am writing today on behalf of the Committee on Investment of Employee Benefit Assets (''CIEBA'') to express our concerns regarding S. 3268, the Stop Excessive Energy Speculation Act. This legislation would erode a central principle of the legal regime governing our voluntary pension system. We share the sentiments expressed in the letter of concern regarding S. 3268 sent to the Senate earlier today by ten trade associations active in the pension arena but wished to write separately to highlight our particular concerns about potential erosion of one of the core principles of the Employee Retirement Income Security Act (ERISA).

CIEBA is a group of over 115 private pension funds that manage more than $1.5 trillion in defined benefit and defined contribution plan assets on behalf of more than 17 million plan participants and beneficiaries. As you know, our nation's voluntary employer-sponsored pension system has served Americans well for over half a century and tens of millions of workers and retirees rely on defined benefit and defined contribution retirement plans as a critical element of their retirement security.

CIEBA is concerned about the possible unintended consequences of S. 3268. While we understand and share the concerns regarding the rising costs of energy, severely restricting investment in energy commodities markets, as S. 3268 would do, endangers the financial well-being of the pension system and the American families who rely on this system.

CIEBA has been working actively to highlight the pension implications of restrictions on commodities investing and warn against the adverse effects of such restrictions on pension participants and beneficiaries. I testified on June 24, 2008, before the Senate Homeland Security and Governmental Affairs Committee on these issues, and the chairman of CIEBA's defined benefit subcommittee, Robin Diamonte, testified before the House Agriculture Committee on July 10, 2008. In our testimony, we made clear that while commodities are only a modest component of a pension fund's total investment portfolio, they are nonetheless quite important because commodity returns are uncorrelated with stock and bond returns and commodities provide a critical hedge against inflation. We further testified that efforts to restrict the ability of pension plans to invest in commodities markets, whether through outright prohibitions or severe limitations, is short-sighted and counterproductive. Such restrictions would make it difficult for pension plans to adequately diversify investments to hedge against market volatility and inflation. Consequently, they would put at risk the retirement funds and benefits of the very workers the legislative proposals are intended to help.

As leaders of the Senate committees with pension jurisdiction, we hope you share our concern about adopting energy legislation with such major implications for the pension system, particularly when your committees of jurisdiction have not had an opportunity to consider these issues. Congress has long recognized that direct government regulation regarding specific pension plan investments is ill-conceived, and ERISA very consciously avoids such an approach. As you know, ERISA imposes rigorous fiduciary responsibilities on those who manage pension plan assets. These rules require plan fiduciaries to act prudently, and to diversify plan investments so as to minimize the risk of large losses. Moreover, ERISA requires fiduciaries to act solely in the interest of plan participants and beneficiaries and for the exclusive purpose of providing participant benefits. Accomplishment of these participant-focused objectives can best be achieved by broad fiduciary discretion to select appropriate investments and asset classes and this is precisely the regime adopted in ERISA. Fiduciaries cannot faithfully execute their obligations and respond to market conditions if restrictions are imposed on important investment approaches and asset classes. Unfortunately, this is precisely what S. 3268 would do. Its restrictions would erode fiduciaries' critical investment discretion and thereby undermine one of ERISA's core principles.

The experience of other nations has shown that efforts to impose investment restrictions and/or investment requirements on pension plans impairs performance and thereby harms the interests of pension plan participants and beneficiaries. This has been the European experience, and we fear current efforts to restrict investments in commodities could be the beginning of a counter-productive movement in this direction in the U.S. We hope to work with you and your Senate colleagues to ensure that this will not be the case. Instead, we must ensure that our existing ERISA structure—imposition of demanding fiduciary obligations paired with broad investment flexibility—is preserved.

Thank you for your consideration of our views on this important issue. We would be happy to provide further input on this legislation to ensure the health of a secure retirement system that will continue to serve the interests of the tens of millions of pension plan participants and beneficiaries.

Sincerely,

WILLIAM F. QUINN,
CIEBA Chairman.

JULY 25, 2008.

Re adverse retirement plan implications of energy speculation legislation (S. 3268).

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUBLICAN LEADER MCCONNELL: We are writing today to express concerns about the implications of S. 3268, the ''Stop Excessive Energy Speculation Act of 2008'', on employer-sponsored retirement plans and the tens of millions of American workers and retirees who rely on these plans for their retirement security. We represent organizations that assist employers of all sizes, and their service providers, in providing retirement benefits to employees.

We are very concerned that the serious implications of S. 3268 on retirement plans and retirement plan participants have not been sufficiently evaluated. We are also concerned that this legislation relating to energy policy could unintentionally harm the long-term financial security of American workers and their families.

Employer-sponsored defined benefit plans invest for the long-term and do so in a wide range of asset classes in order to diversify plan investments and reduce to the greatest extent possible the risk of large losses. These strategies are central to employers' fiduciary obligations to act prudently and solely in the interest of the plan's participants and beneficiaries. Plan fiduciaries are subject to extremely demanding legal obligations under the Employee Retirement Income Security Act (ERISA). ERISA was drafted to preserve the fiduciary's flexibility to select the investments that will allow them to carry out their mission of providing retirement benefits to employees. Commodities are one of a broad range of asset classes upon which fiduciaries rely. Commodities serve as a modest but important element of the investments held by employer-sponsored defined benefit pensions because commodity returns are uncorrelated with stocks and bonds and because they provide an important protection against inflation.

For the same reasons, commodities are used in many of the diversified ''single fund'' solutions (lifecycle funds, target retirement date funds) that have been developed to simplify investing for the tens of millions of

Americans participating in defined contribution plans such as 401(k), 403(b) and governmental 457 plans. These single fund solutions, which policymakers have encouraged through legislation and regulation, make investing easier while giving workers access to professionally managed, diversified portfolios.

The restrictions imposed on commodities investing under S. 3268 would greatly limit the ability of employer-sponsored defined benefit and defined contribution plans to use this important asset class. The result will be less ability to diversify investments, manage investment volatility and provide a buffer against inflation. Unfortunately, it is the employees and retirees who depend on employer retirement plans for their income in retirement who will ultimately suffer. We hope, with this in mind, that the implications for retirement plans and plan participants will be examined more fully before S. 3268 is considered further.

We sincerely appreciate your consideration of our views on this important matter. Please let us know if we can provide additional information or address any questions you may have.

Sincerely,

American Bankers Association.
American Benefits Council.
American Council of Life Insurers.
The ERISA Industry Committee.
The Financial Services Roundtable.
Investment Company Institute.
Managed Funds Association.
Profit Sharing/401(k) Council of America.
Securities Industry and Financial Markets Association.
U.S. Chamber of Commerce.

Mr. ENZI. While the majority has given us someone to blame, they have not given us a comprehensive bill that will get us out of this energy mess. They have not given us a proposal that addresses the heart of the problem—the problem of supply and demand. We need to find more American oil from American soil at the same time that we use less. We need to quit shipping those dollars overseas to countries that would like to do us harm. We need to do something with renewables. But there are also things we can do with the coal resources we have. My State has more coal than the Btus of oil in the Middle East. I have a lot of faith in our young people. When I was going to junior high, Russia put up Sputnik, and we panicked. We discovered—even in junior high we realized this—we were now behind Russia, and it was a crisis. We didn't want to be there. Education changed, parents changed, and teachers changed. We began inventing. We not only solved the problem of space, we sent a man to the Moon. We have sent vehicles to Mars and other planets. That was the rocket generation.

Then we went to the computer generation. We have people with extraordinary minds, because of the freedom we have in the United States, who came up with great inventions for computers. I remember when they said that 640K would be the maximum memory you could ever use in a computer. Nobody even knows what that is anymore, it is so small.

Then we went to communications, and we said there ought to be better ways to communicate. Then we began the cell phone generation.

Now we are in the energy generation. There are young people out there who can invent clean ways to do what we need to do, who can change things that we never considered to be energy. I have a lot of faith in them. I have challenged them. I do the inventors conference every winter in Wyoming, and I have asked the young people to come up with inventions—and they don't have to be difficult, but they should pertain to a pertinent problem so they can be marketed. We got more than 250 inventions as a result of it.

Now I am pressing for energy inventions. We have not built a new refinery in the United States for 40 years. Part of it is the permitting process and part is a fear of lawsuits. We permitted a new refinery in Douglas, WY. It will turn out diesel fuel. That is one of the biggest needs we have in our country, because of how much we rely on trucking in the United States, including trucking to be able to mine the coal.

By producing American energy, we reduce our Nation's dependence upon foreign oil sources and, at the same time, we work to develop new technologies that will make it so we don't need oil in the future. We can safely produce more American energy off of the coasts of States that want exploration to take place. We can produce nearly a million barrels of American energy each day from the Arctic National Wildlife Refuge, in an environmentally sensitive manner, from an area smaller than Dulles Airport. In fact, it is smaller than the Casper, WY airport. A million barrels a day will bring down the price at least $20 a barrel. We can improve the permitting process to allow some of the leases that the other side claims are not in production to be drilled by restricting the amount of times we let radical environmental groups file frivolous lawsuits. They have to file all of their objections at the same time, so they can be done consecutively instead of sequentially. Most of the original leases are by small investors. It costs about $1,500 an acre. It is 5 or 6 years before they can even use the lease. We hear all of these acres of leases that are not being drilled, and it is because they are tied up in the courts. As soon as they can be drilled, they are. There is a tremendous investment. They don't know if they are going to hit oil, but the cost of a well now is about $8 million.

Instead of relying on oil from Hugo Chavez, in Venezuela, or other nations that wish us harm, instead of playing the blame game, we can do something to bring down the price of gas. That is what my constituents are begging us to do.

Unfortunately, we are not having a real debate on the bill. The Senate is oftentimes called the most deliberative body in the world. Yet we are not allowed to debate the issue that is most important to the American people. Why, you might ask? The majority leader has used a procedural tactic to prohibit us from offering amendments. He has used a procedural tactic to prevent votes on amendments. No votes, just a speculation bill, bills that haven't gone through committee. He has prevented a vote on amendments I have cosponsored to produce more American energy. He prevented a vote on my amendments to make the speculation bill more reasonable. He is preventing a vote on an amendment of which I am a cosponsor that would encourage production of diesel and jet fuel from America's most abundant energy source—coal.

It is the wrong way to legislate and will not help you when you go to fill your gas tank. It will not help you when you get your electricity bill, your heating bill this winter.

What we need is legislation that encourages us to find more American energy as we use less. I am the cosponsor of legislation to do that. The Gas Price Reduction Act, which is cosponsored by 43 of my Republican colleagues, includes a provision to open coastal waters in States where they want energy production. It ends the ban on the development of promising oil shale in Wyoming, Colorado, and Utah, oil shale that can provide as much as 2 trillion barrels of oil. At the same time, the Gas Price Reduction Act encourages increases in the supply of American energy, it promotes the development of better technology so we use less energy.

Thus far, we haven't had a vote on those issues. We have been told by the majority leader we can have limited amendments with limits as to how those amendments can be debated. That is not right, and it needs to stop. If it doesn't, we will not address this issue and the American people will continue to suffer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, we finished a fourth vote on the tax extenders bill. As the great baseball philosopher, Yogi Berra, said: ''It's deja vu all over again.''

Here we are getting ready to vote and just finishing a vote for the fourth time on the motion to proceed to the House tax extenders bill. As I said, it is deja vu all over again and yet again.

The vote, I believe, was 51 to 43, so very short of what it takes to get business done in the Senate, which is to work a bipartisan agreement so we have more than 60 votes to get business done. This is a no-brainer, in this particular instance, to get an extenders bill and the AMT.

The futility of this exercise, which is motivated purely by partisan politics, makes this vote as silly as a ''Three Stooges'' episode. Instead of wasting time on such a silly exercise, the Senate Democratic leadership should be working on negotiating a bipartisan deal with Senate Republicans that can be signed into law by the President. The American people do not want another futile vote on tax extenders.

They want a bill that will be signed into law. That would provide the American people with the tax relief that is needed.

The extenders vote we had has already failed before. Albert Einstein famously stated the definition of ''insanity'' is doing the same thing over and over and expecting different results. The Senate Democratic leadership has already done the same thing too many times and, of course, today sought to do it again. This is a waste of everyone's time. Everyone can see through the Democratic leadership's strategy for what it is: a partisan political exercise, designed solely to get 30-second sound bites for political ads.

Let's stop this nonsense. Let's work out a bipartisan compromise on the tax extenders bill. Let's reach agreement in a form that can be signed into law by the President. The President made it very clear today that he is not willing to sign what we had before us a few minutes ago into law. Of course, what I am asking is that the Senate Republican leadership has been trying to urge the Senate majority to move in this direction.

The Senate Republican leadership has made numerous offers to the Senate Democratic leadership to try to find a way to break the logjam on tax extenders. So far, our colleagues on the other side of the aisle have been unwilling to enter into a bipartisan agreement on a tax extenders bill that even attempts to address legitimate concerns of the minority party in this body.

As the Senate Democratic leadership engages in pure partisan politics by bringing up the tax extenders bill for yet another vote, the chairman of the Democratic Senatorial Campaign Committee is probably grinning like a Cheshire cat, thinking of all the 30-second campaign ads they will be able to make. However, the people of New York are not grinning because they are not getting the benefit of any of these tax relief provisions. All the tax relief provisions that are very important to the American people, including even to the people of New York, are being held hostage as part of the political game of the Democratic Senate leadership having vote after vote on cloture to stop debate for whatever reason.

Some of these important tax relief provisions are the alternative minimum tax patch, the deduction for the State and local sales tax, the deduction of tuition expenses, and the deduction for expenses of school teachers. How is anybody going to find fault with the fact that these provisions should have been done a long time ago? In fact, the AMT patch should have been done because, since the first of the year, taxpayers who have had to file quarterly tax payments have been violating the law if they haven't taken into consideration that there are 24 million American families right now hit by the alternative minimum tax. That figure would include 3.1 million New York families. The provision for the State and local sales tax would help almost 11 million families. Also, the deduction for expenses for tuition and fees would help over 4.6 million families. In addition, the deduction for expenses of school teachers would help 3.4 million Americans. These hard-working taxpayers are more important than a 30-second sound bite to be used in the next campaign because of political games that are being played.

The bottom line is, when we have 24 million people being hit by AMT, 4.6 million people on the deduction of college expenses, and 3.4 million people hit by increased taxes because school teachers will not be able to deduct supplies from their income taxes, real Americans are being hurt while political games are being played, when everybody in this body knows the only way we get things done is in a bipartisan way.

The biggest divide between Republicans and Democrats regarding tax extenders relates to the issue of offsets, also known as revenue raisers, or I think we ought to be more intellectually honest and call these tax increases. In other words, tax increases on Americans generally to provide the extension of some policy that has been on the books for decades.

My party's position has been clear on this issue. We are perfectly willing to use offsets that make sense from a tax policy perspective to pay for new tax policy. However, tax relief provided by extending existing tax policy or expiring provisions, or somebody may call these sunset provisions, we do not feel they should have to be offset. We should not be raising taxes in order to pay for the extension of existing tax policy.

One reason I care about this issue is that there is currently a bias in favor of using this as an excuse to bring in more money to increase the size of Government. The pay-as-you-go rules apply to expiring tax provisions which are not built into the revenue base. On the other hand, if you have sunset of appropriations, these are built into the spending baseline. Therefore, in order to extend expiring tax provisions, the pay-go rules require an offset, and that happens to be a big tax increase. Whereas, if you have extensions of expiring appropriations provisions—in other words, spending provisions—they do not need to be paid for by decreased spending in other areas because they are assumed in the spending baseline. Therefore, pay-as-you-go rules apply to the extension of expiring tax provisions, but in an intellectually, inconsistent way do not apply to the extension of expiring spending provisions.

This inconsistent treatment makes no sense—intellectually inconsistent; I say to the taxpayers of America, intellectually dishonest. It is biased to create ever larger Government. The money the American people earn, after all, is their money. We should only take the money from them that it truly takes to run the Government. We should not be using sunset tax provisions as an excuse to increase taxes, and that is all it is.

In addition, the Democrats' desire to use permanent offsets to pay for an extension of temporary tax provisions is extremely problematic. It creates a situation where the permanent offsets that can be agreed to on a bipartisan basis—in other words, the low-hanging fruit all gets used to pay for the extension of temporary tax provisions.

Under the Democrats' tax side only, pay-go obsession, once all the low-hanging fruit is used—and we are rapidly approaching that point—then the choice becomes much uglier for them and much uglier for the American taxpayers. The choice becomes whether to extend existing tax policy that has broad support by increasing taxes in areas that will hurt Americans.

Nobody advocates the inconsistency of the pay-as-you-go rules more than the famed House of Representatives Blue Dogs, and they are all Democrats. The Blue Dogs portray themselves as fiscal conservatives. We agree with the Blue Dogs' goals of fiscal responsibility. They will have allies all over my side of the aisle if they want to control spending. The problem is the Blue Dogs are pursuing the same old tax-and-spend game under the cloak of fiscal responsibility. The Blue Dogs will fight tooth and paw over any tax relief that is not offset with a corresponding tax increase.

However, the same self-described fiscally conservative Blue Dogs are not willing to fight tooth and paw to seek the same equality for the taxpayers on the spending side of the ledger. They have a big appetite for spending. The Blue Dogs generally do not seek to offset spending increases with spending cuts in other areas. But in taxes, it is a whole different story. In fact, the Blue Dogs do not even seek to curb the amount of spending increases for which they hunger.

By portraying themselves as fiscal conservatives, while in reality playing the same old tax-and-spend game, the Blue Dogs remind me of the land shark character played by Chevy Chase on ''Saturday Night Live.'' This was many years ago, so maybe some of you will not remember. But we have a picture of the land shark skit with the theme from ''Jaws'' playing in the background.

The land shark knocks on a person's door. With the door still closed, the person would ask: Who is at the door?

The land shark would reply: Flower delivery.

The person answering the door then said: You are that clever shark, aren't you?

And in response, the land shark said: Candygram.

If you don't know how the skit ended, the person eventually let the land shark in the door because that person believed the land shark when the land shark said he was a dolphin. And, yes, the land shark ate that person.

The moral of the land shark story is, don't let yourself be fooled that the Blue Dogs are fiscal conservatives because they are pursuing the same old tax-and-spend Washington game. Don't let the House of Representatives Blue Dogs' insatiable appetite for spending swallow the much-needed tax relief contained in the tax extenders.

I recommend that folks take a look at the cover story of the June 14, 2008, edition of the National Journal magazine about the Blue Dogs. It is very enlightening.

In trying to reach a bipartisan agreement on tax extenders, my party's leadership has made several offers to the other side's leadership. One of these offers is to pay for some new tax policy using offsets that make good tax policy sense. This is not simply a vague promise to look for such offsets. For instance, I have suggested we use the offset that closes the loophole that allows hedge fund managers to defer compensation for tax haven jurisdictions.

My time is up.

Mr. President, I ask unanimous consent for 4 more minutes.

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

Mr. GRASSLEY. I thank the Chair.

So we have offered something like closing a loophole that allows hedge fund managers to defer compensation in tax haven jurisdictions. However, we need to remove the huge charitable loophole that is contained in both the Democratic House and Senate extenders bill.

Let me try to explain something that is not explainable. I would be embarrassed if I had this in one of my bills. This charitable loophole allows hedge fund managers to deduct 100 percent of their deferred compensation that is donated to charity. In contrast, the ordinary American is only permitted to deduct charitable contributions of up to 50 percent of his or her income for that year. Everyone is obviously in favor of charity, but treating wealthy hedge fund managers better than the average American taxpayer makes no sense from a tax policy standpoint.

Also, the Senate Republican leadership suggested that some of the other new tax policy could be paid for by decreasing the scheduled increase in new spending, but that was not taken into consideration, even considering the fact that the present budget authorizes an increase greater than $350 billion over the next 10 years, and none of that is offset.

This extra $350 billion is like an extra checkbook that Congress is carrying around in addition to its already fat checkbook. This checkbook covers nondiscretionary spending and current levels of discretionary spending. We simply asked that they take a few checks out of this extra checkbook—not all of it, just a small part of it—to pay for some of these needed tax relief provisions. However, this suggestion was summarily dismissed.

My colleagues on the other side of the aisle are unwilling to even consider decreasing their increased nondefense discretionary spending that is above the President's budget. If the Blue Dogs of the other body are fiscal conservatives, they should come out and say they are willing to decrease this increase in the new extra nondefense discretionary spending. Instead, the Blue Dogs' position has been that all of the tax relief provided in the tax extenders package, even the extension of the existing tax policy, must be offset by an equal amount of tax increases on every other American. Why not look at curbing this new excess spending to pay for part of the much needed tax relief? So let us get back to square one. I invite my Blue Dog friends who claim to be fiscal conservatives to answer that question.

Back to where we started today—back to Yogi Berra. He also said: ''It ain't over 'til it's over.'' This extenders vote failed because our colleagues on the other side of the aisle have refused to negotiate toward a bipartisan bill that can be signed into law. Because of the Senate Democratic leadership's doomed plan, this extenders discussion ''ain't over 'til it's over.'' Let's get this over with. Let's negotiate toward a bipartisan agreement that can become law so the American people will benefit. So far, the Senate Democratic leadership has not done that. For that reason alone, people did vote ''no'' on cloture, as they previously had.

Mr. President, I yield the floor, and I thank the Senator from Ohio for allowing me the additional 4 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent that our half-hour be divided equally, with the first 15 minutes for myself, and Senator NELSON of Florida the other 15 minutes.

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

The Senator from Ohio is recognized.

DOHA ROUND OF WTO TALKS

Mr. BROWN. Mr. President, the Doha Round of World Trade Organization—the WTO—talks broke down yesterday. Given the tremendous problem with this Nation's trade policy, I don't know of many Ohioans who are going to be very upset, and I don't know of many of my colleagues who will be too troubled about World Trade Organization trade talks breaking down either.

The impasse at the WTO is no different from the pause we are in right now when it comes to trade. Americans are rightly skeptical about the course we are on when it comes to trade policy, and Congress reflects that skepticism. In the 2006 elections, voters all across the country told those of us in Congress, Republicans and Democrats alike, that they wanted a timeout on trade; that they wanted to see us go back and look at the success and failures of the North American Free Trade Agreement, the Central American Free Trade Agreement—so-called CAFTA and NAFTA—and they want us to look at what PNTR—Permanent Normal Trade Relations—with China has meant. They want us to look at Colombia, and Peru, and Panama, and South Korea, and what those agreements might mean to our country.

It is pretty clear that Americans are not satisfied with the status quo of NAFTA, CAFTA, and WTO-modeled policies. One reason is our severely unbalanced trade relationship with the People's Republic of China. When it comes to competing with China, Ohio workers and manufacturers are playing with one hand tied behind their back. We shouldn't be playing under these rules.

Athletes at next week's Olympics will not be playing by these rules. Maybe there is a lesson there for the Chinese Government, for the United States Government, and for our trade policy. Workers, like athletes, can compete with anyone—good athletes and certainly American workers can compete with anyone where there is a level playing field and the rules are not rigged. But manufacturers and workers in Ohio are struggling to compete while our Government too often stands idly by while China games the system over and over and over.

This problem is urgent, as a new report from the Economic Policy Institute shows. This report finds that the United States is hemorrhaging manufacturing jobs at an alarming pace. Nothing new there. More than 366,000 jobs were lost last year alone because of our trade deficit with China—366,000 jobs in 1 year because of our trade relationship with one country. In all, EPI counts 2.3 million jobs lost to the China trade deficit since China joined the World Trade Organization less than a decade ago.

Unless China raises the real value of its currency—the yuan—by at least an additional 30 percent, and lets it float on the international currency exchanges, as most countries do, the United States trade deficit and job losses will continue to grow.

Labor rights are also a factor. The AFL–CIO estimates that repression of labor rights by the Chinese Government has lowered manufacturing rates by as much as 80 percent. To put it in perspective, my office receives at least two or three TAA certifications a week—trade adjustments from the Trade Adjustment Act on workers losing their jobs because of international trade. We receive from the Labor Department at least two or three TAA certifications a week for Ohio manufacturers. Each of these certifications represents, in most cases, hundreds of workers and their families.

What happens to a community when there is job loss? Think about a community. I was speaking to a gentleman from Tiffin in the last hour. Think about the town of Tiffin, or Chillicothe or Wilmington or Finley or Mansfield—towns of 15,000, 20,000, 30,000, or 50,000 people. When they lose a plant, a manufacturing installation—or what is

happening with DHL in Wilmington, which is way beyond that—even if they lose a plant with 300 or 400 workers, think about what it does, not just to a worker and his or her family, but what it does to the community at large, with the layoffs of police officers and teachers and firefighters, because there are significantly fewer jobs in a community of that size.

Last week, it was Ceva Logistics in Miamisburg that we got a TAA certification about—near Dayton; Acuity Lighting in Newark, and more Delphi workers. The same old story with Delphi and what has happened in the last year in Moraine, OH—again, near Dayton.

Yesterday, we got a TAA notice about Acklin Stamping Company in Toledo. The Labor Department certified that an increase in imports caused Acklin to lay off workers.

That was last week and yesterday. But how about today and how about tomorrow? Probably more TAA notices, because we get two or three almost every week. Probably more today, tomorrow, and next week, again because of a failed trade policy.

On my desk, I have a stack of auction notices from small tool and die manufacturers going out of business in my State and across the country. These notices are going-out-of-business sales. They are notices offering the sale of equipment from machine shops not just in my State but all over the country.

This week, I spoke with the CEO and the family owners of Norwalk Furniture in Norwalk, OH, a community between Cleveland and Toledo. We are trying to keep this 105-year-old company in business. Norwalk workers are represented by the Teamsters and United Steelworkers. It is a company playing by the rules, paying good wages in a small town in Ohio, with good benefits, trying to stay competitive despite having the deck stacked against it because of our trade policy with China.

Again, American companies are playing with one hand tied behind their back. China's undervalued currency and weak safety and environmental standards put American furniture manufacturers such as Norwalk at a huge disadvantage. Like many Ohio businesses, Norwalk Furniture can compete with China. It can and has competed with foreign competition. That is not the complaint. The reason manufacturers such as Norwalk Furniture are struggling and pleading for a change in trade policy is that they can't compete while the U.S. Government—the Bush Commerce Department, the Bush U.S. Trade Representative—stands by and allows China to game the system.

We see what these plant closings do to communities, which is why not only Norwalk Furniture is fighting back, but Mayor Lesch and others in Norwalk are joining them in this struggle. The trade deficit with China costs manufacturing jobs, and not just low-skilled jobs, as is commonly thought.

One very salient point from the EPI report is that it is not only apparel jobs we are talking about, and not only relatively low-wage jobs. We are getting into high-tech products, many integral to our defense industrial base. The report finds that more than a quarter of last year's record trade deficit with China was due to advanced technology products.

Last year, a $68 billion deficit in advanced technology products was responsible for more than 25 percent of the total United States-China trade deficit. Since 2001, the flood of advanced technology imports from China eliminated 561,000 United States jobs in computer and electronic products. So we are not just talking about textile and apparel jobs.

EPI also counts more than $8,000 in lost income for displaced workers. People who support U.S. trade policy—President Bush, Vice President CHENEY, the Republican leadership in this body—say: Well, yes, prices are low as a result of U.S. trade policy, but when companies such as shoe manufacturers move out of the United States or a steel manufacturer moves out of the United States, I don't see steel or shoe prices dropping necessarily. So I don't know if that argument holds water.

Even if you concede it might affect prices some, EPI counts more than $8,000 in lost income per displaced worker. So what does that mean? It means someone working at American Standard in Tiffin, OH, or someone at the old Westinghouse plant in Mansfield, where I grew up, or a GM worker in Dayton or a DHL worker or ABX or ASTAR in Wilmington, when they lose a good-paying job making $30,000, $40,000, $50,000, or $60,000 a year, the next job they have on the average makes $8,000—if they can find a job—makes $8,000 less than they were used to making. And lower prices don't give you much of a break when you have a new job at $8,000 less than your old job.

Proponents of China PNTR or NAFTA like to say that the jobs displaced from China are replaced with export-oriented jobs that pay better, or jobs in the service sector that pay better. Again, not true. The truth is that wages earned in United States export heavy industry paid 4 percent less than the jobs displaced by Chinese imports. So when we lose these jobs to Chinese imports, it is costing our workers that $8,000 we were talking about. Even if we are exporting some to China, the amount we are exporting to China versus the amount we are bringing in obviously is a huge chasm. It is the better paying jobs that are moving offshore or closing because of a flood of Chinese imports.

The failure of the WTO talks could, in fact, be a blessing. The DOHA talks long ago became more of a threat than an opportunity to American farmers and to American workers and long ago represented more of a threat than an opportunity for sustainable development abroad for our trading partners.

We have an opportunity now, because of the failure of DOHA, to step away, to evaluate what is working and what is not working and start again with a new trade model—for New Jersey, the State of the Presiding Officer, and for my State. I have introduced legislation, S. 3083, the TRADE Act, which evaluates our Trade Agreements Program, which allows for renegotiation and which sets forth principles for future trade deals.

In my State, in the last year and a half, I have held about 110 roundtables in 75 of Ohio's 88 counties where I gather a group of 20 or 25 people, a cross-section of the community, and listen to them talk about their hopes and dreams and what they wish and hope for in their community and what they are fighting for, for their families and their communities. Few issues in these roundtables get workers and businesses, Democrats and Republicans—and I don't know people's party affiliations at these roundtables—few issues get them as worked up as our unfair trading relationship with China in deals such as NAFTA and CAFTA that protect Wall Street investors but don't protect labor, don't protect safety, don't protect the environment.

We have an opportunity, in the coming months and especially next year with the new President, to renew a consensus on trade. I look forward to working in my caucus and across the aisle on a better approach to trade policy for our workers, for their families, for our communities, and for our country.

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

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

NASA

Mr. NELSON of Florida. Mr. President, yesterday was the 50th anniversary of the National Aeronautics and Space Administration. I want to recall that after the space shuttle *Challenger* went down 22 years ago, in a Nation that was shocked because the very symbol of technological prowess had exploded in front of our own eyes on our television screens, the President addressed a mourning Nation and noted that even out of that tragedy, we have grown accustomed to wonders in this country. He observed that we had been so accustomed to all of that technological achievement, it was almost as if it was a Sunday afternoon drive in the car. As President Reagan said, it is hard to dazzle us. But America's space program has been doing exactly that. Now for 50 years it has been dazzling us, even in times of loss and even in times of tragedy.

Fifty years ago, it was President Eisenhower who signed the National Aeronautics and Space Act and created

NASA. Fifty years ago, in 1958—remember the context of history. The Soviets suddenly took the high ground. The Soviets shocked us because they put the first satellite, sputnik, in orbit. Here, time after time, with the old Navy Vanguard rocket, it would explode on the pad. It was not until the President went to a group of Germans—who were here because we, the United States, had gotten to Peenemunde, Germany, before the Soviets did and got about two-thirds of those German rocket scientists, headed by Wernher von Braun. So years later, the President goes to Wernher von Braun, as America's prestige was on the line because we couldn't get a rocket off the pad, and Wernher von Braun said: Give me 6 months. With the Army Redstone rocket, he put up America's first satellite—Explorer. It was in that historical context that the Congress wrote this new act that set up NASA.

Then, after we had been beaten in space by the Soviets with the first satellite, we were beaten in space by the first human in orbit. As a matter of fact, we didn't even have a rocket that had enough lift capability to get the Mercury capsule into orbit because it was that same Redstone rocket that we put the *Mercury* capsule on for Alan Shepard to go into suborbit. It was in that context that President Kennedy, after we had been shocked again with the Soviets putting up Gagarin for one orbit and then a few weeks later we put up Alan Shepard only into suborbit, it was at that point that the President, who is the only one who can lead America's space program—that President, in 1961, President John F. Kennedy, set the goal. He gave the vision. He said we are going to the Moon and back in 9 years, before the end of the decade. It was a bold challenge. He did that in front of a joint session of Congress: Send a human to another celestial body. Here we had not even gotten into orbit with John Glenn.

It was 10 months later, on an Atlas rocket—which was an ICBM. It was not rated for humans. We knew it had a 20-percent chance of failure when John Glenn climbed into that *Mercury* capsule, and then we were off on that space race. The skeptics did not think it could be done. They certainly didn't think we could go to the Moon. But NASA's *Mercury*, *Gemini*, and *Apollo* missions were all designed because of that bold stroke of leadership and that vision of a young President.

Nine years later, on July 20, 1969, the President's dream became a reality when *Apollo 11* landed on the Moon. Who can ever forget those immortal words: Houston, the Eagle has landed. And who can ever forget those words as the commander of that mission, Neil Armstrong, climbed down the ladder of those spindly spider legs of the *Apollo* Lander, when he said: That is a small step for man, but that is a giant leap for mankind.

Since then, we have flown the shuttles, we have built the space station, we have explored Jupiter and Mars, and we have had Rovers all over Mars. Indeed, it looks as if there was water on Mars. As we continue to explore the heavens, if there was water—and when we eventually get there with humans—with water, was there life? If there was life, how developed was it? If it was developed, was it civilized? And if that life was civilized, what happened? What can we learn as we explore the heavens in order to be better stewards of our planet, protecting our planet and this civilization that is on this home called planet Earth?

I am quite excited, as America celebrates NASA's 50 years of history, that we are now preparing to chart a new course into the cosmos. I am excited about the wonders that await us. There is hope for space settlements and perhaps that discovery of life elsewhere in the universe. It is going to be a page-1 story when suddenly there is some kind of transmission that we intercept that indicates there is intelligent life elsewhere in the universe.

Mr. President, you and I—our human minds cannot conceive the enormousness of the universe. When we look at the size of our solar system around the Sun and we understand that there are billions of other solar systems just in our galaxy and then try to comprehend that there are billions of other galaxies—can you imagine that in a far-distant galaxy, there is another star, similar to our Sun, with planets rotating around it, that has created the climatological conditions that have brought forth the life here on this planet? Given the infinite expanse of the universe—it is going to be quite interesting when we have some discovery of an intelligent message from somewhere else in the universe. This is the excitement of the future.

As we look back on the accomplishments of 50 years of NASA, we can look with great pride, but excitement, to the future. This is the promise of a new President of the United States making a bold declaration of our understanding and exploration of the heavens.

As President Kennedy promised all those years ago, science and education have been greatly enriched by the new knowledge of our universe and of our environment. Life here on Earth has improved by leaps and bounds from the spinoffs of the space technology—the space tools, the computers, the miniaturization—all of this which has been adapted to our daily lifestyles and to industry and to medicine and to our individual homes. America's space effort has created scores of new high-tech companies and hundreds of thousands of jobs. Simply put, we all reap the harvest of gains from our exploration of space. That is why now, at this watershed point of where NASA is going in the future, that is why we cannot cede our leadership in space or waiver in our support for our space program.

There is another reason we undertake the risk and invest in space exploration.

It is not the pure science, it is not the technology spinoffs, it is not the high-tech workforce, or it is not that we want to extend human civilization beyond our planet. We do it because it is in our character and our nature as a people. We are, as Americans, explorers by nature.

In the past, we always have had a frontier. As this Nation developed, it was a westward-expanding frontier. Now that expansion is upward. It has been said that there are two fundamental differences between humans and other species. As humans, we have souls. As humans, we are curious. It has also been said that the exploration of space is a testament to these differences. Curiosity, which is unique to humans, drives us to explore, and our soul gives us meaning to this endeavor.

As we celebrate 50 years of NASA's history, let us continue to be a bit overwhelmed. Let us be dazzled again. That concludes my comments on NASA. I have some other comments on a different subject unless we are in some restriction here on the time.

The PRESIDING OFFICER. The Senator has 2 minutes 40 seconds remaining.

Mr. NELSON of Florida. When one of our colleagues comes to the floor, I am told that I can continue until that time.

SAMUEL SNOW

I want to share with the Senate the tragedy of a fellow named Samuel Snow, Samuel Snow, 84 years old, African American. The time is 1944 and he is part of the U.S. forces in a military installation in Seattle, WA. It is an installation where there were Italian prisoners of war. Somehow a riot breaks out, and in the course of this riot in the prisoner of war camp, one of these Italian prisoners of war is lynched, and the African-American U.S. soldiers are charged. They are summarily dismissed. They are put in jail. For a year, Samuel Snow was put in jail. He was then dishonorably discharged, all the time maintaining his innocence.

As he was discharged dishonorably, he went back to his hometown of Leesburg, FL. The only work he could get was that of janitor. Yet he was so respected in his neighborhood he became the neighborhood handyman. He married his high school sweetheart. They had children. He raised that family.

In 2005, a journalist in Seattle, WA, an investigative journalist, dug into this situation and found that Sam Snow had been railroaded and showed he was innocent. Now, you can imagine all of those years after that.

Then the Army, the U.S. Army, to its embarrassment, decides it is going to reverse the dishonorable discharge and give him an honorable discharge. And oh, by the way, out of their generosity of heart, they decide they are going to pay him his annual wage for the year he spent in the military prison, so they are going to cut him a check of $725.

Well, when this Senator found out about that happening to a Floridian,

this Senator about went into orbit again, and, of course, not only writing to the Pentagon but having direct talks with the Secretary of the Army in front of our committee, the Joint Chiefs of Staff. All of them came back and said: Well, the law is that we cannot pay any more. We cannot pay even what we were asking for.

At least give him the cost-of-living adjustment for those 60 years of his military pay that he was denied. They say: No, we cannot do it. The law does not allow it.

Well, we put it in the Defense authorization bill. It is before the Senate. And as soon as the Senate will finally take up the Defense authorization bill, we will pass it out of here. It is already in the version of the House that has passed the House. It will become law.

But let me tell you the sad ending to this story. Last Saturday, Sam Snow and his son Ray traveled to Seattle for the ceremony conducted by the U.S. Army to give him his papers for his honorable discharge. He became ill in Seattle before the ceremony. His son went in his place. His son received the honorable discharge, brought it back to his dad, and with a big smile on his dad's face, his son read him the honorable discharge from an incident, a terrible mark upon the U.S. Army that had occurred 60 years before.

I am sad to tell you that 3 hours later, Sam Snow passed away to go on to be with his Maker. He is still owed that back pay, and he is owed more than some $725. This Senator, when we pass that Defense authorization bill, is looking forward to the day that that sum, adjusted, will go to his grieving family.

I yield the floor, and 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLEAN BOATING ACT OF 2008

Mr. NELSON of Florida. Mr. President, until another Senator has come to the floor to seek recognition, I have another subject I have been waiting patiently to speak on, and we have been so busy on the floor that I have not had a chance to speak on it.

This is another good news story. We have finally passed, by the Senate working together across the aisle, bipartisan, we have passed a bill, we have passed legislation, and it is anticipated that it will be signed shortly by the President into law, averting a total disaster where the Environmental Protection Agency, pursuant to a judge's decision in Federal court on the west coast of the United States, the EPA was going to require a permit of every little recreational boat owner for any kind of runoff from that boat, whether it be in washing down the deck, whether it be the bilge water, whether it be water coming out of an outboard motor, whether it be trying to scoop out the water filling up in a little motorboat. Whatever it is, they were going to require, for the 23 million recreational boat owners, 2 million of which are in my State of Florida, they were going to require going to the EPA in order to get a permit.

By working it out on both sides of the aisle in a bipartisan fashion, we were able also to get a delay of an additional 24 months for commercial vessels under 79 feet and all commercial fishing vessels regardless of size.

All of this came from the decision of a judge who was trying to protect the interests of the United States. Because what happened is these foreign vessels that come in with ballast water in order to weigh down a vessel before it then comes to the United States and takes on cargo that weighs down the vessel would then dump this water that was there for ballast in the waters of the United States. The problem was they would take on water elsewhere in the world that was contaminated, and a certain kind of snail was one of these contaminants that would then go into any kind of drain under the water and start to clog up the drain. So there was clearly an environmental interest to be protected against all of these big commercial vessels bringing in this foreign ballast water that was contaminating our waters.

But the fact is, the court's ruling became so expansive that it said in incidental runoff from little recreational boats, you are going to have to get an EPA permit as well.

Fortunately, common sense prevailed and we have been able to overcome that. We passed it in the House and the Senate. It is on its way to the White House. Presumably the President will sign this momentarily and it will be law, averting this disaster that was about to occur in September where all of these recreational boat owners and the commercial small fishing vessels were going to have to get this EPA permit.

That is a commonsense story. It is also a good news story. I wanted to share that with the Senate. I thank the folks who have worked with me on this legislation, particularly the chairman of the Environment Committee, Senator BOXER, and Senator MURKOWSKI of Alaska, who helped work with us with regard to the commercial fishing vessels that were 79 feet and less. I am glad to bring this good news to the Senate.

I yield the floor and 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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

9–1–1 SERVICE

Mr. NELSON of Florida. Mr. President, I have the opportunity to clear the decks today with another speech I have been waiting to give. Since one of our colleagues is not coming, I am going to take advantage of this lull of the Senate and, since a Senator is walking in, I will make it short.

A tragedy occurred in Florida about 4 years ago, when a child in Deltona, FL, which is north of Orlando, started choking. The mom raced to the phone and dialed 9–1–1 and then she ran back to the child when she could not get anyone to answer on 9–1–1 to help the child. But it was to no avail. And what we found out was, in fact, this was a voice over the Internet telephone conversation and that, in fact, there was no emergency 9–1–1. So for the last 3 or 4 years, some of us have been trying to make sure there is a mandate for 9–1–1 service on a telephone that happened to be transmitted over the Internet instead of over the normal telephonic wires. Happily, I can say to the Senate we worked that legislation out. It was comprehensive. We worked out the differences between the House and Senate. On another happy occasion, the President invited a bunch of us to come down for a signing ceremony. I'm happy to say that in the future, when anybody runs to a telephone to dial 9–1–1, it is not going to be the technical difference of that phone. They are going to know it is hooked up to emergency services. That is my good news story.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

RURAL GAS CRISIS

Mr. BOND. Mr. President, I thank my colleague from Florida for filling in for me while I was caught up in a radio interview.

We are here today to talk about a real crisis, a rural America crisis. Rural America is suffering a gas price crisis. Rural America deserves action now to get gas prices down. Rural America knows this fundamentally is a problem of not enough supply to meet demand. We need to find more oil and use less to bring the real gas price relief rural America needs. Families, farmers, truckers across rural Missouri, my home State, are suffering record pain at the pump. At kitchen tables in the farmhouses of rural Missouri, farmers, dairy producers, and cattlemen are facing a gas price crisis. Farm costs are higher than ever. Farm fuel to run tractors and farm equipment is at record levels. Transportation costs to get goods to the market are at a record level. The ability of consumers to buy products is under record pressure. People are seeing higher food prices because food has to travel. The average item on the grocery shelf travels 1,300 miles. Record-high

diesel prices are adding to the price of food goods in the store.

All this means real suffering for rural Missouri and its farmers. Down country roads of rural Missouri, rural families are facing a gas price crisis. They have to cut budgets hit hard by high gas prices. Many of these families live in rural areas because they are of modest means. Maybe they are looking for cheaper housing than offered in big cities. Maybe they are fixed-income retirees staying in their own hometowns. Either way, when it comes time to cut the family budget, the cuts will go extra deep.

What will these rural families cut because of higher gas prices? With the school year coming, they have to get the kids to school. Will a rural family give up buying new clothes for their kids? Will struggling fixed-income seniors cancel doctors appointments or cut back on medication?

Truckers across Missouri are facing a gas price crisis. Many trucking firms are based in rural areas, where land and fuel were cheaper, but record diesel prices are hammering truckers and trucking companies. Mom-and-pop trucking firms are laying off drivers. Some are even going into bankruptcy. Many rural families and workers also depend on airlines for service and jobs. Airlines are facing record-high jet fuel prices. That is forcing airlines to lay off workers and cut back service. Many of the blue-collar workers who moved back to maintain planes and service airports are being affected.

American Airlines, for example, is set to eliminate some 6,500 jobs because of record-high oil prices. Airlines also cut low-volume routes to rural areas first. Airlines are trying to manage rising fuel costs by using the financial markets to hedge against risk. But their experts tell me the main problem is a fear that there will not be a supply there in the future. They say if the U.S. Government would take steps to increase supply, it would bring about a huge change in the market and bring prices down immediately. Why? Because the current price being paid on the hedging market for oil to be delivered in 3 years depends upon their expectation of what the demand and supply will be in the years ahead. Right now there is every reason to think that if we do nothing, if we are prevented from getting a gas price reduction bill that provides more and allows us to use less through this Senate, the price will not be just $140 a barrel. The price will not just be $185. It will be $200 or $250. So people's retirement plans, such as CalPERS, California Public Employees Retirement System, are bidding up the price in the future because they don't expect supply to go up. Bringing that price down will make a difference. It will make a difference in the price of oil today, just as President Bush's ending of the Executive moratorium on offshore drilling brought the price down from $145 to $120.

Bringing the price down could make a real difference between keeping jobs and service in rural America and letting go thousands of workers. The suffering of rural Missouri families, farmers, and truckers is why we are fighting so hard to lower gas prices. We are fighting to open new supplies of oil needed to get prices down. Real action to lower gas prices is the most important thing we can do to help rural America and rural Missouri. Fighting for real action to lower gas prices is the most important thing I could do to help rural Missouri. I have amendments to force gas prices down by opening new offshore oil reserves waiting for us. I filed an amendment to lower gas prices by opening access to the 18 billion barrels of oil waiting for us off America's Atlantic and Pacific coasts. These reserves could supply America with 10 years of additional oil supplies, if we would only allow ourselves to use them to change a 30-year policy the Democrats have imposed, that Senator OBAMA continues to champion, of no drilling, no refineries, no nuclear power. The decision to open our offshore oil reserves would immediately cause the price of oil to fall.

We know that because this happened earlier this month, when President Bush reversed the Executive ban and brought the price of oil immediately down $10 and, now, $20 a barrel. Nothing hurts speculators bidding up the price of oil more than news of additional oil supplies coming in the future. Congress must do our part to lower gas prices even further by opening new offshore reserves. However, the Democratic Party is blocking the Senate from considering my amendment to tap offshore oil reserves, even as I speak. I also cosponsored an amendment with several Senate colleagues to tap offshore oil reserves in the eastern Gulf of Mexico. There are almost 3 billion barrels of oil in the eastern gulf waiting to help bring gas prices down for rural Missouri. Unfortunately, the Democratic leadership is also blocking consideration of this amendment.

I also agree we must help America use less oil. I have an amendment that would relieve the pressure on gas prices by increasing conservation. My amendment would aggressively promote advanced vehicle batteries and their production in the United States for hybrid, plug-in hybrid, and electric vehicles. My amendment would provide new funds for hybrid battery research and development, battery manufacturing equipment and capabilities, and re-equipping, expanding or establishing U.S. domestic manufacturing facilities for hybrid vehicle batteries. U.S. domestic mass production of hybrid batteries would get battery prices down, getting the hybrid vehicle prices down. But most importantly, it would give our auto companies access to the batteries we need. Right now many of the batteries have to be brought in from Asia. As the demand for more batteries goes up in Asia, I can assure my colleagues that American auto companies will not necessarily be first in line to get that production. We need to put American workers to work building the batteries, the advanced batteries that will go into the electric cars, the plug-ins, and the hybrid plug-ins. This would not only conserve oil. It would give jobs to blue-collar manufacturing workers and help the environment. It is going to be good for Missouri when we do it. The question is when.

Missouri is a national leader in hybrid car production, in batteries, and advanced vehicle batteries. We make traditional batteries across the State because we are the leader in lead. We mine a lot of lead in Missouri. When you are talking about environmental dangers, yes, lead has some dangers to it. There is only one simple reason we mine lead in Missouri, and that is because we have 90 percent of it in the United States. When people tell me they don't want to drill for natural gas because they don't like the sight of natural gas wells, but they have the natural gas, I say: If you will trade us your natural gas for our lead, I would be happy to let them drill in my backyard.

But Missouri, with all the battery specialists, the technical workers we have, the scientists, is on the cutting edge of battery technology, with firms developing safer, stronger lithium ion batteries. We are also home to a hybrid SUV assembly plant in Kansas City. This success does not have to be limited to Missouri. Communities across America can share in the drive to establish a domestic manufacturing supply base for mass hybrid car construction.

Rural communities, especially, can benefit from the good-paying manufacturing jobs that U.S. mass battery production would provide. Rural school districts would benefit from new tax revenues. Rural police and firefighters would benefit. Unfortunately, as I said, Democrats are blocking Senate consideration.

Now, what answers do my colleagues on the other side of the aisle have for rural America? Well they propose making things worse by suing oil-producing countries.

Folks back home in my part of rural Missouri may not know much about antitrust laws—most folks don't—but anyone with common sense would know, if you sue someone, they would likely take what they have and sell it to somebody else.

I guess this was an idea cooked up by trial lawyers who are eager to sue anybody they can. As you might imagine, there are not too many trial lawyers in rural Missouri.

Democrats also proposed raiding our emergency oil supplies in the Strategic Petroleum Reserve. Putting aside the fact that these emergency reserves are only meant to be used in times supply is cut off, such as during a war, this plan would only produce 3½ days of additional oil.

So while Republicans are offering rural America 10 years of additional oil

supplies, Democrats think rural America should get by on only 3½ days of extra supplies. This lack of sympathy for taking real action may be based on the fact that a lot of Democrats are fine with higher oil prices.

After all, the Democratic nominee for President, Senator OBAMA, said the problem was not that gas prices were so high, the problem was merely that gas prices had risen so quickly. That is akin to telling people it is OK to drown as long as the water rises slowly.

Today, in Springfield, MO, the Democratic nominee suggested we all make sure we properly inflate our tires. Big deal. I believe in all tires being fully inflated. But, frankly, that is the kind of hot air—this hot air being into tires—that we have been hearing too much of on this floor.

Rural Missouri is suffering record pain at the pump, and the best thing he can come up with is more hot air—this time for our tires. Rural Missouri deserves more than the hot air from the Illinois Senator.

Senator MCCAIN has come out very clearly and strongly in support of drilling, of exploring, of developing nuclear power.

We tried last year. Congress passed the largest increase in auto fuel efficiency requirements in a generation to bring down gas usage. Well, that did nothing to prevent record-high prices. That is because it will take years before more fuel-efficient cars are required. The Democratic candidate for President must want us to suffer through record-high gas prices until those conservation measures kick in.

I support increasing conservation, but we must not force a prescription of pain on America while we wait years for these conservation measures to kick in.

The Democratic candidate for President has suggested another stimulus package to help drivers through this price crisis. I am sure Missouri rural families would be happy to receive a few hundred dollars more in stimulus relief. But what they want is not to get a check from the Government—after the handful of tanks of gasoline that money could buy is spent—they want to bring down the price. They will be right back where they are, paying the full price of record-high gas prices, and we will do nothing but increase our deficit.

Rural Missouri and America deserve more than a prescription of pain to address the gas price crisis. We deserve more than half measures that will only produce a few days or months more of additional supplies. Rural Missouri deserves more than a Senate attempting to abandon them and this gas price crisis by moving on to other issues.

Rural Missouri and the people of America deserve real action now to lower gas prices. That means new offshore oil supplies to get prices down, new offshore oil supplies for Missouri families, new offshore oil supplies for Missouri farmers, and new offshore oil supplies for Missouri truckers. That is our only real hope for real gas price relief.

I urge my Senate colleagues to let us act on it and act now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

MONTANA NATIONAL GUARD

Mr. TESTER. Mr. President, I wish to begin by noting that, again, it is fire season in Montana.

Right now, major wildfires are threatening homes in a small town called Red Lodge. The Cascade fire has been burning and has burned about 6,000 acres. It is burning uncomfortably close to the Red Lodge Mountain ski area.

The hot, dry weather forecast over the next week means there are likely to be more fires and more acres of rangeland and forest lost.

Fire season in Montana officially runs from August until the first snow in fall. So, once again, we are off to an early start.

Wildfires are becoming a fact of the West. We accept it. We deal with it.

The good news is Montana is blessed with outstanding firefighters from the U.S. Forest Service, Tribal Nations, and the State Department of Natural Resources, as well as first responders from local volunteer and paid fire departments.

When they need reinforcements, they turn to the Montana National Guard. Last year, more than 200 guardsmen were mobilized to help fight wildfires in Montana. While no guardsmen have been mobilized yet this year, it will happen at some point—just as they are mobilized every year to protect people and homes, dig out fire lines, smother embers, and provide all manner of hands-on support to this team effort.

There are not too many jobs in this country where the work is as varied as service in our National Guard. This summer we can expect that hundreds of National Guardsmen in Montana and throughout the West will be mobilized to help fight wildfires. It has already happened in California, where the Governor called up 200 Guardsmen.

This is a vital role in our Nation's homeland security.

And just as the Guard answers the call for homeland security missions, they answer the bell when it comes to national security.

In 2004 and 2005, more than 1,500 of my State's National Guard deployed to Iraq. They did yeoman's work over there, and we can all be very proud of their service and grateful for it as well. Today, there are nearly 23,000 National Guardsmen serving in Iraq and Afghanistan.

Another 3,000 Guardsmen from all over the country work hard to protect our southern border, helping the Border Patrol get a better handle on securing that border. Four hundred Montana Guardsmen were a proud part of that important effort earlier this year.

So as the National Guard in Montana prepares for the inevitable mobilization fight against wildfires here at home, I think it is appropriate we stop to thank the 3,500-strong members of our Montana National Guard for what they do both abroad and here at home.

As wildfires continue to threaten Montana's countryside and our communities, I wish to pay tribute to all the brave men and women who put it on the line to fight our fires.

ENERGY

Mr. President, I wish to comment on the energy debate we have been having in the Senate. Every Tuesday morning, for 2½ hours, I get to preside over this great body, and I get to hear folks from both sides of the aisle talk about issues of importance.

The energy debate has been particularly intriguing because I have seen folks on the other side of the aisle hold up signs that talk about drilling more and using less.

They are quick to support oil production. But on the other hand, they will not support alternative energies or conservation methods. They talk about drilling more as if it is going to change the price of gasoline tomorrow.

The fact is, the United States has less than 3 percent of the world's reserves of oil. We use 25 percent of the supply. As far as drilling goes, we are drilling now like there is no tomorrow. In fact, in Montana, you would be hard-pressed to find a drilling rig if you wanted to punch a hole.

In Montana, we have offered over 3 million acres of leasing since 2000. We have increased our oil production two and a half-fold. We have drilled 4,870 wells in the last 5 years. Yet we continually see the price of oil go up and up and up. Why? Well, a lot of it has to do with the fact that the major oil companies last year made hundreds of billions of dollars off the consumers' back.

What can we do? What can we do to help bring the price of oil down? Sure, we are going to continue to drill, and I support that effort. But we need additions to our energy portfolio. If we continue to rely on oil as our chief supplier of energy, we are going to be continuing to be beholden to Saudi Arabia and OPEC forever. That ought not be the direction we go.

My good friend, my comrade, Senator BAUCUS, put forth a tax extenders bill earlier today. Yesterday, we had a chance to vote on one from the House. They were both defeated. They were not allowed to move forward. There was a majority, but there was not 60 votes.

What was in that tax extenders bill? One of the things that was in it was a renewable energy tax credit extension, a continuation that would put more energy in the marketplace.

As shown on this chart, we can see what happens when we have the wind energy tax credit. The yellow bars indicate that. The orange bars indicate when it does not happen. If we have the wind energy tax credit, wind energy production goes up, and there is more

energy in the marketplace. When we don't, it does not.

Because of the vote that was taken earlier today, you will see a decrease in wind energy production—a big mistake for this country, not very visionary.

Because of the vote that took place earlier today, we not only will see wind energy grind to a halt, we will see geothermal—which we have a tremendous opportunity for throughout the country, particularly in Montana—we will see biomass, landfill gas—we have an electrical cooperative in northwestern Montana, Flathead Electric Cooperative, that is talking about capturing methane gas off the landfill to produce energy, getting something from nothing—we will not see any of that stuff go on because of the defeat of the tax extenders bill.

In that tax extenders bill, there were also long-term extensions of tax credits for solar energy and fuel cells. Solar energy: getting our energy from the Sun to help replace some of that oil from the Middle East—not going to happen. Folks talk about corn ethanol and how they don't like it. I am not one of them. But I do think we need to get the second generation of ethanol production, cellulosic ethanol. There was a credit for property in that tax extenders bill that was not agreed to earlier today. That will not happen; a biodiesel tax credit. I have talked about a camelina provision in the farm bill for biodiesel, and there are other opportunities in all sorts of oilseeds out there. The biodiesel tax credit does not happen because we did not pass that bill Senator BAUCUS offered earlier today.

Carbon capture and storage technology to make our coal burn cleaner. In Montana, we are the ''Saudi Arabia'' of coal. We have an incredible opportunity. But without good technology to capture carbon and store it, we will never be all we can be. It would make us more energy independent.

Talk about producing more here at home: Drilling is part of the equation. But an even bigger part of the equation could have been to pass that tax extenders bill earlier today.

Let's talk about using less.

In that tax extenders bill, there were energy efficiency tax credits to help make our homes more energy efficient. It is not going to happen. There was a credit to reduce idling for truckers—that we all see happen—to save transportation fuel. It is not going to happen.

You want to talk about using less? There was a bicycling tax credit for those folks who want to ride their bicycle to work rather than to drive. It will not happen.

There were incentives for geothermal heat pumps in our homes that use less energy with more consistency. It is not going to happen.

There were energy conservation bonds for States and local school districts. The list goes on and on and on.

I ask myself: Why? Why does it have to be this way? Why aren't we looking to the future? Why are we not talking about more than drilling? The fact is, we are drilling. We are drilling an incredible amount of land in this country. It needs to be a bridge. But it needs to be a bridge to somewhere this time. If we put forth the renewable energy components that are in the tax extenders bill, we will have a future. We will have a future of affordable energy.

I ask my comrades to pass that tax extenders bill. It is incredibly important. It is not just because of energy that it is important.

SECURE RURAL SCHOOLS

Finally, I wish to talk about the security of rural schools. These are payments to Montana's rural communities and forested counties that have an incredible amount of public lands.

The Secure Rural Schools dollars are important not only for the school but also for our roads and our rural counties. Montana is rich in public lands. Consequently, it puts more pressure on property taxes of private property in those counties. With the Secure Rural Schools money, it gives those rural and forested counties the opportunity to meet the needs of the kids in these rural districts and to meet the needs of the transportation industry in those rural districts. We all know that less money for rural schools means lower teacher pay, bigger classroom size, fewer activities, and students start to fall behind.

County road workers right now are being laid off. I spoke with the head of the Montana Association of Counties. He said to the counties: Take your budgets and utilize them as if this money is not going to happen because it is not until we pass the tax extenders programs.

We had the opportunity in this body today and yesterday to pass a good bill that meets the needs of America's families, small businesses, and the economy. It was not passed. There are all sorts of excuses for it, but they are simply that: excuses. We need to move forward with some proactive thinking in this body. I hope the next time this bill hits this floor, it is passed and passed by a large margin.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be recognized following the presentation by the Senator from Minnesota.

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

Ms. KLOBUCHAR. Mr. President, I come to the floor today with much dismay over the fact that we were not able to pass the energy extenders, the tax extenders, the package of important provisions for our country's economy because of this obstructionism on the other side.

Let me tell my colleagues why this was so important to me. We only got four Republican votes for this package. I think it is outrageous when you look at what we are dealing with. This week we are going to be memorializing the tragic, tragic, tragic fall of the bridge in the middle of Minnesota. I am going to speak to that tomorrow and do a fitting tribute, along with Senator COLEMAN, to the victims of that bridge collapse and to the first responders who saved so many lives, and to the reconstruction work that has gone on thanks to the help of this Senate. I live six blocks from that bridge, so it means a lot to me.

I said the week the bridge fell down that in America, a bridge shouldn't fall down in the middle of the Mississippi River, especially not on an eight-lane highway, especially not on one of the most heavily traveled bridges in the State, especially not at rush hour in the heart of a major metropolitan area. Unfortunately, however, it took that disaster to put the issue of infrastructure funding squarely on the national agenda, and it is long overdue. That is why I was so disappointed that in this important bill was $8 billion to replenish the highway trust fund of this country, to replenish that fund. Mr. President, 400,000 jobs in this country are at stake in that bill that was voted down by the other side.

Look what is happening in this country with our infrastructure. Let's take the issue of bridges. Nationwide, bridges are deteriorating far faster than we can repair or replace them. About 78,000 bridges across the Nation are structurally deficient. What does structurally deficient mean? When inspectors evaluate a bridge, they examine the bridge's deck, superstructure, and substructure. Each of these components is ranked on a scale of 0 to 9, with 0 being failed and 9 being excellent. If the deck, superstructure, or substructure is given a 4 or less, the bridge is classified as structurally deficient.

In June of 2006, the I–35W bridge's superstructure—meaning the physical conditions of all structural members—was rated at a 4. The bridge's deck was rated at a 5, and the substructure, comprised of the piers, the footings, and other components, was rated as a 6. A bridge is shut down if any of its parts are rated at a 2.

Then we have another 80,000 bridges across the Nation which are functionally obsolete. What does functionally obsolete mean? That means they don't meet today's design standards, they don't conform to today's safety standards, and they are handling traffic far beyond their design. Fully one-quarter of America's 600,000 bridges have aged so much that their physical condition or their ability to withstand current traffic levels is simply inadequate. These bridges require immediate attention.

I can tell you since our bridge fell on that summer day on August 1, we have had a number of bridges shut down, close down in our State, including one

that handled a lot of traffic in St. Cloud, MN. There was one in Winona, MN, that was actually on the Federal stamp from our State that was temporarily closed down and is going to have to be rebuilt.

We are seeing this across the country. We are seeing a need for infrastructure funding. At a time when our economy is facing such difficult times, I see this as an investment, not only in the long-term viability for our country's transportation system but also in jobs. That is why I am so disappointed that the other side was willing to turn their backs on 400,000 existing jobs, much less add new ones, by turning down that $8 billion replenishment of the highway trust fund.

It was President Kennedy who once said that building a road or highway isn't pretty, but it is something our economy needs to have. I can tell you beyond the bridges in metropolitan areas, nowhere is that truer than in rural America. We are seeing a rejuvenation because of the energy economy right now in rural Minnesota as we are in so much of rural America. Senator TESTER from Montana talked about this. We are seeing biofuels, whether it is biodiesel, ethanol, moving to cellulosic ethanol; whether it is wind or solar. We are third in the country in Minnesota with wind energy—third in the country.

I have seen jobs such as in Starbuck, MN, where a group of 10 people decided to quit their jobs and go work for a solar panel factory. They were so proud of their work they had me jump up and down on those solar panels to show that they can withstand hail damage, and they did.

I can tell you this: We are seeing these jobs and we need courage in Washington that matches the courage of these employees in Starbuck, MN, or in Pipestone—the courage of these employees who are willing to see a better energy future, while this body on the other side is willing to shoot it down by shooting down those tax extenders for energy. This is the wave of the future. This is the way we are going to be investing in homegrown energy and in the farmers and the workers of the Midwest instead of the oil cartels in the Mideast.

So it is about the energy extenders for me in my State and across the country, but it is also about the transportation funding that came in replenishing that highway trust fund. When you start building this energy economy, with the wind turbines and with the biofuels in the trucks going across these roads, you are going to put more stress on the roads and the rail in rural America. If we are going to move to the next century's economic system, we can't be stuck in the last century's transportation system.

I will give some examples. The ethanol plant in Bentsen, MN, now has over 525 fully loaded semis hauling the ethanol from their plant every week. This is a 45-million gallon facility. Their production falls about in the middle of our biodiesel facilities in Minnesota.

SMI Hydraulics is a company in rural southwestern Minnesota that manufactures the bases for the wind towers you see all across our country. This is a company that started as a barn. The wind towers they manufacture actually come out of the side of the barn as they are employing dozens of people right in this little town. The heavy trucks that bring the steel to the company put a heavy burden on the road as they travel and are putting durability to a test. This truck travel and the need for more rail travel is part of our transportation future, but when the other side shoots down our ability to even replenish the highway trust fund, we are not going to be moving in the right direction for our economy. We are not going to help these rural people to develop the true energy economy they need to develop.

In his 1963 ''Memoir for Change,'' President Eisenhower famously said:

> More than any single action by the government since the end of the war, this one would change the face of America.

He was talking about the interstate highway system. Its impact on the American economy, the jobs it would produce in manufacturing and construction, the rural areas it would open up were beyond calculation. Well, he was right. Just as he was right back in 1963, we know he is still right in 2008. So the gall to turn down the replenishment of that highway trust fund and to stop America as we try to head to the new energy future—other countries are leapfrogging us because they have government policies in place that mandate these green jobs and move in the right direction—is plain wrong.

The one last thing I wish to say is there is one way—as we look to jumpstarting the economy right now, as we look at solving our oil crisis and our dependency on foreign oil and our spending of $600,000 a minute on foreign oil—and that is the President. He doesn't need the Congress. He can complain about Congress all he wants, but the President of the United States can actually release barrels of oil from the Strategic Petroleum Reserve. He can do it right now. He could do it in the next hour. We can look at what has happened in the past: 1990 to 1991, 11 million barrels were released; 1996 to 1997, 28 million barrels were released to reduce the Federal debt. In 2005, 21 million barrels were released after Katrina. We can look at how full the petroleum reserve has been. In 1993, 79 percent full; in 2001, it was 74 percent full. Well, right now, in 2008, it is 97 percent full. So this President, on his own, could simply release the barrels of oil from that Strategic Petroleum Reserve.

We are the home of Northwest Airlines in Minnesota. The CEO there, Doug Steenland, has spoken with me many times. Tens of thousands of customers have sent e-mails saying we want to stop this speculation and we want to do something about helping Americans and helping these companies with oil prices. One way to do this immediately is to release some of the barrels of oil, 97 percent full, from that Strategic Petroleum Reserve. If you even go down to 90 percent, you could inject $6 billion into the American economy and help to bring those oil prices down. This is up to the President. He could do it with one signature on one document. He doesn't need us passing a bill to have to deal with these guys and their filibuster. He could do it himself.

So in addition to passing these tax extenders, to getting our green energy economy going and doing something about that highway trust fund so another bridge doesn't fall down in the middle of America, this President, himself, without even one vote from Congress, could release barrels of oil into the American economy and help not only customers but also help the businesses in this country who are finding it harder and harder to compete as we see the price of oil escalate.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

REMEMBERING FREDDIE HUTCHINS

Mr. WEBB. Mr. President, I rise today to extend my condolences to the family and friends of Mr. Freddie Hutchins who passed away suddenly yesterday, on July 29. Freddie served on my staff since my election. He managed my Roanoke Senate office. He was a tremendous individual with a great deal of promise. I had selected him from a number of very talented people down in southwest Virginia to run this office. He passed away, as I said, suddenly only at the age of 26.

Freddie was a product of southwest Virginia. He grew up in Botetourt County. He was very heavily influenced by his grandfather, who was a very active Democrat and railroad man, a union man down in southwest Virginia. He was known for having made himself a business card at the age of 13 saying Freddie Hutchins, Democrat. He loved the rich culture of southwest Virginia.

He represented the values that characterize that region. He loved his country. He had a great sense of service and a determination to work hard. He developed a very early interest in politics. He was a C–SPAN enthusiast at a young age. Before joining my office, he had worked for State Delegate Onzlee Ware as a legislative aide and had been active in a number of political campaigns.

He was a tireless and vocal advocate for working people in this country. He was committed to social justice and was someone who was always eager and enthusiastic to help people.

He was one of the most honorable and friendly individuals I have ever had the pleasure of knowing. He was a mainstay in that community and had a very bright future. I had always assumed that Freddie Hutchins would be running for elective office in the near future. He was a friend to all who knew him.

Again, I express my condolences to his mother Karen and the rest of his family and all of those whom he had reached out and done so much with and for over the years. He will be greatly missed.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. What is the status of the floor?

The PRESIDING OFFICER. There is 4 minutes 40 seconds remaining for the majority in this block of time.

Mr. REID. For how long?

The PRESIDING OFFICER. The time is alternating 30 minutes between the majority and the Republicans.

Mr. REID. I am going to use leader time now, and I ask unanimous consent that the Democrats' 4 minutes be preserved.

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

The majority leader is recognized.

Mr. REID. Mr. President, we over here, the mighty band of Democrats, with the majority of 1—there are 51 of us and 49 of them—trying so hard to do something on energy. We have been trying for months now. I think we have done some things that would be good for the American people but for the fact that the Republicans have basically objected to everything we have tried to do.

What have we tried to do? We introduced S. 3044, called the Consumer-First Energy Act. It has some tremendously powerful things in it that relate to what the American people's problem is today: high gas prices.

In that legislation, we talk about price gouging. Do we have any reason to have in a provision of law an element that we can go after companies that price gouge? Of course. The oil companies, during the Bush years, have had net profits of $609 billion. So our price-gouging provision was, we thought, very key in doing something about energy.

In S. 3044, we had something dealing with the oil subsidies the oil companies have received, that perhaps they should be cut back. They are making these huge profits. In this bill, we had a provision that was bipartisan and has been pushed by Senator KOHL of Wisconsin and Senator SPECTER of Pennsylvania—NOPEC is what it was called. It was a proposal to have the OPEC cartel be subject to the Sherman Antitrust Act. That seems reasonable, since these countries have the absolute ability to so easily lock in prices and determine what prices are going to be charged around the world. Senators KOHL and SPECTER thought this was good legislation, and so did we. That is why we put it in our legislation.

We also had a provision in our legislation dealing with speculation. I will talk about that later. We not only had it in S. 3044, we had freestanding legislation dealing with speculation.

We also had in S. 3044 something dealing with a windfall profits tax, which should be part of the law of our country today. The American consumer agrees with that.

Mr. President, Senator BINGAMAN also prepared legislation, which has now been filed at the desk. It is very good legislation. We were asking for help from the Republicans and got none. Senator BINGAMAN is one of the most astute, hard-working, creative, and smartest Senators we have ever had in this body. In that legislation, S. 5135, we had some really good things. It wasn't ''take it or leave it'' legislation. With the 68 million acres the oil companies have, it called for due diligence. It said: With the 68 million acres you have, let's find out what you are doing with it, why you are not drilling in some parts of it, and report to the Interior Department and find out what is going on with that land. It is typical of Senator BINGAMAN because it was well thought out. Rather than the provision that some were talking about—use it or lose it—Senator BINGAMAN believed that was appropriate, and that is why he went through the trouble of coming up with this legislation.

He also had something in the bill that would be important which deals with building codes, making it so that in the future, when things are built, when construction takes place, it deals with the environment. There is so much that can be done to save huge amounts of electricity if we had buildings built properly.

We also had a provision on which the Senator from Minnesota spoke so eloquently which said that we want you to take the great resource we have—the more than 700 million barrels of oil we have in our Strategic Petroleum Reserve—and we want you to announce to the world that we are going to start using some of that. We are going to start using that to bring down the price of oil. We know it works. We know it works because the President's father did it, and it brought down the price of oil. We have asked that this be done on other occasions, but we put it in this legislation Senator BINGAMAN came up with.

The airlines tell us it is important to bring down the prices. The airline companies need to have oil, for these companies to be able to succeed, at about $100 a barrel. That is high, but they could succeed with that. Anything over that is a tremendous losing proposition for them. This would bring the price of oil down to at or near that price. But we got no suggestions from the Republicans that they cared about this.

Also, I thought what Senator BINGAMAN did was very important. He said there is about 25 million acres of land that is available now to be leased for oil exploration. All the administration has to do is tell the Interior Department to issue leases on it. It has already been determined that it has tremendous oil potential. Much of it is on-and offshore in Alaska. It would add another 25 million acres to the 68 million acres the oil companies already have.

There were other provisions in the Bingaman bill—good pieces of legislation. Again, we had no takers on that from the Republicans.

Today, we voted on H.R. 6049, and, of course, that was defeated because of another cloture motion that was necessary to be filed because of a Republican filibuster. The same with the Warm in Winter and Cool in Summer Act, S. 3186, LIHEAP. It was filibustered, and we weren't able to proceed to that. That is really unusually harsh. I have heard the Senator from Vermont talk about that on numerous occasions. I told him that more people die from exposure in the summer than in the winter because they become dehydrated. We need to have the ability for the old, disabled, and poor to have air-conditioning. In the winter, of course, they need heat. But this was rejected by the Republicans.

We asked—because it was certainly bipartisan every step of the way, the NOPEC bill, the Specter-Kohl bill—that we move to that alone. That was S. 879. It was rejected. Again, the Republicans refused to let us do that.

We had the Stop Excessive Energy Speculation Act, which we have dealt with for several weeks now. I spoke the night before last to the President of United Airlines. He said he has no question in his mind that one reason the oil prices have gone down by the barrel in recent days is because we are debating and talking about speculation. This would work. The Republicans have been listening to the monied interests of this country and have refused to allow us to do this.

Then, of course, today, we had the issue of the so-called extenders bill on which Senator BAUCUS worked so hard. It was rejected. It had many good provisions in it. He worked hard to try to get bipartisan support. There was disaster relief in it. There was finally something in there that we could pass to do the mental health parity, which is so long overdue. We had a provision to reestablish money that has been taken out of the highway trust fund, which is so important—to reestablish that. People are losing their jobs.

The most significant thing, from my perspective, in that legislation—even though there was much more—was that it would do something now, today, about taking care of the energy crisis in this country. It is not Al Gore, former Vice President of the United States, talking; it is T. Boone Pickens—from a different political party and persuasion than Al Gore—saying we have to move to renewables. That is what this legislation is all about, creating hundreds of thousands of jobs,

construction jobs and other jobs, that lessen our dependence on foreign oil. As T. Boone Pickens said, ''You can't drill your way out of this crisis.'' We were blocked on that.

Mr. President, in the newspapers all over America and in other parts of the world, Thomas Friedman's column is running today. He is a person who has won all kinds of prizes around the world for his writing. He has had three bestselling books. For weeks, his books have been No. 1 on the New York Times bestseller list. He writes with great preciseness, and he is right to the point. Here is what he said today:

Republicans have become so obsessed with the notion that we can drill our way out of our current energy crisis that reopening our coastal waters to offshore drilling has become their answer for every energy question.

Anyone who looks at the growth of middle classes around the world and their rising demands for natural resources, plus the dangers of climate change driven by our addiction to fossil fuels, can see the clean renewable energy—wind, solar, nuclear and stuff we haven't yet invented—is going to be the next great global industry. It has to be if we are going to grow in a stable way.

Therefore, the country that most owns the clean power industry is going to most own the next great technology breakthrough—the E.T. revolution, the energy technology revolution—and create millions of jobs and thousands of new businesses, just like the I.T. revolution did.

Republicans, by mindlessly repeating their offshore-drilling mantra, focusing on a 19th-century fuel, remind me of someone back in 1980 arguing we should be putting all our money into making more and cheaper IBM Selectric typewriters—and forget about these things called the ''PC'' and ''the Internet.'' It is a strategy for making America a second-rate power and economy.

Mr. President, earlier this week, on Monday, I offered the Republicans, on the speculation bill, four amendments, and we would have a like number. That was rejected out of hand—offer made and they rejected it.

Yesterday, right after the Senate opened, Senator MCCONNELL said to me: How about six amendments?

I said: I am happy to discuss amendments, but I am through discussing amendments unless we pass the extenders bill.

That was clear language. I said it directly, and I meant it. I am speaking for 50 other Democratic Senators. I am speaking for my caucus.

So Senator MCCONNELL said: Well, fine, we will have Senator BAUCUS, chairman of the Finance Committee, and Senator GRASSLEY, the ranking member, work on this.

I said that Senator BAUCUS said Senator GRASSLEY has no authority to do anything.

He said: Yes, he does. I will instruct him that he has all the authority in the world.

They met for 2 hours last night. The only thing Senator GRASSLEY wanted to discuss was having all of these extenders not paid for. So we are right back where we started. So that is gone. That was turned down overwhelmingly. The Republicans didn't support the extenders. So that is where we are.

My caucus demands that we focus on something to really make a difference: renewables, creating hundreds of thousands of jobs—Friedman said millions; I am saying hundreds of thousands within the next few months. It will make a cleaner environment, and it will be good for the economy.

Mr. President, that is where it is. That is where it is.

Again, as Thomas Friedman wrote:

Republicans, by mindlessly repeating their offshore-drilling mantra, focusing on a 19th century fuel, remind me of someone back in 1980 arguing that we should be putting all our money into making more and cheaper IBM Selectric typewriters—and forget about these things called the ''PC'' and ''the Internet.'' It is a strategy for making America a second-rate power and economy.

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

Mr. REID. Yes.

Mr. DURBIN. I wish to address a question to the majority leader through the Chair. I ask the Senator whether yesterday we brought to the floor an opportunity for the Republicans to join us in a bipartisan way to come up with a clear package of incentives for renewable energy, energy that we need now and for future generations, and yesterday when that measure came to the floor as it originally passed the House of Representatives, I ask the majority leader what the support level was on the Democratic side and whether there were more than four Republican Senators who joined us in that effort.

Mr. REID. All Democrats supported it, a handful of Republicans, mostly those who are in very difficult Senate races, I might add, for reelection.

Mr. DURBIN. That is one of the reoccurring themes. When four or five Republicans join us, it is because many of them are facing a tough reelection.

I ask the Senator from Nevada, today when we brought this measure before the Senate again, incentives for renewable energy, we included in it $8 billion for the highway trust fund, which can be attributed to 400,000 good-paying American jobs. We also included the mental health parity bill, which has been a bipartisan bill that has been sought by this Senate for maybe a decade. It has certainly been a long time. We included as well an extension of the exemption for the alternative minimum tax so middle-income families would not face higher taxes.

I ask the Senator from Nevada what kind of support we had from the Republican side of the aisle. If I am not mistaken, only five Republicans, four of whom are up for reelection in November, joined us in that vote.

Mr. REID. The Senator is absolutely right, absolutely right. I can't express how the Republican Party, as I have always known it—when I went into politics, I had the idea that the Republicans were the party of fiscal responsibility. That has long since gone. We are going to have a deficit this year of about a half trillion dollars, and that isn't a fair view of it because they are using the Social Security trust fund to offset and make the deficit look even smaller.

But I also will say this: Big oil during the Bush years has made a $609 billion profit—$609 billion. The Republicans side with big oil every step of the way. They have done it in all this energy legislation. They are beholden to big oil. Everyone knows that. I think it is time we start talking about something that will help; that is, we need to move to have energy created by the Sun, wind, geothermal, and we need to do it as quickly as possible.

That is where we are. I have said on a number of occasions—I said it earlier today—there was a lot of activity on the Senate floor—understand, Mr. President, where we are. Because the Republicans have blocked everything—they have blocked energy for old people, sick people, disabled people; they have blocked everything we have tried to do here—we have a decision. They can make the decision. We have been fortunate enough to finish the Higher Education Act. We have been fortunate to finish consumer product safety. Both conference reports are finished. We can do those in the next couple of days. We can move to the Defense authorization bill. It is up to the Republicans what they want to do. But if they want to be here during August, more power to them because we will be here with them. We all have things to do, longstanding obligations during August, but those can be changed. If people want to debate during August the Defense Authorization Act, that is fine. They can go out and hold their press conferences that they would rather be doing something on drilling, drilling, drilling. They can continue to do that, or we can come back in September—there is going to be a bipartisan summit on energy prices, and maybe by the August recess, maybe some of my friends will be more willing to do some actual compromise.

Legislation is the art of compromise. If the art of compromise is not present, we cannot get the business done. There simply has been no compromise from my friends. That is why we have faced almost 90 filibusters.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I am joined on the Senate floor by my colleague from Wyoming. I ask unanimous consent that we may engage in a colloquy.

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

COST OF ENERGY

Mr. ALLARD. Mr. President, I had an opportunity to speak on the floor this past week a number of times and speak in committee about the cost of energy, about pain at the pump. I am of the view that we need to act now.

My position on energy has always been that we should not take anything off the table; that is, we need renewable energy, we need to have energy

from whatever source we can derive—oil and gas, nuclear energy. We need to concentrate on our efforts to try to produce more energy. We need more. That is not the entire solution. We also need to consume less. We need to encourage conservation everywhere we can.

That is why I have signed onto bills such as the Gas Price Reduction Act of 2008. This bill says we begin to open deep sea exploration, where we go out more than 50 miles from the coast, and that we begin to drill in those areas and share the revenues with the States that are involved. Under our proposal the Governor petitions to allow exploration, and he does that with the concurrence of the State legislature. A portion of funds generated would even go to the Land and Water Conservation Fund in addition to States, with other funds going to the general fund.

Also, in the particular legislation I mentioned, we talk about Western State oil shale exploration. This resource would provide more than three times the oil reserves of Saudi Arabia, this oil shale is found in Wyoming, Utah, and Colorado.

The legislation I have signed onto says we also look at ways of trying to create conservation, such as electric cars and trucks, and focus our attention on better batteries so we can create an electrical supplement to the use of liquid fuel, whether it is a truck or car, and create some efficiencies on the highway. In the case of cars, as much as 60, 70 miles to the gallon with an augmentation from an electrical source. For these efficiencies to happen batteries are a key technological advancement that has to occur, and it has to occur at a price that consumers can afford. In this bill, we put our efforts into coming up with that type of a battery.

In addition, we try to do what we can to strengthen U.S. futures markets. That means increased funding for staff to the Commodity Futures Trading Commission, and it directs the present working group to study the international regulation of commodity markets. Remember, on commodity markets, it is not just an American market, it is international. We have to be careful how we disrupt the markets as we do that. If we are not careful we can create a real disadvantage to Americans and not really help in the supply of energy.

These are the types of actions that will make a difference in the price of oil and gas because we increase the supply. That is our problem; we don't have enough to meet worldwide demand. Because of high global demand we need to work not only in this country but also in other countries to spread the idea of conservation.

I have to tell you, Mr. President, the suggestion from the majority leader that somehow if we just stand on the floor of the Senate and talk about more rules and regulations on the commodity markets, somehow that is going to bring down the price of gas, I happen to think that just talking doesn't bring about action. But I do happen to believe that action does create a reduction in the price of oil at the gas pump.

I credit most of the recent price reduction to the President because he actually took action, which was to take the moratorium off the Outer Continental Shelf. This took us closer to allowing for exploration for more energy sources out in the deep ocean. Because of that, the markets did respond. I don't believe it was the debate on the Senate floor where we just talked, because the markets looked and said the President took real action to repeal a regulation, making it easier for us to extract energy out of the ground.

That is the kind of action in which this Congress needs to participate. It is action that needs to happen now, not 30 days from now, not a week, not a day. The sooner we act, the better it is because people every day are feeling the impact on their daily lives of high energy costs.

I recently participated in a press conference where we had people who are involved with supportive programs for the poor. They said because of the high cost of food, it is making it difficult for them to meet their goals and objectives and to keep their budgets within what they allocated at the first of the year. They are having all sorts of supply issues when it comes to feeding the poor and the disadvantaged in this country. We heard from all aspects of the various agencies and religious groups that make it part of their mission to provide for the hungry in this country.

We heard from truckdrivers today. I was at a press conference where we heard from truckers. When you think about it, renewable energy obviously works pretty good if you are talking about power lines. What kind of renewable source do they use in trucks? Ethanol, perhaps, might have some uses for trucks, but basically they are locked in with one source of energy right and that is diesel.

The only way we are going to bring down the price of fuels to the truckers who provide medical supplies, who provide food to Americans—they transport all sorts of produce around the country. They haul around all sorts of manufacturing. They deliver our mail. I am trying to think of one commodity that at some point in time does not spend some time on a truck. It is very important that we keep the total prospect. There is not a simple solution. It is not a one-issue solution where we can say: We are just going to focus on renewable energy and the heck with everything else. We need to look at all alternatives. We are having supply problems. We can't take anything off the table. That is what I want to comment on.

I have on the floor with me a Senator from Wyoming, a good friend of mine who is new to the Senate, one of our newest Members, doing a tremendous job for the State of Wyoming. I know that in Wyoming, for example, they have lots of energy. One of the sources of energy they have is coal. The western part of the United States has hard coal, which is very unique. Frequently, it is mixed with soft coal so communities and towns on the east coast can meet their pollution requirements.

In our discussions, there was some talk about the various alternative sources we could look at for clean coal, for example. I was hoping that perhaps maybe my colleague who is on the Senate floor with me can talk a little bit about energy in Wyoming and how their economy is being impacted with the high cost of gas and diesel and what energy potential is in their State.

I yield the floor to my colleague from Wyoming to talk a little bit about Wyoming. We are neighbors. We have very similar environments and very similar natural resources. Senator BARRASSO.

Mr. BARRASSO. Mr. President, I thank my colleague from Colorado. He is absolutely right, Wyoming is a State which has been very blessed—blessed with abundant sources of energy, and certainly coal, natural gas, oil, uranium for our nuclear power, and also wind, a renewable source of energy. So we have lots of different resources with which we have been blessed.

But in terms of coal—and we know half the electricity in the United States comes from coal—what we know is that there is enough coal in Wyoming to power this country for centuries—not decades but centuries. There is that much coal in Wyoming. Coal is available, affordable, reliable, and a secure source of energy for our Nation.

To me, this is about being self-sufficient in terms of our own energy. We are sending so much of the wealth of this great country overseas. Every time we buy another barrel of oil overseas. Whether it is $120, $130, $140 per barrel, that is a transfer of the wealth of our Nation to people who are not necessarily our friends.

Mr. ALLARD. The figure I have seen is more than $700 billion in 1 year's time. That is a whale of a lot of money to be sending overseas, to our enemies potentially.

Mr. BARRASSO. And we have the source of energy here, with the coal, and the technology is incredible. There are ways to use the coal to convert it to electricity and there are other ways to use the coal to convert it to liquids. Aviation fuel. The military uses an incredible amount of fuel. I have amendments I have introduced and am trying to have debated on this floor that deal specifically with converting coal to liquids, to allow us to use that liquid for our aviation.

There is another technology, coal to gas. There is a true visionary in Wyoming. His name is John Wold, 91 years old, and he is here today to visit. His granddaughter works in my office. I

have talked to him for years about the technology of coal to gas, and it is ready to go and available in Wyoming. It is being done in other places around the world, but not yet here. So it is incredible in terms of the available resources we have. But it is not only one source of energy. We need it all. We need the coal, we need the natural gas, we need the uranium, we need the oil, and certainly we need to be more efficient, as my colleague from Colorado has talked about. We need to be energy efficient, but we need the renewables. So we need the transmission lines, but we have plenty of wind in Wyoming.

Look at oil shale. The Senator from Colorado is familiar with that, because Colorado, as well as Wyoming, as well as Utah, is blessed with oil shale. Perhaps I could ask my colleague from Colorado to discuss some of the issues related to that.

Mr. ALLARD. I would be delighted to talk about oil shale. First, I want to address the issue where the majority leader tried to imply that Republicans are interested in only one issue, and that is extraction of oil and gas from the ground. Republicans I talk to on this Senate floor, in my party, understand we need to have a balanced approach. We need to go after all sources of energy. The problem is that on the Democratic side, they only want to go after renewable sources.

I helped to found the Renewable Energy Caucus, and so I understand how important renewable energy is to our future. But we need something to bridge us over, and that is where I think the comments of my colleague from Wyoming are so important, when we are talking about converting oil to liquids or to natural gas. It helps create that bridge. We need to create that bridge by having an opportunity to go and explore for oil and gas in the ground.

One source of fuel in the ground is oil shale, and I think it is important that my colleagues here on the floor understand that oil shale is a huge resource in this country. We have oil shale in the State of Wyoming to a lesser amount than we have in Utah and Colorado, but we have lots of oil shale in Colorado. In fact, most of it is in Colorado. There is a fair amount in Utah, and then a smaller amount in Wyoming. We have different types of oil shale in Utah and Wyoming, and the extraction proposal out of those two States is a little different.

We need to move forward with oil shale, and that is why I am working so hard to get the moratorium off of oil shale because Shell Oil Company and other companies have developed a technique where extraction is environmentally friendly. Utah's oil shale is closer to the surface. It is a higher quality shale which contains lots of oil in one small chunk of rock. What they do is they go ahead and grind it up, heat it, and they extract a heavy type of oil out of that product.

In Colorado, what we are talking about in Mesa and Garfield Counties, for example, is a deeper oil shale. It is a good quality oil shale—not quite as good quality as we see in Utah—and we have a new technology that is being developed there that takes the ground and freezes a perimeter around the section of ground and then heat the middle of it. Basically what you have is a refinery in the ground. So what you extract out is basically a jet fuel that contains sulfur and nitrogen. Obviously, the sulfur and nitrogen has to be refined out, but it is a very good, high-quality product. It is a jet fuel. Then the heavy tarry stuff is left in the ground.

There is no disruption of the surface of the ground other than the fact that you run some pipes in the ground, and you need some water. They have taken out water rights in that part of Colorado to make sure they have water. It is the type of water that can be recycled and reused. So there are lots of conservation aspects to this new technology that is being developed for oil shale. That is why I had the support for the provision that was provided for in the Gas Price Reduction Act of 2008, removing the moratorium we have on oil shale.

The current law says you can't move forward with the regulatory process on oil shale, so it has stopped it dead in its tracks. In the meantime, up to 2 trillion barrels of oil in the form of oil shale is in the ground, and we think, with today's technology, that between 800 billion and 1 trillion barrels is what can be economically extracted out of the ground and made available to us. That is three times all of the oil reserves of Saudi Arabia.

Oil shale is a huge resource, but we need to remove the moratorium that says we can't even go ahead and layout the rules and regulations. Now, why is that important? Because they tell the oil companies what the rules of the game are going to be, what they can expect the royalties to be, what they can expect the price of leasing the public lands to be, and also what remediation requirements are there for cleaning up the environment. When the President removed the moratorium on going after our natural resources through the floor of the ocean, he sent a significant message that he is willing to provide more supply for oil and gas, and that had a positive impact on the market. We need to continue that sincerity the President showed to the American people by taking some real action here on the floor of the Senate, and we need to do that by removing an additional moratorium on drilling off the coast and we need to relieve or take off the moratorium on oil shale so that resource can be developed.

The technology is not going to be developed until about 3 years from now, so it would be around 2011 or later before it is ready to go. But you need to put in place the rules and regulations first. We need that now. Some of the reasons for objecting that I have heard is people will say: Well, it is going to take 10 years to develop. Maybe so. But 10 years from now, are you going to say now is the time? It will still take 10 years.

My point is that the sooner you put this in place, you can begin to prepare this bridge we need to have for today's energy sources to get us to future energy sources, which are the renewables—the Sun, or photovoltaic cells, wind, geothermal, and hydrogen. That is what we are talking about, and that is what this particular piece of legislation provides for.

Citizens in Colorado are being dramatically impacted by high fuel prices. We talked before about the agricultural sector and the trucking sector. Trucking is more heavily impacted than any other area, because in the West, we are big States and we have lots of land to cover to provide our goods and services. I don't know whether the Senator from Wyoming has anything to say about how his citizens in his State are feeling the impact of high fuel prices, but certainly they are being felt in the State of Colorado, and it wouldn't surprise me if they aren't very similar in the State of Wyoming.

Mr. BARRASSO. The people in Wyoming clearly are affected the same way folks in Colorado are in terms of the large distances they have to drive, whether going to see the doctor, or taking the kids to school, or going to shop for groceries. I think statistically, when they look at how many miles on average people drive a year, Wyoming is No. 1 in terms of the longest distances. So when the price of fuel goes up, the price of gas at the pump, the people of Wyoming feel it the greatest because they are driving that many more miles. Many of them have pickup trucks or utility vehicles, because when you are that far away from home during the winter, you need to have those higher profile, larger vehicles. It is a matter of personal safety. It is what we want our kids to be in as well.

So the inflation is there at the pump, but it is not only that. There was an article in the Wall Street Journal this past week about a woman in Casper, WY, who runs a bakery. It is a great bakery, down on First Street, and sheoes a nice job. But the supplies, the cooking things she buys to put in the bagels—whether it is the canned apples or the sugar—everything is up pricewise because it has to be shipped in to be used. So it is the fuel we use in our own vehicles but it is also the fuel that is being used to ship products.

The people of Wyoming are smart. At all these town meetings I have, they get it. They understand there is going to be a change in the energy we use in this Nation, a change in the different sources of energy. The people in Wyoming know we would be wise to be conserving, and we are, and they know we would be wise to be using the renewables that we have a lot of, but they are also wise in knowing we do need to find more and use less; that it is a matter of supply and demand. And until

you can deal with both sides of that equation—not just one side but deal with both sides—people are going to continue to feel the pain not only at the pump but also at the grocery store. So the people of Wyoming get it. They know the importance of the work we are doing here in trying to find solutions that will help America become energy self-sufficient by developing American coal, American oil, American natural gas, American uranium, and American renewable energy sources.

Mr. ALLARD. That is very key. We need to be less dependent on foreign sources of oil, not only for our own economic well-being but also for the security of this country. If we have to rely on our enemies, or possible enemies, to provide us with fuel, that creates all sorts of security problems for this country. So we have to make sure we have plenty of sources for us to meet our military needs throughout the world if we are going to be the Nation's and this world's peacekeepers.

I note that the Senator has a very busy corridor that goes through the southern part of Wyoming, and it is a big trucking corridor. I think nearly every truck going east to west has to go through Wyoming. They like to avoid the high mountains passes in Colorado, so they find it easier driving through Wyoming, and I expect you see quite an impact there in your State.

Mr. BARRASSO. Interstate 80, which runs west to east across the lower part of the State of Wyoming, is a national transportation route where people are taking products from the coastal areas, the ports in California or Oregon, and they come to a pinch point in Utah and then they all get onto I–80, west of the Wyoming border at Evanston, and they come all the way across the State. Fuel prices are high, and the miles are long. People who talk about a 55-mile-an-hour speed limit in this body clearly have not driven across I–80, where a speed limit like that didn't work before when they tried it, and it won't work now.

I served in the State Senate in Wyoming, a great place. On the third floor of the capital building, there is a large mural on the wall which sort of depicts the State of Wyoming. There is a part of the bottom where I–80 is running across it. Even back when this was painted, years ago, if you count the vehicles on the mural, half of them are trucks. Half of them. And I think the proportion now is even greater than half of them being trucks.

Think about all the product that is being moved east and west on I–80, and I am sure you are seeing it in Colorado as well, with people awaiting the delivery of those products across this Nation and paying higher prices for those products because of the fuel it takes to fill the trucks in order for them to deliver the product. So we are seeing that not just at the pump but also in the pockets of consumers.

Mr. ALLARD. I don't see any solution on the Democratic side. They are talking about more taxes on oil and gas production; they are talking about more rules and regulations. I don't see any proposal that says we need to increase the supply, as we do on the Republican proposal, where we want to turn to oil shale, and to the Outer Continental Shelf, and we turn to the futures market to try to put more enforcement there, and we also work on the conservation side with the electric car.

Truckers are small business people, I attended a press conference today with truckers, I was struck by how conscious they were in trying to conserve. They were maintaining their trucks. They had great safety records. They were making sure the air in their tires was optimal so they could improve the mileage on it. The trucker I heard this morning, he was saying that about a year ago he was spending somewhere around $1,200 to $1,300 to make a trip from Virginia to Texas. There are no high mountain ranges such as we are used to in the West but a relatively flat trip. This year it is up around $2,500, $2,600 to make that same trip. It is getting close to double what he was paying last year. That has to have an impact on the goods and services that are provided in this country.

We need to be looking at real solutions. That is the point of this colloquy. That is the point the Republicans are trying to make. Just standing here debating on the floor of the Senate doesn't make a difference. We need to have an opportunity where Republican Senators can put their ideas forward. These need to be in the form of amendments.

We need to pick our own amendments. The majority leader should not be picking our amendments. It happens he wants to dictate that process. This is the Senate. This is where we should have open and free debate. I think if we had an opportunity to debate these amendments on the floor we could change the direction of this country. I think we could change the type of legislation that is being proposed as a solution.

Deep down I believe most Members of this Senate understand this is a supply-and-demand problem and we need to produce more supply and we also need to encourage more conservation. My hope is we will have an opportunity to make amendments to achieve this. I have made some of those amendments in committee and found I had bipartisan support and had commitments from both Democrats and Republicans that would help support my position on taking the moratorium off oil shale and similar moratoria.

We are simply cutting off supplies to this country and we are becoming more and more dependent on foreign oil. We are sending more than $700 billion overseas to potentially our enemies—countries such as Iran and Venezuela, for example, and many of the Arab countries which are marginal friends. We have to admit, they are there one day and gone the next.

We will need to make sure we have the security we need in this country, both economically and from a military standpoint. That means we need more oil and gas and not less. We need to have more energy from all over the energy spectrum and encourage the American people to conserve.

I thank my friend from Wyoming for his contribution to this colloquy. I think he is doing a great job and Wyoming should be proud of him.

Mr. BARRASSO. Mr. President, we started talking a little bit about coal. I wish to say it is not just Wyoming and Montana, coal is abundant throughout the United States. Whether it is Pennsylvania—I see our colleague from Pennsylvania is here. Actually, the whole region of Pennsylvania is called the coal region. He made mention of that. But in West Virginia and Illinois, coal is abundant, it is affordable, it is reliable and secure.

I appreciate the efforts my colleague from Colorado is engaged in, in terms of oil shale—another abundant source of energy that is not being utilized. It is American energy that can be used for the betterment and future of our great Nation.

Mr. ALLARD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. I thank the Chair.

40TH ANNIVERSARY OF THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. CASEY. Mr. President, I rise to recognize the 40th anniversary of the Senate Select Committee on Nutrition and Human Needs. Today we recognize the contributions of two members of that original committee, the Senate Select Committee on Nutrition and Human Needs, Democratic Senator George McGovern of South Dakota and Republican Senator Bob Dole of Kansas. Both made and continue to make contributions in the war on hunger.

It was 40 years ago that CBS television aired a landmark documentary entitled, ''Hunger in America.'' This documentary exposed the magnitude of hunger that existed all across the Nation. For the first time, Americans got a closeup look at the true faces of hunger—pregnant women and children who were malnourished, infants dying of starvation, starving tenant farmers living just miles from this Nation's Capitol. Their stories and their faces moved the Congress to try to end hunger.

It was just last month that I was privileged to have the opportunity to sit down with Senator McGovern to talk about the challenge of combating hunger still today. As we were sitting talking, he related to me a story, 40 years later, that still has had a profound effect on him all these years later. The evening of that CBS television documentary broadcast I spoke of, the evening that was on, Senator

McGovern and his family were gathered around the television set watching the documentary. Senator McGovern still vividly remembers the effect one particular image from this documentary had on him at that time.

The image was that of a school-age boy leaning against a wall while most of his classmates ate lunch. The interviewer in the documentary asked the boy how he felt standing there, day after day, watching the other children eat.

His answer was not that he was angry or bitter but, rather, that he was ashamed.

At that moment, Senator McGovern recalls telling his family that he, George McGovern, as a Senator, and not that boy was the one who should have been ashamed. I think what that shows is the humility and decency of George McGovern, first of all. But I think what he tried to convey to me in our conversation was that young person's response in that documentary—a person who was a victim of not having enough to eat—that response had such a profound effect on Senator George McGovern that he returned to the Senate the very next day and began working on a resolution to establish a committee to address hunger in this country. Forty years ago today, that resolution was, indeed, enacted, establishing the Select Committee on Nutrition and Human Needs.

Senator McGovern chaired the committee from the time of its inception in 1968 until 1977, when the committee was absorbed into the Agriculture Committee, the committee we know today as the Committee on Agriculture, Nutrition and Forestry, chaired by Senator TOM HARKIN.

Senator McGovern was committed to exposing the failure of Federal food assistance programs at that time and making reforms to ensure that these programs were reaching those most in need. But knowing this was a goal he could not achieve on his own, he reached across the aisle to form a key partnership with Senator Bob Dole, a partnership and an abiding friendship, I might add, that continues to this very day. Despite their differences, both these men share the conviction that ending hunger is a moral imperative. Working together, Senators McGovern and Dole set out to end hunger in America. Their work helped educate the Congress, the Federal Government, and the Nation at large about the sheer magnitude of hunger in the United States. Over the next decade, they and other members of this unique Senate committee developed a bipartisan response to hunger and laid the foundation of our current food assistance programs.

Among their chief successes was reforming the Food Stamp Program, culminating in the passage of the Food Stamp Reform Act of 1977. This act made the program more efficient and more accessible to those most in need by finally eliminating the requirement that Americans pay for a portion of their own food stamps.

They expanded the National School Lunch Program and made the School Breakfast Program, the Childcare Food Program, and the Summer Food Service Program permanent programs in our Government; and they established the Special Supplemental Food Program for Women, Infants and Children, better known today by the acronym WIC.

Forty years later, the programs that Senators McGovern and Dole championed and shepherded through the Senate have succeeded in eliminating the most serious chronic malnutrition in the United States. Today, nearly 28 million Americans receive food stamps, more than 17.5 million low-income children receive free or reduced school meals, and more than 8 million women and children receive WIC benefits.

The legacy of Senators McGovern and Dole is truly a testament to what can be achieved when we work in a bipartisan fashion on shared priorities that address the basic needs of the American people.

These two men came from vastly different ends of the political spectrum and vehemently disagreed on many other issues, but they came together and both agreed that hunger was and is an issue that transcends partisan politics. The bipartisan spirit with which these two men collaborated to fight hunger has certainly served as a model and a inspiration to me and I know to many others in Congress.

Following their example of bipartisanship, this year on the farm bill we were able to provide a record level of nutrition funding to reform and strengthen Federal nutrition programs. We were able to make key improvements to the Food Stamp Program itself, and we were able to strengthen the domestic food assistance safety net by providing significant increased funding to increase commodity purchases for local area food banks.

But we all know the war on hunger requires constant vigilance and we must recognize that unmet needs still exist in America. Despite the existence of Federal food programs, hunger continues to be a serious problem plaguing more than 35.5 million Americans, including 12.6 million children.

Children are particularly vulnerable to the effects of hunger. Even mild malnutrition can have adverse impacts on health, development, behavior, school attendance and performance and self-esteem as well. In the coming year, we will have an opportunity to have a direct impact on combating child hunger with reauthorization of the National School Lunch Act. This legislation, which is set to expire September 30, 2009, authorizes all Federal child nutrition programs.

One of the most important reforms that can be enacted is to expand the school breakfast program. With 30 million children a day participating in the school lunch program, only one-third or 10 million children receive a school breakfast. We must find innovative ways to reach more of these children to get them breakfast.

There is a direct link between school breakfast and academic achievement, and if the United States is going to compete effectively in a new world economy, we must educate our children and to do that we must provide the best possible nutrition at school.

We must also recognize that many low-income working parents with children are struggling to afford even the low fees charged for reduced-price school meals. According to the School Nutrition Association, approximately 1 million children in this country are eligible for reduced-price meals and yet are not participating in the program due to the cost barrier. We must devise ways to ensure these children, too, are receiving proper nutritional assistance at school and do not fall through the cracks.

But providing adequate nutrition to the children during the school year is only part of the answer. Congress also needs to implement changes to ensure that the millions of children who rely upon school meals are not left behind during the summer. Currently, only 2 in 10 children who benefit from school meals also receive meals during the summer months. We must find ways to make programs such as the Summer Food Service Program more accessible to children, not only in metro areas but in rural areas as well.

Data from the USDA's Economic Research Service shows that as far back as at least 1970, the percentage of children living in poverty in rural areas consistently exceeds that of children in metro or urban areas.

A bill I have introduced with Senator SPECTER, my colleague from Pennsylvania, S. 1755, the Summer Food Service Rural Explanation Act, would lower the threshold for feeding sites in rural areas to qualify for this program.

We hope to help to ensure the availability of summer meals for more of these children living in poverty who happen to live in rural areas. We know that hunger itself does not take a vacation, and we owe it to these children to ensure that the Food Assistance Program does not take a vacation either.

Finally, Congress must continue to improve the quality of all nutrition assistance programs. One of the great ironies of the current challenge is to recognize that hunger and obesity can exist at the same time.

While we recognize we are facing huge Federal deficits, we must refuse to let funding challenges serve as an impediment to these critical changes. There is not a more important domestic social objective facing us in the coming years than to provide adequate nutrition to children across America.

Finally, Senators Dole and McGovern blazed a path 40 years ago when they joined to help fight the war on hunger. They put aside partisanship to bring light to the darkness of hunger. Now is

time for a new generation of leaders to pick up that mantra on behalf of the more than 35.5 million faces of American hunger.

I therefore call upon my friends in Congress, both Chambers, both sides of the aisle, to join me and millions of advocates across this country in a mission to end hunger.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following my comments Senator BENNETT be recognized.

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

Mr. CHAMBLISS. Mr. President, I rise to join my colleague from Pennsylvania, Senator CASEY, to support July 30, 2008, as the 40th anniversary of the establishment of the Senate Select Committee on Nutrition and Human Needs.

Forty years ago there was a significant awakening in this country about the issue of hunger and its impact on Americans. As the resolution states, the CBS award-winning documentary ''Hunger in America'' was an important impetus to putting a human face on this situation.

Like many Americans, Senators George McGovern of South Dakota and Robert Dole of Kansas were moved by this documentary, and thus into action. The first step was the creation of the Senate Select Committee on Nutrition and Human Needs. The committee focused on the magnitude of hunger within our borders as well as shortcomings of existing domestic nutrition assistance programs.

For example, the Food Stamp Program required participants to purchase a portion of their food stamp allotment which left many Americans unable to receive any benefit because they could not afford to buy stamps.

The work of the Select Committee on Nutrition and Human Needs and the McGovern-Dole partnership led to many improvements in our country's nutrition assistance safety net. Today, domestic food assistance programs touch one in five Americans each year. The Food Stamp Program, which was recently renamed in the farm bill the Supplemental Nutrition Assistance Program, is the cornerstone of this safety net by assisting over 27 million Americans each month.

The Special Supplemental Nutrition Program for Women, Infants and Children, or WIC, serves 8.5 million Americans and provides expecting mothers and their young children with the nutrition needed for a healthy start in life.

The National School Lunch Program provides over 31 million lunches each day and nourishes schoolchildren with balanced and healthy meals. As a husband and father of public schoolteachers, I particularly know the direct correlation between healthy, nutritious meals and the ability of a child to learn.

The Emergency Food Assistance Program assists food banks all across the country in meeting families' food needs in times of sudden hardship. I am very proud to serve as ranking member on the Senate Committee on Agriculture, Nutrition, and Forestry. This committee ties the important role of production agriculture to the necessity of ensuring that all Americans have a safe, nutritious, and affordable food supply.

The select committee we are honoring today is the predecessor of the committee's Subcommittee on Nutrition and Food Assistance, and the issues before it receive significant attention.

My colleagues on the committee and I share the determination to provide an effective nutrition safety net, and we continue the bipartisan approach established by Senators McGovern and Dole. This is proven in the recently enacted 2008 farm bill, in which funding for domestic nutrition assistance was substantially increased. Now, 73 percent of the total spending in the 2008 farm bill is allocated to domestic nutrition assistance programs. Given rising food prices, we worked to lend a hand to those citizens in both rural and urban America who are struggling to feed their families.

I am pleased to be an original cosponsor of this resolution. I look forward to continuing to work with my colleagues in the fight against hunger.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. I appreciate the yielding of the floor to me, but I understand Senator LINCOLN was going to speak on this same subject. If she is available, I would be happy to yield to her. I understand she will be coming later so I will proceed.

ENERGY

Mr. President, we have had a lot of debate, a lot of discussion that does not qualify as debate, over the last week or two with respect to energy. I simply want to make a few comments of my own with regard to that issue. The energy crisis we face is a worldwide crisis. It cannot be solved with a national solution. But it is a national crisis as well, and we need to do what we can as Americans toward finding the solution. We need to help build a bridge, a bridge that can be a worldwide bridge to the long-term vision we have.

As we talk about that bridge, let's ask ourselves what is at the other end of the bridge? The vision people have at the other end of the bridge is a world that does not depend as heavily on fossil fuels as we do today. It is a world that has nuclear power, it is a world that has wind power, and solar power, geothermal power, biomass, hydropower, and one that I am particularly enthusiastic about is tidal power—the rising and falling of the tides being harnessed in generating electricity.

All of those possibilities are there, and all of those possibilities should be embraced, because all of them can contribute to the world we want to be in 10, 15, 20 years from now.

We need to build a bridge to that world because that world is not available now. There are wind farms, but they are producing a tiny fraction of the amount of electricity we use. There are solar panels that are basically demonstrating the technology, but not producing anything like the kind of volume we would need. There are studies about tidal power. There are experiments going on with biomass. There are explorations with geothermal. But all of those are in the future, 10 years away, 15, 20, 30 years away. That is where we want to be, but we need to build a bridge to get there.

Now, who is going to build it? I want Americans to be in the driver's seat of building the bridge and solving the problem. I want Americans to take the lead in figuring out what we need to do as a world to get to the other side of the bridge I have described.

I want Americans to once again achieve their ability to influence world energy prices. There was a time when the Americans could determine the world price of oil simply by determining whether they would drill another well in East Texas.

When the price of oil seemed to be too high, we could open up additional areas of East Texas to exploration. East Texas was full of oil and at the time, we led the world in oil production. Now that leadership is gone. It left the shores in the 1970s. It lies now with the Saudi royal family.

If we are talking about building the bridge, I want the Americans to be the ones to build the bridge. I want Americans to bring back to this continent our ability to affect the world's price of fossil fuels.

And how do we do that? Well, we do it simply by increasing the number of American sources of fossil fuels. That is how we were in charge of the price of oil at one time, and that is how we can be in charge again. A lot of people do not realize that America, though, is the third largest oil-producing country in the world. Saudi Arabia is No. 1, Russia is No. 2, America is No. 3. We used to be No. 1; we are now No. 3.

If we can increase our ability to produce energy, we can control the building of the bridge to the long-term future when we are no longer as dependent on fossil fuels as we are now. If we want to get to renewables, we have to build a bridge to get there.

The material we will use to build that bridge will be American energy. We have almost limitless sources to which we can turn to find that American energy.

The Gas Price Reduction Act, which I have cosponsored along with a number of my colleagues, outlines two of the areas where we can increase American sources of energy and thus help build that bridge and control, influence, and impact world energy prices.

The first one has to do with taking oil out of the Outer Continental Shelf.

Since the early 1980s, we have prohibited drilling in 85 percent of our Outer Continental Shelf waters. It is interesting that this prohibition came about the time that pricing power left the United States and went into the hands of the Saudi royal family. It will not bring it back automatically, but it will certainly make a major impact if we can now make that 85 percent of our Outer Continental Shelf available for exploration and the delivery of oil.

We now know in a way we did not in the 1980s that it is safe because Hurricane Katrina brutally told us that oil rigs can withstand virtually any kind of pressure from the weather. It is not a lesson we wanted to learn in that way, but it is a lesson that we now know.

The other area in the Gas Price Reduction Act where we can find more oil hits closer to my home in Utah. It would allow us to extract oil from oil shale. In eastern Utah, western Colorado and southern Wyoming, there is more oil than there is in all of Saudi Arabia by a factor of three. People say: ''But we do not have it yet. It is unproven technology,'' although oil shale is being turned into oil in other countries of the world, just not this one. ''But new technology is being tried out. Well, it is 10 or 15 years away. It will be expensive.''

I take you back to the proposition of the bridge. The world where we drastically decrease our dependence on fossil fuels is far more than 10 years away or even 15 years away. We cannot wish it into existence immediately. It is hypocritical to say we are strongly for wind power and solar power and geothermal and biomass as the solution to our problems, but we are opposed to oil shale and Outer Continental Shelf drilling because they take years to develop.

If one is 20 years or 30 years away, and the other is only 10 years away, we should be working on the one that is only 10 years away at the same time we are working on the one that is 30 or 40 years away.

America has fossil fuels that are abundant, available, and affordable, and that can be used as the source of building the bridge to the world of less dependence on fossil fuels. Our economy runs on energy. The world economy runs on energy.

We cannot, while hoping that the land we dream of is available at some point, refuse to build the bridge with America's available building materials.

I hope as we wind down this debate and finally decide to do something about it, we will be focused on taking the assets we already have and using them as the material to build the bridge to get to the place where we want to go. If we do that, then our constituents will see the price of gas come down at the pump. They will see movement in the right direction as to where we want to be. They will say to us: You have finally started to do your job in the way we sent you to Washington to do it.

I yield the floor.

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

TAX EXTENDERS

Mrs. LINCOLN. Mr. President, I rise to talk about my support and encourage my colleagues to join me in revisiting and passing what we tried to do earlier today, and that was supporting the Jobs, Energy, Families, and Disaster Relief Act of 2008 on which we had a procedural motion. I find this bill, in these last couple of days of our working period before we leave to return to our States, one of the most important things we can do. Is it everything we can do? No, it is not. We can't do everything in one fell swoop. But there are a lot of things we can do to get started.

I applaud the hard work that was put into this package by the Finance Committee chairman, Senator BAUCUS. I also congratulate our counterparts in the House Ways and Means Committee for their tremendous efforts in putting together this very important piece of legislation that puts us off on a very sound footing and a good beginning, heading in the right direction of where we need to go.

The vote we took earlier today was the third time we have attempted to proceed to this very important package of tax incentives, the so-called tax extenders package, this year. Unfortunately, we do it every year. Unfortunately, we patch over every year the opportunity we try to have put forward by the Government, the incentives we need to create an environment. That is what government does. Government creates an environment where businesses, families, industries, and States can be successful. That is exactly what this bill does. It is what we tried to do earlier today. I hope we will continue to push forward in creating an environment where people and businesses can do for themselves in an environment that government has created, to take care of their issues, whether they be disasters or a competitive nature across this globe, but to use that environment to strengthen themselves, to build their businesses, their families, their communities in a way that has been consistent with the American spirit through generations of great Americans.

We tried three times, and I had so hoped that the third time would be the charm. Maybe it is the fourth time. Maybe it is the fifth. I very much believe this is something we have to do, and we should do it before we leave to head home to our States for the break. During the past few months I have talked extensively about this extenders package and some of the things I think are so important. There are many benefits here that working families will see, benefits for working families, communities, businesses, so many of which are so needed at this time. Under this legislation, some 1 million additional children will be covered by the child tax credit and more than 27,000 American businesses will be able to remain globally competitive through the use of research and development tax credits. We are talking about a time when gas prices are high. Food prices are high. People are finding that the dollars they are earning are not going as far. Yet they are still trying hard to keep their body and soul and their families together. They are still trying to do for their children and aging parents the things that need to be done. One million additional children would have been covered in this bill with the child tax credit. These are extremely important policy initiatives we need to be providing, now more than ever, for our American taxpayers.

In addition, there is almost $20 billion in incentives included in this package to move us toward energy independence. We have heard all of our colleagues coming down here talking about energy independence, talking about the dire straits working families are in. My State ranks 48 in the low-income category of hard-working Americans. I know because in recent studies we have seen back in May, on average Arkansans were paying 8 percent of their income toward gasoline and in some other, more desperate counties, they were paying up to 11 percent of their income for fuel, particularly for gasoline. They are being hit hard.

There are some things we can do. This package will provide long-term extension of our renewable energy and energy efficiency tax credits so we can provide some certainty in these very important new industries that are job creators but also the hope for the future of where we go in terms of energy needs. It creates a tax credit for consumers who purchase new technology, highly fuel-efficient vehicles. It also continues our commitment of moving toward alternative fuels through the extension of the renewable diesel and biodiesel tax credit.

We know there are a lot of opportunities we have. Yes, trying to deal with the manipulation of markets by speculation is one route we need to take. Yes, we know that making sure we are taking advantage of new resources and old resources that exist in our oil and gas industry is important. We know there are multiple things we can do in renewable fuels and a host of other areas where we can turn to that we never believed we could get fuel from, everything from biomass to algae, a whole host of new technologies coming out, research that is proving to us that there is a whole new world out there of energy and energy sources. These are all initiatives in a bill that should have broad bipartisan support. We should enact them as soon as possible.

To be sure, there is certainly a lot more, whether it is speculation or drilling or other things, that we could be doing. There is more that can be done to deal with our energy crisis. But the almost $20 billion in incentives included in this package is quite a down-payment in moving us in the right direction. To my friends on the other

side of the aisle who have been here on the floor this week arguing for action on energy legislation before we leave for August, I agree with you. I think it is so important that we do something. We need to do something. We have to do something. This package we have seen come before us earlier today would have been a great first step. It still can be. We need to make sure we are passing an extenders bill, coupled with a host of other things that are essential for us to go home in August with to tell our constituents that we do hear the message they are sending. We could pass it with bipartisan support and get even more done when we come back in September.

People know we are not going to do everything at once. They don't expect that of us. But they do expect us to take, step by step, the opportunities we have to do something about the energy crisis.

We also have in this bill the highway trust fund. The needs in the highway trust fund are tremendous. Come next month, we are going to see a deficit there. We are going to see a crisis in our highway trust fund. We are going to have to deal with that. Why shouldn't we be dealing with it today or tomorrow but certainly before we leave?

Finally and most importantly, the chairman of the Finance Committee has included a package of tax relief for areas all across the country hit with horrific weather and declared Federal disaster areas. This will provide vital resources to help in recovery efforts all across the Nation; in 26 States, to be exact. I am extremely thankful for the inclusion of this piece in the bill because Arkansas has suffered from a string of tornadoes and record-setting floods. The series of natural disasters in my home State this year has been unlike any I have seen in my lifetime. It has left 62 of our 75 counties in Arkansas in need of Federal disaster assistance. Wave after wave of storms have rocked the residents of Arkansas and have left many shell shocked.

It started on February 5 when a band of tornadoes created a path of destruction, which we can see here, that stretched across 12 counties in Arkansas, killing 13 people, injuring 133, and destroying more than 880 homes. It was the deadliest storm in nearly 10 years. On that day, one tornado gouged a 123-mile path, hitting the ground, staying on the ground for that long a period. Along the way, around 5:30 that afternoon, it hit a family-owned boat factory in Clinton, AR, where 16 employees were in the factory at the time working late to load a shipment of boats on a truck. The F–4 tornado struck. Unfortunately, the life of Thomas Armstrong was lost. The building was totaled. The 20-year-old business that had produced 550 to 600 boats a year and provided $15,000 a week in salaries to its 45 employees was a complete loss. As we can see here, it was completely destroyed.

I traveled with Senator PRYOR and Arkansas Governor Mike Beebe to assess the damage across the State. In Van Buren County in central Arkansas, 45 homes and countless businesses were destroyed. Conway County had 140 homes destroyed or that suffered major damage.

The hospital in Mountain View got hit as well. Within hours, hospital administrators and personnel, helped by volunteers, reacted swiftly to stabilize the area. They were able to use the emergency room for persons with serious injuries and evacuated patients with nonlife-threatening conditions to nursing homes and other facilities around the county. In the town of Highland in north central Arkansas, a facility that housed the equipment for the volunteer fire department was completely destroyed.

A little more than a month later, heavy storms hit Arkansas again. This time they brought rain and more rain and more rain. The result was flooding not seen in some areas for over 90 years. Thirty-five Arkansas counties were declared disaster areas from the storm. In the town of Pocahontas, the Black River crested at 26.5 feet, its highest level since August of 1915, and three breaks in its levees flooded homes and apartments. This is a scene from the Black River in Pocahontas in Randolph County.

In Des Arc, where I traveled with Governor Beebe, the White River crested at a little more than 33 feet, almost 9 feet above flood stage. Further up the White River, the community of Oil Trough got hit twice. The first time it was only a few homes. Ten days later, rains came a second time and flooded the entire city, forcing residents and businesses to completely evacuate.

On April 3, another set of tornadoes hit central Arkansas. Although not as deadly as the ones that hit us in February, four twisters touched down in a five-county area, including some of the counties suffering from those floods. In addition, two more rounds of tornadoes hit the State in May, bringing the total to 62 counties affected by these storms that hit this year.

All but 13 counties in my State have been declared Federal disaster areas, causing millions of dollars in property damage and at least 26 known deaths. While it has been a traumatic few months for thousands of Arkansans, I have been struck, of course, by the resiliency of my State's residents. I have always said the people of Arkansas are our greatest resource, whether it is to the rest of this country and what we have to offer or whether it is to one another. Their ability to pitch in and help their neighbors has been nothing short of extraordinary. But they need help to finish the job.

This bill we tried to pass earlier today and in weeks past provides needed assistance. That is why I am so grateful Chairman BAUCUS has included this tax incentive package for individuals who have experienced loss from these horrific disasters.

This tax relief will help my Arkansas families deal with expenses related to debris removal, cleanup, and repair. It will allow them to adjust their taxable income, taking into account property losses they have suffered. It will allow them to access their own savings they have tucked away in IRAs and other retirement plans penalty free. It will provide a credit for small businesses that continue paying their employees while their business is inoperable and being rebuilt. These important provisions, among others, will do wonders for my Arkansas families and businesses impacted by these unbelievable storms and flooding.

And I am not alone. Many of my neighboring States—Missouri, Mississippi, Oklahoma, Tennessee, Georgia, Kentucky—experienced the same storms Arkansas did, and they are suffering in the same ways—not to mention the floods that impacted individuals in Iowa, Indiana, Nebraska, and Kansas in recent months, who all would benefit from this.

I recognize this package of disaster relief may not be as generous as some may have preferred. But it is a good package. It is a consensus package. If passed, it will provide immediate relief for all of our storm victims.

I urge my colleagues to recognize the value in this package. I urge them to take a close look and recognize the benefits it will bring to their communities that are suffering so desperately.

We should stand together. We should all look around this room and understand we are here together as a body to represent this great land, each of our States, of course, but to recognize as neighbors we all have shared in much disaster. We should stand together to do the right thing and enact this package—if we get another opportunity—of broad-based tax relief that will help our working families, our businesses, and our damaged communities.

There is certainly a great opportunity here if all of us band together and realize that in the next 2 days before we leave we have this wonderful opportunity to come together to do something for our Nation. I hope we will. I encourage my colleagues to ask to be able to come back to that relief package as well as that tax incentive package that will do so much.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

PREDATOR WOLVES

Mr. CRAIG. Mr. President, for the next few moments, I wish to change the pace of our debate on the floor of the Senate. I am pleased the Senator from Montana is now the Presiding Officer in the Senate because I want to tell that Senator I am a cosponsor of a piece of legislation he and the Senator from Wyoming have introduced that would provide grants to Montana, Wyoming, and Idaho, and to tribes and other States, at the discretion of the

Secretary of the Interior, to support landowner actions to prevent livestock predation, and to compensate landowners for a loss of livestock by gray wolves and other predator species.

Why would I come to the floor of the Senate and want to talk about wolves? Well, let me tell you what happened in the States of Idaho, Montana, and Wyoming in 1995.

In my opinion, the Secretary of the Interior at that time, Secretary Bruce Babbitt, Secretary to the administration of Bill Clinton, did something that I said at the time I believed to be a direct violation of Federal law and congressional intent. He allowed the U.S. Fish and Wildlife Service to go into Canada, collect Canadian gray wolves, bring them into the lower 48, and in the late fall or early winter of 1995, he dropped 15 of those wolves into a wilderness area in Idaho—certainly satisfying the wishes of a lot of environmental interests, but, in my opinion, directly violating the language of an Interior appropriations bill, language that I and the then Senator from Montana, Mr. Conrad Burns, had put in the bill saying: None of these moneys shall be used for the purposes of introducing gray wolves into Idaho, Montana, and Wyoming.

Well, Bruce Babbitt did it, with great fanfare, with great public attention, and with a very large smile on his face.

Then, in 1996, he introduced another 20 wolves into central Idaho. What is the end result of what happened? This was the effort to do what we called the introduction of an experimental number of wolves back into a habitat that wolves once roamed wild in. It was supposed to be a limited experiment of what we called an experimental herd or pack, or packs, of wolves, an experimental species, and it was to be limited. We said at that time that when the number reached a certain number—at least 100 breeding pairs in Idaho, Montana, and Wyoming—it would no longer be experimental, and it would no longer be endangered, and the extraordinary protection of the Endangered Species Act would come off.

That simply did not happen. Today, we literally have thousands of wolves roaming the States of Idaho, Montana, and Wyoming. Some would say: Oh, isn't that wonderful, and isn't that exciting, and isn't that natural? Well, it may be natural in relation to 1880 or 1890, and it may be wonderful for some who behold the dream of an unoccupied great West. But to those of us who live in the West today, who live in an occupied area, where domestic livestock graze, and where the human species loves to camp, we have a problem. Our problem is quite simple. Wolves protected have no predator. The human species is the only predator. And in the absence of our ability to control them, they multiply very rapidly in an unlimited area with an unlimited feed source. Their feed or food source—their prey base—happens to be what was once the great elk herds of Idaho along with our deer population. And now, as they have begun to decimate those populations, they are beginning to pick off domestic livestock, both cattle and sheep, that graze on these public lands.

This map I have in the Chamber demonstrates, from the 35 wolves that were dumped into Idaho in 1995 and 1996—in approximately this area—the phenomenal spread that has occurred across the entire State of Idaho, into Montana, and down into Wyoming, in areas where we believe there could well be more than 3,000 wild roaming wolves.

So the Department of Interior then said: It is now time we delist these wolves. We thought that was going to work until again a judge, who probably knows nothing about wolves, listened to a couple environmental groups, and said: I don't think we ought to allow that to happen. As a result, all of that effort was stopped. But still the taking of domestic livestock—both cattle and sheep—continues to this day.

I have served on the Appropriations Committee. In the absence of us doing the right and responsible thing, I kept adding money every year not only for the management and the shaping of these wolf populations, but also to offer some compensation to ranchers—both cattle and sheep—who were losing their livestock.

The Senator from Montana, who is presiding at this moment, the Senator from Wyoming and I have joined—they have introduced the legislation; I am a cosponsor—to hopefully bring about a stabilized fund to offset the literally hundreds of thousands of dollars our ranchers are now losing, all in the good name of Secretary Bruce Babbitt of the Clinton administration, who had the wonderful dream that he could take a West once unoccupied by the human species and repopulate it with a wolf.

Need I say more? A wolf is not a kind, sweet, and cuddly little animal. They are large. They are aggressive. They drag down elk, moose, deer. And they are now beginning, as I have said, to take domestic livestock.

A week ago, a young man, who was out training his hounds by chasing bear, ran into a pack of wolves. The wolves chased the guy off and killed all the hounds. Some of these well-trained hounds are worth $4,000 and $5,000 apiece. There was absolutely nothing that gentleman could do. Could he shoot the wolves? No. No, it is against the law, the Federal law, that he dare touch them. So he had to watch his beloved dogs eaten.

That is happening more and more every day in Idaho, as this map grows more and more covered with incidents of packs and individual and collective numbers of wolves. It is true in my State of Idaho. It is true in the State of the Senator from Montana. It is certainly true in Wyoming.

As we try to bring these wolf populations under control, we have interest groups and a Federal judge who raps his gavel and says: No.

The State of Idaho is attempting, under this Secretary of the Interior, and others, to take reasonable and responsible control of them, and to once again shape these populations of wolves so wolves can once again be in Idaho and, at the same time, to recognize the need to maintain populations of elk and deer is what we want to do. And it is what the Idaho Fish and Wildlife Commission and Fish and Wildlife agencies were doing in a responsible way—until, once again, a Federal judge intervenes, who knows little to nothing about the species itself, or probably the law, and says: I guess maybe that environmental group is right. Maybe we need more wolves so we get a genetically clear balance. We are more interested in the genetics of the wolf than we are the decimation of the elk herds, the deer populations, and the domestic livestock.

I have said with great trepidation, but I say in all sincerity: Do we have to wait until a wolf drags down a human species before there is a sense of alarm? Because they have now penetrated all of Idaho. They are literally in our backyards. Yet the romance goes on about this great dream of a wild West where you can hear the lonesome wolf howl at night. And they are howling. They are howling loudly right in our backyards. And a blind Federal agency and a blind Federal judge and a romantic environmental theory says that is OK.

It is tragic for the wolf because, ultimately, these populations will have to be brought under control. It is tragic for Idahoans and folks in Montana and Wyoming to see their pets and their domestic livestock dragged down and killed, with little if anything they can do about it.

I hope my colleagues would support S. 2875, as a minimal stopgap to provide these domestic livestock operators with some compensation for the losses they are now taking because Bruce Babbitt, Secretary of the Interior under the Clinton administration, had a wonderful and wild western dream.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, how much time is left?

The PRESIDING OFFICER. Nine and a half minutes.

Mr. SESSIONS. Nine and a half minutes. I thank the Chair.

ENERGY

Mr. President, it is no doubt that the American people are engaged on the question of energy, and gasoline prices primarily. But they are worried about their country. They are worried about their own budgets. They are worried about the direction the Nation is heading and the fact that we are becoming more and more dependent on foreign sources of energy. It impacts our national security as well as our economy.

We know that now $600 billion, perhaps $700 billion a year of American wealth is transferred abroad on an annual basis to purchase the 60 percent of

imported oil we utilize in America, in our transportation system primarily. That is a wealth transfer the likes of which the world has never seen. It is not good for our economy.

The average family—and I have calculated it based on a two-car family driving 24,000 miles a year—is paying $105 more per month for gasoline than they were 1 year ago using the same number of gallons of gasoline. This is a big deal. There is no doubt about it. After our families pay their taxes, after they pay their Social Security, after they pay their house payment, their insurance, their retirement, and their other bills, now $105 more every month is hitting them because of increased gas prices, and 60 percent of that money is going abroad to purchase the gasoline in a wealth transfer that is adversely affecting our economy. This is a national crisis. There is no doubt about it.

This Nation needs to do something real. We need to take action that will work. I am, frankly, very open to a lot of different ideas that we might be able to adopt. I think both parties have ideas that would work. We need conservation. We need biofuels. We need more production of energy at home. All of those things, it seems to me, are quite possible. This Government should accelerate it and make it a reality. Yet we remain here, unable to act in any way it seems.

For example, agriculture. Yes, crop prices, commodity prices are up, but the fuel that is utilized on the farm has doubled. Fertilizer prices, which come so often from natural gas, have also doubled. Our chemical industry, most of it is a worldwide industry. They have plants, these big chemical companies do, all over the world. When they decide where they are going to make a new chemical, they ask who has the lowest price for energy. Natural gas is often a component of new chemicals and because of prices—we have seen a flat or declining chemical industry and an expansion of it in other places where the price of energy is lower.

I believe the future of the American economy is at stake. We must carry out conservation efforts. I see my esteemed colleague, Senator BINGAMAN, here. He had a hearing a week or so ago and he has had some of the best hearings on energy. I am honored to serve on his committee. We had some fabulous hearings with some wonderful witnesses. The hearing I refer to included Dr. David Green at the Oak Ridge Center in Tennessee, a National lab, a Federal lab, as a witness, and he made a series of suggestions for immediate actions on energy. This is just to increase the miles per gallon that we get. His first thing is driver behavior. He contends that the average driver, if they drove better, could save 10 percent. Curb aggressive driving, observe the speed limits, don't carry extra weight in your car, have vehicle maintenance, have realistic speed limits. For every 5 miles per hour over 55, the fuel economy, Dr. Green says, declines 7 percent.

He talks about heavy trucks. Improved aerodynamics on the truck could save up to 600 gallons per year—just doing that—and other suggestions he made—low-rolling resistance tires. Better tires get better gas mileage. Driver training can be a big asset, updating fuel economy standards, the labeling of used cars. When people go out and buy a used car, it wouldn't be hard to have posted the mileage of all used cars so that the person could see what that mileage would be if they bought that particular used vehicle. He goes on with a number of other things.

I say that just to point out that he was just one witness in one area: automobiles and vehicles. There are many more things we can do to conserve fuel and I support this.

I believe we ought to reduce our dependence on fossil fuels as soon as possible. I believe we should get away from them as much as we possibly can and reduce our imports. This would include, for me, supporting investment in and promoting hydrogen vehicles and fuel cell vehicles. I think natural gas vehicles do have a role to play. Produce more diesel vehicles that get 35 to 40 percent better gas mileage. Half the cars in Europe are diesel; we only have 3 percent. Why is Europe doing that? They get better gas mileage. They tax diesel less in Europe; we tax diesel more. We have a new sulfur diesel fuel that is extremely clean.

All right. I think we are in a position—and I think the Presiding Officer understands this—the American people want us to do something. We need to reach across the aisle and accomplish something.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. SESSIONS. I have to conclude that this is the problem. I don't believe it is the Democrats I know in Alabama, or I don't believe it is all the Democratic Senators and Congressmen I know in Washington, but let me tell my colleagues what is happening and where we are and how we have reached an impasse that has to be broken.

Former Vice President Gore, a former Democratic nominee for President of the United States, made a speech recently and said that within 10 years, we should generate all of our electricity without any fossil fuels. Half of our electricity today is coal. Twenty percent is natural gas. He would eliminate all of that and replace it with biofuels, with solar, wind, and the like. That is a radical proposal—a proposal that is not within the realm of possibility. It is a stunning idea that simply cannot be achieved that fast. I would favor it as soon as we could, but we have no way of doing that.

Senator OBAMA, the Presidential nominee now, praised that speech. He didn't adopt everything in it, thank goodness, but he did praise Gore and his speech. He has indicated he opposes further drilling, and he is at best lukewarm, if not unfavorable, to nuclear power.

The Speaker of the House of Representatives, NANCY PELOSI, said she wanted to save the planet. She has been opposing any production through drilling or shale oil or clean coal or offshore production. Our own leader, Senator HARRY REID, has said sometimes he favors production, but his only proposal he has brought forth on the floor of the Senate is to sue OPEC for not producing enough oil. I would suggest we could sue the Congress for not producing enough oil in America. He wanted to tax oil companies, which means you certainly would not get any more oil doing that. Now, we have a speculation bill. Not one of those three pieces of legislation actually would produce any energy.

So let's get out of this. This is not a position the Democratic Party can take. It is not a position a majority of Democrats in America believe in. I am prepared to meet halfway. Let's move to hybrids any way we can. Let's do more biofuels. I think that can work. Let's go to wind, producing as much and as fast as we can. I am for whatever works if it is reasonable and not placing an unfair burden on the American people.

All I can say is, we are seeing a position here that is not acceptable. It is radical. It is damaging our economy. It is saying we will not do the things necessary to create a bridge to get us to nuclear power, clean fuels in the future that can get us off fossil fuels.

I thank the Chair and I yield the floor.

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

Mr. MENENDEZ. Mr. President, I heard President Bush's statement at the White House today, and I have to be very blunt. I think the President must think the American people are stupid. For 7½ years we have had two oilmen in the White House, with Republican majorities in Congress for 6 years, and we have seen gas prices go from $1.46 when President Bush took office to over $4—to about $4 now; it went over $4 at one point—per gallon. Now he would have us believe, after that 7½ years—Republican majorities for 6 of those 7½ years and having the oil industry write the energy policy with Vice President CHENEY in the White House—now he would have us believe, in fact, that we are responsible for this.

It is a good lawyer's game. When you don't have the facts on your side, when you don't have the law on your side, you pound on the table and create a diversion. That is what they have done—tried to create a diversion. The American people are a lot smarter than that.

The fact is, Democrats cannot act as we want to on the energy crisis because the Republican Party simply won't allow us. We have a slim majority in the Senate, and by Senate rules, the

Republicans can filibuster to require us to get 60 votes for anything. That really means, in essence, for those watching, they have the ability to block any legislation they want, and they have used that power to the hilt. Over 90 times they have used this procedural tactic to block much needed legislation. Even though we are in the midst of an energy crisis, they are still blocking everything.

At first they said they were blocking us from our work because they wanted a vote on opening our shores to oil drilling—something I don't support—but the majority leader said OK. We will give you a vote on opening our shores to oil drilling.

Then the Republicans said: Oh, that is not good enough either. Instead, they claimed to want to vote on opening the shores to oil drilling, a vote on nuclear power, a vote on oil shale development, a vote on their larger package of proposals, and guess what. The majority leader said earlier this week: OK, you can have a vote on all of that. Yet, somehow, every time the majority leader offers the other side votes on exactly what they want, they keep saying that is not good enough. They simply won't take yes for an answer.

I hear their speeches. They all mention speculation. Well, we have had testimony that, in fact, speculation in the marketplace could raise oil by $50 per barrel. We even saw a company that was just taken by the Commodity Futures Trading Commission being charged with having manipulated the marketplace—made $1 million in 11 days and increased gas and oil prices. Yet they won't let us go to speculation. They say one thing, they do another.

The big issue they keep talking about is production, but the Republicans don't want production. They simply don't want us to have progress. That is their game plan. They have a political equation, and it is: Don't let anything be achieved.

On five separate occasions, they have had the opportunity to vote for energy production. They have had the opportunity to keep the rapidly developing wind and solar industries growing at an accelerated pace, but instead they decide to play politics. The Republican Party doesn't seem to take renewable energy seriously. It is true that renewables are essential for our environment, essential for our economy. What these industries really represent are an opportunity to produce massive amounts of domestic energy cheaply and at least 100,000 new high-paying jobs in America.

Now, if you don't think renewables are serious business, just ask landowners in Texas, Minnesota, Iowa, or Wyoming who are, in fact, receiving $3,000 to $5,000 per month for allowing a windmill to be sited on their property or ask oilman T. Boone Pickens, who is plowing billions of dollars of his own money into wind energy and a plan to use renewables to end our addiction to oil.

Now, somebody who has made a lot of money in oil doesn't all of a sudden plow billions of dollars of his own money into renewable energy unless he thinks there is going to be a payoff at the end. He understands.

In my home State of New Jersey we have windmills in Atlantic City, where the casinos are, generating a lot of electricity. Last year we installed enough turbines to power over 1.5 million homes. The solar power industry is growing at over 40 percent a year.

These technologies work. They are working now. They are in high demand. They produce an enormous amount of energy. We need to accelerate and expand that. If we extend the wind and solar tax credits so these industries can continue their rapid growth, we could add 150 gigawatts of installed capacity within 10 years. Now, what does that mean? That means that we would have enough electricity to power over 37 million homes. At that rate, by 2030, we could get over 25 percent of our Nation's electricity from wind and solar power.

The package of tax credits that the Republicans continue to block—blocked again today—represents a solution also for the high price of oil. There is a large tax credit for the purchase of plug-in hybrid vehicles—cars, for example, such as the Chevy Volt, which will be able to run on electricity for the first 40 miles after being plugged in. That means a full three-quarters of all trips—all trips—driven by Americans would not use a drop of gas. If projections by some of the experts hold true, and half the cars on the road in 2030 are plug-in hybrids, we could easily cut our use of oil by 10 percent, and some would suggest that we could even displace much more. And by this time, we would be producing enough renewable energy to power all these cars and still have electricity to spare. If we want cheap gasoline and we want to be free from imported oil, we need to pass the tax credit extensions, and we need to build plug-in hybrids, solar panels, and winds turbines, to name a few. It is that simple.

It is time for our colleagues on the other side of the aisle to stop exploiting our energy crisis for big oil's gain and let us vote on the things that will actually produce energy.

Instead, they insist on holding up everything for an absurd plan that, according to the Energy Information Agency, will not produce energy at all for 10 years and, in 2030, will only produce enough additional gasoline for the equivalent of a few tablespoons per American car.

Let me try to put their plan into perspective. Since April of this year, Americans seeing the high cost of gas have actually reduced their consumption by 800,000 barrels of oil a day more than we did year ago. This is the most significant and sudden drop in oil since the 1970s. But what happened, even though we have reduced 800,000 barrels of oil every day? Prices went up.

In recent weeks, in response to record oil prices, Saudi Arabia produced an additional half-million barrels of oil more each day. What happened? Prices went up.

So how does the Bush-McCain drilling plan compare to these recent events? Well, based upon the Bush administration Energy Information Agency's own analysis, if we open all our shores to oil production, the first drop of oil would not be seen for almost a decade, and offshore oil production would peak in the year 2030. Then it would peak at only 200,000 barrels a day.

So, in fact, if 800,000 barrels a day in reduced consumption combined with an increase of 500,000 barrels a day in extra production hasn't lowered gas prices one bit, it is clear that the production of 200,000 versus a combination of 1.3 million barrels in reduced demand or increased production—200,000 barrels in the year 2030—is going to do absolutely nothing about gas prices.

In fact, the Energy Information Agency says that adding those 200,000 barrels per day in production in 2030 will lower the price of gasoline by less than a penny per gallon.

Let me repeat that. The Republican production plan to open all our shores to drilling and risk the environmental consequences we saw, for example, in the Gulf of Mexico during Katrina and Rita, with 700,000 gallons of oil spilled and 7 million spilled on land by the facilities that bring that oil to the marketplace, would not lower gas prices but about a penny in 2030.

Let's compare these numbers with what renewables have to offer. Remember, if we pass the renewable energy tax extender credits, we could produce massive amounts of electricity from renewable technologies. We hear this constantly being discussed by the Republicans, but they don't let us vote on it. Remember that the tax extenders will help us rapidly deploy plug-in hybrid technology so we can use this electricity for transportation.

By some projections, this means that by 2030, the same time period they are drilling off the shore with the risk that comes to a $200 billion coastal economy, we could replace 2 million to 3 million barrels of oil per day with electricity. Compare 2 million to 3 million barrels to a measly 200,000 barrels per day by the drilling.

Some, such as the DOE's Pacific Northwest National Laboratory, projected we could actually displace 3 times as much, or 6.5 million barrels per day by 2030 versus 200,000 barrels in this big drill, drill, drill.

I don't quite get it. You can save the equivalent of 6.5 million barrels every day in energy by pursuing the renewables that they say they support but don't vote for or you can have 200,000 versus 6.5 million by virtue of drilling 30 years from now. So this, of course, means that for us to achieve this, we need to get beyond the Republican efforts to stop us from maintaining the

tax incentives we have. It means we actually have to get serious about our energy policies and start a serious effort to run our transportation fleet on electricity.

That is what voters have to decide on this fall. Do they want to vote for the party of big oil, the party that saw the dramatic increase in gas over the administration's lifetime, where they wrote the rules and the law at the White House, sitting with the Vice President of the United States—do they want to vote for big oil that has record profits, starting with ConocoPhillips? I can't wait for tomorrow, or the day after, when ExxonMobil puts out their record profits. We are talking about billions in record profits. Do they want to vote for big oil, which concocted a plan that does nothing but enrich the oil companies?

This is about one last grab before the administration goes out of office. They already have 68 million acres in this country that they have access to. Now they say we cannot do this or that. They have 68 million acres. They have millions of acres in the Outer Continental Shelf that are not subject to the moratorium. They have areas in the gulf they have not pursued.

The bottom line is that plenty of drilling can take place, and they have not done it. Even the President of the American Petroleum Institute says we don't have the infrastructure or the resources to do it. All this talk about drill, drill, drill, which would only produce 200,000 barrels in 2030 versus 6.5 million barrels of reduced demand in oil—that would do something about the gas prices—and not letting us take out the speculation in the marketplace, which would reduce oil $50 per barrel, some experts say, but they would not let us vote on that. They would not let us vote on the tax extenders.

So this is not about creating production, this is about stopping progress. This is about a Republican game plan that says we will send the Congress home without having done anything about dealing with gas prices, and the minority will face the consequences. They are so sadly mistaken that the American people will not see through 6.5 years of record gas prices, record oil profits, unwilling to allow us to deal with speculation or deal with production and what the energy tax extenders provide, unwilling to allow us to pursue conservation, unwilling to let the American people get the relief they want.

That is why I truly believe that if they continue on this course, the Nation will suffer and consumers will suffer. But they will suffer at the polls come November.

With that, I yield the floor.

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

TAX EXTENDERS LEGISLATION

Mr. BINGAMAN. Mr. President, I wish to take a few minutes here on a Wednesday afternoon. We are not toward the end of the week yet, but as most people know who observe the Congress and Senate in session, once you get to Wednesday afternoon, you sort of have a feel for how much you are going to be able to accomplish during the week.

I think it is fair to say we have not been able to accomplish much so far this week. This is sort of a last-ditch effort to encourage us to try to do something constructive before we leave town, before the August recess.

Let me try to put this debate in the general terms that I understand it. There are two packages of legislation that relate to our energy challenges which we have been talking about—two notional packages of legislation. One—and this is the one most of the speeches are probably about—relates to the general problem of high gas prices, which is a serious problem for all Americans. This set of speeches is not about a particular bill because we don't have a bill that has come out of any committee in the Senate dealing with this problem of high gas prices. There are bills the Republican leader has introduced on the subject, and there is the bill to deal with the part of the problem relating to speculation, which the Democratic leader has introduced, the majority leader. We have not been able to move ahead on that. There have been repeated efforts, and we have been blocked at every turn.

The other package is the one I wish to talk about. I spoke about it briefly yesterday. I wish to talk about it again because I think it is extremely important. It is, in my opinion, the most important legislation we could pass and take action on this week. This relates to the extension of various tax provisions that are currently in the law or that have been in the law but expired this last year. I will briefly talk about that.

Some of those tax provisions relate to energy. Many of them do not. Many relate to other items, other matters that are extremely important as well. Let me talk about how important this legislation is to our economy, to American jobs, and to our energy challenge as well. First, I will talk about the provisions in the tax law that expired at the end of last year. These are provisions we need to extend in order that Americans will not face substantially higher taxes when they go to pay their taxes next spring. I am talking about things such as the alternative minimum tax.

Most Americans don't have to worry about the alternative minimum tax. Unfortunately, the way it is written today, unless we pass legislation such as what I will argue for here, we are going to have millions of Americans have to calculate their taxes pursuant to the AMT and actually pay increased taxes because of the alternative minimum tax this next year if we don't pass that legislation.

We have a provision for a child tax credit. You would think there would be strong support for maintaining the child tax credit that Americans believe is part of the Tax Code. Unfortunately, it expired at the end of last year. If we don't pass legislation such as what I am talking about, such as what we tried to pass earlier today, the child tax credit is not part of the law.

The qualified tuition deduction for higher education expenses, again, this is something that is very important to many families in this country who have children or where one spouse or the other is going to school and they need that tuition deduction for higher education expenses.

Also, there are the provisions for retirees to be able to make tax-free IRA rollovers to qualified charitable organizations. These are examples of provisions that Americans think are in the Tax Code—and they are, except they expired at the end of last year. We need to go ahead and legislate to reestablish those so people can take advantage of them when they file their tax returns next year.

All of that is contained in this legislation that failed earlier today on the Senate floor—failed in our efforts even to proceed to consider the legislation, in order to be specific about it.

Let me talk about the energy provision. There are also, in the tax law today, several important provisions to encourage production of energy from alternative sources—production of energy from wind farms, wind turbines, from solar concentrating facilities, and production of energy from photovoltaic cells that people put on their homes. This is legislation that was enacted—most of it—in 2005. I was honored to be present in 2005 in my home State of New Mexico, in Albuquerque, when President Bush traveled there and stood with Senator DOMENICI and myself and others at the time to announce that he was signing the 2005 Energy bill.

There are some who criticize that bill, but I think there were many good provisions in it, and some of those provisions are these I am talking about right now—the production tax credit for wind energy, the investment tax credit for solar energy. Those provisions, unfortunately, were only enacted through the end of 2008, and that is about, as we can all tell by looking at the calendar, 5 months down the road. So companies that are thinking of investing in projects—under the law, the way we wrote those provisions, the project has to be actually completed and in operation prior to the expiring of the tax credit in order for them to get the tax benefit.

Obviously, companies are now looking at this expiration date of December 31 coming up and they are saying: Wait a minute, hold off, we are not going to build that wind farm, we are not going to construct that concentrating solar power facility, we are not going to put those photovoltaic solar cells in place because we don't know if Congress is going to extend this provision or not extend this provision.

The vote we had earlier today is not encouraging at all in that regard because it is a signal to the business community that, in fact, Congress is not going to be able to generate the votes necessary to extend that provision.

As I understand it, all Democrats who were present voted for proceeding to the bill so we could bring it up, debate it, pass it—at least I hope pass it. I believe five of our Republican colleagues joined us in that effort. But we need more. We cannot get to the 60-vote threshold that is needed without more support from our Republican colleagues.

The arguments used against going ahead are numerous, and they are changing all the time. Let me briefly go through these arguments.

A main argument is they like the provisions, they support the provisions, they just don't like the so-called offsets. They don't like the idea that we are generating revenue somewhere else to offset the lost revenue from extending these provisions. That is the argument.

There are variations on that. One variation is, these are temporary tax provisions, and we are making changes in the Tax Code of a permanent nature in order to offset the loss of revenue. At any rate, we tried to fix that, and I think we have fixed that in the bill Senator BAUCUS offered earlier today.

Another argument is these are in current law. We don't want to offset anything in current law. We want to extend current law from now on even though we were not able to do it under the original budget we are operating under. So that argument is being made.

The other argument that is being made, unfortunately, at this point is that somehow or other there is a procedural advantage to refusing to allow us to deal with this legislation. There is some advantage that is being argued accrues to the Republican side in their larger debate about drilling offshore; somehow it helps their position that we ought to drill offshore if they deny us the right to extend these alternative energy tax provisions, the research and development tax provision, the child tax credit, and a variety of other provisions. I have trouble understanding that argument, but it is being made, and somehow it seems to be persuasive to an awful lot of our colleagues.

Let me briefly review the bidding here. As far as I understand, the procedure we have gone through this week is on Monday, the majority leader offered debate and votes on domestic production and other matters. I believe the Republican leader at that time indicated he would respond later.

On Tuesday, I believe Senator VITTER from Louisiana announced that he had seven amendments on energy that he would like to have considered. Tuesday afternoon, the Republican leader rejected Senator REID's offer of four amendments on each side. Tuesday afternoon, Senator REID stated that we would not go forward with amendments on the general subject of energy if we could not go ahead and deal with this extender package. That had to be done first, I think because of his great concern and my great concern that this is an urgent matter. This has languished too long. We need to act on it.

In the last 24 hours, we have had filibusters on this effort to move ahead with the tax extender package a couple of times. We also, of course, had a filibuster on the effort to move ahead with the Warm in Winter and Cool in Summer Act, which is the Low-Income Home Energy Assistance Program, trying to increase the level of direct assistance to low-income families in anticipation of the very high costs they are going to face this winter.

I don't know if there is a way to get the Senate to move ahead. I compliment the majority leader for the heroic effort he has been making in trying to do that. Obviously, he has not prevailed as yet.

The timeline for trying to get action on this tax extender package, or some version of it, is as follows:

In June of 2007, we had a bipartisan energy tax package that we brought to the Senate floor, and it got 57 votes. That was not enough to allow us to go ahead.

On December 13, 2007, we had a bipartisan package that got actually 59 votes. But, again, 59 votes is not enough to let us proceed in the Senate.

On April 18, we did pass a package of provisions of this type with no offset contained. That was a useful thing to do. We have been told in clear and unequivocal terms that we cannot get support to pass such a bill through the House. So we are back trying to get some agreement on how we can pass this package of tax extenders, how we can pass this package of tax provisions related to alternative energy production and related to energy conservation before we leave for the August recess.

This is a high priority. Projects are being canceled and delayed as we speak because of our inaction on this matter. I felt it important to come to the Senate floor and try to urge action once again before the week ends.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

ENERGY

Mr. COCHRAN. Mr. President, we will soon be adjourning the current session of the Senate, and we have yet to consider any meaningful proposals to help relieve the pressure all of our constituents are feeling because of the high cost of energy. Before we return home, we should pass a bill that encourages increased production of energy here at home to reduce our dependence on foreign oil.

Americans have responded to the jump in the price of gasoline by driving less and using less, and the price of oil has decreased significantly in the last 2 weeks because of this effort.

There is a direct link between supply and demand and the price of oil. In order to pay less for oil, we must have more supply and we must have our own domestic supplies.

We have been debating a bill that will not increase supply or decrease demand. The Democrats continue to thwart our efforts on this subject, and we find ourselves in a logjam.

Even though oil prices have dropped some, gas prices remain at an alltime high. Americans are spending an inordinate amount of their hard-earned income on gasoline. My constituents in Mississippi spend the highest amount of their income on gasoline of any State—nearly 8 percent—according to the National Resources Defense Council.

The status quo is not good enough. We must act. If the price of oil can drop more than $20 a barrel in 2 weeks because of decreased demand, imagine what could happen if we could couple that with increased supply.

We are very lucky that we have energy resources in America to explore. Many areas offshore are currently off limits, but they hold great potential, as do the large deposits of oil shale in the Rocky Mountains. With our abundance of coal, we have the opportunity to utilize coal-to-liquids technology as another fuel source. We are not lacking in resources. Yet we continue to be beholden to foreign oil cartels that are not producing at the rate of current worldwide demand.

We should also be making sure nuclear power is available in the quantities we need. Companies such as Entergy in Mississippi have made application to build new nuclear plants. We need to ensure that the permitting process is rigorous but more expeditious.

We have the opportunity today to begin weaning ourselves from our dependence on foreign oil, but in spite of the suffering that high gas prices are creating across the country, we are not moving fast enough. Let's get together and get this job done.

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. DOMENICI. 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. DOMENICI. Parliamentary inquiry: Am I correct in assuming that I have 20 minutes?

The PRESIDING OFFICER. The Republican side has 25 minutes 20 seconds.

Mr. DOMENICI. Mr. President, I understand that time is allotted to the two Senators, the senior Senator from Tennessee and Senator PETE DOMENICI, the old man who is leaving the Senate soon.

I wish to tell the Senator from Tennessee, our new chairman of our Republican conference, what a great job

he has done as we have considered whether we should produce more oil for Americans from American-owned resources. That has been an exciting 8½ days. What disturbs the Senator from New Mexico is, even with the explanations the Senator from Tennessee and others have made, people the Senator has read about, the things he told us about in terms of what we ought to be finding and saving, we ought to be producing and conserving, and we ought to use our own resources, we have not been able to get meaningful amendments offered in the Senate to have a vote.

I have come to the conclusion that there are some—perhaps more than I ever imagined—Democrats on the other side of the aisle who don't want to produce more American oil. I really didn't think that was possible, but I have come to that conclusion. I am not saying everybody. There are some who are working very hard on new ideas on how we can produce. But I believe the majority leader has been bugged, bothered, and pursued by those who don't want to let a vote because they don't want to produce any oil on the offshores of America even though there is a lot of it there and it belongs to us.

Having said that, I wonder if the Senator will have a comment about statements that have been made by a couple of Democrats on the other side of the aisle who have said that there are Republicans who just want to drill, that is all they want to do, is drill for more oil. Do you know of any Republicans—you know the Republicans pretty well; that is why you have your job as chairman—do you know of any Republicans whose concern is nothing other than we drill for more oil?

Mr. ALEXANDER. I would say that the Senator from New Mexico knows the answer to that.

And, Mr. President, I ask unanimous consent that the Senator from New Mexico be allowed to proceed through our remaining time in a colloquy.

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

Mr. DOMENICI. I thank the Chair.

Mr. ALEXANDER. So the answer is no, to the Senator from New Mexico, and I think it is important to go back to when we first started talking about this matter.

I think it might be useful to the people who are watching the Senate and wondering how we do things—maybe they have been watching C–SPAN and thinking: Well, these Senators sure know how to make a lot of fine speeches. And that is what we have been doing for the last 10 days, making speeches. But we haven't been doing anything more. But that isn't what we have wanted to do or what we do want to do now. What we want is a serious debate on legislation to lower gas prices that looks at ways to find more and use less.

The Senator from New Mexico is exactly right. We understand high gasoline prices are the product of a law we learned in economics 101. I don't know how the Senator from New Mexico did in economics 101. I imagine pretty well because he is one of our most intelligent Senators. But economics 101 says the price of a commodity, such as oil—or it might be hay or wheat or anything else—is determined by the supply as well as the demand. So what we said in our Republican caucus was that we wanted a balanced approach; that we wanted to increase the supply—''find more''—and we wanted to reduce the demand—''use less.''

So if I may say just for a moment, we do talk a lot about finding more.

Mr. DOMENICI. Yes.

Mr. ALEXANDER. Because that has become the issue between the two sides, really. We want to do both, and many of them don't. They want to use less, and we want to use less. But it is hard getting many of our Democratic friends to agree that even in the next 30 or 40 years we will need to use significant amounts of new American energy if we want to keep our lights on and drive our cars and heat our houses and have good jobs. It is hard for them to agree with that.

But let me be very precise about our using less. Our ''finding more'' idea was really offshore drilling and oil shale, and our ''using less'' was plug-in electric vehicles. T. Boone Pickens thinks he has a pretty good plan, and he has bought a lot of television time to advertise it, and it is pretty simple: natural gas and windmills. Ours is about as simple: offshore drilling, oil shale, and plug-in cars and trucks.

But let's talk about the ''use less'' part. That will do more for us than the ''find more'' part will. That is the Republican proposal.

Mr. DOMENICI. Yes.

Mr. ALEXANDER. We import, I believe, Senator DOMENICI, about 12 or 13 million barrels of oil a day. We use about 20 million barrels a day, or a quarter of all the oil in the world. So if we could find a way to use less, as well as find more, we could affect the price.

I had a visit just this afternoon from the utility manager in Austin, TX, and we talked about plug-in electric vehicles—our way of using less. What I am trying to do is make the point that there is not anybody over here on this side of the aisle who just wants to drill alone. We know we have to use less.

Now, why do we say plug-in cars and trucks? When I first started talking about that, people thought I had been out in the sun too long. I was far from the first to talk about it. Senator HATCH has introduced legislation on this issue, and it has been supported by a number of Democratic Senators as well. The director of the Austin, TX, utility started talking about it with me earlier today, and here is what he says can happen.

In Austin, TX, they have about 1 million cars and light trucks in his utility district. His judgment is that they can get up to about 10 percent of those cars—100,000—on electricity, where you just plug them in at night at home, within about 5 to 8 years without much trouble. He believes it is a reasonable goal in Austin, TX, to get half of those million cars and trucks on electricity in 10 to 15 years.

Now, Senator DOMENICI, if we could help the United States take half of our 240 million cars and plug them in instead of filling them up with gas, we could cut our import of foreign oil by 4 million barrels a day and stop sending money overseas. And that is our way of using less. So we want to use less.

We have other ways to do that as well. The problem is, we can't persuade our friends on the other side of the aisle to find more because when we say offshore drilling, they say: No, we can't. If we say oil shale, they say: No, we can't. Even if we say nuclear power for plugging in our cars and trucks with clean energy, they say: Sorry, not a proponent of that.

So the answer to your question is, no, we are not just for more drilling—we are all for the demand side and using less. We know that makes a difference. We would just like to have a debate and a bill about both, and we are for both. Unfortunately, our friends on the other side are not. It seems to me they are kind of repealing the supply half of the law of supply and demand.

Mr. DOMENICI. I thank the Senator for the answer, and I want to repeat that supply and demand clearly is what affects the price. The truth is, anyone who thinks we don't have to use oil for a significant amount of time—I mean import it—is just not taking into consideration the reality that what we use most of this oil for is cars and trucks and airplanes and the like, and we just can't make a change overnight.

The Senator just mentioned one great way to lessen that, and Austin has a well-planned idea that would take 15 to 20 years to do half, to get rid of half of the automobiles and substitute electric cars. But what are you going to do during the 15 years or 20? You are going to use cars, today at least, using crude oil. You are going to use gasoline.

Mr. ALEXANDER. Then there is the other half of the cars and trucks that are presumably still running on gas.

Mr. DOMENICI. You bet. Just so we make it clear, if there are Members of the Senate who don't want to let a vote occur on producing more oil because they don't think we need to produce more oil—and I can't imagine why, but some people just say no more carbon; some people say no more oil—they have to understand that we are going to be buying more oil whether we like it or not, unless we just stop driving or shut down America. It is going to continue to bleed us dry.

So we didn't come down here after our majority leader offered an amendment, an amendment that he has been saying had an impact on the price of oil, if you can imagine that. It was an oil speculation bill. As we continue

this debate, the majority leader's solution to an enormous energy crisis facing our Nation—and earlier today the majority leader gave a speech. I don't know if the Senator heard it. In that speech he said many things, but one of the things he said is that oil prices are going down because the Senate is debating—debating—oil speculation.

Now, the Senator from Tennessee and I really work hard at legislating because we think legislation can have an impact. But on such a big world problem, to think that on oil supply and demand that you could come to the floor of the Senate and say in a credible manner that the price of oil has come down because a bill was introduced—and the bill was the speculation bill—you know, people haven't gone to sleep. The speculation bill has been written about, and the best thinkers have said: First, you don't need one; and, second, this one would not do anything.

Mr. ALEXANDER. The Senator from New Mexico is right, and you are not the only one who thinks that. I picked up the New York Times a couple of days ago, and in their editorial—and they do not always agree with the Republican side of the aisle, I will have to concede—but they basically said the speculation bill is not a solution to high gas prices. Warren Buffett, who is a pretty good observer of the American economy, has said it is not speculation, it is supply and demand.

I know for people who may be watching the Senate, they may ask: What are you hung about up about in the Senate? Why don't you work across party lines and come up with some good ideas about supply and some good ideas about demand and put them in a piece of legislation and vote on it and go home and you will have taken a big step in the right direction?

We have said that is what we want to do: oil shale, offshore drilling, and plug-in cars.

The problem is, we haven't been able to do that because the Democratic leader, for some reason, is reluctant to do the supply part of supply and demand.

Mr. DOMENICI. I want to also say, Mr. President, I think some of us who work hard in the energy field know why the price of oil has dropped a little.

First, those of us who have worked at it are concerned about the supply and demand problem because we entered an era for a short time when, obviously, there was no more new supply on hand and the demand was growing. And guess what happened. The United States, the American people, not because we passed a lot of laws but because they felt the price of oil in their pocketbooks, changed the way they behaved, and as a result they saved enormous amounts of crude oil. We estimate right now that U.S. demand has been decreased by 4.3 percent, and that is about 1 million barrels a day.

When the Senator just spoke a minute ago, he was right. He gave the numbers, and 5 percent of that number would have been 1, and that is what we are at—1 million barrels. That came down. That lessened the demand, the world economy had some problems, less money was spent, and the demand came down. That was supply and demand working at its best.

Mr. ALEXANDER. I would say to the Senator from New Mexico, that is 1 million barrels a day using less. What we are saying, with plug-in cars and trucks, we can cut out another 4 million barrels a day over a few years. But if we use offshore drilling and oil shale, we can add 3 million. So we can reduce by one-third our imported oil and change the price of gasoline. And I would say to the Senator from New Mexico that some people say: Well, changing the price is way off in the future. I thought that today's price is based upon the expected supply.

Mr. DOMENICI. You bet.

Mr. ALEXANDER. And the expected demand. From the day the world thought that we might increase that by a few million barrels a day, or reduce that by a few million barrels a day, the prices started going down. Am I wrong about that?

Mr. DOMENICI. Well, if you say just coming up with the idea would do it, then I would say no, the Senator is not right. But if we were to have done that, and it was a matter of law in America that we were going to find more because it was there—you know, Americans are pretty good at drilling. Americans don't mind using the word ''drill.'' They have told us now in the polls, in answer to the question, that they are, by 75 percent, for more drilling if it is on property we own. In fact, offshore has been the answer. So they want us to find more, and they also want to use less.

It is obvious that if we would have passed that—and anybody who says we could not have because we didn't have time is just trying to pull the wool over the eyes of Americans. How many days would it take to do that if we had the will and we were given 7 days and we made a deal? We can't make a deal on anything else, but if we made one and we were going to have 7 days to debate this bill, amendments come as they may—take down the thing that the majority leader put up there because he didn't want us to vote—7 full days of debate—we could have produced a bill that would have opened the offshore permanently, except for the 15 percent that is already open, and we would have adopted the use less, find more provisions you have so eloquently brought to us from some of your experts, the experts you talked to, some of them at your National Laboratories.

Just think, after we passed that and had a signing ceremony at the White House to say: Here is what we have done, Americans. You are saving on your own, so you are using less, and we really think that is great, but we think there is still danger the price will go up, so we want to find more to keep it down—we are having the ceremony where we are celebrating both.

Mr. ALEXANDER. The Senator says we could have done that in maybe a week.

Mr. DOMENICI. You bet.

Mr. ALEXANDER. We could have agreed to a large number of amendments and said: Let's have an hour on each amendment and let's have a vote, and we might win some or lose some. But may I remind the Senator that Senator REID brought this to the floor nearly 2 weeks ago. Could we not have started on that day to have amendments from the Republicans and amendments from the Democrats, limiting debate to 1-hour per amendment with all amendments germane to energy? Wouldn't that be a normal way for the Senate to work?

Mr. DOMENICI. You were here, and we got three energy bills through. People think we did nothing, but we did. We had a 6-year span here where we did a lot for energy. We changed the CAFE standards for cars. What is that going to do? Use less.

Mr. ALEXANDER. That is the single most important step Congress could take to reduce our dependence on foreign oil, according to experts at the Oak Ridge National Laboratory, and Congress did that last year.

Mr. DOMENICI. And we did it with just one other item. It certainly didn't take as long as we have been down here talking instead of offering amendments—because we could not. We passed it, and there it is. Everyone knows it is great.

People are telling us: Don't worry about the offshore, it takes 10 or 15 years. Do you know what they told us about the ''use less'' provision that is so important, called new CAFE standards for American automobile fleets, all our cars? They told us that will not be totally effective for 20 years. The curve goes like this: you start—you don't save any, you don't save any, and then in the 15th and 20th years, you start to finally save.

Should we not have done it because it takes a long time to take effect? Of course not. We were told to get started on it because, as you said, it is the single biggest way to save gasoline and diesel fuel that anybody knows of.

Mr. ALEXANDER. It seems as if our job, Senator, the way I always remembered it, was to look ahead 5 or 10 years.

Mr. DOMENICI. Sure.

Mr. ALEXANDER. What if President Kennedy said we can't go to the Moon because it might take 10 years or Benjamin Franklin said we can't have a republic because it might take 50 years? And we also said—you just said it: From the day we pass legislation that includes oil shale, offshore drilling, plug-in cars and trucks—from the day we do that, then the buyers and sellers of oil say: It looks as if there is going to be a larger supply and less demand, and maybe we will pay a little less for oil.

Mr. DOMENICI. I want to talk to the Senator for a minute about whether we are capable of doing big things that affect the energy field. We had a chance here in the last 7 to 10 days to do something rather big. But do you know what we did 4 years ago? I was fortunate. I left the Budget Committee, where I was chairing—it seemed as though I was, at the pleasure of the Republicans, running that thing for so long, they never wanted me to step down. I finally got tired of it, and I took the Energy Committee. The first bill we passed addressed an issue that is part of this ''find more.'' It addressed the issue of why we did not build a nuclear powerplant for 27 years. We answered it in that legislation, didn't we?

Mr. ALEXANDER. And there has been a remarkable change today just because of that legislation 4 years ago.

Mr. DOMENICI. Do you know how many applications there were when we passed that legislation, for all America? Zero. That meant something was awry.

Mr. ALEXANDER. For nuclear powerplants.

Mr. DOMENICI. We had not built any. You have to apply, and so you go there and look and you see whether there are any applications. As of today—I just got a briefing—do you know how many full-blown applications there are to build, locate, and design? You can put all that in one now. It takes a long time—4 years after you have done it. Sixteen American companies or consortia of companies, even though it takes a long time and they are going to have to have their money at risk for a long time, put their applications in and said: I want to get in line because I want to build, I want to find more energy.

We are really grateful; for once, we have one where we don't have to argue about pollution, right?

Mr. ALEXANDER. It is the only source of large, dependable amounts of energy with no carbon, no sulphur, no mercury, no nitrogen. It is our cleanest. And as the price of coal goes up and natural gas goes up, it is the least expensive of our reliable forms of energy.

Mr. DOMENICI. So, you see, when there is a will, there is a way. The problem is, there was no will on the part of the Democratic leader—and perhaps some behind him. I am not going to say all of them, but surely they didn't express any dissatisfaction with what was going on until, at the end, we started feeling there was some rumbling going on. Maybe they had some friction. But nobody over on that side seemed to be saying to their leader: We want to get busy here and have some votes. There was not a will, so you can't do it. You couldn't change nuclear power without a will.

In that same bill we were referring to, we changed a lot of things. I wanted to tell you, one thing you have been interested in is the electric grid because you are concerned about how we are going to get the electrical power when we cannot build powerplants. Certainly, it takes a long time to use this nuclear one as the way. It takes a long time. You can build coal fastest, but there are a lot of problems with EPA and others on that, right? Then you can build natural gas. That is pretty much—you and I look upon that as Senators and say: Yes, you can do it, but it sure is risky because we need that natural gas so badly. But that is the only way they built them in the last few years. That bothers you, right? Doesn't it? Aren't you worried about that?

Mr. ALEXANDER. Madam President, how much time do we have remaining?

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator has 1 minute 7 seconds remaining.

Mr. ALEXANDER. Let me ask the Senator from New Mexico on our last minute and 7 seconds, one of the descriptions I like is his description of how we need to produce more American energy as our bridge to the future when we will have a different kind of energy.

Mr. DOMENICI. I would think, if we could start using these words—we need a bridge to the future—and then we got together and thought about that and then said, What is that? Remember a while ago I told you how long it would take in the city of Austin before you would get all those cars that are using oil off the streets?

Mr. ALEXANDER. Ten to fifteen years, half of them.

Mr. DOMENICI. Half of them. And then all the other things we talked about, CAFE, how long it would take going up and then start down—that applies to so many things in America that the truth is we are not going to be in a position to look to new, brand new generation of energy to move cars and trucks. We can't do that for a decade. So there is a bridge taking place, a bridge from now until we do not need oil any longer. But what does the bridge consist of? It is oil. Oil is the bridge between now and the time we do not use oil.

I regret to tell you, for anyone who thinks there is no bridge—it just comes to me now—then they can walk into a canyon and drown in the water underground that is running there because they didn't walk on a bridge and they drowned themselves. I do not want to drown our country. I want to find new oil so the bridge will be less somebody else's and more ours.

I understand the Chair tells us we are out of time. We will behave very well. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

REFUELING TANKER PROGRAM

Ms. CANTWELL. Madam President, I come to the floor this afternoon to join my colleague from Washington State to talk about—I actually say it is an energy issue. Yes, it is also about the Air Force and Department of Defense air refueling tanker program, but I believe it fits well into this debate today because we are talking about energy and the high cost of energy.

This week, I am sending a letter to Secretary Gates, along with my colleague, Senator MURRAY, to make sure the Pentagon is doing its job and eliminating the evaluation errors identified by the GAO to make sure we have a fair competition and an even playing field when it comes to the air refueling tanker program.

The fact is, our military's air refueling requirements are already well known. The original requirements were developed with input from the warfighting combatant commanders and approved by the Air Force Requirements Oversight Council and the Joint Oversight Requirements Council. According to the Federal rules, major changes to these requirements cannot be made without going through this process again.

I think failing to account for what are full life-cycle costs and estimates or changing the requirements in the RFP would be another colossal failure in this long process. This was an evaluation problem, not an RFP problem. I am here to say that if the Pentagon fails to learn the lessons from the GAO decision and changes the requirements that have already been set, then I am sure they will hear from many of my colleagues and myself here in Congress. There may even be another GAO protest.

The American people do not want to have an amended RFP that will result in a protracted protest rather than the tanker procurement we are all seeking. Therefore, the new competition should be based on the requirements that were reflected in the original Request for Proposal dated January 29, 2007. The world our warfighters are operating in has not changed since those requirements were set. I see no need for them to be changed.

We are here on the floor now talking about the high cost of energy. The Boeing Company worked hard to meet the Air Force requirements for the tanker bid process. It picked the 767, the platform that best matched those Air Force requirements. If the Air Force had called for a larger tanker, Boeing could have offered a bigger plane, the 777, with far more fuel capacity. But the plane that Boeing picked, the 767, is a much better match for us, the American taxpayer, and for our environment.

The Air Force currently uses more fuel than any other branch of the military, and the Boeing 767 plane burns 24 percent less fuel than its competitor and would have saved the taxpayers approximately $30 billion over the life of these tanker planes.

As my colleagues are talking about what to do about the high cost of fuel, I ask them to consider one of the Government's largest users of fuel—the Air Force—and whether we should make sure fuel efficiency is integrated into the Air Force's procurement decisions.

The Air Force uses more than half of all the fuel the U.S. Government consumes each year, and aviation fuel accounts for more than 80 percent of the Air Force's total energy budget. In 2006, the service spent more than $5.8 billion for almost 2.6 billion gallons of jet fuel—more than twice what it did in 2007.

The American taxpayers obviously cannot afford their own higher fuel costs. I do not see how the American taxpayers can afford the U.S. Air Force running up a higher cost energy bill as well.

An Air Force Assistant Secretary told the House Armed Services Committee that it wants to leave a greener footprint, with more environmentally sound energy resources. He testified that the rising gas and oil prices had forced the Air Force to take a harder look at the budget to find ways to save money while maintaining a high operations tempo in the war on terrorism.

Assistant Secretary Bill Anderson said this:

> The increasing cost of energy and the Nation's commitment to reducing its dependence on foreign oil have led to the development of the Air Force energy strategy, to reduce demand, increase the supply and change the culture within the Air Force so that energy is considered in everything that we do.

I believe the Boeing 767 would have been a much better choice for the Air Force in energy savings and fuel efficiency. As I said, it burns 24 percent less fuel than the alternative that was put on the table. The Air Force did not give full consideration to the national security impact of these fuel efficiency issues when it made its decision on the tanker.

Given that the Air Force, as I said, uses more than half of all of the fuel the U.S. Government consumes, I hope they are thinking about the big picture issue when it comes to making sure our Nation reduces its dependence on foreign oil.

This 767 has greater operational flexibility. It can land on shorter runways and it can be based at more locations worldwide with existing infrastructure instead of making us, the taxpayer, pay for more and more infrastructure costs.

Boeing's medium-sized 767 tanker makes a lot more sense than the oversized option that was originally outlined by Northrop Grumman/EADS, and its greater operational flexibility.

The tanker size was determined in the original requirements. And so the fact this plane, the 767, is more fuel efficient, can land on shorter runways, can have more base operations, in fact, over 1,000 more base operations worldwide, and the fact that the other costs to the taxpayers in the long run are lower compared to the other offer the Air Force is considering, we must make sure we are doing our job here on the floor of the Senate to make sure these issues of cost savings to the taxpayer are considered.

I want to make sure the Department of Defense takes a hard look at these issues and weighs the loss of critical skills in the U.S. manufacturing base. In this time of challenge, America wants to know it can rely on a workforce and manufacturing base here in the United States for our preparedness for whatever conflict comes in the future.

I want to make sure that the problems identified by the Government Accountability Office are corrected and that we move forward. But failing to account for lifecycle costs on fuel, on infrastructure, on maintenance would also be another failure in this process.

I hope my colleagues will remember this was an evaluation problem, not the RFP. And we hope we will straighten this out as we move forward.

I see I am joined on the floor by my colleague, the senior Senator from Washington. I hope she too can add to the focus of how those high costs are something we should be considering in making sure the Air Force moves forward on the appropriations choice to give the men and women of our country a long overdue air refueling tanker that we deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. I come to the floor this afternoon to join my colleague from Washington State and thank her for her comments and attention on this enormously important issue to our State and to our entire country.

As she outlined earlier this month, the Department of Defense took a rare step involving a major procurement contract. Defense Secretary Gates decided the competition to replace the next generation of aerial refueling tanker was so flawed that it should be rebid. He elevated that competition from the Air Force to his office, and he promised to address all of the findings raised last month in a Government Accountability Office ruling which determined that the contest was skewed in favor of the European company Airbus and against Boeing.

I was glad to hear the Defense Secretary had decided to take new bids and start over. But I come to the floor today to join with my colleague from Washington State because I too have very serious concerns about the Pentagon's plans for that new competition. Some Pentagon officials are already indicating to us they are considering using this opportunity to amend the request for proposals to give greater weight to a bigger plane.

As a result of those comments, defense experts and analysts are now beginning to predict that as a result of that, the contract will simply go back to Airbus. I brought this up in a meeting this week with Acting Air Force Secretary Donley, in which we discussed the history of this tanker contract, and we talked about the needs of the Air Force, the criticisms that have been lodged against the latest competition, and our concerns about the amendment to that RFP that would tip the scales to favor one bidder.

I am not saying the Pentagon cannot change the requests for proposals. However, I strongly believe that all those changes have to be rooted in the original requirements that were set out by the Air Force when it began the process of replacing the military's midsized tanker, the KC–135.

I recognize the Pentagon's procurement team is very serious about getting this competition right. They want to get the right tanker for our warfighters. They want to do it quickly. But I also want to make it clear that if the Pentagon moves forward with this effort, officials must take the GAO's findings seriously and ensure that this competition is as fair and transparent as it can be.

Last month the GAO upheld eight points of protest that were raised by Boeing, including that the Air Force changed directions midstream in the process about which criteria were more important. It did not give Boeing credit for providing a more capable plane, according to the Air Force's description of what it wanted. Yet it gave Airbus extra credit for offering amenities the Air Force did not even ask for. The GAO report said the Air Force deliberately and unreasonably increased Boeing's engineering costs. When that mistake was corrected, it was discovered that the Airbus tanker actually cost tens of millions of dollars more than Boeing.

The GAO found that the Air Force accepted Airbus's proposal even though Airbus could not meet two of their key contract requirements. They could not meet the contract requirement, Airbus could not, and refused to commit to providing long-term maintenance as was specified directly in the RFP, even after the Air Force repeatedly asked them for it.

Secondly, the Air Force could not prove that Airbus could refuel all of the military's aircraft according to procedure. This goes to show how there were major flaws that occurred throughout that process.

So as it continues with this competition now, the Department of Defense must make sure there is no reason to question its motives. If they truly plan to make this a fair contest, Secretary Gates has to ensure that before the selection team reopens this competition, it goes back and addresses each one of those GAO findings. It has to ensure that both companies are on the same footing and it has to prove the competition is as transparent as possible. Our refueling tankers are the backbone of our global military strength. They are stationed around the world today and they service planes from every branch of our Armed Forces. This is a contract that is ultimately worth more than $100 billion. We are going to have these planes for decades. We cannot afford to make mistakes.

As I said at the beginning of my remarks, I recognize that Secretary Gates is very serious about getting this competition right. At the end of the

day, this is about getting the right equipment for our airmen and airwomen who are put in harm's way for our security every day. Our servicemembers deserve a plane that will enable them to do their job and return home safely.

Our taxpayers deserve to have confidence that the errors are going to be fixed in this contract as the GAO outlined. So I come to the floor today to say, as the Pentagon moves forward with this effort over the next several weeks, I strongly urge our officials to take those GAO findings seriously and ensure this competition is as fair and transparent as it can be.

SAMUEL SNOW

While I am on the floor this afternoon, I want to take a moment to say a few words about a different topic; that is, about a gentleman who sacrificed very dearly for our country.

My colleague from Florida, Senator NELSON, was on the floor earlier today talking about a veteran named Samuel Snow who traveled from Florida all the way to my home State of Washington, all the way across the country this past week, to finally receive the honorable discharge from the Army that he deserved to get more than 60 years ago.

This man traveled from Florida to Washington to finally get an honorable discharge 60 years later. Samuel Snow was one of 28 African-American soldiers who were wrongly prosecuted in a court martial for a crime that occurred in Seattle at Fort Lawton in 1944.

Last weekend, 64 years later, the Army finally publicly acknowledged that Mr. Snow and 27 others were unjustly convicted and issued a formal apology. As my colleague from Florida talked about this morning, Mr. Snow came all the way from Florida to Seattle and participated in the dinner there with sons and daughters of some of the men he served with in prison. But later that evening in Seattle, Mr. Snow checked himself into a hospital, and he missed the next day's ceremony. His son Ray Snow went to the ceremony and accepted the honorable discharge on his father's behalf, that honorable discharged he had waited decades to receive, and took it from that ceremony, went to his father's hospital bed and was able to hand it to him personally and see the smile in his dad's eyes for the first time.

Sadly, very sadly, his father, Mr. Snow, passed away shortly after he was handed that honorable discharge. Samuel Snow was a hero for our country who suffered unjustly. He deserves the thanks of our entire country for his service and his sacrifice. My thoughts now are with the Snow family during this difficult time. I am so glad he was able to finally receive that honorable discharge he waited for so many years and to receive it before he died.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

RESEARCH TAX CREDIT

Mr. HATCH. Madam President, I rise today to express my growing alarm over the current state of the expired and expiring tax provisions, and to express what I see as real problems in getting these important provisions taken care of before Congress adjourns this year.

My office is increasingly being contacted by businesses and individual taxpayers, not only from my home State but around the Nation, who are asking what the delay is in taking care of the so-called extenders. I am sure this is true of all offices of all of my colleagues on both sides of the aisle.

It is already way past the time when Americans should have been able to expect a reasonable Congress to take care of what in prior years has been a fairly routine issue. While the almost annual rite of passing a tax extenders bill has never represented an ideal way of governing, the Congress has generally exercised a modicum of responsibility in getting this chore taken care of within a reasonable time. That is, until recently.

Over the past several years, Congress's ability to take care of what is the least common denominator in our duty to ensure a stable tax system has eroded. We are now bordering, in my opinion, on gross negligence. No wonder the Congress's approval ratings are so incredibly low.

Mr. DURBIN. Would the Senator from Utah yield for a question?

Mr. HATCH. I would be happy to.

Mr. DURBIN. We were doing half-hour segments. We had 11 minutes remaining on ours. How long is the Senator planning on speaking?

Mr. HATCH. Not more than 10 minutes.

Mr. DURBIN. I ask unanimous consent that we have some reallocation of the time.

The PRESIDING OFFICER. Without objection, it is so ordered. The time will be reallocated.

Mr. HATCH. I was told to be here at 5:40. I thank my dear colleague for his kindness and understanding of the situation.

Senate leaders on both sides have tried to make progress on the extenders bill but have repeatedly failed. The distinguished majority leader has chalked up this failure to Republican obstructionism, as he has with almost every other failure of his party to pass legislation this year, or legislation they desire.

Contrary to the accusations of our leader on the other side, the reasons for Republican opposition to the Democratic extender bill are grounded in principles of solid tax policy and fiscal responsibility. Unfortunately, our position has been grossly distorted by many on the other side and many Democrats on the outside. The Democratic extenders legislation has failed because it contains fundamental flaws. The other side is insisting on raising taxes to pay for the loss in revenue from extending the expired tax provisions. Their so-called pay-as-you-go or pay-go rules call for all revenue losses to be matched with revenue increases or certain spending decreases. While I continue to be a strong believer in fiscal responsibility, there are three basic reasons why Republicans have rejected the false fiscal responsibility of the Democratic extenders bills.

First, it is wrong to raise taxes on one group of taxpayers in order to prevent another group of taxpayers from suffering an increase in taxes. Second, it is wrong to offset temporary extensions of current law with permanent tax increases. Finally, it is wrong to increase taxes at a time when the Federal Government is already collecting more revenue as a percentage of gross domestic product than the 40-year historic average. This is particularly true at a time of slow or no economic growth. Our friends on the other side are ignoring a solution the Republicans have offered that would finance the tax extenders bill in a fiscally responsible way. We believe we should reduce the explosive growth in Federal spending instead of raising taxes in order to offset the revenue losses. Just during this Congress, Democrats have passed billions of dollars of new spending without bothering at all to offset the effect of these increases on the deficit. Billions more of new spending has been approved through the Democratic budget resolution.

Among the tax provisions that have already expired is one the business community relies on to keep products and processes flowing, innovations that are the lifeblood of our economy. Businesses across the country are, once again, anxiously waiting to see if we will reinstate this important incentive for innovation, the research tax credit, which I have championed for decades. The purpose of the research tax credit is to encourage investment in technological innovation. Companies generally cannot fully recover R&D expenditures, thus discouraging companies from investing in innovation. The Federal Government provides tax incentives in order to support business R&D, and the business community is depending on us to continue to support R&D. We cannot wait until the end of this year to commit to this vital investment, this vital tax policy. The time is now.

At a time when we are looking for ways to spur economic growth, I know of no thoughtful person who does not believe research and development is vital to our economy and to our future prosperity. My colleagues on the other side of the aisle are trying to create ridiculous permanent offsets in order to pay for temporarily extending the research tax credit which I argue we cannot afford to lose.

Many U.S. companies are looking elsewhere to establish their R&D activities. Testifying before the House committee on Science and Technology, Dr. Robert Atkinson, president of the Information Technology and Innovation Foundation, testified that ''eight of the top ten [research and development]-spending companies in the world

have established R&D facilities in China.''

They could just as easily have been established here. If we are not careful, we will soon not only be dependent on foreign oil but also dependent on foreign research and development. The result would be a tragic loss of American jobs, economic growth, world leadership, and prestige. We simply cannot allow this to happen. Here we have a tax incentive that has been around for almost 30 years, which enjoys wide acceptance by the business sector, the academic community, economists, and which has very broad support from practically every corner of the political spectrum. Yet this tax credit provision has been allowed to expire 13 times. Each time we play the extension game, Congress seems to get a little more cavalier about the expiring or expired provisions in general and the research credit in particular. While we play this extension game, our business community loses out on chances of innovation that could spur economic growth at a time when we need it to be spurred.

Now is not the time to create tax uncertainty for employers. A retroactive or, even worse, lapsed research credit will cost American jobs. There is no way you can avoid it, if we don't get this done. Seventy percent of research tax credit dollars are used for wages of R&D employees. It is estimated by the Information Technology Association of America that the lapse of the research tax credit will cost the economy $51 million per day. Are my friends on the other side of the aisle willing to risk losing American R&D jobs and severely impact the already difficult U.S. economy in the name of a perverse and wrong-headed sense of fiscal responsibility?

We cannot drive our economy into the ground in the name of false fiscal notions such as a pay-go rule that is used only to grow Government and to add more taxes to people. Tax increases are not the prescription to what ails our economy. But extending these expiring tax cuts and making the research tax credit permanent will help our economy grow. I urge my colleagues on the other side of the aisle to reconsider their opposition to spending cuts as a way to responsibly pay for the cost of extending the expired and expiring tax provisions. I wish we could make the research tax credit permanent. If we would, it would help our economy. It would help companies to have some sense of what is going to happen in the future. It would help them in their planning. It would help create jobs. It would help to create more and more innovation. My gosh, it makes sense. I hope my colleagues will reconsider and that we can get this tax extenders bill passed as soon as possible.

Having said all that, I thank my friend, the majority whip, for his graciousness in allowing me to make this statement, especially since I have been picking on him to a degree, only in good nature but also in seriousness. We have to work together. We have to start solving some of these problems. We can't do it by always increasing taxes.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The majority whip.

Mr. DURBIN. Madam President, the Senator from Utah is my friend. We disagree on so many things politically. But on a personal basis, we have a very good friendship and relationship. I am hoping the day will come when we find that issue on which he and I can march together arm in arm to achieve greatness for the country. I know that day is coming. I am an optimist.

Mr. HATCH. If the Senator will kindly yield, this is the issue. This is one we could both march arm in arm on. We both agree. The question is, How do you pay for it? Frankly, we are not going to go with the pay-go rule. We have to find some other way. I would like to make it permanent. I would like to get rid of the AMT that is hurting so many, 24, 25 million people. I believe my colleague wants to do these things as well. But we have to find a way of getting together and doing it. I think my good colleague knows where I stand on these issues.

Mr. DURBIN. I thank the Senator from Utah.

Madam President, we have a deficit. It is terrible. It is a debt which is growing. It is a mortgage on America. Our children are going to be saddled with it. The mortgagor, the bank for America's debt? China, Korea, Japan, the OPEC nations; they are holding our mortgage. Many of us believe this isn't fair to our children and grandchildren to continue to pile on the debt. We came up with a very simple approach. If you want to spend money, you have to pay for it. You either have to raise taxes or cut other spending. If you want to cut taxes, you have to have some balance; in other words, cut spending or raise another tax. When it is all over, we want a zero sum so it doesn't add to the national debt.

I don't think that is unreasonable because it means we have to make choices. Here is the choice we faced in the last 2 days. We have a thriving industry in America for renewable energy. I can't believe what is going on in my State of Illinois. I go into parts of downstate Illinois and see farm after farm covered with wind turbines. Outside of Bloomington, IL, is the Twin Groves project, 240 wind turbines generating enough electricity for cities in Bloomington normal—no pollution, farmers love it because they get paid for the wind turbines on their land, and they can plant the corn and soybeans right up next to it. So it is a win-win situation, and it is there because we had a provision in the Tax Code which created an incentive to invest in wind power, solar power, geothermal, the clean energy solutions that will generate electricity without causing more global warming.

We brought it to the floor. We said to our colleagues: We need to renew this. It is about to expire. If we don't renew it, these businesses may not reinvest. But giving a tax break takes money out of the Treasury, so we want to balance the books. To balance the books, we suggested raising a business tax to offset the cut in taxes for renewable energy, balance the books. The Republican side, the party of so-called fiscal conservatism, rejected this. As my friend from Utah said, they don't believe we should have to pay for tax cuts.

Well, tax cuts, unfortunately, take money out of the Treasury and add to the deficit. We think balancing the books is the only way to get this deficit under control. So when the vote came—there are nominally 51 Democrats, 49 Republicans—there were a few absences on both sides, but we were able to attract 5 Republicans who would join us for the renewable energy tax credits.

The others said: There is no way. Forty-one of the forty-nine Republican Senators have signed a letter which I call ''death before taxes.'' It is a letter which says they will never—ever, ever, ever—vote to increase a tax, never. That kind of paints you into a corner. Because if you are not willing to increase a tax on someone to cut a tax on someone else, you are stuck with a Tax Code that never changes, or you are stuck with a deficit which continues to get worse and worse as you try to make the Tax Code a generator of economic growth.

The Republicans, for the last several weeks, have been on the floor talking about America's energy picture. They should. We have talked about it a lot on our side of the aisle. Their solution is a solution which is old-time religion: Drill, drill offshore, drill onshore, drill everywhere. If we drill and find more oil, we will be fine.

They ignore the reality. The reality is, if you look at the entire potential supply of oil in the world, the United States has access and control of 3 percent of the world's oil. Each year our economy consumes 25 percent. So let's do the math. If you drilled all the oil available in the U.S. offshore/onshore, how long could we sustain our economy just by drilling? The answer is, we couldn't. It can't be done.

What is the alternative? You can import oil, which we are doing now, 70 to 80 percent of the oil we use is brought in from overseas, from other countries, or you can find another approach—responsible exploration and production in America that doesn't violate basic environmental regulations, doesn't run the risk of contaminating or polluting offshore, and then a forward-looking approach to energy, an approach which looks for renewable, sustainable sources of energy for the future, that deals with the possibility that we will replace current electric power generation with pollution-free generation from wind turbines and solar power,

moving toward a new generation of cars and trucks.

A few years ago, about 4 or 5 years now, I offered an amendment on the floor to improve CAFE standards. We had not increased fuel efficiency in cars for over 20 years. We were stuck with an old number. We were falling backward. People bought heavier trucks and SUVs, and they were not as fuel efficient. So I said: Let's have a new goal, moving toward more fuel-efficient cars. Let's have a challenge to our industry and to our science to find these new cars for the future, safe cars, cars that use less fuel and meet our needs. I got beaten badly on the floor when I offered that, but gasoline wasn't $4.50 a gallon then. I lost that attempt twice in a row. The votes weren't that good. I am not sure I even had 30 votes out of 100 for the idea of fuel efficiency. But someone once said: There is nothing more pregnant than an idea whose time has come, and with gasoline at $4 a gallon, the idea's time has come. We passed a law to require more fuel efficiency in years to come. So we are moving in the right direction there. That is the future for us. The future for us is to find ways to conserve, find ways to be more fuel efficient, find ways to generate more renewable energy that doesn't pollute the environment.

Today's vote was a disappointing vote. We tried to create incentives for renewable energy, and only 5 Republicans out of 49 would come and vote with us. Four of the five are up for reelection, some of them facing tough contests in November. They know it is hard to explain voting against this bill. They voted against our bill, which would have created incentives for biomass and hydropower, incentives for solar energy and microturbines, biodiesel production, renewable projects, coal electricity, advanced coal electricity demonstration projects, plug-in electric cars, new batteries that we will need for plug-in hybrids, ways to reduce pollution from trucks with idling reduction units, installing more E–85 fuel pumps around America so consumers have a choice to use a cheaper and more environmentally friendly fuel, home credits, building credits. All of these were incentives to move America in the right direction, not the wrong direction, and only 5 of the 49 Republicans would vote for that.

Their goal is more drilling. Their agenda is written by the oil companies. The oil companies have consistently asked for more and more and more that they can put in their portfolio of possible areas to drill. However, currently there are 68 million acres of federally owned land under lease to the oil companies that they are not using, they are not exploring. They are not bringing oil and gas out. They have ample opportunity in that area and others to meet the needs of future exploration. They are not doing it. Yet from the Republican side of the aisle, we hear they need more.

This sign shows that the Republicans have engaged in 91 filibusters in this session. For most people who are following this debate that number may not mean much. In the history of the Senate, the largest number of filibusters in any 2-year period of time was 57 before this session. What is a filibuster? It is an attempt to slow down or stop the Senate from acting. Ninety-one times the Republicans have tried to slow down or stop the Senate from acting. Today they did it again. They stopped us when we tried to pass this energy policy for America that creates incentives for renewable energy.

That isn't all that was in this bill. It wasn't just about energy alone. In this bill was protection for working families from the alternative minimum tax, creating more tax liability for them in next year's return. That is a good bill as far as I am concerned. We should be protecting working families who are struggling to get by.

In this bill as well was $8 million for the highway trust fund. We are afraid this highway trust fund will run out of money before the end of the year and 400,000 good-paid workers would lose their jobs in America. I don't want to see that happen in my State; I don't think any Senator does. We tried to protect our economy from that happening in this bill.

There was a provision, totally unrelated—and critics of Congress say: Why do you do things like this? Why would you put that provision in a bill about energy and jobs? But I will tell you, I would put that provision I am about to describe in any bill. It is called mental health parity. This bill would require private insurance companies to provide opportunities for people to buy health insurance to cover mental illness. We have been fighting for this for as long as I have been in the Senate. The fight was started by Paul Wellstone of Minnesota. What a great man he was. We lost him when he died in a plane crash 6 years ago, and we have tried to pass this bill ever since. I think we should put that amendment on every bill. There are so many American families who are affected by mental illness. We put that before the Senate today and only five Republicans would vote for that. I don't understand their thinking. Many have said they really believe in it, but they wouldn't vote for it. That is where we are.

So their filibuster ended up stopping a bill from moving forward, as it did earlier this week. Earlier this week, another Republican filibuster stopped a bill which had 34 or 35 provisions in it to deal with a number of different issues. Some of them were health related: a registry for those suffering from Lou Gehrig's disease so we can do better research in finding a cure; efforts for additional research in rehabilitation activities at the National Institutes of Health for those suffering from paralysis; a stroke treatment bill, a bipartisan bill—all of these bills, incidentally, have passed the House of Representatives overwhelmingly. The Melanie Blocker Stokes MOTHERS Act—one I am familiar with—dealing with postpartum depression to try to make sure new mothers who are suffering from that depression get the treatment they need. Vision care for kids so that we help the States pay for more visual screening so kids don't fall behind in the classroom simply because they need eyeglasses.

Then we had a number of bills out of our Senate Judiciary Committee: a bill to reauthorize a program to find runaway and homeless kids. The Emmitt Till unsolved Civil Rights Crime Act, Senator DODD and I and others have cosponsored this one. Those responsible for killing civil rights workers, no matter how long ago, should be held accountable, and this bill would have moved us in that direction—a bill to deal with mental illness and crime, unfortunately, closely linked, and we should be doing something about it; bills dealing with reducing Internet child pornography.

All of the things I have just mentioned—health care and crime related—were in a package of bills which the Republicans refused to support. I don't get it. I don't understand it. I don't know how you could go home and explain to the people you represent that you voted against these bills. Obviously, they think it is easy to do, and maybe it is for them. It wouldn't be for me. In the State of Illinois, there are too many people affected by these bills.

The Republicans consistently—with their filibusters and holding back their votes—have stopped us from doing the people's work. I understand when people think of Congress across America, it is not in positive terms. They want us to do more. They want us to respond to the issues of the day, the things that make a difference. Whether we are dealing with medical issues, of research; whether we are dealing with law enforcement; whether we are dealing with the energy picture—these are things on which we should be voting to move forward. However, time and time and time again, the Republicans, through their filibusters, have stopped us in the Senate. That is what happens in a 51-to-49 Senate where it takes 60 votes to do anything significant. They have control of the agenda—at least control enough to say no—and they have said no repeatedly on 91 different occasions with their filibusters, breaking all the records in the Senate.

I wish to get back to this energy policy. I don't want us to go home without addressing it, but I am afraid the Republicans have closed the door not just yesterday but again today. Earlier, the leader on the Democratic side, Senator HARRY REID, read from this morning's New York Times, July 30, an article by Tom Friedman entitled ''Drilling in Afghanistan.'' What Tom Friedman said about the Republican strategy on energy, I think, really hits the nail on the head. I quote from this article:

Republicans become so obsessed with the notion that we can drill our way out of the

current energy crisis that reopening our coastal waters to offshore drilling has become their answer for every energy question. Anyone who looks at the growth of middle classes around the world and the rising demand for natural resources, plus the dangers of climate change driven by our addiction to fossil fuel, can see that clean, renewable energy—wind, solar, nuclear, and stuff we haven't yet invented—is going to be the next great global industry. It has to be if we are going to grow in a stable way—

Thomas Friedman writes.

Therefore, the country that most owns the clean power industry is going to most own the next great technology breakthrough: The ET revolution—the energy technology revolution—and create millions of jobs and thousands of new businesses just like the IT revolution did. Republicans, by mindlessly repeating their offshore drilling mantra, focusing on a 19th century fuel, remind me of someone back in 1980 arguing that we should be putting all our money into making more and cheaper IBM Selectric typewriters and forget about those things called the PC and the Internet. It is a strategy for making America a second great power and economy.

So when it comes to paying for what we do on the floor of the Senate, the Republicans vote no. When it comes to an American energy policy that is forward looking, sadly, the Republicans vote no. When it comes to medical research in critical areas, this week the Republicans voted no. When it comes to crime provisions to deal with runaway kids and to deal with Internet pornography and children, this week the Republicans voted no.

There comes a point where you have to stand for something. We have tried our best to bring these issues before the Senate. We will continue to.

The last point I will make is this: There is one thing—one thing—the President can do tomorrow morning that can change the debate on energy in America instantly, and that is an announcement. There is an announcement he could make that the United States—which has a Strategic Petroleum Reserve of 700 million barrels of oil that has been gathered and protected for our national security—is now going to be part of our energy solution. If President Bush announced that he would start releasing oil from that reserve, selling it on the market, with the goal of bringing the price of a barrel of oil down to $100 from its current level of about $122, it would do more to breathe life into the American economy than any other thing. It would say: The United States can stop being a victim when it comes to energy and can become a player on the global market. It would send the signal that we are not going to tolerate $145-a-barrel oil and the prices it generates at the gasoline pump and when it comes to jet fuel for our airlines. If the President showed leadership in releasing oil from the Strategic Petroleum Reserve—if he called in the oil companies and put them on the carpet for the outrageous profits that they continue to report—we could turn this around.

Simply suggesting that we have to drill more offshore in the hopes that 8 to 14 years from now there will be additional oil is not going to solve our energy problem. It is yesterday's answer. As Senator DORGAN from North Dakota has said so frequently: When the Republicans think of energy, it is yesterday for everything.

Let's think about tomorrow. Let's have an energy policy that looks forward.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

MENTAL HEALTH PARITY

Ms. KLOBUCHAR. Madam President, this afternoon I spoke about how important it was to pass that extender bill, how important it was for my State and for the rest of the country to promote green jobs, to look at this new energy future, to stop spending $600,000 a minute on foreign oil. I said this afternoon we only got four Republicans to vote with us on a bill that was paid for, a bill that was the right way to go—only four Republicans.

There was something else in that bill that is just as important to me and to my State of Minnesota and to the millions of people living in the shadow of mental illness, and that is the Paul Wellstone mental health parity bill that is included in that package. We have tried to pass this through the Senate over and over again. Senator DOMENICI on the other side of the aisle has been one of the biggest supporters and sponsors of this bill. Senator KENNEDY has worked on it. Senator DURBIN has worked on it. There are many people in the House, including PATRICK KENNEDY, and one of my favorite Republican Congressman, JIM RAMSTAD, who is retiring this year, and he doesn't want to leave the House until that bill gets done.

For me, the Paul Wellstone mental health parity bill is about Paul Wellstone. It is about everything he stood for. It is about fighting for the people who don't have a voice. It is about all the people who have come up to me in the Capitol, not the Senators but the secretaries and the tram drivers who remember Paul and remember how kind he was to them. This bill is about his brother Stephen who struggled with mental illness his whole life. Paul would always talk about how the house they grew up in was always dark because of Stephen's mental illness and how, after Stephen got better and went on to teach, what a difference it made in the family, but it was a lifelong struggle for him.

So this bill is for Paul. When Paul was alive, our friends on the other side of the aisle said they wanted to pass this bill. And when Paul died, they said they wanted to pass this bill. This is the time, and it was a part of that package. Senator KENNEDY is at home watching everything that goes on in this Chamber, and he wants to get that done. Paul's son, David, has been here, day after day, walking the halls of the Capitol, knocking on doors to get this done in his father's memory. I implore my friends on the other side to get this done.

Mr. DURBIN. Will the Senator will yield for a question?

Ms. KLOBUCHAR. Yes.

Mr. DURBIN. I served with Senator Paul Wellstone from Minnesota, who passed away 6 years ago, just weeks before the election. He and his wife Sheila, his daughter, several staff members, and the pilot and copilot were lost in that plane crash. I attended that memorial service for him at the University of Minnesota.

Paul had such a passion for so many issues. But the one thing that meant more than anything to him was this mental health parity bill. I am saddened that, 6 years later, we still haven't passed it. We only had 5 Republicans join us today and vote for it. I hope the Senator from Minnesota feels as I do, that we need to pass the Wellstone mental health parity bill—make no excuses, find no alternatives, other than to make sure it is named in his memory, the man who started us down this road and whose journey needs to be finished by us today.

I am glad the Senator from Minnesota is here to participate in that. It should be the highest priority before we adjourn this year. Since I need to ask the question, I ask her if she agrees.

Ms. KLOBUCHAR. I thank the Senator so much for that question. I know from his family, those he left behind, who miss him so much, this is what he wanted to get done. I actually remember, I say to the Senator from Illinois, the last time I saw Paul Wellstone before he went down in that tragic plane crash. It was at an event for new citizens. Sheila, his wife, was supposed to be there, and the two of us were talking about our immigrant families, where they came from and how they pulled themselves up and funny stories about our families in Appalachia. There were about 30 new citizens there and no press, no cameras. All of a sudden, by surprise, in walked Paul. You know, it was 3 or 4 weeks before one of the biggest elections in the country, and he was in that room with the new citizens.

I knew there were two reasons: One, he loved Sheila and he wanted to surprise her. Second was he embraced this idea that no matter where you came from, no matter what you have gone through in your life, you could pull yourself up in this country. That is part of why this mental health parity bill was so important to him. He had seen in his family how his brother struggled and was able to pull himself up. There was a horrible financial situation for their family. He didn't want that to happen to someone else. He felt that if you can cover physical illnesses, you should also cover mental illnesses. This bill is what Paul wanted to get done.

I know the majority leader and others have said the other side said they would pass it when he was alive and

then when he died. This is their chance.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

DETENTION OF GAMBIAN JOURNALIST EBRIMA MANNEH

Mr. DURBIN. Madam President, America has long been a champion and source of hope around the world for those suffering human rights violations—those holed up in dictators' prisons, those fighting for press and political freedoms, those bravely standing up to tyranny or injustice.

Many of those who have suffered, such as Vaclav Havel and Nelson Mandela, or continue to suffer this fate, such as Aung San Suu Kyi, are well-known to us. Sadly, for each one of them, there are many other, lesser known heroes being detained or harassed all over the world simply for wanting basic human freedoms.

Through our annual human rights reporting at the State Department, our diplomacy, and steady public pressure on basic human rights, the U.S. has traditionally been a source of hope for those being illegally detained or persecuted.

We should never forget what this kind of attention and pressure can accomplish and what kind of strength it provides for those being detained.

Take for example, Ngawang Sangdrol, a Tibetan nun who was detained and tortured for peacefully expressing her belief in Tibetan independence. She was freed after 12 years of imprisonment following immense public pressure. After her release she said,

I have been overwhelmed by the outpouring of love and support . . . I am deeply touched to learn that many individuals, organizations, and governments . . . have worked towards my release. It is very clear to me that I have been released and allowed to come out to the free world for medical treatment and to enjoy my freedom because of international concern.

Or Gurbandurdy Durdykuliev, a political activist from Turkmenistan who in 2004 was seized and forced into a psychiatric hospital by the country's ruling dictator. His crime—requesting permission for a peaceful political rally.

He was released a few years later, just 10 days after 54 members of Congress sent a letter to the Turkmen Government about his case.

We should listen and act upon the appeal made by Aung San Suu Kyi, who has remained under house arrest in Burma for most of the last 19 years:

Those fortunate enough to live in societies where they are entitled to full political rights can reach out to help the less fortunate in other parts of our troubled planet. . . . Please use your liberty to promote ours.

I realize we must also work to address our own recent shortcomings by unequivocally renouncing torture and by closing the detention facility in Guantanamo—and we will continue to work toward ending these shameful legacies.

At the same time, we must continue to speak out in support of those imprisoned for advocating basic freedoms around the world.

Many of us on both sides of the aisle have been arguing that America's strength resonates not only from its military power but from the power of its ideas and inspiration, the power of its values and hope, the power of its generosity and diplomacy—its smart power.

Sadly, I worry that a measure of this leadership, of this inspiration, and of this uniquely American hope has been lost in recent years.

Accordingly, today I want focus the Senate's attention on a tragic story from the small west African Nation of The Gambia.

Chief Ebrima Manneh was a reporter for the Gambian newspaper, the Daily Observer. He was allegedly detained in July 2006 by plainclothes police officers thought to have been from the Gambian National Intelligence Agency after he tried to republish a BBC report critical of President Yahya Jammeh.

He has been held incommunicado, without charge or trial, for two long years. Amnesty International considers him a prisoner of conscience and has called for his immediate release.

I agree.

Recent reports suggest he is being held at the Fatoto Police Station in eastern Gambia. In July 2007, he was also reportedly escorted by the members of the Gambian Police Intervention Unit to the Royal Victoria hospital in the capital for high blood pressure treatment.

Despite repeated attempts by Manneh's father and fellow journalists, including the Committee to Protect Journalists, to seek information on Mr. Manneh, the Gambian Government continues to deny any involvement in his arrest or knowledge of his whereabouts.

My direct request to the Gambian Embassy here in Washington has also been met with shameful silence.

Last month in Nigeria, the Community Court of Justice of the Economic Community of West African States declared the arrest and detention of Mr. Manneh illegal and ordered Gambian officials to release him immediately.

And yet the Gambian Government ignored this court's ruling as well—even though this court has jurisdiction for human rights cases in the Gambia.

Is the Gambian Government so afraid of one of its own reporters that it cannot even acknowledge his detention?

I say to President Jammeh: Release this reporter. Let him return to his family.

Sadly, Mr. Manneh's case is not alone in The Gambia. In December 2004, a critic of President Jammeh, and press freedom advocate, Deyda Hydara, was shot and killed. His murder has yet to be solved or investigated.

The government has also enacted laws muzzling the press and imposing mandatory prison sentences for media owners if convicted of publishing defamatory or seditious material—all part of a larger deterioration of basic freedoms in The Gambia.

Madam President, the United States needs to be a forceful advocate for these kinds of blatant human rights abuses. Doing so is not only the right thing to do, but it is the smart thing to do in terms of our engagement abroad and in demonstrating our American values.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I withdraw the motion to proceed to S. 2035.

The PRESIDING OFFICER. The motion is withdrawn.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—MOTION TO PROCEED

Mr. REID. Madam President, I made this unanimous consent before and it was objected to.

I move to proceed to Calendar No. 732. S. 3001, the DOD authorization bill—that is the Defense Department authorization bill—and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, Harry Reid.

Mr. REID. Madam President, I ask that the mandatory quorum be waived.

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

Mr. REID. Madam President, I appreciate my friend from Iowa allowing me to do this. He has been waiting for some time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAX EXTENDERS

Mr. GRASSLEY. Madam President, at 2:42 today on the Senate floor, the Senate majority leader made an incorrect statement. In discussing the negotiations last night between the chairman of the Senate Finance Committee and this Senator, the Senate majority leader, who was not present at the meeting, stated: ''The only thing that Senator GRASSLEY wanted to discuss is having all these extenders not paid for.''

I will make a statement of why this statement is wrong. Specifically, I made three proposals to Chairman BAUCUS. In all three of the proposals, we agreed to use three tax offsets suggested by Chairman BAUCUS and his staff.

The first offset I agreed to accept is the offset that closes the loophole that allows hedge fund managers to defer compensation in tax haven jurisdictions. However, I mentioned we needed to remove the huge charitable loophole that is contained in both the Democratic House and Senate extenders bill. Closing this charitable loophole will raise about $1 billion in extra revenue from hedge fund managers, according to the nonpartisan Joint Committee on Taxation.

Let me make clear why that is a very important adjustment. If you, the average taxpayer, want to give the maximum the law allows for a charitable deduction, you can only allow 50 percent of your income to be used for that purpose. But if you are under this provision, if you are a hedge fund manager making contributions to a charity, you can have 100 percent deduction. We think that is unfair to the middle-income taxpayer.

The second offset I reluctantly agreed to accept was a version of the worldwide interest allocation offset. We are still waiting on the revenue estimate for this proposal. This was a compromise on my part. That is what it will take from the other side, as well, to get an extenders bill done—some sort of compromise.

The third offset I agreed to accept is a permanent offset regarding basis reporting of securities brokers.

These three offsets that I agreed to accept could—depending on the revised worldwide interest allocation proposal—raise over $50 billion in revenues as offsets.

As I mentioned above, I made three proposals to chairman BAUCUS. I also offered to use all three offsets mentioned above for each of the three separate proposals that I made; therefore, paying for much of the revenue loss generated by the tax extender provisions.

In two out of my last three proposals, I proposed using those three offsets to offset much of the revenue loss that results from extending these tax extender provisions.

So for the majority leader to say that ''the only thing that Senator GRASSLEY wanted to discuss is having all these extenders not paid for'' is simply not accurate. And it is plain wrong. The majority leader was not in the room, and he must have received a false report from someone who actually was in the room. Chairman BAUCUS was in the room. So he knows the majority leader's statement that the only thing Senator GRASSLEY wanted to discuss was having all of these extenders not paid for is untrue. I ask everybody to ask Chairman BAUCUS.

To demonstrate in detail that the majority leader's statement is incorrect, Chairman BAUCUS and I discussed a number of issues other than offsets in the media. One of these issues was my disaster tax relief package that is needed for the people of Iowa and the Midwest because of the gigantic 500-year floods.

Three other issues we discussed were the three tax offsets I described above. Some other issues that were discussed were provisions in the Democratic leadership's extenders bill that we objected to, such as the provision regarding the train from Manhattan to JFK Airport that accounts for more than 20 percent of the revenue loss in the Democratic leader's disaster tax package.

In addition, I offered to make all three of my proposals revenue neutral by suggesting that we use the three offsets mentioned above and also decrease the amount of new increases in spending that were approved in the budget only 2 months ago.

Let me be clear, we did not suggest any spending cuts. We suggested our colleagues on the other side of the aisle consider decreasing the amount of new unspecified nondefense discretionary spending. The nondefense discretionary spending that has been authorized in the budget is $350 billion greater than the President's fiscal year 2009 budget. This extra $350 billion is like an extra checkbook that Congress is carrying around in addition to the already fat checkbook. This checkbook covers nondiscretionary spending and current levels of discretionary spending. We simply ask they take a few checks out of the extra checkbook over the next 10 years to help pay for part of the needed tax relief provisions in the tax extenders package.

However, this suggestion was summarily dismissed by Chairman BAUCUS. My colleagues on the other side of the aisle are unwilling to even consider decreasing their increased—and I emphasize ''their increased''—nondefense discretionary spending that is above the President's budget.

In summary, the majority leader's statement at 2:42 this afternoon about my position on our negotiations is flat out wrong, and I cannot be any clearer than that.

Folks across the country must wonder why the Senate cannot pass the popular expiring tax relief provisions. There is no disagreement between the parties on the merits alone. Nearly all Members of this body and the other body support the alternative minimum tax fix and also the other parts we refer to as extenders; in other words, tax provisions that have sunsetted. And, of course, because of the good of these provisions, anybody who opposes it would be crazy.

The problem is the committee and floor process have been disregarded by the Senate Democratic leadership. Debate, exchanges of ideas, up-or-down votes are the essence of how the Senate works. All of that Senate process is now bottled up. The Senate process is quite truncated.

For the first time in this decade—that is, since 2001—the Finance Committee members have not been allowed to exercise their rights in the committee markup with respect to these issues, with one exception—the 2002 stimulus bill.

For the first time in this decade, Senate Members have not had the opportunity to debate and amend extenders in a real Senate floor process. For the first time in this decade, Senators in the minority are being presented with a top-down deal crafted between the Democratic leadership of the House and Senate.

For me, the irony of all of this is very compelling because I found myself within the last 2 years, when Republicans were in the majority, condemning Republicans for trying to get around letting the Senate work its will. Almost 2 years ago today, we faced an attempt to end run the natural order of the committee and floor process by the bicameral Republican leadership of the House and Senate; meaning when we were in the majority. I referred to it at that time as wrongheaded. If it was wrongheaded when we had a Republican majority and the Democratic majority is doing it, it is just as wrongheaded, as far as I am concerned, because 2 years ago it was doomed to fail.

I don't know how many times I told the Republican leadership: It ain't going to work. And right now we are faced with it when we have a new majority and that new majority is Democratic. Two years ago, it was envisioned as some sort of unicameral, not a bipartisan, bicameral tax-writing committee process. The unicameral tax-writing committee process 2 years ago ignored the rights and the privileges of both political parties. I used sharp words and directed them at my side's leadership of the House and Senate.

I am sure some on my side thought my comments were over the top. I don't care. I didn't care then, at least. Then-Health, Education, Labor and Pensions Chairman ENZI stood shoulder to shoulder with me in this process. My friends on the Democratic side criticized my leadership for the harm it was doing to the rights of the Members of this body that is supposed to be the greatest deliberative body in the entire world of any parliamentary bodies.

That is why I find today's actions bitterly ironic. I am sorry to say today we find the Democratic leadership attempting to do much the same thing. Like the failed trifecta jam then, today's jam will not work.

Let me make clear, when I refer to the ''trifecta jam then,'' I mean 2 years ago when Republican leaders thought they could stuff something down the throats of Democrats in this body. It failed then, and that sort of jam is not working when Democrats are in the leadership position.

It is part of a larger problem with the Senate because we are not going

through the regular order at the committee and floor levels. Issues are building up, tempers are flaring, and most importantly, nothing is getting done and the people are mad about it. The people back home are mad about it.

I reiterate what I said this morning. The fourth vote failed. That failed cloture vote had the effect of Kaopectate. It further constipated the Senate. This legislative body needs to function. Legislation needs to circulate through this body in the usual form. We need real debate and real amendments. We need a legislative laxative.

Another alternative to resolution is an informal bipartisan process. Either way, repeated cloture partisan jams do not lead to an agreement that can pass the House, the Senate, and be signed by the President. And don't forget about that because that is an important part of the process. I think the White House spoke out on some of the AMT and extender legislation we have been considering.

I have my pencil sharpened, a note pad out. I am ready to engage in our bipartisan process with my friend Chairman BAUCUS. I am hopeful the Democratic leadership will relieve the constipation on the tax extenders legislation. The Finance Committee and Senate need to function.

On behalf of Leader MCCONNELL, I am going to propound a unanimous consent request about which I already informed the other side. The agreement, if accepted by the majority, would set in motion a process that would lead to resolution of these expired provisions. If accepted by the majority, we would have real debate, real votes, and a resolution that matters.

Madam President, I ask unanimous consent that upon the conclusion of the energy speculation bill, the Senate proceed en bloc to the consideration of the Baucus extender bill, S. 3335, and a bill introduced by Senator GRASSLEY on the same subject of extenders; provided further, that there be 2 hours of debate equally divided in the usual form to run concurrently on both measures; and that following that time, the bills be read a third time, en bloc, and the Senate proceed to vote on passage of S. 3335, followed by a vote on passage of the Grassley bill. I further ask unanimous consent that if either bill does not receive 60 votes in the affirmative, the bill be returned to the calendar.

Mr. DURBIN. Madam President, reserving the right to object, what the Senator from Iowa proposes is that we pay for these tax extenders for energy by reducing domestic discretionary spending. To put that in layman's terms, for the last 4 years, we have frozen the increases of spending at the National Institutes of Health for medical research. Senator GRASSLEY would say, let's continue freezing those increases in spending for medical research so we don't have to impose taxes on American businesses doing business overseas. I disagree with that. It is far better that those businesses pay those taxes than we cut back on medical research. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I wish to correct the Senator on a couple of respects, and he has exercised the right I expected. First, we accept the provisions that were in the Baucus bill for offsets. We did suggest a modification on the provision that the Senator said we don't want. He is wrong on that point. We will accept it. There is a slight modification in it that would give an election. We go along with that provision, and I think I made that clear in the remarks I proposed.

The second place the Senator from Illinois is wrong is we are not proposing the cutting of spending. We are proposing the $350 billion increase that their budget has suggested for additional spending be reduced by a very small percentage.

Mr. DURBIN. Madam President, if the Senator from Iowa will yield.

Mr. GRASSLEY. Yes.

Mr. DURBIN. Madam President, so any proposal to increase spending at the National Institutes of Health for medical research will be reduced by the proposal of the Senator from Iowa?

Mr. GRASSLEY. If my colleague wants to figure that all the $350 billion is going to go to the National Institutes of Health, he is right. But all $350 billion, obviously, is not going to go to the National Institutes of Health.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

COST OF ENERGY

Mr. SANDERS. Madam President, I suspect if people are watching what is going on here, they do not have any clue or understanding of what is taking place because, in fact, it is fairly incomprehensible. It is pretty hard to understand why bill after bill dealing with issues of enormous consequence for millions of Americans is being filibustered by the Republicans, which means we have to get 60 votes to end the debate, votes which we obviously don't have. From the beginning of the session, there have been 91 filibusters, which is more than anyone has ever seen in the Senate.

The reason the Republicans are filibustering today is because they want to pass the so-called Gas Price Reduction Act. That is the title of their bill. But I would argue that the title of this bill is a complete misnomer. The so-called Gas Price Reduction Act will not lower gas prices today, which stand at about $4 a gallon.

All over this country, people are deeply upset about having to pay these outrageously high gas prices. They are worried about what oil prices will be in the winter. They understand the impact of these oil prices on food and other aspects of our economy. And the Republican legislation is entitled ''The Gas Price Reduction Act,'' but it is not going to reduce these gas prices which are so high today. That is not my view, that is President Bush's view. That is the view of everybody in the world. That is our Republican friends' view. They are saying, quite appropriately and correctly, that if you drill now, maybe in 10, 15, or 20 years, there will be some impact on prices. Well, maybe there will be and maybe there won't be, but there is no argument that in the midst of a crisis today, what they are proposing will have zero impact on our economy right now.

So whatever the merits or lack of merits—and I am not sympathetic to drilling in environmentally sensitive areas in the Outer Continental Shelf—what we should be clear about is that the Republican proposal will do zero to address the crisis of high energy prices today. And again, that is not just my view. President Bush's own Energy Department has said that increased drilling offshore would have ''no significant impact'' on gas prices until the year 2030, and even then its impact would be negligible. That is what President Bush's own Energy Department is saying.

So perhaps our Republican friends might want to change the title of their bill from ''The Gas Price Reduction Act'' to the ''No Significant Impact on Gas Prices; Maybe By 2030 Act.'' That would at least be a more accurate description of what they are trying to do. Maybe there will be some impact by the year 2030, but let's not fool the American people. The American people are angry, they are frustrated about what is going on today. And we could argue whether the Republican policy is good or not good, but let's not kid anybody, it is not going to have any impact on gas and oil prices now.

For those who think it is okay not to do anything or see any impact until 2030, I guess they could support what the Republicans are doing. But I know what is going on in Vermont; that is, workers can't afford $4 a gallon for gas when they are driving 50 miles to work and 50 miles back, and they surely can't afford the price of oil that is coming down the pike next winter. They do not want action in 20 years, they want action now. And in my view, Madam President, that is what we should be doing.

With the exception of my Republican friends here in Congress, there are very few people in this country who believe the oil companies give one hoot about the well-being of the American people. Our Republican friends are saying that if we just give these huge oil companies more acres offshore to drill for oil, they will certainly do the right thing, as they always have, for the American people. Let's just trust those big oil companies because they are really staying up day after day, night after night, worrying about the well-being of the American people. That is what their full-page ads in the New York Times and all their ads are telling us.

Well, it is good to see there are at least some people in America who believe that. I don't, but apparently my Republican colleagues do.

Let me just mention to you, Madam President, just how much concern the oil companies have for the American consumer. While the American people have been paying $4 and more for a gallon of gas, ExxonMobil has made more profits than any operation in the history of the world over the past 2 consecutive years, making $40 billion last year alone. Oil prices are soaring, and ExxonMobil is making recordbreaking profits. But ExxonMobil, of course, is not alone. Chevron, ConocoPhillips, Shell and B.P. have also been making out like bandits. In fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been President. Yes, they are deeply concerned about the high price of gas and oil. Yes, they really are. It is really upsetting to them. Last year, the major oil companies in the United States made over $155 billion in profits—in just 1 year.

Let me tell you, Madam President, big oil companies are so concerned about Americans paying high prices for gas and oil that this is what they are doing with their profits. You see, our Republican friends would suggest that what the oil companies are trying to do is explore new areas, do new drilling, produce more oil, and lower prices. Well, I don't think so, frankly. I will tell you what they are doing with their huge profits.

In 2005, ExxonMobil gave its CEO, Lee Raymond, a $398 million retirement package—among the richest compensation packages in corporate history. They weren't going out looking for new land to drill on, they weren't building more refineries, and they weren't working on energy efficiency. They gave their CEO a $398 million retirement package.

In 2006, another one of those oil companies that is staying up nights worrying about the American people, Occidental Petroleum, gave its CEO, Ray Irani, over $400 million in total compensation—again, beyond comprehension to ordinary people.

In fact, there were articles recently in the press suggesting that one of the major problems ExxonMobil had is that they had so much cash in hand, they literally did not know how to invest it or how to get rid of it. That was their major problem.

The situation is so absurd and the greed of the oil companies is so outrageous that these companies are not only giving their executives huge compensation packages in their lifetimes, but they have also created a situation, if you can believe it, where these oil companies have carved out huge corporate payments to the heirs of senior executives if they die in office. I guess this is what happens when you have more money than you know what to do with.

In other words, if, according to the Wall Street Journal, the CEO of Occidental Petroleum dies in office, his family will get $115 million. The family of the CEO of Nabors Industries, another oil company, would receive $288 million. So it is not only giving out huge compensation packages; if the CEO dies in office, the family gets a huge package. Madam President, this would be funny if it were not so pathetic in the sense of the impact this type of spending has on the American people.

Not only are huge oil companies using their recordbreaking profits on big compensation benefits for their CEOs, but they are also spending large sums of money buying back their own stock. In other words, when they are making these very large profits, they are not going out drilling for more oil, as our Republican friends are suggesting. Overall, since 2005—3 years ago—the five largest oil companies have made $345 billion in profit and spent over $250 billion of that $345 billion buying back stock and paying larger dividends to their stockholders. That is what they are doing with their money. They are not going out and saying: Gee, how can we do more drilling? Gee, how can we lower the price of oil? They are buying up stock and increasing the benefits to their shareholders.

Last year, ExxonMobil, the largest oil company in our country, spent 850 percent more buying back its own stock than it did on capital expenditures in the United States. And that is a fact.

Let's not kid ourselves. The big oil companies—and I know we are not supposed to talk about this too much in the Senate, but anyone who doesn't believe these oil companies have huge political influence over what goes on here in Washington is surely kidding themselves. Since 1998, the oil and gas industry has spent over $616 million on lobbying. In a 10-year period, they have spent over $616 million in lobbying. Now, what does that mean? It means they hire the best law firms in town, they hire former leading Republicans and Democrats—anybody can come in and work with Members of Congress—to get their way. That is one of the reasons why, among many other reasons, this Congress, in recent years, has decided to give some $18 billion in tax breaks to oil companies despite their recordbreaking profits. Over $616 million in the last 10 years on lobbying, and since 1990 they have made over $213 million in campaign contributions. And that is a simple fact.

Lo and behold, what we are hearing today—just coincidentally, no doubt—is that the most important thing we can do in terms of the energy crisis is to provide more land offshore for the oil companies to drill at a time when they already have some 68 million acres of leased land, which they are not drilling on today.

The American people want action, and there are some things we can do—not in 15 or 20 years but that we can do right now. Not only do we need to impose, in my view, a windfall profits tax on these extremely powerful oil corporations, but we have to address what I perceive is a growing understanding that Wall Street investment banks, such as Goldman Sachs, Morgan Stanley, JPMorgan Chase, and hedge fund managers are driving up the price of oil in the unregulated energy futures market. In other words, they are speculating on energy futures and driving up prices.

There are estimates that 25 to 50 percent of the cost of a barrel of oil is attributable to unregulated speculation on oil futures. I know the Presiding Officer's committee has had hearings on this issue and other committees have had hearings on this issue. We have heard from some leading energy economists, and we have heard from people in the oil industry themselves who tell us that 25 to 50 percent of the cost of a barrel of oil today is not due to supply and demand or the cost of production but is due to manipulation of markets and excessive speculation. In essence, Wall Street firms are making billions as they artificially drive up oil prices by buying, holding, and selling huge amounts of oil on dark unregulated markets.

Some of my Republican friends claim that the increase in the price of oil has nothing to do with speculation, but it is interesting to me that we have had executives of major oil companies—major oil companies—who have come before Congress and who are saying, ''Why is oil $125, $130, and $140 a barrel?'' Do you know what they say? The CEO of Royal Dutch Shell testified before Congress and said:

> The oil fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.

This is not some radical economist. It is not some leftwinger. This is a guy who is the head of Royal Dutch Shell.

The CEO of Marathon Oil recently said:

> $100 oil isn't justified by the physical demand in the market.

I know my Republican friends have a lot of respect for the oil industry, a great competence in them. They love them and give them huge tax breaks. So maybe they should listen to what some of these guys are saying in terms of oil speculation.

Some people have suggested or implied that those of us—including people in the oil industry—who believe speculation is driving up prices are into some kind of conspiracy theory, that we just want to demonize Wall Street or big investment banks such as Goldman Sachs and Morgan Stanley. Well, I would like to briefly read an excerpt from a research paper done by Goldman Sachs US Economic Research dated June 2, 2008. This is what they say, and I find this interesting:

> Lawmakers and regulators have begun to respond to these concerns—

Concerns about high oil prices—

but we still think it is unlikely that there will be any significant legislative changes enacted this year. In fact, it is entirely possible that Congress will adjourn for the year without enacting any further legislation focused on commodity speculation.

And then this is the interesting thing they say:

However, the debate itself could break the rise in energy prices for a brief period until there is greater certainty regarding the legislative and regulatory outcome.

In other words, what Goldman Sachs is saying is that even the debate on speculation in the oil industry could have an impact on slowing down oil prices, and it may well be that is the case. We have seen that in the last 2 weeks or so.

Let's talk a little bit about recent history and speculation and market manipulation in terms of the energy market.

In 2000 and 2001, our friends at Enron successfully manipulated the electricity market, and the results, of course, were that in California and on the west coast electric rates went up by 300 percent. It is interesting to remember—and I remember this—what Enron was saying at that time. They were saying don't blame us, it is a supply and demand issue.

I gather those Enron officials, who may be in jail today, are perhaps still saying that, but we know a little bit differently.

We also know that BP artificially increased prices on the propane gas market. They were fined for that over $300 million. We also know Amaranth, a hedge fund, manipulated prices on the natural gas market. In fact, in 2006, Amaranth cornered the natural gas market by controlling 75 percent of all the natural gas futures contracts in a single month.

In other words, the idea of manipulation and speculation and control of a market is not a new idea. We have seen three instances in the last 8 years, with Enron, BP, and Amaranth doing just that.

Given that reality, why would we think it is so shocking that is taking place right now in terms of oil?

Let me conclude by saying it is imperative that we move now in terms of addressing the energy crisis. People all over this country are hurting. They want us to act, and we must act. To my mind, one of the things we have to do is to move this country aggressively forward in terms of energy efficiency and in terms of sustainable energy.

Our Republican friends talk about wanting to grow more energy, increase energy supplies. Let me inform them the Sun does that, the wind does that, geothermal does that, biomass does that. It is incomprehensible to me that time after time legislation has come before this body—including today—which will simply extend the tax credits that have been given for sustainable energy, and we cannot even do that.

There are huge economic gains, not to mention moving forward in terms of global warming and reducing greenhouse gas emissions if we do that. Yet we cannot even get the votes to do that.

We can move forward in terms of a windfall profits tax. We can move forward in speculation. We can move forward in terms of energy efficiency. We can move forward in terms of encouraging the growth of sustainable energy. Those are the things that we can do now. I believe those are the things the American people want us to do.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I would like to speak tonight on the issue of energy as well. We are very fortunate that the Senate is debating the issue of energy. It is the No. 1 issue to the people of this country. Frankly, I find myself very concerned about where this debate is going.

In early July, I asked my fellow Idahoans to contact me and tell me what the high prices of fuel mean in their lives. In fact, I asked them not only to tell me what it meant in their lives but what they thought we ought to do in this country—Congress as well as the rest of the country—what we ought to do about these high prices of fuel.

The stories that came in were remarkable. Overnight I had 400 to 600 emails, and we now have over 1,200 emails in our office from citizens of the State of Idaho who are feeling the impact of these high prices. It is not just a minor inconvenience in their lives. The stories they tell are poignant. They are disturbing.

One lady wrote in that at the end of the month she and her husband just had enough money left in their budget to either fill their gas tank or to buy their food. They made a choice to fill their gas tank because they had to have the fuel to get to work and keep their jobs. In her response she said she didn't know exactly how they were going to deal with the issue of food.

Others talked about the fact that they were not able to pay for needed medicines. The pressure of fuel versus food versus medicine gets down to the basics in our society. This is not a question of whether to call off a long-planned vacation. It is not a question of whether we have to adjust to some minor inconveniences. We have already done that in our society. This is an issue of changing the quality of life in America that will probably not be able to be fixed or reclaimed if we do not respond to it properly now.

As I said, I also asked my constituents to tell me what they thought we ought to do. The responses were remarkable. I think the people of Idaho have a tremendous amount of common sense. I brag on them all the time. They have come through with all kinds of suggestions about how we ought to deal with this problem, everything from the need to conserve more, to the need to use wind and solar and other renewable and alternative fuels, to the need to get more production of oil. They get it. They understand the solution to this problem is not just one thing.

Another remarkable thing came across in their responses to me. They are angry. They are angry that Congress is not dealing with the issue because they blame Congress that we are in this problem. I said before, sometimes it is kind of a national pastime to blame Congress for whatever the problem of the day is, but in this case my constituents in Idaho and the rest of the public in this country are right. It is the responsibility of Congress to have established a rational, comprehensive, national energy policy for this country that can help us to be independent and strong in terms of our energy. Congress has failed to do so.

America now needs to move forward. America is too dependent on petroleum as our major source of energy. For that petroleum, we are too dependent on foreign sources. America needs to treat our energy policy like we would treat an investment portfolio. We need to diversify. We need to be as conservative and as careful in the utilization of our energy as possible. We need to be as efficient as we possibly can in terms of the utilization of that energy. And we need to have broad and diverse resources of energy.

At the same time that we are doing that and diversifying—and I hope we could diversify, we here in this Congress, help to establish a broad diversified energy policy—while we are doing that we can't simply say that petroleum is evil and we will no longer ever try to utilize production of oil in this country. It will take us a significant amount of time to transition to an economy that is less dependent and less held hostage to petroleum. While we are doing that, frankly, we need to recognize that we need more production of oil in the United States.

So where are we today in the Senate? We have before us a bill that does one thing: it addresses the futures market, the speculation that the Senator from Vermont, who spoke before me, just talked about. It does nothing else. It seeks to find a solution to our national energy problems in one way; that is, to establish a very aggressive new regulatory regime for the futures market in our country. It does not do so in a very good way. I will talk about that in a few minutes. In fact, it does so in a way that will actually harm our economy and harm our energy security.

The point is, it does only one thing. As it seeks to solve the problem, it tells the American people that we have a rifleshot solution, that we can simply pass this law and we will then fix the problems with energy prices because we will force those markets to have better prices. The solution? A new Government system of regulation that will, hopefully, control prices. Like I say, it is not going to do that, and I will talk about that in a minute.

We are trying to debate this issue and bring other issues forward, and we have been stopped so far. The process in the Senate is not working. Historically, the Senate has been a place of great debate where those with ideas about how to solve pressing problems in our country can bring them forward and those who have different and competing ideas can bring their ideas forward as amendments. And, as we move forward, we would have votes on the floor of the Senate where the majority could prevail and we could craft legislation and craft policy for this Nation in the way that those who established this great country—and those who live in this great country—thought it should be done.

But that is not how it is being done on this bill. We are being presented with a bill that we have now been on for, I think, 8 days. Yet we have had zero votes on any alternative ideas because the majority will not allow amendments to be brought forward in a fair and reasonable way.

This chart shows what was done in previous debates in the Senate on the energy issue. When the Energy Policy Act of 2005 was considered, we spent 10 days on the Senate floor. We had 19 rollcall votes on amendments, 23 total rollcall votes on the bill, there were 235 amendments that were proposed to that bill, and 57 of those amendments were agreed to either by vote or by unanimous consent. At that time the average price of gas was just $2.26.

In 2007 when we debated the Energy Independence and Security Act, we spent 15 days on the Senate floor, 16 rollcall votes on amendments, and 22 rollcall votes on the bill. There were 331 total amendments proposed during debate on that bill, 49 total amendments agreed to in that debate, and the Senate acted its will.

Again, what are we doing today? For 8 days we have been trying to bring amendments forward to present some alternative ideas, additional ideas about how we should deal with energy policy in our country, and we are told no. We are told: We may allow you to have a few votes on a few selected amendments that we pick, but we will not allow a full, robust debate on amendments.

We must get beyond the parameters of this bill. It has been argued that the speculation in the futures market is controlling or is driving up the price of fuel. The fact is, that is simply not the case. The problem is one of supply and demand.

This chart shows what has happened to the supply of energy, of global crude from 2000 to 2008. You can see, starting in about 2004, primarily through decisions in the OPEC nations, the supply of crude oil has leveled out. Because of a decision to curtail supply, those nations that are engaging in producing the global crude are able to impact the supply and demand curves. Yet demand at that same time has not leveled out. China and India in particular are increasing their demand for fuel dramatically.

The problem we face is, as the supply curve levels out and as the demand continues to grow, we see unbelievable pressures on the price of fuel. There are those who will say that is not really the way it is and really speculators in the market are driving up the price. It is possible to impact a market in a way that is abusive, and we have organizations that help us on that. But let's look what has happened so far in the speculation, the futures market, trading in NYMEX in the United States.

In the speculation in the derivative markets, in the futures market, every buy must be mirrored by a sell. The theory there has been this immense new pressure for speculation in the futures market creates the impression that there have been all of these purchases that have driven up the price. But as you see from this chart, every time there was someone who thought the price was going to go up, there was someone who had to believe the price was not, who had to be the buyer or seller in that transaction.

When you have the long sells and the short sells virtually mirroring each other, it indicates there is a reasonably effective functioning market.

It has been said on the floor of the Senate that the experts say that speculation is driving up the price of fuel by 20 to 50 percent.

The reality is the vast majority of experts are saying that simply is not the case; that we can evaluate what is happening in the futures markets and determine whether there is being manipulation.

And what is the determination that is being made? A recent report by our Government agencies, including the Commodity Futures Trading Commission, the Federal Reserve, the Treasury Department, and Energy Department, found that speculative trades in oil contracts had little to no effect on the rising prices over the last 5 years.

The Interagency Task Force on Commodity Markets' preliminary assessment is that current oil prices and the increase in oil prices between January 2003 and June 2008 are largely due to fundamental supply and demand factors.

During the same time period, activity on the crude oils futures market, as measured by the number of contracts outstanding, the trading activity and the number of traders, has increased significantly. The amount of trading in these markets has increased significantly. But while these increases broadly coincided with the runup in crude prices, the task force's analysis is that to this date there is no support for the proposition that speculative activity has systematically driven changes in those oil prices.

In fact, according to the report, if a group of market participants had systematically driven up prices, detailed daily position data should show the group's position changes preceded the price changes. But the task force data indicates the changes in futures markets participation by speculators have not preceded the price changes. In fact, on the contrary, most speculation traders typically alter their position following a price change, suggesting that they are responding to the supply and demand dynamics, just as one would see in an efficiently operating market.

Furthermore, the President's Working Group on Financial Markets has also weighed in on this debate. They state:

> To date, the PWG has not found valid evidence to suggest that high crude oil prices over the long term are a direct result of speculation or systematic market manipulation by traders. Rather, the prices appear to be reflecting tight global supplies and the growing world demand for oil, particularly in emerging economies. As a result, Congress should proceed cautiously before drastically changing the regulation of energy markets.

Other experts are saying the same thing. In fact, the amount of experts who are weighing in on this today from all perspectives is overwhelming, to the point that there are very few now who are continuing this mantra that somehow we can solve all of our problems by controlling the futures markets better.

The International Energy Agency states:

> There is little evidence that large investment flows into the futures markets are causing an imbalance between supply and demand.

They go on to state, and this is something I think Americans need to hear:

> Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply-side access and investment or to implement measures to improve energy efficiency.

Others are respected in market analysis. Warren Buffett recently said:

> It is not speculation, it is supply and demand. We do not have an excess capacity of oil in the world any more, and that is what you are seeing in oil prices.

Frankly, one of the more critical aspects of this is that investors in these markets actually provide liquidity to our oil industry. Investors play a very valuable role in the futures market by transferring risks from commercial participants such as farmers and airlines, and providing liquidity, reducing volatility, and contributing to the price discovery process.

One example is Southwest Airlines. Southwest Airlines provides a powerful example of how investors can help companies mitigate their risk. It is called hedging, which is made possible by the participation of investors in trading oil futures. That has saved Southwest Airlines $3.5 billion since 1999.

How does this work? Let's take an example of an oil producer, somebody who wants to go out and invest some money in a new oil rig or a new refinery, to engage in some production of some further resources, energy resources for the United States, and they want to get a loan for $5 billion. There is probably no source in the world that would loan them $5 billion to go out and engage in this new investment unless they were able to hedge that loan, meaning they need to go into the futures market and sell the first 3 to 5 years of production of this facility so they can show the bank or the financing institution that is going to loan them the money that they have a source of capital or cash to repay the loan.

If they are not able to go into a market and make that hedge, they will not be able to get that loan. They will then not make the investment and we will not then see the production. And if there are not those who are willing to invest in that futures market, on the other side of the transaction, those who are called speculators, then we do not have the liquidity in the market for that loan to be adequately hedged.

It is very important for the risk management in our economy that we do not impact our futures markets in ways that will disturb the proper functioning of a true market.

Congress has enacted various tax incentives for renewable energy which also can be impacted negatively by harmful regulation of the futures market. In the same way as the example I gave with regard to those who might want to invest in an oil facility, if there cannot be adequate hedging of investments in wind and solar and other facilities such as that for which we have enacted tax incentives to try to move into renewable energy, then those investments as well without a futures market will not be able to flourish as they should.

These kind of impacts, these kind of dynamics that could occur in our economy from improper regulation of the market are real. Again, some say: Well, you know, the oil companies or someone has been out there, speculators have been manipulating the futures market.

Commodity prices have shot up not just in oil but across the board. This chart shows a number of commodities, from wheat to corn, to steel, to iron ore, nickel, zinc, copper, platinum, all the way along, including oil. This is the line for the WTI oil, that is the futures market in oil right here.

As you will see, there are many commodities that have risen in price over the past few years, from 2006 to 2008, even more so than oil. The point there is, some of these commodities are regulated or traded on futures markets and some are not. The same dynamics of supply and demand are hitting us in other commodities as they are in oil.

According to Robert Samuelson, an economist and Washington Post columnist, the price of corn has increased 70 percent from 2002 to 2007; copper has increased 300 percent during the same time; steel, 117 percent. And interestingly, steel is one of those that is not traded in the commodities market. Neither is iron ore, the cost of which has recently increased by 85 percent in Chinese markets.

The point here is that supply and demand, not investors, is what is driving up the prices in commodities. How else can you explain the fact that raw materials that are not traded on commodity exchanges are increasing at the same rapid pace?

Let's look specifically at the crude oil issue in the next chart. Those who say it is the futures market which is driving up the price of oil would tell you this market right here, the one in red, for West Texas Intermediate, where the futures in oil are traded, is where some not normal increases are being forced, where market speculation is manipulating the price.

Yet if we look at other physical crude oil grades, the West Texas Sour, Light Louisiana Sweet, the Mars, the Dated Brent, and the Dubai, they have all gone up actually higher than the West Texas Intermediate.

Now, I know this is getting down into the weeds a little bit, but the point here is, every one of those other types of oil is a physical crude oil that is not traded in futures markets. There are no speculators driving up these prices or causing these prices to occur. These prices are occurring at the spot where those who produce the oil are selling it to those who use the oil.

One more indication that in market after market after market, not just the futures market, but in every market, the price of oil is going up. And again the reason is because supply and demand is out of balance.

Let me give you another example. Onions. In 1958 Congress had a similar issue to the one we have today. They responded to a sharp increase in onion prices by passing legislation to ban all futures trading in onions. And that law, by the way, is still law today.

But there has been no stabilizing effect on the price of onions. In fact, the price of onions soared 400 percent in late 2006 and 2007, only to drop by 96 percent thereafter, and then increase another 300 percent a month later.

The point is that wide volatile swings in price occur in an unregulated market or in a market where there is not a futures system where speculators can invest and provide more stability. The onion market is a perfect example. Many of the experts who are now weighing in on the oil issue are stating that if we take the opportunity for speculation in the futures markets out of the equation, then we can expect to see wider fluctuations in the price of oil.

Now, is that to say there is nothing we should do in the Senate with regard to futures markets or that there can never be any manipulation or there is no reason to pay attention to this issue? No. It is possible. It is not easy, but it is possible for very concerted efforts to be undertaken to manipulate markets.

That is why we have groups such as the Commodity Futures Trading Commission that are basically our cops on the beat to make sure they pay attention to what is happening in these markets and stop efforts to manipulate before they occur.

So what should we do? What should we be doing in the context of this piece of the equation with regard to our securities, our futures markets? We need to be strengthening the CFTC. The CFTC has not had a significant staffing increase level since—well, let's put it this way. Their staffing levels at the CFTC are at a 33-year low.

In one of the amendments we wish to bring forward, we would provide the resources for the CFTC to hire 100 new employees, enough staff so they can even more aggressively and effectively monitor what is happening in these markets, and make sure there is no effort to cause a manipulation in any significant way.

In addition, before this Senate, as we speak, we have nominations for three members of the Commodities Futures Trading Commission who still languish on our docket: Walt Lukken, Bart Chilton, and Scott O'Malia. They should have been confirmed by this Senate to the CFTC months and months ago, but they languish because of partisan politics. They need to be moved forward promptly. If we are serious about wanting to oversee these futures markets effectively, then we need to put those in place who are tasked to do so, and to make sure they have the staff to be able to do so effectively.

The CFTC has undertaken a number of steps recently to improve the oversight and transparency of energy futures markets, and we need to give them the resources to get the job done well.

The underlying legislation is based on the premise that we can simply reach our hand in, as the heavy hand of Government and change the price of oil. The reality is the opposite.

I said earlier we need a broad-based approach. Yes, let us strengthen the CFTC, but let's open the floor of this Senate, and let's allow the Senate to debate other ideas. What are some of the other ideas we need to be pursuing?

For one, we need an aggressive perspective on energy efficiency and conservation. With energy and gas prices spiraling upward, America can no longer consume energy as we have in the past. In fact, energy efficiency is often called the fifth fuel because every gallon of gas not consumed and every kilowatt hour not utilized is the equivalent of one produced. The numbers are stark. If you look at the amount we have saved since 1973 through efficiency and energy conservation efforts, it is the greatest source of energy we have. It outstrips petroleum, coal, natural gas, nuclear power, and all others.

We still have tremendous potential for strides forward. The estimates we have before us are that the United States can cost-effectively reduce energy consumption by an additional 25 to 30 percent or more over the course of the next 20 to 25 years. That is a significant fact. That should be a significant part of our national energy policy. The kinds of things we need to do there are the kinds of things we need to be debating and voting on and incentivizing in the Senate.

The Alliance to Save Energy estimates that if the proper energy efficiency measures across the industrial, residential generation and transportation sectors were put into place, we could save $312 billion a year. The savings in the residential sector alone total $145 billion a year or $500 for every citizen over a 10-year period. An example: The new fluorescent light bulbs use one-fifth the electricity of a conventional light bulb and can save $50 apiece over the lifespan of just one light bulb. Other ways include greater appliance efficiency standards, smart grid technologies, as well as weatherization. Research and technology are key to this. In fact, one of the things we can do in our transportation sector to reduce our reliance on petroleum is to move to low-energy vehicles. Battery research is well underway, and we could move to plug-in hybrids or hydrogen fuel cell vehicles relatively soon, if this Congress would get engaged and incentivize and strengthen our commitment to that technology effort.

We already have implemented new CAFE standards, which was a proper and positive step forward. My point is this: One of the first things we need to do in our rational comprehensive energy policy is to engage in conservation and efficiencies. It is our fifth source of fuel and one of our most significant potential sources.

We also need to move into renewable and alternative energy sources. We have listed a sampling of them here: Hydropower, nuclear, biomass, solar, wind, geothermal, and tidal. Some of them are not at the stage where they can economically survive without support or incentives. Frankly, as a government, we need to be working in every one of those areas to do the research, the technology, and to provide incentive support for us to move aggressively into those areas.

Let me give a couple examples of what we could do. Nuclear power is the only reliable base load generation that emits no carbon or other air pollutants. To supply our growing electrical generation needs, the EIA estimates at least 60 new nuclear plants are needed in the next 25 years to supplant new fossil-fuel generation. But no new plant has been built in the last 30 years. The main reason for this is the facilities are expensive to site and to build. They require enormous amounts of capital for design and construction before any profits can be realized, and our current regulatory process challenges this whole system and extends just the permitting process so long that it makes it hard financially to make it pan out. Congress could fix that. We need to be as aggressive as we possibly can to incentivize, strengthen, and expand our nuclear energy industry.

Geothermal: An MIT study concluded it would be affordable to generate over 100 gigawatts of geothermal electricity by 2050 in the United States alone for an investment of $1 billion in research and development over 15 years. To give perspective, that would replace 100 coal plants.

Wind: Idaho is ranked 13th in the Nation for wind energy, and global wind power currently stands at 94 gigawatts per year. China has a plan to equal that itself by the year 2020.

Biofuels and ethanol: I support this diverse energy portfolio, and biomass and biofuels, conventional and cellulosic ethanol, as well as biodiesel, are one part of the solution. As concerns about the rising price of corn mount, the need for commercial cellulosic ethanol production becomes more apparent. It is estimated that 1.3 billion dry tons of biomass can be harvested annually from U.S. forests and agricultural land without negatively impacting food, feed or export demands. What that translates into is enough ethanol to replace 30 percent of the current U.S. petroleum consumption.

Hydropower produces 7 percent of the U.S. electricity supply and almost 70 percent in my part of the world. It also accounts for 80 percent of the Nation's total renewable electricity generation, making it the Nation's leading renewable energy source. Hydropower turbines are capable of converting 90 percent of the available energy into electricity, which makes them more efficient than any other form of generation.

The point is the United States can make great gains to, No. 1, become less dependent on petroleum and, No. 2, to generate much more energy supply, if we will get aggressive about focusing on renewable and alternative energy sources. I have gone through a few in this sampling.

Having said all that, that we can do what we need to, to effectively monitor and control and manage our futures markets, that we need to focus on renewable and alternative energy sources, that we need to have an aggressive efficiency and conservation effort, does that mean we can simply ignore the price of oil? The answer is no. Let's go to the next chart. Even if we were to agree today and the President were to sign into law all these new incentives and the many things we could be doing in terms of conservation, renewable and alternative fuels and the like, it still would take several decades to transition away from being a purely almost totally petroleum-based economy. During that transition time, we still need oil. Oil is going to be key to our energy future now and for years in the future. While we transition away, we have to recognize that. But today, based on Energy Information Administration estimates, the United States is expected to spend $570 billion on imported foreign oil in 2008.

If you have been watching the T. Boone Pickens ads and the information that comes on those, the estimates are even higher, as high as $700 billion. That is $500 to $700 billion that flows right out of the U.S. economy to other nations. What does a transfer of that kind of wealth mean? Every year that we send $500 to $700 billion outside the United States for other countries to produce oil and sell it to us, we erode our national security through loss of physical control over our own resources. We certainly lose jobs. Imagine the number of jobs we could have in the United States if we were engaged in production of our own oil. We increase foreign holdings of U.S. dollars that are out of our control. We have increased foreign holdings of American debt. We have a loss of domestic investment in huge amounts. Overall, we have a weakened U.S. dollar. We are sending our wealth overseas because we are too dependent on foreign sources of petroleum.

Do we have the opportunity to change that? Can we do any different? Or are we in a situation where the United States does not have access to oil resources? The world is using more oil, but U.S. production has fallen to its lowest levels in 60 years. The IEA projects that global oil consumption is going to grow by 37 percent in 2030; whereas, annual oil production will need to be 13.5 billion barrels higher today to meet that increase in demand. What kind of potential do we have in the United States? Let's go to the next chart.

There are a number of things we can do. The United States must be recognized as one of the strongest and most energy-rich nations, when you think about oil in the world. There has been a lot of debate about the Outer Continental Shelf. The projected OCS resources would equal almost 50 years of imports from OPEC. Think about that. Let's go to the next chart. Our OCS is estimated to have over 100 billion barrels of oil. We yearly import a little over 2 billion from OPEC nations. Simply turning to the Outer Continental Shelf instead of sending all the money we now send to OPEC nations, we could generate that oil ourselves simply on the OCS in the United States.

We have Western shale oil resources. These are phenomenal. Proven American oil shale resources could provide our country with 800 billion barrels of oil, which is more than three times the reserves of Saudi Arabia. This chart shows some very interesting information. Over here is the world's proven oil reserves. I think that is 1.7 trillion barrels of oil. This is the Saudi Arabia proven portion of that. This is the U.S. proven oil shale reserve. Remember oil shale is not considered to be the same

as oil. So if we were to take the oil shale and then produce it into oil, what could we start doing in comparison to the oil available in the world? This is what we know we have: U.S. proven oil shale reserves, 800 billion barrels. But there are estimates that the 800 billion barrels is low and that we actually have up to 2 trillion barrels of oil available in our oil shale reserves. Yet we send dollars overseas to get our oil.

So we have the OCS and the oil shale reserves. We have the Arctic National Wildlife Refuge, and we have debated this in the Senate and House for years. But projected resources in ANWR would equal over 17 years of our imports from OPEC. Again, another major source of oil that the United States can access.

The reason I am going through this is to show that the United States does not have to be dependent on foreign nations for our oil. We have other resources. The U.S. onshore resources—and that is not the Outer Continental Shelf but what we have right here onshore—are shown here at basically 35.5 billion barrels of oil. The yellow part NWR; the red is all the rest. Again, the comparison there is to OPEC. Yet the United States has allowed itself to become so dependent on OPEC that we transport $570 billion a year to other nations. They are not all OPEC nations, but the vast majority of it goes to OPEC nations.

Another source is coal to liquids. The United States has 496 billion tons of demonstrated coal reserves, which is equivalent to almost 1 trillion barrels of oil, over 30 percent larger than the known Middle East reserves of crude oil. In fact, the United States is often called the Saudi Arabia of coal. But that may actually be an understatement, according to the American Coal Foundation, because domestic coal reserves contain more energy than that of all the world's oil reserves combined. Again, the United States has a phenomenal resource here that we are not taking advantage of.

These are groups that are starting to now come forward—and this is, again, a sampling of the list—coming forward and saying the United States must get engaged in its own oil production.

I know my time is running out, but the response that has been made to this is that: Well, we can't get this oil for another 10 years. In fact, some say we can't get it for another 20 years. Well, depending on the source or the specific location, whether it is the Outer Continental Shelf or the onshore sources or the oil shale, it will take 5, 10, to 15 years to bring this resource into production. My first answer to those who say: Well, this will take 10 years to get on line is that is what you said 10 years ago. In fact, it was what was said 15 years ago; it was what was said 20 years ago. We need to make the step now to begin making the United States less dependent on foreign sources of oil.

It is also said we have 68 million acres of lease land that is not being produced right now. Well, let's take another look at what that means. That assumes somebody is basically hoarding acreage on leased land. The success rates for new onshore and offshore oil leases are not 100 percent; in other words, not every lease the United States issues results in oil being produced commercially. The reason is there is not oil underneath all the land. The companies that have to make the investment to go out and explore for it and then ultimately produce it don't know for sure whether there is oil under there when they purchase the lease. So it takes about 10 years of time from the purchase of the lease to go through the exploration process, and then if there is oil found, the permitting process, and then they move forward.

Most of the obvious places have already been leased out. The new leases are generating onshore about 10 percent success; offshore, 20 percent; and then in the shallow offshore, 33 percent success. The point being it is far too easy to simply say: Well, we have 68 million acres of leases out there; let's rely on those. Those leases are all in the process of either being explored or being returned because they are not being produced.

Let's look at the next chart. This chart shows what the status of these nonproducing leases is. For those who say let's go out and get the 68 million acres of leases and use them, right now, 50 percent of them are in the data-gathering process and they will either be produced or returned, depending on whether there is oil there that can be commercially found, but they are in the process of being pursued. Twenty-five percent they have found oil on and they are drilling or they are preparing for drilling. In another 10 percent, they have confirmed discovery and they are under construction. In 15 percent, the initial analysis is complete, and there is low commercial potential and they are likely to be returned to the Federal Government. That is the status of the ones that are currently not producing.

The point, though, is those who argue we should rely totally on the current status of our lease effort are saying let's have no new production. Everything they are talking about is either in production or in exploration or in preparation for production, but what they don't tell you is that 85 percent of the Outer Continental Shelf off the lower 48 States is off limits to development. There are no leases there. Eighty-three percent of the onshore Federal lands are currently off limits or facing restrictions to development. There are no leases there.

If you go back and think about the potential we have in the offshore oil, in the oil shale, in ANWR, in our onshore oil, and in the tremendous coal-to-liquids potential we have, there is no reason the United States should not aggressively seek to become energy independent in the arena of oil.

There are those who say: Well, that is because the big oil companies have the Republicans in their pockets and as we heard today, there is plenty of oil being produced. We just have to look at these acres, these leases that are not being used. Again, the reality is the United States of America, since the 1970s, has said no, basically no to further production, and that is why we see us increasingly and more increasingly dependent on foreign sources of oil.

In conclusion, the United States faces very serious threats to our future way of life. Our national security and our economic security are at risk. It is appropriate that we be here debating in the Senate on this issue. What is not appropriate is that ideas about all of these different kinds of production and renewable and alternative energy sources and conservation and efficiency measures are not allowed to be debated on this floor. Instead, we are told we are simply going to have a new government regulation system and the government is going to have a little more control of our markets and that is going to fix the problem of oil, and that is going to make it so the price of gas goes down. Well, it is not. I call on our leadership in this Senate to simply allow us to have a traditional, fair system of debate on the floor on the energy issue so we can debate all of these ideas. If some of them are bad, let them be voted down, but let's debate these ideas and the many ideas that others of my colleagues have about how we should solve our energy crisis in this country. I am confident if we will allow such a full and robust debate to occur, a tremendous amount of good ideas will come forward, and out of that debate will come a comprehensive, rational national energy policy that will focus on a diversification on our approach to energy and will put the United States on a sound, strong pathway toward energy independence.

If we don't do that and we refuse and shut down debate and allow only some kind of a market regulatory solution to be put into place, we will find we will have fouled up our markets, caused volatility in the price of oil. We will not have done anything to generate one more drop of oil or one more kilowatt of electricity or one more energy conservation effort that would reduce the consumption of oil or electricity, and we will see gas prices continue to rise.

It is incumbent upon us as Senators to call for a full debate. If we do so, the United States has the capacity, the resources, the ingenuity, and the ability to become energy independent and to become strong in the context of our energy policy.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ASSIGNMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that the attached list of subcommittee assignments for the Committee on Appropriations be printed in the RECORD, to supplant the list printed in the RECORD on November 2, 2007.

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

SUBCOMMITTEES

Senator Byrd as chairman of the Committee, and Senator COCHRAN, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl,[1] Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Bennett,[2] Cochran, Specter, Bond, McConnell, Craig, Brownback. (8–7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski,[1] Inouye, Leahy, Kohl, Harkin, Dorgan, Feinstein, Reed, Lautenberg, Shelby,[2] Gregg, Stevens, Domenici, McConnell, Hutchison, Brownback, Alexander. (9–8)

DEPARTMENT OF DEFENSE

Senators Inouye,[1] Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran,[2] Stevens, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison. (10–9)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan,[1] Byrd, Murray, Feinstein, Johnson, Landrieu, Inouye, Reed, Lautenberg, Domenici,[2] Cochran, McConnell, Bennett, Craig, Bond, Hutchison, Allard. (9–8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin,[1] Murray, Landrieu, Lautenberg, Nelson, Brownback,[2] Bond, Shelby, Allard. (5–4)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd,[1] Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson, Cochran,[2] Gregg, Stevens, Specter, Domenici, Shelby, Craig, Alexander. (9–8)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein,[1] Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Allard,[2] Craig, Stevens, Cochran, Domenici, Bennett, Gregg, Alexander. (9–8)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin,[1] Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Specter,[2] Cochran, Gregg, Craig, Hutchison, Stevens, Shelby. (8–7)

LEGISLATIVE BRANCH

Senators Landrieu,[1] Durbin, Nelson, Alexander,[2] Allard. (3–2)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson,[1] Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Hutchison,[2] Craig, Brownback, Allard, McConnell, Bennett. (7–6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy,[1] Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Reed, Gregg,[2] McConnell, Specter, Bennett, Bond, Brownback, Alexander. (8–7)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray,[1] Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond,[2] Shelby, Specter, Bennett, Hutchison, Brownback, Stevens, Domenici, Alexander, Allard. (11–10)

[1] Subcommittee chairman.
[2] Ranking minority member.

TRIBUTE TO KENTUCKY'S KOREAN WAR VETERANS

Mr. MCCONNELL. Mr. President, I rise today to honor the service and sacrifice of the hundreds of Korean war veterans living in the Commonwealth of Kentucky. This July 27 marked the 55th anniversary of the cease-fire that ended that conflict.

After 3 years of battle which nearly forced American and South Korean troops from the peninsula, the determination and bravery of our servicemen prevailed. Our heroes in uniform ensured that the people of South Korea would remain free.

Recently, nearly 300 Kentuckian Korean war veterans were recognized for their service by retired Korean Major General Seung-Woo Choi. Major General Choi was a child during the Korean war, but he wanted to say thank you to the brave Americans who fought to protect his and his family's freedom. So he traveled from South Korea to my hometown of Louisville, KY, to honor them.

I ask unanimous consent that the full newspaper article describing this ceremony be printed in the RECORD. I know the entire U.S. Senate stands with me to recognize the tremendous valor of our veterans, and to honor the sacrifice of those who did not return.

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

[From the Louisville Courier-Journal, July 25, 2008]

KOREAN WAR VETS HONORED: S. KOREAN GENERAL PRESENTS MEDALLIONS

(By J.D. Williams)

Looking back, Joseph Scott said he is thankful to be a veteran of the Korean War.

In 1950, Scott joined his two brothers, James and Talmadge, and enlisted in the Army.

Yesterday, the 77-year-old and nearly 300 other Korean War veterans from Kentucky were honored at the Kentucky Exposition Center for their service.

''I'm thankful I was there,'' Scott said of the war. ''It was quite an experience.''

The veterans were given a medallion designed by retired Korean Maj. Gen. Seung-Woo Choi, who came to Louisville from South Korea to honor them. Choi was a child during the Korean War, but has made it a priority to offer his thanks to veterans of the war that ensured South Korea's freedom.

Since 2002, Choi has presented over 5,000 medallions to veterans across the nation.

People from various veterans' organizations spoke at the event, and the Kentucky Korean Women's Choir performed.

''The sacrifice you made for the Korean people has not been forgotten . . . you saved our freedom,'' said Charles Park, a native of Korea who is with the Korea Foundation of Kentucky.

Marilyn Mullins, 67, the widow of Edward Mullins, said her husband would have loved to be there. He died in April 2007 of complications from diabetes.

''I wish he could have been here to accept it himself,'' Mullins said of receiving the medallion. ''He would have been glad to meet the general.''

She said the medallion is the only award her late husband has been presented. She said he was supposed to receive the National Defense Service Medal, the Korean Service Medal and the United Nations Service Medal, but they never reached him.

James Hall, 76, of Bowling Green, said he was glad to be with fellow Korean War vets.

Hall, who was 18 when he was deployed to Korea, was in the battle at Chosin Reservoir, which he called a ''horrible place at a horrible time.''

He said the severe cold with snow and without heat and warm food was nearly unbearable, but soldiers endured to ensure South Korea's freedom.

''I had tried to put a lot of things about Korea out of my mind, but it was wonderful to be with the veterans I served with,'' Hall said. ''It reminded me of how important it was for us to be there so South Korea could be free.''

AMERICANS WITH DISABILITIES ACT RESTORATION ACT

Mr. LEAHY. Mr. President, this past weekend marked the 19th anniversary of the passage of the Americans with Disabilities Act, ADA, one of the Nation's most critical and effective civil rights laws. It is fitting that as we celebrate its passage, we reflect on the progress we have made in expanding possibilities for Americans with disabilities and the challenges that still remain.

We passed the ADA in recognition that the bedrock principles of human dignity and equal opportunity require all Americans to be judged on their individual merits and not on the prejudices of others. This law promised generations of Americans the opportunity to leave their mark on a country that had only years before denied them full participation. I, like many of my colleagues, supported this historic act. I hoped it would serve as a vital tool against the barriers that had long excluded persons with disabilities from fully participating in society.

By any reasonable measure, the ADA has been a success. Today, persons with disabilities enjoy rights many of us have long taken for granted. Now they

have access to public transportation built to accommodate people in wheelchairs. They have the ability to stay in hotels, travel, and enter schools and places of entertainment equipped for their needs. Indeed, almost every office building in America is fully accessible to them. Thus, the enactment of the ADA transformed our country and we are a better Nation because of it.

Despite these significant advances, recent decisions from the Supreme Court and lower courts attempt to erode the ADA's protections and threaten to turn back the clock on our progress. I am particularly disturbed by rulings that have narrowed the ADA in ways we never intended. Rather than broadly interpreting the ADA's mandate, as we intended, courts have repeatedly interpreted that law to embody a ''strict and demanding'' standard for determining who qualifies as an individual with a disability. These narrow rulings ensure that the persons we intended to shield, including those with severe illnesses, like epilepsy and multiple sclerosis, are no longer protected. As a consequence, millions of Americans who suffer discrimination are now excluded from ADA protection.

A few years ago, a Federal judge in Vermont's neighboring State of New Hampshire ruled that a woman with breast cancer was not sufficiently disabled to be protected by the ADA. Court rulings contrary to Congress's intent for the ADA are not limited to the New England States. Last year, a panel of judges on the U.S. Court of Appeals for the Eleventh Circuit unanimously ruled that even mental retardation did not constitute a sufficient disability under the ADA.

The message sent by these rulings is as unfortunate as it is undeniable: the courts no longer consider certain persons ''disabled enough'' to be protected. That means an employer could fire or refuse to hire a qualified worker on the basis of his or her disability, and defend that action in court on the grounds that the worker was not ''disabled enough'' to be protected under law.

In addition, the legislative history is crystal clear. Congress intended the ADA to protect all persons without regard to mitigating circumstances. Indeed, the Senate committee report on the ADA expressly stated ''[w]hether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.'' Despite this clear intent, courts have ruled that people with disabilities who take medication or use assistive devices should not be considered disabled.

I am particularly concerned that these rulings will undermine the rights of thousands of veterans with disabilities who, upon returning from the war, will enter the civilian workforce to support their families. Many of these veterans have disabilities, including post-traumatic stress syndrome, that may be controlled with medication. If any of them suffer job discrimination, we must make sure they will have a remedy.

Equally disturbing is that many of these cases can lead all Americans into what Senator HARKIN has aptly described as a legal catch-22:

> People with serious health conditions [] who are fortunate to find treatments that make them more capable and independent and, thus, more able to work may find that they are no longer protected by the ADA . . . . On the other hand, if they stop their medication or stop using an assistive device, they will be considered a person with a disability under the ADA but they won't be qualified for the job.

We must act to remedy these erroneous court decisions. Last month, the House overwhelmingly passed the Americans with Disabilities Act Restoration Act. Now it is the Senate's turn to respond. This legislation would reverse these flawed decisions and restore the original congressional intent of the ADA. First, the bill would clarify Congress's purpose to reinstate a broad scope of protection for a range of persons with disabilities under the ADA. Second, the legislation would modify findings in the ADA that have been used by courts to narrowly interpret what constitutes a ''disability.'' Third, the bill would lower the burden of proving that one is ''disabled enough'' to qualify for coverage.

This long overdue legislation has ample support from both disability groups and business interests. I hope this bipartisan bill does not fall victim to the petty partisan obstruction that has prevented passage of other civil rights measures in this Congress that had broad bipartisan support, like the Lilly Ledbetter Fair Pay Act. While unprecedented obstruction tactics have led Senate Republicans to stall one bill after another on the Senate floor, it is well past time for us to turn the page on partisan tactics designed to thwart critical civil rights bills.

Indeed, our heritage of freedom and our continued march towards perfecting our Union, should remind us all that civil rights legislation holds a unique place in this institution. These bills bring us closer to fulfilling the promises engrained in our founding charters of establishing freedom and equality for all Americans. Thus, they should be held to a higher standard than other bills.

Time has shown the ADA to have been one of our Nation's most effective tools in combating discrimination. Its continued effectiveness is important to ensure that the great progress we have made in widening the doors of opportunity for all Americans continues in the future.

We have before us a historic opportunity to restore the ADA's original intent and reclaim the basic rights it extended to persons with disabilities. I was proud to support the ADA in the 101st Congress, and I am pleased to support this year's bill as it moves forward. I hope this bill will be promptly passed by the Senate and signed into law by the President.

THE WAR POWERS CONSULTATION ACT OF 2009

Mr. WARNER. Mr. President, today I recognize the members of the National War Powers Commission, particularly the cochairs and my dear friends—former Secretaries of State James A. Baker and Warren Christopher—for their distinguished and valuable work in bringing forward this critical legislation to address this important issue to our Nation.

Few would dispute that the most important, and perhaps the most fateful, decisions our leaders make involve the decision of whether to go to war. Yet after more than 200 years of constitutional history, the extent of the powers the respective branches of government possess in making such decisions is still heavily debated.

Let me first outline some points regarding the legislative history of the War Powers Resolution. On November 7, 1973, Congress passed the War Powers Resolution over President Nixon's veto, by a vote of 284 to 135 in the House, and a vote of 75 to 18 in the Senate. The legislation was passed purportedly to restore a congressional role in authorizing the use of force that was thought by many to have been lost in the Cold War and Vietnam war. The War Powers Resolution was intended to provide a mechanism for Congress and the President to participate in decisions to send members of the U.S. Armed Forces into hostilities.

Less than 2 years after its passage by Congress in 1973, legislative proposals were introduced to amend the War Powers Resolution. The War Powers Resolution continued to raise concerns among the executive and legislative branches of government throughout the next decade as the Nation faced such situations as in El Salvador, Lebanon, and Libya.

Several legislative proposals were introduced in Congress to modify or repeal the War Powers Resolution. These legislative proposals were referred to the appropriate committee on the House or Senate side, but none were ever passed by Congress.

The War Powers Resolution again became an issue regarding activities in the Persian Gulf after an Iraqi aircraft fired a missile on the USS Stark on May 17, 1987, killing 37 sailors. Shortly afterwards, the United States began to reflag Kuwaiti oil tankers and provide a U.S. naval escort for Kuwaiti oil tankers through the Persian Gulf. As military escalation also continued to increase in the Persian Gulf region as a result of the Iran-Iraq War, the Congress became concerned that U.S. forces could be committed to the region without consultation between the executive and legislative branch.

Consequently, 20 years ago, on May 19, 1988, I, along with two of our former colleagues—Senators Mitchell and

Nunn—joined Senator BYRD and introduced the War Powers Resolution Amendments of 1988, known as S.J. Res. 323. Senator Boren later joined as well as a cosponsor of this legislation in June 1988. I humbly state today that I was the only Republican cosponsor of the legislation. This piece of legislation, however, was referred to the Senate Foreign Relations Committee, where it remained.

Subsequently, on January 25, 1989, I again joined Senator BYRD, but this time along with five of our former colleagues—Senators Boren, Cohen, Danforth, Mitchell, and Nunn—and introduced the War Powers Resolution Amendments of 1989, known as S. 2. Our former colleagues and I proposed legislation to modify the War Powers Resolution of 1973.

These amendments were intended to: require the President to consult with six designated Members of Congress ''in every instance in which consultation is'' required under the War Powers Resolution of 1973; require the President and the six designated Members of Congress to ''establish a schedule of regular meetings'' to ''ensure adequate consultation on vital national security issues;'' establish a ''permanent consultative group'' within Congress, which would be comprised of 18 Members of Congress; and require the President to consult with the permanent consultative group at the request of a majority of the 6 designated Members of Congress, unless the President determines that consultation needs to be limited for national security purposes.

Unfortunately, neither of these proposed pieces of legislation were voted on by the Senate. However, I subsequently cosponsored another similar piece of legislation, the Peace Powers Act of 1995, sponsored by our former distinguished majority leader, Senator Bob Dole. Hearings were held on this piece of legislation by the Senate Foreign Relations Committee, where it remained.

For over 35 years, despite these and similar legislative efforts, no modifications were made to the War Powers Resolution Act of 1973. Today, there still remains no clear mechanism or requirement for the President and Congress to consult before committing the Nation to war.

It is this Senator's opinion that the Nation benefits when the President and Congress consult frequently, deliberately, and meaningfully regarding matters of national security-and-that is exactly why I felt compelled to bring to my colleagues attention the important work recently completed by the National War Powers Commission.

The National War Powers Commission was formed in February 2007—by the University of Virginia's Miller Center of Public Affairs, which is directed by Virginia's former Governor Gerald L. Baliles—to examine the respective war powers of the President and Congress. The University of Virginia, the College of William and Mary, Rice University, and Stanford University served as partnering institutions.

On July 8, 2008, after more than 13 months of study, the Commission released their report and recommendations. I wanted to bring to the attention of my colleagues the important work done by this distinguished Commission to the War Powers Consultation Act of 2009. I strongly recommend that those interested in this important subject contact the University of Virginia's Miller Center of Public Affairs and also review a copy of the Commission's comprehensive report, titled ''National War Powers Commission Report,'' which can be accessed at the Miller Center's Web site, www.millercenter.org.

The exemplary work by the National War Powers Commission, concluded with the following recommendations: the law purporting to govern the Nation's decision to engage in war—the War Powers Resolution—has failed to promote cooperation between the two branches of government; the War Powers Resolution of 1973 is ineffective at best and unconstitutional at worst; and the War Powers Resolution of 1973 should be replaced by a new law that would, except for emergencies, require the President and Congress to consult before going to war.

I would specifically like to draw my colleagues attention to the Commission's legislative proposal, the War Powers Consultation Act of 2009. This proposed legislation contains four key components. These key components are: First, this legislation would replace the War Powers Resolution of 1973. It would ensure that Congress has an opportunity to consult meaningfully and deliberately with the President regarding significant armed conflicts, and would ensure that Congress has the opportunity to express its views as part of a consultative process.

Second, this statute would create a process that will encourage the two coequal branches of government to cooperate and consult in a way that is deliberate, practical, and true to the spirit of the Constitution.

Third, the act would establish a ''Joint Congressional Consultation Committee'' with a ''permanent, bipartisan joint professional staff'' with access to all relevant intelligence and national security information.

Fourth, and finally, the act would require the President to consult with the Joint Congressional Consultation Committee ''[b]efore ordering the deployment of United States armed forces into significant armed conflict''—lasting longer than one week—and would mandate regular consultation thereafter.

I have always believed that Congress has an important and central role in the decision of the deployment of our men and women of the armed forces into harm's way. Undoubtedly, the War Powers Consultation Act of 2009 would provide Congress and the President a well-defined mechanism for consultation on matters of the use of force in armed conflict.

The decision to commit our country to war is by far one of the most critical decisions that faces our Nation's leaders. This proposal seeks a concrete and pragmatic solution to a longstanding problem that is only getting more difficult in a time where our Nation will continue to face unconventional threats and warfare.

I urge my colleagues to review this important material and work together, with the next administration, to find a solution to this ever-present debate between a President and the Congress over their respective constitutional powers.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

It is a most interesting subject [to] bring up, the escalating prices of oil and the reason they are so high. I am tickled to hear that you believe in exercising our own resources here in our own country.

I have done a lot of research on this very subject and just happen to know a lot of people that are directly associated with or are involved in the Alaska oil situation and the reason for the billions that we spent on the pipeline to begin with. I also know that there is enough oil in Alaska to last us for two hundred years . . . but Washington does not seem to want to take that option. They are more interested in foreign oil and the foreign oil policy, even at the expense of our own country and fellow Americans.

Are you aware of how much natural gas they pump right back down into the ground using 747 Jet engines to do it with? If you are not aware, you need to be aware of it and if it does not madden you, then I can only question your way of thinking. Don't take my word for it, do the research.

If you are truly aware of what is really going on and you are truly in favor of exercising our own resources, then I am behind you one hundred percent. I am just not real sure how we are going to get the ugly politics out of Washington D.C., and I am an optimist, but on this one, it forces me to be a pessimist. I believe it has gone too far and is way out of control at this point.

I also know that we could be buying gasoline for our vehicles for less than a $1.50 a

gallon if we were using our own resources, but again, Washington does not seem to care and it sickens me. It is clearly about greed and money and greed breeds greed—just look how well it is working for the greedy. It makes me wonder why I ever served in Vietnam and why I lost 60,000 of my comrades, but [I feel resigned to accept what is happening].

I have always been behind you and supported you and will continue to do so and only can hope that at least you will stay honest or at least believe that honesty is the best policy.

BOB, *Boise*.

I received an e-mail several days ago that has ''shaken me up'' and started my mind working. [We have enough gas] to keep all of America going for at lease 150, and probably 200 years, even accounting for increased population growth and demand for energy. The reason—the ''bottom line''—that keeps President Bush and Congress from allowing drilling oil within our borders is NOT environmental issues, but paying off the national debt. [Allow me to summarize:] In the early 1970's then Secretary of State Henry Kissinger traveled to most of the oil producing countries in the world, agreeing to buy oil from them IF they would sign to use part of the money they made on the sale to buy off our national debt.

If we started producing our own oil reserves, the fear is that the U.S. economy would collapse because the oil-producing countries from which we buy oil would stop paying down our national debt when we stopped buying oil from them. Well, here is my solution:

Start using our own oil reserves which would reduce the cost of gasoline to about $1.50/gallon. Charge us $2.50/gallon, sending $1.00 per gallon to pay off the national debt.

Who would not be delighted to pay just $2.50/gallon again? Who would object to paying a ''tax'' of $1.00/gallon to pay off the national debt when we would realize a savings over today's oil prices?

Please do not just trash this. Please give it some careful attention, and share the concept with others. It is time for a change. It is time to start thinking about saving our country for our country, and stop being held hostage by the International Monetary Fund and the World Bank. Thank you for ''listening'' and implementing some changes.

LOIS, *Caldwell*.

This is in response to your email asking for my story about the impact that high gas and energy prices are having on my life. You said I could write a paragraph or two about how I am affected by high energy prices, and that it would be worthwhile for me to share the priorities that I think Congress should set in resolving this crisis.

CRISIS

(1) I no longer go backpacking, hiking, camping, or canoeing. Instead, I float the Boise River on a tube, because it is close to home. I used to buy equipment and services that supported those hobbies, but now I do not. So, those businesses that I used to patronize are impacted negatively, because I stay in town. Who also suffers? The businesses near the towns where I traveled, and the businesses on the highway that lead to those areas.

If more people are doing this, what is the impact to our environment? More people will not recognize the beauty of God's creation, which means they will be less likely to support bills that protect the environment.

(2) I no longer explore small Idaho towns and ghost towns. Who suffers? The business in those towns, and the businesses on the highways that lead to those towns.

(3) Long before the ''energy crisis'', I had already switched to fluorescent light bulbs. Fortunately, I had my home built with 2 attic fans, so that I do not have to use the air conditioning during summer. Also, almost every room in my home has ceiling fans; so, I turn on the ceiling fan in the room I am occupying instead of turning on the air conditioning for my entire home.

During the cold months, I set my thermostat to 40 or 50 degrees, 40 during the day if the outside temperature is above 30, and 50 when I am at home or if the outside temperature is below 30. This keeps my pipes from freezing, and it keeps my bills low. I wear warm fleece underwear, and warm fleece outer garments to stay warm. In contrast, my neighbor pays 5 or 6 times as much as I do for their natural gas bills during the cold months (but they are wealthy).

I have drained my hot tub, and I no longer use it. Now I wish I had never bought one. This hurts the hot tub industry, and any businesses that support that industry.

I canceled my satellite TV; that saves me $50 per month, and that is good for about two-thirds of a tank of gas.

I do not have a cell phone, and I do not plan on getting one, since it would cost $50 or more a month (which I can apply toward higher food costs).

(4) I combine trips and do not drive unless I have to. No Sunday drives. No ''unnecessary'' trips to the grocery store. I used to travel about 10,000 miles per year; but for the last 2 years, I have limited my driving to about 6,000 miles per year.

(5) I exclusively shop at Wal-Mart. If Wal-Mart does not carry it, then I don't buy it. Why would I drive around town to shop other stores when I can buy most everything at one place? That is great for Wal-Mart, but it hurts other businesses.

(6) I used to take one decent overseas vacation each year (or go to Hawaii or Florida). However, I stopped doing that after 2005. And since the cost of airline tickets are increasing, I won't even consider traveling. I need to save my money to buy gas and food. And when I see the price of oil rise $10 or more in one day, then I do not think about doing anything but save money for ''the worst case scenario.''

(7) I have changed my diet. I purchase less or no meats and more pasta and rice. I buy graham crackers instead of Oreos, or I make my own cookies. I buy less snack foods. The energy costs have driven up food costs. I have found ways to keep my food prices low by adjusting my diet, but this hurts other businesses. Oh, and I am not one of those obese Americans; I'm 5′9″ and 160 pounds . . . right where I need to be. I do not understand how obese Americans and their children can afford to feed their addiction to foods.

(8) I had hoped to quit my full-time job and work part-time instead (in lieu of traditional ''retirement''). However, because of the drastic increase in prices of energy and food, and because of the uncertainty and volatility in the global markets, I have postponed quitting my full-time job. That means that a college graduate cannot have my good paying full-time job. And it means that I can not enjoy the extra free time that a part-time job would give me.

(9) I drive a 1994 pick-up truck. I would like to buy a new vehicle, but I can not. Why? Because I need something that gets very good gas mileage and has a reasonable price tag, and there are no cars on the road that meet these criteria, even the so-called hybrids (which can not pay for themselves even at $5 or $6 a gallon because of the increased cost of hybrid technology). Back in 1994, it was a mistake to trade-in my 1987 Honda Civic that got 40 mpg in the city and 50 mpg on the highway (and it wasn't even a hybrid . . . and most hybrids can't even come close to that kind of gas mileage these days . . . but they cost 3 or 4 times as much as my Honda did in 1987 . . . and the ''technology'' is so much greater today!!!!). So, I will continue driving my 1994 truck that gets 19 mpg city, because it is way too expensive to buy a new vehicle (i.e., the cost to get a 30 mpg or 35 mpg vehicle will not pay for itself for 7 or 10 years). And you don't need to know my truck's mpg for highway driving, since I do not enjoy outdoor activities anymore, so it doesn't matter.

(10) I have noticed more crime in Boise within the last year. Why do you think that is? Because energy costs (and food costs) have risen too quickly . . . people can't cope with the sudden increases. However, we are not adding more police or more jails to support the increase in crime. I am glad that I do not live in a major metropolitan area, because I think that if energy costs continue to climb, the country is at risk of rioting in its metro areas.

CRISIS RESOLUTION

(1) Politicians need to stop pandering to oil companies and oil executives by developing very stringent fuel economy requirements. Politicians need to stop pandering to oil companies and oil executives by honestly and diligently pursuing alternative forms of energy. But can the politicians do this? After all, there is a lot of money involved with oil in so many places, industries, pocketbooks, and campaign contributions (legitimate and otherwise).

(2) Drill for oil on USA soil and in USA waters. Why? Because we can not wean ourselves from oil instantly; and there are no viable automotive solutions today that do not use oil. It is going to take several years to wean ourselves from oil. In the meantime, we need to rely on our own oil sources to balance our foreign oil dependency. This means drilling in ''pristine'' Alaska, along both of our coasts, and in other areas of our country where ''environmentalists'' say we should not drill.

(3) Pursue fuel cell technology for vehicles (Honda is doing it, finally). Forget ethanol. Forget hybrids. Fuel cell vehicles require hydrogen and oxygen and emit water! No gasoline involved at all. And no cash crops like corn are required, which should help ease the price of this and other commodities.

(4) Use more nuclear energy. This technology currently exists, and it is viable. We do not have to start from scratch.

(5) Take lessons from New Zealand with regards to hydro-electricity and other forms of energy. That country is extremely self-sufficient when it comes to energy.

(6) Use more wind power. This technology currently exists, and it is viable. Are some (rich) people worried about the view of the landscape changing? Then stop painting the wind turbines all white! Paint them to blend into the background, or camouflage style!

(7) Pursue solar power. It is amazing that this technology is so far behind. The sun is so powerful, and so available. Regular homeowners can not afford solar panels on their homes. Look at all the wasted roof space on buildings and homes!

(8) Give incentives for conservation. Why is this last on my list? Because I think most people do conserve energy already . . . except maybe the ''celebrities'' like Al Gore and many other rich folks who tout the environment and conservation, but live in the lap of luxury and waste.

KRISTIAN, *Boise*.

I really do not think the gasoline price is really a result of supply and demand. I am all for conservation and alternative energy

plans and research with diverse sources. I am not opposed to nuclear. I just do not like the feeling of being manipulated. Just yesterday the spokesperson for Saudi Arabia expressed concern about the price of oil. They can see the writing on the wall if it stays like this. They increased supply while insisting that it is not a supply issue.

Other sources that are much more progressive have pointed out that legislation passed late in 2000 deregulated the energy futures. It was suggested on NPR today that Congress could reverse that decision and change the price of energy in one month. You can tell I would sit on the other side of the aisle if I was in Congress but with [the President] making such a fuss about supply and demand I doubt we are going to see any bold action from Congress.

I have pulled the points for the following paragraph from ''Mother Jones'' July–August 2008. You may not like the source but let us discuss the facts. I am referring to an omnibus spending bill passed on or about December 15, 2000. Yes, President Clinton was still in office then. Senator Phil Gramm slipped in a 262-page measure called the Commodity Futures Modernization Act. It contained a provision lobbied for by Enron that exempted energy trading from regulatory oversight. This is primarily about California electricity and the mortgage securities fiasco but I am sure that this regulation or other similar has allowed the current run up in energy futures. This could be regulated. The regulations put in place after the Great Depression were sound and it has been a disaster to undo many of them.

Personally, the high energy prices have had little impact on me. I am, at least for now, still an overpaid engineer at Micron. I have purchased another old Saturn and my wife is driving that more and driving the Bonneville less. GM is saying how much it would take to raise the CAFE standards, but many of us have increased the mileage of our cars by 20 percent for about $200 and we have not disabled emission systems or lied to the engine computer. My car has averaged 55 mpg for the last year and will do about 50 mpg at 65 mph.

The changes are primarily aerodynamics and a little hotter air fed into the engine. Some have bypassed emission systems but many have not.

That is not much of a story but I hope it gets you to thinking about some of these in a new light.

Thanks.

ERNIE, *Meridian*.

Because of the gas prices we hardly go anywhere other than work and the store. Most of this energy crisis has been brought about by the speculators—these are the same people who brought on the sub-prime mess. They have to be stopped because they are ruining our economy. The cost of oil has nothing to do with its availability; it is pure speculation on the part of commodity traders. If these scavengers are not reigned in, the world economy is in for a depression. As soon as the energy bubble bursts, they will move to a new bubble which is food and, because of them, millions will starve. One of the other driving forces behind oil prices is the Federal Reserve (which is neither federal or reserve) lowering interest rates and devaluing the dollar. The banks are out for only themselves and they do not care what happens to the rest of us. The Federal Reserve needs to be done away with—because of the Fed's printing and Congress's spending habits, we are in big trouble.

We can barely afford the price of gas to go to and from work so vacations are out this year and so are a lot of other things. [How] are people, especially senior citizens on a fixed income, going to heat their homes this winter? This is going to hurt Idaho businesses because any extra money is either spent on food or utilities.

Nobody believes the government figures on inflation (which are out-and-out lies) or the figures on unemployment. We are getting tired of the government lying to us and thinking we are too stupid to figure it out. There is nobody to for vote for or against in either the Democrat or Republican Presidential race. I am . . . tired of wasting my vote on the lesser of 2 evils . . .

MR. AND MRS. GEORGE.

ADDITIONAL STATEMENTS

TRIBUTE TO THE SILVER STAR FAMILIES OF AMERICA

● Mr. ISAKSON. Mr. President, today I honor in the RECORD of the Senate the Silver Star Families of America, upon the completion of $1 million in donated volunteer hours and materials to remember and honor the wounded and ill of our armed forces.

The Silver Star Families of America was founded on April 11, 2005, and received 501(c)3 status on December 5, 2005. The Silver Star Flag and Banner are symbols of remembrance and honor for the wounded soldiers and their families as well as anyone wishing to honor those wounded during combat while honorably serving in the U.S. Armed Forces. The goal of the Silver Star Families of America is to recognize the blood sacrifice of our wounded and remember their efforts by honoring them with the Silver Star Banner. The Silver Star Families of America also advocates for the wounded and assists in educating their families and the public concerning their plight.

I have had the pleasure of meeting and working with the Georgia representative of Silver Star Families of America, Trish Benefield of Rome, GA, on a number of occasions while she organized State and local events and hospital visits to honor the men and women of our Armed Forces and their families who have sacrificed so much on behalf of our Nation's freedom.

Ms. Benefield, chief Steven J. Newton, founder of Silver Star Families, national president Janie Orman, and volunteers across the country have donated 47,912 hours valued by the Veterans Administration at $934,763. They have also donated over $40,000 in Silver Star Banner distribution and $30,000 in direct aid for items such as services to homeless and near-homeless veterans, care packages, and support of hospitalized veterans and other programs. This achievement is a noteworthy one, and I am proud to recognize this accomplishment today.●

RECOGNIZING THE RED CLOUD INDIAN SCHOOL

● Mr. JOHNSON. Mr. President, the Red Cloud Indian School is worthy of much acclaim. Founded by Franciscan Sisters and Jesuits in 1888 as the Holy Rosary Mission, they strove to teach and maintain Oglala and western knowledge for the youth of Pine Ridge Indian Reservation and its surrounding areas. In 1969 the school changed its name to Red Cloud Indian School out of respect and appreciation for the great Chief Red Cloud who petitioned the government to allow the establishment of the school. Today nearly 600 students are enrolled in classes spanning every grade from kindergarten through twelfth. The school is private and 97 percent of its funds come from private donors, as students are required to pay only a minimal fee to attend. Classes include a wide range of subjects, such as math, science, history, ethics, and Lakota culture. Combining this wide range of education helps retain the Lakota heritage while preparing students to enter the larger society.

Red Cloud Indian School has made postsecondary education a priority and has done an exceptional job educating and preparing its students for the world. Seeking 100 percent college matriculation, the high school proudly touts that, in 2004, 94 percent of its graduating class pursued post-secondary education, the highest rate of any Indian school in the country.

Since 1999, 32 Red Cloud students have received the Gates Millennium Scholarship. The Gates Millennium Scholarship Program was originally funded through a $1 billion grant from the Bill & Melinda Gates Foundation in 1999. The program has two main goals: to encourage academic success and to provide absolute financial support to excellent minority students who have financial constraints that could otherwise inhibit their ability to attend college. To date, over 12,000 people have been awarded the Gates Millennium Scholarship.

The recent Gates Scholarship recipients of Red Cloud Indian School are as follows:

1999—Candace Brings Plenty;

2001—Sarah Yellow Boy and Lawrence Vigil;

2003—Donnel Ecoffey;

2004—Carmen Fourd, John Cross Dog, and Marie Zephier;

2005—Jason Clifford, Blue Dawn Little, Shayna Richards, and Sarah White;

2006—Rianna Albers, Jordan Herman, Larissa Little Moon, Dallas Nelson, Marissa O'Bryan, and Brandi Shortman;

2007—Monique Claymore, Sammi Herman, Samantha Janis, Tanner O'Daniel, Matthew Shoulders, Kaylynn Two Bulls, and Allison Weston; and

2008—David Anaya, Dylan Fills Pipe, Season Frank, Danielle Hudspeth, Chante Knight, Stevie Tobacco, Vern White Butterfly Jr., and Audrey White.

Congratulations to the Red Cloud Indian School staff, students, and families. Their sustained success is very admirable and is worthy of the highest praise! ●

CHEYENNE RIVER YOUTH PROJECT

● Mr. JOHNSON. Mr. President, I wish to speak today to recognize the Cheyenne River Youth Project in Eagle Butte, SD. This year, the Cheyenne River Youth Project is celebrating its 20th anniversary. From its beginnings in 1988, it has sought to assist the Lakota youth and families on the Cheyenne River Indian Reservation by providing them with a nurturing environment and a sense of hope about their future. I am so proud of this project and the positive impact that it has had on those youth.

Over the years, hundreds of volunteers from around the world have crossed the threshold at the Cheyenne River Youth Project and offered their time and their hearts to influence the lives of the Lakota youth. The project serves youth from as young as 4 years old to young adults of 18 years old. As we all know, these are critical years in development of young men and women. Combined with traditional customs and contemporary programs, the CRYP is a success story for other fledgling grassroots youth programs.

I am so proud to have helped guide Federal resources to help with the construction and programming for the project. Julie Garreau, who has served as the executive director of the projects, has been a tireless advocate and deserves high praise for the love, hard work, and dedication she has shown for her community. I would also like to thank Olympic Gold Medal winner Billy Mills and his organization, Running Strong for American Indian Youth, for his work in his home State and across the Nation to help Native youth. His dedication to the Cheyenne River Youth is particularly evident in his efforts to assist the Cheyenne River Youth Project.

On more than one occasion, I have had the opportunity to visit the Cheyenne River Youth Project, at its facilities in Eagle Butte, at ''The Main'' and the new Cokata Wiconi Teen Center. I couldn't be prouder of the accomplishments of its staff and its many volunteers of the past two decades! Congratulations and best wishes for many more years of service in the future!●

TRIBUTE TO GENERAL RICHARD A. CODY

● Mr. LEVIN. Mr. President, I commend GEN Richard A. Cody, Vice Chief of Staff of the U.S. Army, for his outstanding service and commitment to excellence throughout his 36 years of distinguished military service to our Nation. General Cody will retire in August 2008 with the gratitude and well wishes of the Nation and particularly of the soldiers and families to whom he has devoted his life.

General Cody is originally from Montpelier, VT, and began his service as a cadet at the U.S. Military Academy. He graduated from West Point in 1972 and became an Army aviator. General Cody has long been widely regarded as the Army's premier attack helicopter warrior and pilot with over 5,000 flying hours.

For more than 20 of his 36 years as a soldier General Cody has been entrusted with the command of troops in well known combat units including the 160th Special Operations Aviation Regiment and several assignments with the 101st Airborne Division . Most notably, in 1991 then-Lieutenant Colonel Cody personally led the Apache attack helicopters of Task Force Normandy, the joint aviation task force that fired the opening salvoes of the gulf war, that destroyed Iraqi air defense sites and, as GEN H. Norman Schwarzkopf recounted, ''plucked out the eyes'' of Sadaam Hussein's air defenses.

Over the last 6 years, as one of the most senior leaders of the Army, General Cody has dedicated himself to ensuring that American soldiers are the best-trained, best-equipped and best-led force ready for the complex challenges of the global war on terror. As a result, in part of his determined leadership and uncompromising support, soldiers deployed in Afghanistan, Iraq and around the world have met those challenges.

General Cody's insight and leadership has also been a force behind the Army's transformation, which has set the Army on a path to provide the Nation with an Army that is more lethal, agile, deployable, and flexible; capable of fighting and winning this Nation's wars in the 21st century.

General Cody has been an example to soldiers throughout his great career; an example shared by his proud Army family as well. His wife Vicki will forever be a strong voice and tireless worker for soldiers and their families. Their brave sons Tyler and Clint, also Army officers and attack helicopter aviators with six combat tours between them, have answered the same call to duty and continue to serve the Nation.

General Cody is an American hero, unflinching in war and tireless in peace. President John F. Kennedy once said, ''When at some future date the high court of history sits in judgment of each one of us-recording whether in our brief span of service we fulfilled our responsibilities, we will be measured by our answers to 4 questions-were we truly men of courage were we truly men of judgment were we truly men of integrity were we truly men of dedication?'' I believe that when history judges the service of General Cody, the Army's 31st Vice Chief of Staff, it will be clear that this was truly a man of courage, judgment, integrity, and dedication.

The Nation is honored and grateful to have had the service of GEN Richard Cody and his family. As he and his wife start this next chapter of their lives, we wish them all the best for a day of rest well deserved and earned.●

TRIBUTE TO P.E. MACALLISTER

● Mr. LUGAR. Mr. President, I am pleased to have the opportunity today to recognize the important leadership of a remarkable Hoosier businessman, community leader, and treasured friend of 41 years, Mr. P.E. MacAllister. On August 30, 2008, P.E. will celebrate the signal occasion of his 90th birthday. This birthday is a special event for his many friends throughout the Midwest and especially for Hoosiers in central Indiana where P.E. has enriched countless lives through his important service to the Indianapolis community.

P.E. was raised in Wisconsin and graduated from Carroll College in 1940. He then spent 5 years in the Air Force as a captain and 27 months overseas in the 1st Fighter Group.

Joining the family business of MacAllister Machinery Company in Indianapolis after his service abroad, P.E. has been chairman of the board since 1952. His awards in the business industry are many and well-deserved. In addition to these accomplishments, P.E. has served on boards in the arts, health, recreation, philanthropic, and municipality arenas. His love of opera, to cite one example of his activism, engendered the largest nonrestricted vocal competition for opera singers in the Nation. This competition—The MacAllister Awards—ran for 22 years.

When I was elected mayor of Indianapolis in 1967, P.E. was among my earliest and strongest supporters whose generous and wise counsel was most appreciated. My election occurred just months before the death of Martin Luther King, Jr. and the extraordinary convulsions which troubled most American cities at that time. P.E. provided exemplary leadership during this challenging time by recruiting business leaders to aid in the creation of outreach programs for our city's youth.

I recall one particular initiative in which the city was availing itself of Federal resources through the Special Employment Program and the Special Program for Disadvantaged Youth in order to employ idle youth in a public works project that turned unused land into gardens. P.E., in recognizing the value in such a project, generously provided the heavy equipment that allowed for the planting of trees, the moving of soil, and the beautification of Indianapolis.

Further, in 1971, P.E. successfully served as the executive director of the Conference on Cities held in Indianapolis. This was an international symposium on urban problems in collaboration with the North Atlantic Treaty Organization. Since our early work, I have found his insights on world events to be profound, continually aided by his travels and comprehensive reading.

I celebrate P.E.'s achievements, friendship, and tireless dedication to engaging in constructive acts that always lead to great discussion and debate on complex issues. I wish P.E. MacAllister a very Happy 90th birthday.●

VERMONT'S CHAMPLAIN HOUSING TRUST

• Mr. SANDERS. Mr. President, It is with great pleasure that I inform you, my colleagues, and the Nation that Vermont's Champlain Housing Trust was selected as one of two recipients of the 2008 World Habitat Award, an honor presented annually by the United Nations.

Each year on World Habitat Day, the United Nations Agency for Human Settlements, which promotes socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all, presents these awards. Established in 1985, the World Habitat Awards are bestowed on projects that provide practical and innovative solutions to current housing needs and problems. One award is for a project in the global north and the other for a project in the global south.

I have a particularly deep and lengthy interest in the Champlain Housing Trust. It was established as the Nation's first municipally funded community land trust in 1984, when I was mayor of Burlington, VT. It has grown substantially, and today it is not only the first but the largest, community land trust in the country. It has provided a model for securing perpetually affordable housing that has been adopted by many other cities and municipalities across the Nation.

The program came into being because, in the 1980s, Burlington faced a number of housing challenges—and we were looking for innovative solutions. Among other issues that we faced was the reality that low and moderate income households, in the face of rapidly rising and fluctuating house prices, were threatened with displacement. We also believed that decent and affordable housing was a right of all people and not just a commodity for financial gain by a select few. As mayor of Burlington, I was very fortunate to have an outstanding staff as well as strong community input in helping to formulate this concept. Among many others who played an active role in developing what was initially called the Burlington Community Land Trust were Terry Bouricius, John Davis, Peter Clavelle, Michael Monte, Brenda Torpy, and Amy Wright.

When I entered the House of Representatives, my interest in land trusts did not abate. Encouraged by the growing land trust community across the Nation, I successfully introduced legislation that encouraged the use of the land trust model the Burlington community land trust had helped establish so that this model could be expanded to communities across the country.

Meanwhile, ably directed by Brenda Torpy and a legion of committed staff and volunteers over the past two and a half decades, the Champlain Housing Trust has continued to grow and expand its geographic reach, and has been met with unparalleled success. Thousands of low and moderate income families have been able to experience homeownership, while the trust has made great strides both toward revitalizing Burlington's historical Old North End neighborhood and expanding to three different counties in northwestern Vermont.

The Champlain Housing Trust is a model of democracy at the grassroots, involving homeowners, as well as government officials and members of the larger community, in its governance.

It has been a successful experiment that has revealed to the nation and, as this U.N. award demonstrates, to the world as well, how through the land trust concept, home ownership can be combined with making housing perpetually affordable.

The 2008 World Habitat Award is in recognition of all who have worked on establishing and expanding land trusts, all who have bought land trust homes, and all who have helped disseminate the land trust concept. And, in particular, it is a celebration of the wonderful work done by the Champlain Housing Trust.•

HONORING SIMONES' HOT DOG STAND

• Ms. SNOWE. Mr. President, I wish to celebrate the centennial of a treasured institution within Maine's Lewiston-Auburn community. Simones' Hot Dog Stand has been located on Chestnut Street in Lewiston since 1908, and by the looks of things, it will be there for at least another hundred years.

A third- and fourth-generation family-owned small business, Simones' Hot Dog Stand has been immensely popular since its founding. Back then, Simones' was truly a ''small'' business, constructed of wooden soda crates with just four stools for customers. Luckily, Simones' had a walk up take out window as well. Hot dogs at the time cost a nickel, with the bargain price of a quarter for six hotdogs. Over the years, various members of the Simones family have operated and worked at the stand, and its present proprietor, Jimmy Simones, has been a steadfast employee since 1973.

With time, the hotdog stand has faced challenges and undergone changes. During the Great Depression, with the price of meat skyrocketing, Simones' turned to chopped bologna as a substitute for hotdogs. During World War II, when meat became scarce on the homefront, SPAM was used in its place until the daily ration was employed. In 1966, realizing the need for additional space, Simones' moved across the street, from 98 Chestnut Street to No. 99, where it has been since. Over the years, Simones' menu has expanded to include other lunch items, such as subs, salads, and even homemade soups from scratch during the cold winter months. It is also open for breakfast.

But what will catch the visitor's eye most, aside from the fast and friendly service, is its signature bright neon red hotdog. Simones' famed hotdogs are truly unique, with a complement of red food coloring in their casings. Many customers prefer the traditional presentation of a steamed hotdog in a steamed bun topped with mustard, ketchup, or relish. For those of different culinary persuasion, Simones' offers chili, cheese, and sauerkraut to top their hotdogs.

Simones family members are also charitable neighbors, helping to make Lewiston a better place to live. Simones' donates their hotdogs to the scholarship foundation of the MAINEiacs, Lewiston's junior ice hockey team, as well as Leavitt Area High School's Project Graduation and other local nonprofit groups. Current owner Jimmy Simones serves on the Central Maine Community College Foundation board of directors and has volunteered at Lewiston's Sexual Assault Crisis Center. Additionally, Jimmy's wife Linda is a member of the St. Mary's Hospital Federally Qualified Health Care Board in Lewiston and a graduate of the hospital's nursing school. The Simones family is also active in the Holy Trinity Greek Orthodox Church parish. Jimmy is a past president of the church, and son George, who works at the stand, serves as a chanter for services. And all three Simones are familiar faces during the church's annual Greek Festival, volunteering their time to enhance the experience of the hundreds who attend.

From the regulars who come in daily for a hotdog, to Maine's political figures who make it a must-stop on the campaign trail, Simones' is truly the place to take the local pulse of the Lewiston-Auburn community. It is no wonder that Simones' has established itself as a pillar in central Maine. I wish Jimmy, Linda, George, and everyone at Simones' a wonderful celebration of 100 successful years and look forward to many more years—and hotdogs.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, 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* for publication stating that the national emergency and related measures blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions and certain other persons are to continue in effect beyond August 1, 2008.

The actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty contribute to political and economic instability in that country and the region and constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions and certain other persons.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 30, 2008.*

NOTICE: CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF CERTAIN PERSONS TO UNDERMINE THE SOVEREIGNTY OF LEBANON OR ITS DEMOCRATIC PROCESSES AND INSTITUTIONS

On August 1, 2007, by Executive Order 13441, I declared a national emergency and ordered related measures blocking the property of certain persons undermining the sovereignty of Lebanon or its democratic processes or institutions and certain other persons, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon's legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty which contributes to political and economic instability in that country and the region.

Because these actions continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on August 1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13441.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH.
THE WHITE HOUSE, JULY 30, 2008.

MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and Labor, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. GEORGE MILLER of California, HINOJOSA, TIERNEY, WU, BISHOP of New York, ALTMIRE, YARMUTH, COURTNEY, ANDREWS, SCOTT of Virginia, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. HIRONO, Messrs. KELLER of Florida, PETRI, Mrs. MCMORRIS RODGERS, Ms. FOXX, Messrs. KUHL of New York, WALBERG, CASTLE, SOUDER, EHLERS, Mrs. BIGGERT, and Mr. MCKEON.

From the Committee on the Judiciary, for consideration of sections 951 and 952 of the House bill, and sections 951 and 952 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Ms. WATERS, and Mr. GOHMERT.

From the Committee on Science and Technology, for consideration of sections 961 and 962 of the House bill, and section 804 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, BAIRD, and NEUGEBAUER.

At 12:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2192. An act to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs.

H.R. 2490. An act to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security.

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

H.R. 6113. An act to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information.

H.R. 6295. An act to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

H.R. 6388. An act to provide additional authorities to the Comptroller General of the United States, and for other purposes.

H.R. 6560. An act to establish an earned import allowance program under Public Law 109–53, and for other purposes.

H.R. 6580. An act to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes.

At 1:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 398. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILL SIGNED

At 6:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

At 6:54 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2192. An act to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 2490. An act to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; to the Committee on Commerce, Science, and Transportation.

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6113. An act to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6388. An act to provide additional authorities to the Comptroller General of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6560. An act to establish an earned import allowance program under Public Law 109–53, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3348. A bill to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 30, 2008, she had presented to the President of the United States the following enrolled bill:

S. 3352. An act to temporarily extend the programs under the Higher Education Act of 1965.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–422. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to enact legislation to establish a minimum sound level standard for all new automobiles sold in the United States to ensure the safety of the blind and other pedestrians, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 52

Whereas, electric vehicles operate on batteries and are marketed as having the advantage of operating without the sound and smell of standard internal combustion engines, and hybrid vehicles combine conventional gas-powered engines with battery-powered electric motors and, when in the electric mode, also operate without making sound; and

Whereas, all pedestrians use the sound of traffic in combination with other techniques to travel safely, as evidenced by the fact that commercial trucks emit a sound when backing up to alert pedestrians to their presence; and

Whereas, blind people depend solely on the sound of traffic to determine the location of a traffic light and indication of whether a traffic light is red or green and whether an individual automobile is idling, accelerating, decelerating, or turning left or right, all of which allows a blind person to gauge the time to navigate a crosswalk and to travel independently and safely; and

Whereas, action must be taken to ensure that all vehicles emit a sound while turned on, and such a sound from all vehicles must be loud enough to be heard over the din of other ambient noise and be heard from a distance which would allow pedestrians to travel safely, and such a sound must be emitted both while the vehicle is in motion and while motionless, the sound must also change with speed, must not easily be disabled, must not be annoying but still emit a unique sound distinguishable from other noises, and must be uniform from model to model. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure the safety of the blind and other pedestrians by passing legislation requiring the United States Department of Transportation, National Highway Traffic Safety Administration, to adopt regulations establishing a minimum sound level standard for all new automobiles sold in the United States. Be it further

Resolved, That the regulations adopted by the United States Department of Transportation, National Highway Traffic Safety Administration, need not prescribe the method automobile manufacturers must use to achieve the minimum sound standard, but the standard should have the following characteristics:

(1) In all phases of operation, including times when the vehicle is at a full stop, vehicles should be required to emit an omnidirectional sound with similar spectral characteristic of those of a modem internal combustion engine.

(2) The sound should vary in a way that is consistent with the sound of vehicles with combustion engines to indicate whether the vehicle is idling, maintaining a constant speed, accelerating, or decelerating. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–423. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to enact legislation to take such actions as are necessary to improve, modernize, and enhance drainage along the Jefferson Parish and Orleans Parish line, and for other purposes; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 178

Whereas, since Hurricane Katrina local officials and drainage personnel have worked diligently with neighborhood civic associations, congress, and the Corp of Engineers to improve the safety of lives and property against hurricane overflow and rainfall flooding; and

Whereas, there is now a plan which is supported by local officials that can achieve these goals and benefit the residents and businesses that are dependent upon the Seventeenth Street Canal, Pump Station Number Six, and the Monticello Canal; and

Whereas, the locally preferred plan is comprised of four essential components as follows: improve the depth and efficiency of the Seventeenth Street Canal between existing Pump Station Number Six and Lake Pontchartrain to move rainwater more quickly to Lake Pontchartrain, build a new pumping station at the lake end of the Seventeenth Street Canal to replace the existing Pump Station Number Six and to prevent water from Lake Pontchartrain from entering the canal, supplement a new pump station at Lake Pontchartrain with a pipeline system and a separate pumping station that will discharge directly into the Mississippi River, rather than into the Seventeenth Street Canal and Lake Pontchartrain, and remove existing Pump Station Number Six from the system. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to implement the four essential components outlined in this Resolution in order to improve, modernize, and enhance drainage in Jefferson and Orleans parishes. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–424. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact the hearing aid assistance tax credit act; to the Committee on Finance.

HOUSE RESOLUTION NO. 155

Whereas, hearing is clearly one of our most essential senses. It is often taken for granted, unfortunately, until the time one begins to experience hearing loss. At this point it is too late to reverse the damage. Hearing aids are the ready solution to the problems associated with hearing loss, but the costs associated with good quality equipment is expensive, is not always covered by one's insurance or Medicaid, and is too often foregone for more immediate needs. A federal tax credit would provide immediate and necessary relief for tens of thousands; and

Whereas, indeed, it has been estimated that hearing aids would help ninety-five percent of those suffering from hearing loss. Only twenty-two percent of the population, however, currently uses a hearing device, because the average out-of-pocket costs associated with hearing aids is over $2,800. Thousands upon thousands of individuals and family members are impacted by these soaring costs. It is estimated that close to 2 million people are affected by untreated hearing loss; and

Whereas, in Michigan, legislation was enacted in 1978 to exempt hearing aids from the state sales tax. This initiative was a clear

recognition of the important of cost savings to those in need of hearing aids. The Congress should follow this stellar example and enact similar tax incentives in the U.S. Tax Code; now, therefore, be it

Resolved, By the House of Representatives, That we hereby memorialize the Congress of the United States to enact the Hearing Aid Assistance Tax Credit Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–425. A resolution adopted by the Legislature of the State of Florida, urging Congress to increase federal funding for Alzheimer's disease research; to the Committee on Health, Education, Labor, and Pensions.

SENATE MEMORIAL NO. 2662

Whereas, Alzheimer's disease is a progressive degenerative disorder that destroys cells in the brain and is the leading cause of dementia, a condition that involves memory loss, decline in the ability to perform routine tasks, disorientation, difficulty in learning, loss of language skills, impairment of judgment, and personality changes, and

Whereas, as Alzheimer's disease progresses, individuals with the disease become unable to care for themselves, and

Whereas, as many as 5 million Americans have Alzheimer's disease, including approximately 500,000 Floridians, and, by 2050, the number of individuals in the United States with the disease could range from 13 million to 16 million unless a way to prevent or cure the disease is discovered, and

Whereas, Alzheimer's disease strikes approximately 1 in 10 people over the age of 65 and nearly half of those who are age 85 or older, and

Whereas, the average lifetime cost of care for an individual with Alzheimer's disease is $170,000, and

Whereas, half of all nursing home residents have Alzheimer's disease or a related disorder, with the average annual cost of nursing home care for individuals with the disease exceeding $70,000 per resident, and

Whereas, Medicaid pays half of the total nursing home bills for individuals with Alzheimer's disease and helps 2 out of 3 residents pay for their care, and

Whereas, Medicaid expenditures for nursing home care for individuals with Alzheimer's disease are estimated to increase from $21 billion in 2005 to $24 billion in 2010, and

Whereas, 1 in 8 caregivers for individuals with Alzheimer's disease becomes ill or injured as a direct result of caregiving, and 1 in 3 uses medication for problems related to caregiving, with older caregivers being 3 times more likely to become clinically depressed than others in their age group, and

Whereas, a 4-year study conducted by researchers from the University of Pittsburgh showed that elderly spouses strained by caregiving were 63 percent more likely to die during that 4-year period than their noncaregiving counterparts, and

Whereas, if our nation achieves its research goals of preventing the onset of Alzheimer's disease in those at risk and treating and delaying progression of the disease in those already ill, annual Medicare savings would be $51 billion by 2015 and $88 billion by 2020, annual Medicaid savings would be $10 billion in 2015 and $17 billion by 2020, and the projected number of cases of the disease would be reduced by 40 percent by the middle of the century, and

Whereas, a cure for Alzheimer's disease may be achieved sooner by increasing funding of Alzheimer's disease research at established and reputable research institutes, and

Whereas, the Congress of the United States appropriated $642 million for Alzheimer's disease research during fiscal year 2007–2008. Now, therefore, be it

Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged to increase federal funding for Alzheimer's disease research by $360 million during fiscal year 2008–2009. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–426. A resolution adopted by the Legislature of the State of Florida, urging Congress to support national standards for educator ethics and a national clearinghouse to strengthen state efforts in the reporting, screening, and sharing of critical information relative to educator misconduct; to the Committee on Health, Education, Labor, and Pensions.

SENATE MEMORIAL 1742

Whereas, teachers are entrusted with the care and supervision of minor children away from the direct observation of parents, and

Whereas, the student-teacher relationship is necessarily built on a child's trust and respect for an adult in authority, and

Whereas, parents and the community rely upon school district officials and individual educators to protect the integrity of that relationship, and

Whereas, educators rely upon the state and school districts to promote respect for the teaching profession through the timely investigation and disposition of allegations of misconduct, assurance of due process, and elimination from the teaching ranks of those who bring discredit to the profession. Now, Therefore, be it

Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged to support the passage of laws establishing ethical standards for professional educators and to support a national clearinghouse to provide for the reporting of data concerning educator misconduct. A national database is necessary to promote the timely sharing of critical information among states and to provide for the safety and welfare of students. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–427. A resolution adopted by the Legislature of the State of Florida, urging Congress to make forms for the United States Decennial Census of 2010 available in the Creole language for the Haitian population of Florida; to the Committee on Homeland Security and Governmental Affairs.

SENATE MEMORIAL 1454

Whereas, results from the United States Decennial Census of 2000 show that there were 419,317 foreign-born persons from Haiti in the United States when the census was taken, and

Whereas, the state with the largest population of foreign-born persons from Haiti in 2000 was Florida with 182,224, which represented 6.8 percent of Florida's total foreign-born population of 2.7 million, and

Whereas, in conducting the federal decennial statewide census in 2000, the United States Census Bureau used a variety of methods to communicate with people who could not speak English, and

Whereas, households that received the census form in the mail had the option of requesting the form in Spanish, Chinese, Tagalog, Vietnamese, or Korean, and

Whereas, individuals who believed that they were not included on a form or did not receive a form could use the ''Be Counted'' questionnaires that were available in public areas and printed in English, Spanish, Tagalog, Vietnamese, and Korean, and

Whereas, the Census Bureau also published a short-form and a long-form language assistance guide in 49 different languages, one of which was Creole, to assist respondents, and

Whereas, however, given the considerable size of Florida's Haitian population, in the interest of equity and obtaining the most accurate information possible from the next federal decennial statewide census, the United States Census Bureau should make forms for the United States Decennial Census of 2010 more accessible to the Haitian population of Florida by making the census forms available in the Creole language, and

Whereas, in addition, the census forms for the United States Decennial Census of 2010 should be prepared in a manner that will allow a respondent to indicate whether he or she is a Haitian national or of Haitian descent. Now, therefore, be it

Resolved by the Legislature of the State of Florida: That the Congress of the United States is urged to require the United States Census Bureau to make census forms for the United States Decennial Census of 2010 available in the Creole language to provide for optimal accessibility by the Haitian population of Florida and to prepare the census forms in a manner that will allow a respondent to indicate whether he or she is a Haitian national or of Haitian descent. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–428. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to direct the Federal Emergency Management Agency to review its recovery policies and programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 178

Whereas, during the seventeenth century, about one hundred French families settled in a portion of Nova Scotia controlled by the British, then known as Acadia, where they developed friendly relations with the Indians and learned their hunting and fishing techniques; and

Whereas, when the French and Indian War began in 1754, the British government, doubting the neutrality of the Acadians, demanded that they take an oath of allegiance to the British monarch, and since the oath required renouncing a key article of their Roman Catholic faith, most refused and as a result many were imprisoned; and

Whereas, in what is own as the Great Expulsion (Grand Dérangement), about thirteen thousand Acadians, three-fourths of the Acadian population in Nova Scotia, were expelled from the colony between 1755 and 1764, their homes were destroyed, and they were exiled among the American colonies and other remote lands; and

Whereas, in the chaos of this expulsion, families and friends were separated and placed on different ships, as a result of a deliberate effort on the part of the British to ''exterminate'' the Acadian culture through forced assimilation; and

Whereas, many Acadians found themselves unwelcome among the thirteen colonies,

some were deported to France and the French islands of St. Pierre and Miquelon near Newfoundland, and other Acadians became slaves in the British colonies, the Carribean, and in Europe; and

Whereas, large numbers of these Acadians eventually made their way to Louisiana just after France ceded its colony of Louisiana to Spain in 1762 and were referred to as Cajuns by the English-speaking colonists; and

Whereas, the Spanish allowed the Acadians to continue to speak their language, practice Roman Catholicism, which was also the official religion of Spain, and otherwise pursue their livelihoods with minimal interference; and

Whereas, the majority of the Acadians settled in southern Louisiana in the area west of what is now New Orleans, mainly along the Mississippi River, and they were later moved by the colonial government to the swamps, cheniers, and prairies further west and southwest of New Orleans, to lands deemed uninhabitable due to the harsh living conditions, where they lived among the Attakapa and Chitimacha Native American tribes; and

Whereas, Henry Wadsworth Longfellow was so moved by the plight of the Acadians that he wrote a poem titled ''Evangeline'' and described in moving detail the story of two young lovers separated by the Grand Dérangement and their travels to the land of Louisiana; and

Whereas, for more than two hundred years, the Acadians have lived in the coastal regions of Louisiana, a land Longfellow described as the region ''where reigns perpetual summer, where through the Golden Coast, and groves of orange and citron, sweeps with majestic curve the river away to the eastward ... a maze of sluggish and devious waters ... like a network of steel, extend(ing) in every direction; A land where over their heads the towering and tenebrous boughs of the cypress met in a dusky arch, and trailing mosses in mid-air waved like banners that hang on the walls of ancient cathedrals ... A land where Deathlike the silence seemed, and unbroken, save by the herons home to their roosts in the cedar-trees returning at sunset, Or by the owl, as he greeted the moon with demoniac laughter''; and

Whereas, the children and grandchildren of these Acadians remained somewhat secluded in this region until the early 1900s in the areas of coastal Louisiana and regrettably during the first half of the twentieth century, contempt for the Acadians reemerged within their dear state of Louisiana, and attempts were made to forcibly suppress Cajun culture by measures such as forbidding the use of French in schools; and

Whereas, the indomitable spirit of their French ancestry could not be suppressed, and they prevailed once again and worked hard to overcome the stigma associated with their ethnic heritage and instill pride in their Acadian roots, forming the Council for the Development of French in Louisiana; and

Whereas, it is in the coastal wetlands and prairies of South Louisiana that the Cajuns have not merely endured, not merely survived, but have lived and laughed and cried and built a culture uniquely American with a spiritual richness and time-honored traditions complete with Mardi Gras and king cakes, family togetherness, hard work, plenty of fun, music played with lively fiddles, accordions, spoons, and washboards, and a unique local cuisine of the indigenous species of seafood and animal life with dishes such as etouffee, gumbo, and jambalaya; and

Whereas, these Cajuns have distinguished themselves as hunters, trappers, fishermen, shrimpers, doctors, lawyers, engineers, roustabouts, farmers, priests and preachers, nuns, and missionaries, and in numerous other honorable professions and maintained their religious faith traditions as Protestants and Catholics; and

Whereas, it is here in their homeland of coastal Louisiana that they have endured disasters both natural and man-made; and

Whereas, the eastern and western Cajun regions of Louisiana were among the hardest hit by Hurricane Katrina on August 29, 2005, and Hurricane Rita on September 26, 2005; and

Whereas, in the aftermath of these two natural disasters, again the trumpets sound, and the ill winds blow, for many of the sons and daughters of the Acadians are about to be exiled again, not at the hands of a government demanding allegiance but by the same government to which they have already pledged allegiance and the same government that many of their sons and daughters have fought and even died for; and

Whereas, this exile will be produced as the result of what some who live outside the coastal region of Louisiana suggest is a well-intentioned, reasonable application of the rules and regulations of the National Flood Insurance Program, which if not challenged and changed, will force those who live in many of the areas hardest hit by Hurricanes Katrina and Rita, especially in the southern portion of the parishes of Cameron, Vermilion, St. Mary, Terrebonne, Lafourche, Plaquemines, and St. Bernard, to leave the land of their ancestry, the land of memories, to where they know not, to be finally and forever assimilated into a culture familiar yet strangely foreign to their traditions and way of life; and

Whereas, the effect of these rules and regulations will be to force them to build homes they cannot afford to build, and as a result the land that no one wanted and which was settled by the people no one wanted will now be available only to the wealthiest, if available at all; and

Whereas, a policy with an impact of this magnitude has never been implemented on such a large scale before in the modem history of this nation; and

Whereas, people in California, Washington, Nevada, and Utah who live in earthquake-prone areas were allowed to develop privately funded programs to secure earthquake insurance which is privately provided; and

Whereas, although flood insurance is provided through an agency of the federal government and there is a cost and risk associated with living in coastal regions of Louisiana, these risks in terms of damages due to storm surges caused by hurricanes is not unlike those risks faced by any other community along the Gulf Coast from the Florida Keys to Brownsfield, Texas; and

Whereas, since these rules and regulations make no distinction between risk of damages in flood plains due to storm surges and that caused by flooding resulting from rising waters due to rain and are based primarily on elevation, other communities along the Gulf Coast who are just as vulnerable to damage caused by storm surge are allowed to rebuild in areas next to the beach because the initial elevation of the area is higher than that found in the coastal area of Louisiana. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to direct the Federal Emergency Management Agency to review its recovery policies and programs and to prepare an outline of the social and economic issues involved in the implementation of the rules and regulations of the National Flood Insurance Program as that implementation affects the rebuilding efforts in all coastal Louisiana communities impacted by Hurricanes Katrina and Rita. Be it further

Resolved, That this report include any and all suggestions or recommendations as to practical alternatives to such policies to allow for the preservation of the unique culture of coastal Louisiana. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–429. A resolution adopted by the Legislature of the State of Arizona urging Congress to enact legislation to support the designation of a ''National Day of the Cowboy''; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION 1046

Whereas, pioneering men and women in Arizona, known as cowboys, helped establish the American West; and

Whereas, the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic and patriotism; and

Whereas, the cowboy spirit exemplifies strength of character, sound family values and good common sense; and

Whereas, the cowboy archetype transcends ethnicity, gender, geographic boundaries and political affiliation; and

Whereas, the cowboy is an excellent steward of the land and its creatures; and

Whereas, the cowboy lives off the land and works to protect and enhance the environment; and

Whereas, cowboy traditions have been part of the American culture for generations; and

Whereas, the cowboy continues to be an important part of the economy, through the work of approximately seven hundred twenty-seven thousand ranchers in all fifty states, and contributes to the well-being of nearly every county in the nation; and

Whereas, annual attendance at professional and working ranch rodeo events exceeds twenty-seven million fans, and the rodeo is the seventh most watched sport in the nation; and

Whereas, membership and participation in rodeo and other organizations that promote and encompass the livelihood of the cowboy spans race, gender and generations; and

Whereas, the cowboy is a central figure in literature, film and music and occupies a central place in the public imagination; and

Whereas, the cowboy is an American icon; and

Whereas, the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged. Therefore be it Resolved, by the Senate of the State of Arizona, the House of Representatives concurring:

1. That the members of the Legislature express support for the designation of a ''National Day of the Cowboy'' and encourage the people of the United States to observe the day with appropriate ceremonies and activities.

2. That the Secretary of State of the State of Arizona transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Arizona Congressional Delegation.

POM–430. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to increase penalties for any person who knowingly hires, or recruits or refers for a fee, for employment within this state, an individual who is not authorized to work in the United States, or knowingly continues to employ an unauthorized alien; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 63

Whereas, increasing public and congressional attention has been focused on the unauthorized alien population in the United States; and

Whereas, the federal Immigration Reform and Control Act makes all United States employers responsible for verifying the identity and work authorization of all individuals; and

Whereas, the federal government imposes civil penalties for those employers who continue to hire or retain unauthorized aliens; and

Whereas, the Department of Homeland Security reports an estimated eleven million unauthorized aliens living in the United States and an estimated six million of that number are from Mexico; and

Whereas, a large percentage of that number of unauthorized aliens represent the United States civilian labor force; and

Whereas, unauthorized aliens account for thirteen percent of the agriculture industry and twelve percent of the construction industry; and

Whereas, the state of Louisiana is experiencing a drastic increase in the number of unauthorized aliens seeking employment in our state due to the demand of the construction and agriculture industries; and

Whereas, the sovereignty of our state must be protected. THEREFORE, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Congress to increase penalties for any person who knowingly hires, or recruits or refers for a fee, for employment within that state, an individual who is not authorized to work in the United States, or who knowingly continues to employ an unauthorized alien. be it further

Resolved, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–431. A resolution adopted by the House of Representatives of the State of Louisiana urging Congress to take such actions as are necessary to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 148

Whereas, since the establishment of these United States, the policy of this nation is and always will be the support of the men and women who serve in the defense of their country in peace time as well as in times of military conflict; and

Whereas, the Veterans Administration was established by the Congress of these United States to recognize the contributions and service of the men and women of these United States and to provide for their well-being after their service to their country in the military; and

Whereas, the states of these United States in furtherance of this policy established state agencies to further administer to the welfare of our veterans specifically in Louisiana through the Louisiana Department of Veterans Affairs; and

Whereas, to promote and encourage the citizens of our state to participate in providing housing for our military veterans and their dependents, the Legislature of the State of Louisiana recognizes the need to support projects designed to further both the federal and state efforts to provide housing for veterans and their other needs; and

Whereas, the Veterans Village, a nonprofit organization located in Winnsboro, Louisiana, will provide over five hundred housing units for the spouses of our deceased veterans, as well as the veterans who are homeless in the state of Louisiana; and

Whereas, one out of every four homeless people is a citizen who served our nation in the defense of this country and needs assistance in finding adequate housing; and

Whereas, Veterans Village seeks financial support from the Congress of these United States to assist in the development of the Veterans Village in its effort to provide housing for deceased veterans' spouses and those who are homeless; and

Whereas, the House of Representatives of the Legislature of Louisiana desires to acknowledge its support of nonprofit projects like the Veterans Village in Winnsboro, Louisiana, which promotes housing for spouses of our deceased veterans and veterans who are without adequate shelter in our state. Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby request the United States Congress to take such actions as are necessary to appropriate funds to assist the development of the Veterans Village project designed to improve the standard of living of the spouses of our deceased veterans, as well as the homeless veterans living in the state of Louisiana. Be it further

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to file the appropriate legislation necessary to accomplish this appropriation. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–432. A resolution adopted by the Senate of the State of Louisiana to take such actions as are necessary to recognize the need for support of the spouses of deceased veterans and the need for housing for homeless veterans; to the Committee on Veterans' Affairs.

SENATE RESOLUTION NO. 181

Whereas, since the establishment of these United States, the policy of this nation is and always will be the support of the men and women who serve in the defense of their country in peace time as well as in times of military conflict; and

Whereas, the Veterans Administration was established by the Congress of these United States to recognize the contributions and service of the men and women of these United States and to provide for their well-being after their service to their country in the military; and

Whereas, the states of these United States in furtherance of this policy have established state agencies to further administer to the welfare of our veterans, which in Louisiana is the Louisiana Department of Veterans Affairs; and

Whereas, to promote and encourage the citizens of our state to participate in providing housing for our military veterans and their dependents, the Senate of the Legislature of Louisiana hereby recognizes the need to support projects designed to further both the federal and state efforts to provide housing for veterans and their other needs; and

Whereas, the Veterans Village, a nonprofit organization located in Winnsboro, Louisiana, will provide over five hundred housing units for the spouses of our deceased veterans, as well as the veterans who are homeless in the state of Louisiana; and

Whereas, one out of every four homeless people is a citizen who have served our nation in the defense of this country and need assistance in finding adequate housing; and

Whereas, Veterans Village seeks financial support from the Congress of these United States to assist in the development of the Veterans Village in its effort to provide housing for deceased veterans' spouses and those who are homeless; and

Whereas, the Senate of the Legislature of Louisiana desires to acknowledge its support of nonprofit projects like the Veterans Village in Winnsboro, Louisiana, which promotes housing for spouses of our deceased veterans and veterans who are without adequate shelter in our state. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana hereby memorializes the Congress of the United States to take such actions as are necessary to appropriate funds to assist the development of the Veterans Village project designed to improve the standard of living of the spouses of our deceased veterans, as well as the homeless veterans living in the state of Louisiana. Be it further

Resolved, That the Senate of the Legislature of Louisiana does hereby urge and request the members of the United States Congress from Louisiana to take the proper steps to obtain such appropriation. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–433. A message from the Canadian Parliament extending best wishes to the United States Congress and the people of the United States of America on the anniversary of the independence of the United States of America on July 4, 2008; to the Committee on Foreign Relations.

POM–434. A resolution adopted by the City of Miami Beach City Commission Meeting of June 25, 2008, urging Congress to grant temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 4210. A bill to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 5477. A bill to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483. A bill to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631. A bill to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061. A bill to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085. A bill to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho

Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150. A bill to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

S. 3241. A bill to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Carol A. Dalton, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Anthony C. Epstein, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*James A. Williams, of Virginia, to be Administrator of General Services.

*Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security.

*Heidi M. Pasichow, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*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 Mr. TESTER:

S. 3363. A bill to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself, Mrs. CLINTON, Mr. MENENDEZ, and Mr. COCHRAN):

S. 3364. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3365. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for long-term care insurance premiums; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. STABENOW, Ms. COLLINS, Mr. CARDIN, and Mr. MARTINEZ):

S. 3366. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative plant species, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself, Mr. WYDEN, Mr. INOUYE, Mr. TESTER, Mr. SANDERS, Mr. BARRASSO, and Mr. COCHRAN):

S. 3367. A bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program; to the Committee on Finance.

By Mr. BROWN (for himself and Ms. SNOWE):

S. 3368. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. MENENDEZ, and Mr. KERRY):

S. 3369. A bill to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mr. CARDIN, Ms. LANDRIEU, Ms. SNOWE, Mr. KERRY, Mr. BROWNBACK, and Mr. JOHNSON):

S. Res. 632. A resolution calling on the Governments of the People's Republic of China and the international community to use the upcoming Olympic Games as an opportunity to push for the parties to the conflicts in Sudan, Chad, and the Central African Republic to cease hostilities and revive efforts toward a peaceful resolution of their national and regional conflicts; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. BUNNING):

S. Res. 633. A resolution expressing the sense of the Senate on the deterioration of respect for privacy and human rights in the People's Republic of China before the 2008 Olympic Games in Beijing; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, Mr. KERRY, Mr. SANDERS, Mrs. LINCOLN, Ms. STABENOW, Mr. ROBERTS, Mrs. DOLE, Mr. PRYOR, Mr. SMITH, Mr. JOHNSON, Mrs. CLINTON, and Mr. FEINGOLD):

S. Res. 634. A resolution recognizing July 30, 2008, as the 40th anniversary of the enactment of the resolution establishing the Senate Select Committee on Nutrition and Human Needs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCONNELL:

S. Res. 635. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1588

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1588, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1870

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1870, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 2367

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2367, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2719

At the request of Mrs. DOLE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2776

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2776, a bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3127

At the request of Mr. BURR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3127, a bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories.

S. 3164

At the request of Mr. MARTINEZ, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3164, a bill to amend tile XVIII of the Social Security Act to reduce fraud under the Medicare program.

S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3199

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3199, a bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax.

S. 3217

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3217, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. 3242

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3242, a bill to suspend temporarily the duty on digital-to-analog converter boxes, and for other purposes.

S. 3251

At the request of Mr. THUNE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 3251, a bill to amend the Federal Crop Insurance Act and the Trade Act of 1974 to authorize advance payments under the supplemental revenue assistance program.

S. 3263

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3263, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 3299

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3299, a bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages.

S. 3323

At the request of Mr. GREGG, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3323, a bill to provide weatherization and home heating assistance to low income households, and to provide a heating oil tax credit for middle income households.

S. 3329

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3329, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes.

S. 3331

At the request of Mr. BAUCUS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3337

At the request of Mr. ROBERTS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3337, a bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the ''Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use''.

S. RES. 551

At the request of Mr. BAUCUS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 551, a resolution celebrating 75 years of successful State-based alcohol regulation.

S. RES. 580

At the request of Mr. BAYH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

S. RES. 618

At the request of Mr. LUGAR, the names of the Senator from Florida (Mr. NELSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 618, a resolution recognizing the tenth anniversary of the bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, and memorializing the citizens of the United States, Kenya, and Tanzania whose lives were claimed as a result of the al Qaeda led terrorist attacks.

S. RES. 624

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 624, a resolution designating August 2008 as ''National Truancy Prevention Month''.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 624, supra.

S. RES. 625

At the request of Mr. HAGEL, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Res. 625, a resolution designating August 16, 2008, as National Airborne Day.

S. RES. 627

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 627, a resolution welcoming home Keith Stansell, Thomas Howes, and Marc Gonsalves, three citizens of the United States who were held hostage for over five years by the Revolutionary Armed Forces of Colombia (FARC) after their plane crashed on February 13, 2003.

S. RES. 630

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 630, a resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Ms. STABENOW, Ms. COLLINS, Mr. CARDIN, and Mr. MARTINEZ):

S. 3366. A bill to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative plant species, and for other purposes; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation that will address the growing harm that nonnative or ''invasive'' species are inflicting on the wildlife and environment of our National Wildlife Refuge System.

In 1903, President Theodore Roosevelt issued an executive order that designated Pelican Island, located in my home State of Florida, as a Federal bird reservation. This designation was intended to protect the numerous species of waterfowl that called Indian River Lagoon and Pelican Island home, including the last known brown pelican rookery on the East Coast of Florida. President Roosevelt's action marked the first time that our Federal Government set aside land for the sake of wildlife.

In the century that followed, the Pelican Island reservation, 27 additional sites in Florida, and other areas nationwide were set aside by the Federal Government and grew into a vast network that is now the National Wildlife Refuge System. Today, this system is comprised of 540 wildlife refuges and 3,000 waterfowl production areas, spanning 95 million miles across all 50 States and several U.S. territories. These refuges are home to 700 bird species, more than 200 mammal species, 250 reptile and amphibian species, and more than 200 types of fish—including one-fourth of all federally recognized threatened and endangered species. The habitat afforded by our refuges will become even more critical to the survival of wildlife, which is already being forced to adapt to a rapidly changing climate.

As if encroaching human development, water and air pollution, and climate change weren't great enough challenges, our wildlife refuges and other protected areas are also threatened by a more insidious and persistent problem: invasive species. These nonnative plant and animal species compete for habitat, food, and other resources that are essential to native wildlife, including endangered and threatened species.

According to the Florida Fish and Wildlife Conservation Commission, over 400 nonnative animals and nearly 1,200 exotic plant species have been documented in the State, with more arriving each day. The old world climbing fern, Lygodium, poses a greater threat than any other nonnative plant to south Florida's natural areas, including one of our national treasures, the Everglades. This plant currently infests over 70 percent of the Arthur R. Marshall Loxahatchee National Wildlife Refuge near Boyton Beach, Florida. The Everglades' tree islands, which are a unique and extremely rare habitat for nesting wading birds and terrestrial wildlife, are particularly vulnerable to Lygodium. This invader first surrounds the islands' hardwood trees and dry ground, then grows over the tree canopy, and eventually smothers the native plants. This process essentially eliminates all of the ecological services that the tree islands once provided to native wildlife.

The threats posed by nonnative species are not confined to my home State of Florida—this is truly a national problem. According to the U.S. Fish and Wildlife Service, invasive species are one of the most significant problems facing the National Wildlife Refuge System. Resource managers cite nonnative species as the single greatest threat to the refuges' biological and ecological functions, and as one of their most pressing management challenges. Currently, experts estimate that nonnative plant species infest more than 2 million acres in the Refuge System, and that nearly 4,500 invasive animal populations are established.

Efforts are underway to control or eradicate harmful, nonnative species in our wildlife refuges and other conservation areas. For example, the Fish and Wildlife Service treated 2,500 acres of Lygodium on tree islands in the Loxahatchee National Wildlife Refuge in fiscal year 2006. The South Florida Water Management District has partnered with the U.S. Department of Agriculture's Agricultural Research Service to develop a sustained population of natural enemies, known as biological controls, to reduce the spread of invasive plants. The district has funded a biological control program for Lygodium since 1997, and has been working to find a natural enemy for the Brazilian pepper, one of the most noxious, widespread weeds in Florida. Projects like these are having a positive impact on the Everglades restoration, and show why it is important that all levels of government work together to combat harmful, nonnative species.

While these and other invasive species control efforts have yielded promising results, the job is far from complete. In the current fiscal year, approximately $8.7 million was budgeted for treatment and control of nonnative plants in the Refuge System. That may sound like a lot of money, but it represents a mere drop in the bucket: the Fish and Wildlife Service estimates that the total cost of managing invasive species on refuges nationwide is in excess of $300 million. Clearly, we need to dramatically increase the resources we devote to combating harmful, nonnative species if we expect our refuges to fulfill the wildlife conservation purposes for which they were set aside.

That is why I have worked with Senators STABENOW, COLLINS, CARDIN, and MARTINEZ to develop and introduce the Refuge Ecology Protection, Assistance, and Immediate Response Act, or REPAIR Act. The primary purpose of this act is to protect, enhance, and restore habitats for native fish and wildlife within the National Wildlife Refuge System. The REPAIR Act would establish within the Fish and Wildlife Service a grant program to support projects to assess, monitor, and manage harmful, nonnative species.

Specifically, REPAIR grants would be available to States, tribes, and territories to assess invasive plant and animal species that may threaten refuge resources, and to prioritize restorations needs and activities. Grants would also be available to State and local governments, universities, conservation organizations, and others to implement control projects to eradicate harmful, nonnative plants on refuges and adjoining, nonfederal lands and waters. Volunteer and public-interest groups would also be eligible for grants to conduct habitat surveys and monitor invasive plant and animal species. The REPAIR Act would also give the Secretary of the Interior the authority to provide financial assistance to States to respond quickly to outbreaks of invasive plants at a stage when complete eradication is possible and more affordable.

The Fish and Wildlife Service would be responsible for awarding REPAIR grants on a peer-reviewed, competitive

basis. For control projects, we establish numerous criteria that give priority to efforts that aid threatened and endangered species, encourage increased coordination among Federal, State, and local agencies, nongovernmental groups, and private entities, and that contain a comprehensive plan to prevent reintroduction of target species. All projects include monitoring and reporting elements, with oversight provided by the Fish and Wildlife Service. These provisions will help ensure that we achieve the greatest return on our investments to restore and maintain native habitat in the National Wildlife Refuge System.

The assessments and control projects authorized by the REPAIR Act will most certainly be of benefit to native wildlife living in and around our refuges, including the numerous threatened and endangered species that we have worked hard to protect. The restoration and preservation of native habitats and wildlife provided by the REPAIR Act will also benefit the 37 million people who visit our refuges each year and take advantage of fishing, hunting, and other recreational and educational opportunities that these special places provide.

In closing, I would like to recognize the efforts of Congressman RON KIND of Wisconsin, who introduced and championed the REPAIR Act in the U.S. House of Representatives. The House passed this important legislation in October of last year. I hope that we can find a way for the companion measure that I introduced today to pass the Senate and become the law of the land. I look forward to working with Chairman BOXER and the other members of the Senate Committee on Environment and Public Works to debate this important legislation.

Mr. President, 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. 3366

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 ''Refuge Ecology Protection, Assistance, and Immediate Response Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Wildlife Refuge System is the premier land conservation system in the world.

(2) Harmful nonnative species are the leading cause of habitat destruction in national wildlife refuges.

(3) More than 675 known harmful nonnative species are found in the National Wildlife Refuge System.

(4) Nearly 8,000,000 acres of the National Wildlife Refuge System contain harmful nonnative species.

(5) The cost of early identification and removal of harmful nonnative species is dramatically lower than removing an established invasive population.

(6) The cost of the backlog of harmful nonnative species control projects that need to be carried out in the National Wildlife Refuge System is over $361,000,000, and the failure to carry out such projects threatens the ability of the System to fulfill its basic mission.

(b) PURPOSE.—The purpose of this Act is to encourage partnerships among the United States Fish and Wildlife Service, other Federal agencies, States, Indian tribes, and other interests for the following objectives:

(1) To protect, enhance, restore, and manage a diversity of habitats for native fish and wildlife resources within the National Wildlife Refuge System through monitoring and management of harmful nonnative species, including control of harmful nonnative plant species.

(2) To promote the development of voluntary State assessments to establish priorities for controlling harmful nonnative plant and animal species that threaten or negatively impact refuge resources.

(3) To promote greater cooperation among Federal, State, and local land and water managers, and owners of private land, water rights, or other interests, to implement ecologically based strategies to eradicate, mitigate, and control harmful nonnative plant species that threaten or negatively impact refuge resources through a voluntary and incentive-based financial assistance grant program.

(4) To establish an immediate response capability to combat incipient harmful nonnative plant species invasions.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate Committees'' means the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(2) CONTROL.—The term ''control'' means, as appropriate, eradicating, suppressing, reducing, or managing harmful nonnative species from areas where they are present; taking steps to detect early infestations on at-risk native habitats; and restoring native species and habitats to reduce the effects of harmful nonnative species.

(3) ENVIRONMENTAL SOUNDNESS.—The term ''environmental soundness'' means the extent of inclusion of methods, efforts, actions, or programs to prevent or control infestations of harmful nonnative species, that—

(A) minimize adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems; and

(B) emphasize integrated management techniques.

(4) HARMFUL NONNATIVE SPECIES.—The term ''harmful nonnative species'' means, with respect to a particular ecosystem in a particular region, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem and has a demonstrable or potentially demonstrable negative environmental or economic impact in that region.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATIONAL MANAGEMENT PLAN.—The term ''National Management Plan'' means the management plan referred to in section 5 of Executive Order No. 13112 of February 3, 1999, and entitled ''Meeting the Invasive Species Challenge''.

(7) REFUGE RESOURCES.—The term ''refuge resources'' means all land and water, including the fish and wildlife species and the ecosystems and habitats therein, that are owned, leased, managed through easement or cooperative agreement, or otherwise managed by the by the Federal Government through the United States Fish and Wildlife Service and located within the National Wildlife Refuge System administered under the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd et seq.), including any waterfowl production area.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(9) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

SEC. 4. REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE (REPAIR) GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may provide—

(1) a grant to any eligible applicant to carry out a qualified plant control project in accordance with this section; and

(2) a grant to any State to carry out an assessment project consistent with relevant State plans that have been developed in whole or in part for the conservation of native fish, wildlife, and their habitats, and in accordance with this section, to—

(A) identify harmful nonnative plant and animal species that occur in the State that threaten or negatively impact refuge resources;

(B) assess the needs to restore, manage, or enhance native fish and wildlife and their natural habitats and processes in the State to compliment activities to control, mitigate, or eradicate harmful nonnative plant and animal species negatively impacting refuge resources;

(C) identify priorities for actions to address such needs;

(D) identify mechanisms to increase capacity building in a State or across State lines to conserve and protect native fish and wildlife and their habitats and to detect and control harmful nonnative plant and animal species that might threaten or negatively impact refuge resources within the State; and

(E) incorporate, where applicable and to the extent consistent with this Act, the guidelines of the National Management Plan.

The grant program under this section shall be known as the ''Refuge Ecology Protection, Assistance, and Immediate Response Grant Program'' or the ''REPAIR Program''.

(b) FUNCTIONS OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall—

(A) publish guidelines for and solicit applications for grants under this section not later than 6 months after the date of enactment of this Act; and

(B) receive, review, evaluate, and approve applications for grants under this section.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate to another Federal instrumentality the authority of the Secretary under this section, other than the authority to approve applications for grants and make grants.

(c) ELIGIBLE APPLICANT.—To be an eligible applicant for purposes of subsection (a)(1), an applicant shall—

(1) be a State, local government, interstate or regional agency, university, conservation organization, or private person;

(2) have adequate personnel, funding, and authority to carry out and monitor or maintain a control project; and

(3) have entered into an agreement with the Secretary or a designee of the Secretary,

for a national wildlife refuge or refuge complex.

(d) QUALIFIED CONTROL PROJECT.—

(1) IN GENERAL.—To be a qualified control project under this section, a project shall—

(A) control harmful nonnative plant species on the lands or waters on which it is conducted;

(B) include a plan for monitoring the project area and maintaining effective control of harmful nonnative plant species after the completion of the project, that is consistent with standards for monitoring developed under subsection (i);

(C) be conducted in partnership with a national wildlife refuge or refuge complex;

(D) be conducted on land or water, other than national wildlife refuge land or water, that, for purposes of carrying out the project, are under the control of the eligible applicant applying for the grant under this section, on land or water on which the eligible applicant has permission to conduct the project, or on adjacent national wildlife refuge land or water administered by the United States Fish and Wildlife Service referred to in subparagraph (C); and

(E) encourage public notice and outreach on control project activities in the affected community.

(2) OTHER FACTORS FOR SELECTION OF PROJECTS.—In ranking qualified control projects, the Director may consider the following:

(A) The extent to which a project would address the operational and maintenance backlog attributed to harmful nonnative plant species on refuge resources.

(B) Whether a project will encourage increased coordination and cooperation among one or more Federal agencies and State or local government agencies or nongovernmental or other private entities to control harmful nonnative plant species threatening or negatively impacting refuge resources.

(C) Whether a project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions to control harmful nonnative species or national wildlife refuge lands or non-Federal lands in proximity to refuge resources.

(D) The extent to which a project would aid the conservation of species that are listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(E) The extent to which a project would aid the conservation of—

(i) species listed by the United States Fish and Wildlife Service as birds of management concern; and

(ii) species identified by the Director of the United States Fish and Wildlife Service as imperiled or at-risk species.

(F) The extent to which a project would aid the conservation of species identified as a ''Species of Greatest Conservation Need'' in a comprehensive wildlife conservation plan developed under the State wildlife grants program.

(G) The extent to which a project would contribute to the restoration and protection of terrestrial, freshwater aquatic, estuarine, coastal, and marine ecosystems, such as the Everglades, the Great Lakes, and the Mississippi River, that are determined to be priorities by the Director of the United States Fish and Wildlife Service.

(H) Whether a project includes pilot testing or a demonstration of an innovative technology having the potential for improved cost-effectiveness and reduced environmental risks when controlling harmful nonnative plant species.

(I) The extent to which a project minimizes adverse impacts of control methods on ecosystems affected by the project.

(J) Whether a project includes a comprehensive plan to prevent reintroduction of harmful nonnative plant species controlled by the project.

(e) DISTRIBUTION OF CONTROL GRANT AWARDS.—In making grants for control projects under this section the Secretary shall, to the greatest extent practicable, ensure—

(1) a balance of smaller and larger projects conducted with grants under this section; and

(2) an equitable geographic distribution of projects carried out with grants under this section, among all regions and States within which such projects are proposed to be conducted.

(f) GRANT DURATION.—

(1) IN GENERAL.—Each grant under this section shall be to provide funding for the Federal share of the cost of a project carried out with the grant for up to 2 fiscal years.

(2) RENEWAL.—

(A) IN GENERAL.—If the Secretary, after reviewing the reports under subsection (g) regarding a control project, finds that the project is making satisfactory progress, the Secretary may renew a grant under this section for the project for an additional 3 fiscal years.

(B) MONITORING AND MAINTENANCE PLAN.—The Secretary may renew a grant under this section to implement the monitoring and maintenance plan required for a control project under subsection (d)(1)(B) for up to 5 fiscal years after the project is otherwise completed.

(g) REPORTING BY GRANTEE.—

(1) CONTROL PROJECTS; ASSESSMENT PROJECTS.—

(A) CONTROL PROJECTS.—A grantee carrying out a control project with a grant under this section shall report to the Secretary every 24 months or at the expiration of the grant, whichever is of shorter duration.

(B) ASSESSMENT PROJECTS.—A State carrying out an assessment project with a grant under this section shall submit the assessment pursuant to subsection (a)(2) to the Secretary no later than 24 months after the date on which the grant is awarded.

(2) REPORT CONTENTS.—Each report under this subsection shall include the following information with respect to each project covered by the report:

(A) In the case of a control project—

(i) the information described in subparagraphs (B), (D), and (F) of subsection (j)(2);

(ii) specific information on the methods and techniques used to control harmful nonnative plant species in the project area; and

(iii) specific information on the methods and techniques used to restore native fish, wildlife, or their habitats in the project area.

(B) A detailed report of the funding for the grant and the expenditures made.

(3) INTERIM UPDATE.—Each grantee under paragraph (1)(A) shall also submit annually to the Secretary a brief synopsis and chronological list of projects showing progress as a percentage of completion and use of awarded funds.

(h) COST SHARING FOR PROJECTS.—

(1) FEDERAL SHARE.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of a project carried out with a grant under this section shall not exceed 75 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a control project any pilot testing or a demonstration of an innovative technology described in subsection (d)(2)(H) shall be 85 percent.

(3) PROJECTS ON REFUGE LANDS OR WATERS.—The Federal share of the cost of the portion of a control project funded with a grant under this section that is carried out on national wildlife refuge lands or waters, including the cost of acquisition by the Federal Government of lands or waters for use for such a project, shall be 100 percent.

(4) APPLICATION OF IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of costs of a control project carried out with a grant under this section the fair market value of services or any other form of in-kind contribution to the project made by non-Federal interests that the Secretary determines to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(5) DERIVATION OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a control project carried out with a grant under this section may not be derived from a Federal grant program or other Federal funds.

(i) MONITORING AND MAINTENANCE OF CONTROL GRANT PROJECTS.—

(1) REQUIREMENTS.—The Secretary shall develop requirements for the monitoring and maintenance of a control project to ensure that the requirements under subparagraphs (A) and (B) of subsection (d)(1) are achieved.

(2) DATABASE OF GRANT PROJECT INFORMATION.—The Secretary shall develop and maintain an appropriate database of information concerning control projects carried out with grants under this subsection, including information on project techniques, project completion, monitoring data, and other relevant information.

(3) USE OF EXISTING PROGRAMS.—The Secretary shall use existing programs within the Department of the Interior to create and maintain the database required under this subsection.

(4) PUBLIC AVAILABILITY.—The Secretary shall make the information collected and maintained under this subsection available to the public.

(j) REPORTING BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall, by not later than 3 years after the date of the enactment of this Act and biennially thereafter in the report under section 8, report to the appropriate Committees on the implementation of this section.

(2) REPORT CONTENTS.—A report under paragraph (1) shall include an assessment of—

(A) trends in the population size and distribution of harmful nonnative plant species in the project area for each control project carried out with a grant under this section, and in the adjacent areas as defined by the Secretary;

(B) data on the number of acres of refuge resources and native fish and wildlife habitat restored, protected, or enhanced under this section, including descriptions of, and partners involved with, control projects selected, in progress, and completed under this section;

(C) trends in the population size and distribution in the project areas of native species targeted for restoration, and in areas in proximity to refuge resources as defined by the Secretary;

(D) an estimate of the long-term success of varying conservation techniques used in carrying out control projects with grants under this section;

(E) an assessment of the status of control projects carried out with grants under this section, including an accounting of expenditures by the United States Fish and Wildlife Service, State, regional, and local government agencies, and other entities to carry out such projects;

(F) a review of the environmental soundness of the control projects carried out with grants under this section;

(G) a review of efforts made to maintain an appropriate database of grants under this section; and

(H) a review of the geographical distribution of Federal money, matching funds, and in-kind contributions for control projects carried out with grants under this section.

(k) COOPERATION OF NON-FEDERAL INTERESTS.—The Secretary may not make a grant under this section for a control project on national wildlife refuge lands or lands in proximity to refuge resources before a non-Federal interest has entered into a written agreement with a national wildlife refuge or refuge complex under which the non-Federal interest agrees to—

(1) monitor and maintain the control project in accordance with the plan required under subsection (d)(1)(B); and

(2) provide any other items of cooperation the Secretary considers necessary to carry out the project.

SEC. 5. CREATION OF AN IMMEDIATE RESPONSE CAPABILITY TO HARMFUL NONNATIVE SPECIES.

(a) ESTABLISHMENT.—The Secretary may provide financial assistance for a period of not more than 3 fiscal years to enable an immediate response to outbreaks of harmful nonnative plant species that threaten or may negatively impact refuge resources that are at a stage at which rapid eradication or control is possible, and ensure eradication or immediate control of the harmful nonnative plant species.

(b) REQUIREMENTS FOR ASSISTANCE.—The Secretary, after consulting with the Governor of the State, shall provide assistance under this section to local and State agencies, universities, or nongovernmental entities for the eradication of an immediate harmful nonnative plant species threat only if—

(1) there is a demonstrated need for the assistance;

(2) the harmful nonnative plant species is considered to be an immediate threat to refuge resources, as determined by the Secretary; and

(3) the proposed response to such threat—

(A) is technically feasible; and

(B) minimizes adverse impacts to the structure and function of national wildlife refuge ecosystems and adverse effects on nontarget species.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—The Secretary shall determine the amount of financial assistance to be provided under this section with respect to an outbreak of a harmful nonnative species, subject to the availability of appropriations.

(d) COST SHARE.—The Federal share of the cost of any activity carried out with assistance under this section may be up to 100 percent.

(e) MONITORING AND REPORTING.—The Secretary shall require that persons receiving assistance under this section monitor and report on activities carried out with assistance under this section in accordance with the requirements that apply with respect to control projects carried out with assistance under section 4.

SEC. 6. COOPERATIVE VOLUNTEER HARMFUL NONNATIVE SPECIES MONITORING AND CONTROL PROGRAM.

(a) IN GENERAL.—Consistent with the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (Public Law 105–242), the Secretary shall establish a cooperative volunteer monitoring and control program to administer and coordinate projects implemented by partner organizations concerned with national wildlife refuges to address harmful nonnative species that threaten national wildlife refuges or adjacent lands.

(b) ELIGIBLE ACTIVITIES.—Each project administered and coordinated under this section shall include 1 of the following activities:

(1) Habitat surveys.

(2) Detection and identification of new introductions or infestations of harmful nonnative plant and animal species.

(3) Harmful nonnative plant species control projects.

(4) Public education and outreach to increase awareness concerning harmful nonnative species and their threat to the refuge system.

SEC. 7. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other statute.

(b) STATE AUTHORITY.—Nothing in this Act preempts any provision or enforcement of State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 8. BIENNIAL REPORT.

Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall prepare and submit to Congress and the National Invasive Species Council—

(1) a comprehensive report summarizing all grant activities relating to invasive species initiated under this Act including—

(A) State assessment projects;

(B) qualified control projects;

(C) immediate response activities; and

(D) projects identified in the Refuge Operations Needs database or the Service Asset and Maintenance Management System database of the United States Fish and Wildlife Service;

(2) a list of grant priorities, ranked in high, medium, and low categories, for future grant activities in the areas of—

(A) early detection and rapid response;

(B) control, management, and restoration;

(C) research and monitoring;

(D) information management; and

(E) public outreach and partnership efforts; and

(3) information required to be included under section 4(k).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as may be necessary.

(b) ALLOWANCE FOR IMMEDIATE RESPONSE.—Of the amounts appropriated to carry out this Act no more than 25 percent shall be available in any fiscal year for financial assistance under section 5.

(c) CONTINUING AVAILABILITY.—Amounts appropriated under this Act may remain available until expended.

(d) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or up to $100,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

By Mr. SMITH (for himself, Mr. WYDEN, Mr. INOUYE, Mr. TESTER, Mr. SANDERS, Mr. BARRASSO, and Mr. COCHRAN):

S. 3367. A bill to amend title XVIII of the Social Security Act to revise the timeframe for recognition of certain designations in certifying rural health clinics under the Medicare program; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to recognize an outstanding health care hero from Oregon, Maria Loredo. Through her hard work and tireless dedication to her community, Maria has played a critical role in creating access to health care for those in need in Washington County, OR.

Maria Loredo is the chief operating officer for the Virginia Garcia Memorial Health Center, named for a 6-year-old migrant farmworker girl who moved from Mission, TX, to work with her family in Washington County's strawberry harvest. Tragically, Virginia Garcia died from a simple foot wound, but her death inspired a committed group of individuals to improve health care access in the community.

Like 6-year-old Virginia Garcia, Maria Loredo also hails from Mission, TX, and as a young person worked with her family throughout Texas following crops. Eventually the family migrated to Oregon and settled there in 1966. Maria began her work with the fledgling Virginia Garcia Clinic in 1978 when it was only 3 years old. Her own experience as a migrant worker has helped her develop the programs and services of the clinic so that they are most effective in reaching the farmworker community.

Maria has been instrumental in growing the health center from a clinic operating out of a three-car garage to an organization with four primary care clinics serving over 30,000 people in Washington and Yamhill Counties, OR. Her commitment to the community has enabled the organization to develop a farmworker outreach program that operates from a mobile clinic and provides medical and dental services in over 20 migrant camps throughout the region.

In her role as chief operating officer, Maria has helped establish clinics in McMinnville, Hillsboro, and Beaverton serving a diverse community that includes patients who not only speak English and Spanish, but Vietnamese, Russian, Swahili, Chinese, and Farsi.

She has helped Virginia Garcia develop critically needed dental, pharmacy, and behavioral health care with an integrated approach to health care delivery that always remains sensitive to the language and cultural background of the patients. Most recently, Maria has helped pave the way to a new access point at the Tigard School Based Clinic and also to the implementation of electronic health records.

While working full-time developing Virginia Garcia's programs, Maria found time to pursue her education and graduated with her B.A. from Portland State University in 2003. Once a migrant worker, she has gone on to not only serve her community, but inspire others to achieve a better, healthier life for themselves and their children.

Because she has dedicated the last 30 years of her life to the mission of the Virginia Garcia Memorial Health Center and made a significant difference in the lives of so many, I recognize her as an Oregon health care hero and thank her for her ongoing work.

Mr. President, 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. 3367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISION OF THE TIMEFRAME FOR THE RECOGNITION OF CERTAIN DESIGNATIONS IN CERTIFYING RURAL HEALTH CLINICS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—The second sentence of section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)) is amended by striking ''3-year period'' and inserting ''4-year period'' in the matter in clause (i) preceding subclause (I).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

By Mr. BROWN (for himself and Ms. SNOWE):

S. 3368. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today, Senator SNOWE of Maine and I are introducing a workforce development bill—the Strengthening Employment Clusters to Organize Regional Success, or SECTORS Act.

Over the last 16 months, I have held 110 roundtable discussions in communities all over Ohio.

One of the themes that have recurred in the roundtables—from workers and employers, business and labor, teachers and professors—is that we need to do a better job connecting workers with the middle and high skills needed for careers that are growing in Ohio.

Today, Ohio has an unemployment rate above the national average. It was 6.3 percent in June.

Between 2000 and 2007, Ohio experienced a 24.3 percent drop in manufacturing employment, shedding nearly 230,000 jobs. Overall employment dropped by nearly 3.6 percent in the same time period.

That said, employers throughout the state talk about jobs gone begging, and not being able to fill middle and high skilled positions. There are open jobs in high-tech, healthcare, and even manufacturing that are going unfilled.

A recent report by labor economists Harry Holzer and Robert Lerman found that substantial demand remains in today's labor market for skilled workers. This is particularly true for ''middle-skill'' jobs that require more than a high school degree but less than a 4-year college degree. These jobs make up nearly half of America's labor market and provide good compensation for workers.

The approach Senator SNOWE and I take in this bill is to organize training around industry clusters.

Silicon Valley, the Research Triangle in North Carolina, Route 128 around Boston—these are examples of clusters.

But it is not just high tech jobs either.

Think of tourism in Florida, or insurance in Connecticut, or food packaging in Pennsylvania. These are successful clusters that build around a skilled labor force.

The Ohio Workforce Board has compiled great information about emerging industries and skills programs needed to see people fill these jobs.

Ohio Governor Ted Strickland and Chancellor Eric Fingerhut are giving workforce training a high priority.

This bill complements those efforts, and builds on great examples of cluster partnerships around the country.

The National Governors Association has been promoting this model, and it really will be the way we successfully train our workers and promote regional economic development.

Nobody wants lack of training to be the constraint on Ohio's economic growth.

So the SECTORS Act focuses on targeted training, with multiple stakeholders in the same industry. The bill right now requires four principal stakeholders to be part of a training program: industry, labor unions, workforce investment boards, and community colleges.

We want to build in a process that makes a training program sustainable and not just a one-time infusion of money. With that in mind, Senator SNOWE and I have written in our bill a matching funds requirement.

The legislation builds in rigorous evaluation so lawmakers and policymakers know how tax dollars are being spent, something that has not been the cause under President Bush's Department of Labor's training initiatives.

The Government Accountability Office found in May 2008 that the Labor Department's demand-driven workforce training programs have often been awarded through a non-competitive process, and have lacked accountability and evaluation so that Americans know how their tax dollars are being spent.

We need to break clean from this approach. I plan to work with Senator SNOWE and colleagues in both chambers to authorize an industry clusters skills training program that builds in accountability and sustainability, and helps workers and businesses thrive in Ohio, Maine, and throughout the country.

Mr. President, 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. 3368

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 ''Strengthening Employment Clusters to Organize Regional Success Act of 2008'' or the ''SECTORS Act of 2008''.

SEC. 2. INDUSTRY OR SECTOR PARTNERSHIP GRANT.

Subtitle D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2911 et seq.) is amended by inserting after section 174 the following:

''SEC. 174A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to create designated capacity to promote industry or sector partnerships that lead collaborative planning, resource alignment, and training efforts across multiple firms for a range of workers employed or potentially employed by a targeted industry cluster, in order to encourage industry growth and competitiveness and to improve worker training, retention, and advancement in targeted industry clusters, including by developing—

''(1) immediate strategies for regions and communities to fulfill pressing skilled workforce needs;

''(2) long-term plans to grow targeted industry clusters with better training and a more productive workforce;

''(3) core competencies and competitive advantages for regions and communities undergoing structural economic redevelopment; and

''(4) cross-firm skill standards, career ladders, job redefinitions, employer practices, and shared training and support capacities that facilitate the advancement of workers at all skill levels.

''(b) DEFINITIONS.—In this section:

''(1) CAREER LADDER.—The term 'career ladder' means an identified series of positions, work experiences, and educational benchmarks or credentials that offer occupational and financial advancement within a specified career field or related fields over time.

''(2) ECONOMIC SELF-SUFFICIENCY.—The term 'economic self-sufficiency' means, with respect to a worker, earning a wage sufficient to support a family adequately, based on factors such as—

''(A) family size;

''(B) the number and ages of children in the family;

''(C) the cost of living in the worker's community; and

''(D) other factors that may vary by region.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an industry or sector partnership; or

''(B) an eligible State agency.

''(4) ELIGIBLE STATE AGENCY.—The term 'eligible State agency' means a State agency designated by the Governor of the State for the purposes of the grant program under this section.

''(5) HIGH-PRIORITY OCCUPATION.—The term 'high-priority occupation' means an occupation that—

''(A) has a significant presence in an industry cluster;

''(B) is in demand by employers;

''(C) pays family-sustaining wages that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to such wages;

''(D) has a documented career ladder; and

''(E) has a significant impact on a region's economic development strategy.

''(6) HIGH ROAD EMPLOYER.—The term 'high road employer' means an employer interested in advancing workers through processes and investments in education, training, and research and development.

''(7) INDUSTRY CLUSTER.—The term 'industry cluster' means a concentration of interconnected businesses, suppliers, service providers, and associated institutions in a particular field that are linked by common workforce needs.

''(8) INDUSTRY OR SECTOR PARTNERSHIP.—The term 'industry or sector partnership' means a workforce collaborative that—

''(A) organizes key stakeholders in a targeted industry cluster into a working group that focuses on the human capital needs of a targeted industry cluster and that includes, at the appropriate stage of development of the partnership—

''(i) representatives of multiple firms or employers, including workers, in a targeted industry cluster, including small- and medium-sized employers when practicable;

''(ii) 1 or more representatives of State labor organizations or central labor coalitions;

''(iii) 1 or more representatives of local boards;

''(iv) 1 or more representatives of postsecondary educational institutions or other training providers; and

''(v) 1 or more representatives of State workforce agencies or other entities providing employment services; and

''(B) may include representatives of—

''(i) State or local government;

''(ii) State or local economic development agencies;

''(iii) other State or local agencies;

''(iv) chambers of commerce;

''(v) nonprofit organizations;

''(vi) industry associations; and

''(vii) other organizations, as determined necessary by the members comprising the industry or sector partnership.

''(9) TARGETED INDUSTRY CLUSTER.—The term 'targeted industry cluster' means an industry cluster that has—

''(A) economic impact in a local or regional area;

''(B) immediate workforce development needs; and

''(C) documented career opportunities.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts appropriated under subsection (i), the Secretary shall award, on a competitive basis, planning grants described in paragraph (3) and implementation grants described in paragraph (4) to eligible entities, to enable the eligible entities to plan and implement, respectively, the eligible entities' strategic objectives in accordance with subsection (f).

''(2) MAXIMUM AMOUNT.—

''(A) PLANNING GRANTS.—A planning grant awarded under paragraph (3) shall not exceed $250,000.

''(B) IMPLEMENTATION GRANTS.—An implementation grant awarded under paragraph (4)(A) shall not exceed a total of $2,500,000 for a 3-year period.

''(C) RENEWAL GRANTS.—A renewal grant awarded under paragraph (4)(C) shall not exceed a total of $1,500,000 for a 3-year period.

''(3) PLANNING GRANTS.—

''(A) IN GENERAL.—The Secretary may award a planning grant under this section to an eligible entity that—

''(i) is a newly formed industry or sector partnership; and

''(ii) has not received a grant under this section.

''(B) DURATION.—A planning grant shall be for a duration of 1 year.

''(4) IMPLEMENTATION GRANTS.—

''(A) IN GENERAL.—The Secretary may award an implementation grant under this section to—

''(i) an eligible entity that has already received a planning grant under this section; or

''(ii) an eligible entity that is an established industry or sector partnership.

''(B) DURATION.—An implementation grant shall be for a duration of not more than 3 years, and may be renewed in accordance with subparagraph (C).

''(C) RENEWAL.—The Secretary may renew an implementation grant for not more than 3 years. A renewal of such grant shall be subject to the requirements of this section, except that the Secretary shall—

''(i) prioritize renewals to eligible entities that can demonstrate the long-term sustainability of an industry or sector partnership funded under this section;

''(ii) as a condition of renewing the grant, and notwithstanding subsection (d), decrease the amount of the Federal share and increase the amount of the non-Federal share required for the grant, which must include at least a 25 percent cash match from the State, the industry cluster, or some combination thereof; and

''(iii) require assurances that the eligible entity will leverage, each year, additional funding sources in accordance with subparagraph (D)(ii) than the eligible entity provided for the preceding year of the grant.

''(D) FEDERAL AND NON-FEDERAL SHARE.—

''(i) FEDERAL SHARE.—Except as provided in subparagraph (C)(ii), the Federal share of an implementation grant under this section shall be—

''(I) 90 percent of the costs of the activities described in subsection (g), in the first year of the grant;

''(II) 80 percent of such costs in the second year of the grant; and

''(III) 70 percent of such costs in the third year of the grant.

''(ii) NON-FEDERAL.—The non-Federal share of an implementation grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other sources.

''(5) FISCAL AGENT.—Each eligible entity receiving a grant under this section that is an industry or sector partnership shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

''(6) USE OF GRANT FUNDS DURING GRANT PERIODS.—An eligible entity receiving grant funds under a planning grant, implementation grant, or a renewal grant under this section shall expend grant funds or obligate grant funds to be expended by the last day of the grant period.

''(d) APPLICATION PROCESS.—

''(1) IDENTIFICATION OF A TARGETED INDUSTRY CLUSTER.—In order to qualify for a grant under this section, an eligible entity shall identify a targeted industry cluster that could benefit from such grant by—

''(A) working with businesses, industry associations and organizations, labor organizations, State boards, local boards, economic development agencies, and other organizations that the eligible entity determines necessary, to identify an appropriate targeted industry cluster based on criteria that include, at a minimum—

''(i) data showing the competitiveness of the industry cluster;

''(ii) the importance of the industry cluster to the economic development of the area served by the eligible entity;

''(iii) the identification of supply and distribution chains within the industry cluster; and

''(iv) research studies on industry clusters; and

''(B) working with appropriate employment agencies, workforce investment boards, economic development agencies, community organizations, and other organizations that the eligible entity determines necessary to ensure that the targeted industry cluster identified under subparagraph (A) should be targeted for investment, based primarily on the following criteria:

''(i) Demonstrated demand for job growth potential.

''(ii) Competitiveness.

''(iii) Employment base.

''(iv) Wages and benefits.

''(v) Demonstrated importance of the targeted industry cluster to the area's economy.

''(vi) Workforce development needs.

''(2) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. An application submitted under this paragraph shall contain, at a minimum, the following:

''(A) A description of the eligible entity, evidence of the eligible entity's capacity to carry out activities in support of the strategic objectives identified in the application under subparagraph (D), and, if the eligible entity is an industry or sector partnership, a description of the expected participation and responsibilities of each of the mandatory partners described in subsection (b)(8)(A).

''(B) A description of the targeted industry cluster for which the eligible entity intends to carry out activities through a grant under this section, and a description of how such targeted industry cluster was identified in accordance with paragraph (1).

''(C) A description of the workers that will be targeted or recruited by the partnership, including an analysis of the existing labor market, a description of potential barriers to employment for targeted workers, and a description of strategies that will be employed to help workers overcome such barriers.

''(D) A description of the strategic objectives that the eligible entity intends to carry out for the targeted industry cluster, which objectives shall include—

''(i) recruiting key stakeholders in the targeted industry cluster, such as businesses and employers, labor organizations, industry associations, local boards, State boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

''(ii) identifying the training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation to the targeted industry cluster;

''(iii) facilitating economies of scale by aggregating training and education needs of multiple employers;

''(iv) helping postsecondary educational institutions and training institutions align curricula and programs to industry demand, particularly for higher skill, high-priority occupations validated by the industry;

''(v) ensuring that the State agency that administers the Wagner-Peyser Act program shall inform recipients of unemployment insurance and trade adjustment assistance under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq., 2401 et seq.) of the job and training opportunities that may result from the implementation of this grant;

''(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, apprenticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of connecting disadvantaged adults as defined in section 132(b)(1)(B)(v) and disadvantaged youth as defined in section 127(b) to careers;

''(vii) helping companies identify, and work together to address, common organizational and human resource challenges, such as—

''(I) recruiting new workers;

''(II) implementing effective workplace practices;

''(III) retaining dislocated and incumbent workers;

''(IV) implementing a high-performance work organization;

''(V) recruiting and retaining women in nontraditional occupations;

''(VI) adopting new technologies; and

''(VII) fostering experiential and contextualized on-the-job learning;

''(viii) developing and strengthening career ladders within and across companies (in cooperation with labor organizations if the labor organizations represent employees engaged in similar work in the industry cluster), in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

''(ix) improving job quality through improving wages, benefits, and working conditions;

''(x) helping partner companies in industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are economically disadvantaged, youth, older workers, and individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

''(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation.

''(E) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives described in subparagraph (D).

''(F) Performance measures, with quantifiable benchmarks, for measuring progress toward the strategic objectives. Such measures shall consider, at a minimum, the benefits provided by the grant activities funded under this section for—

''(i) workers employed in the targeted industry cluster, disaggregated by gender and race, including—

''(I) the number of workers receiving portable industry-recognized credentials;

''(II) the number of workers with increased wages, the percentage of workers with increased wages, and the average wage increase; and

''(III) for dislocated or nonincumbent workers, the number of workers placed in sector-related jobs; and

''(ii) firms and industries in the targeted industry cluster, including—

''(I) the creation or updating of an industry plan to meet current and future workforce demand;

''(II) the creation or updating of published industry-wide skill standards or career pathways;

''(III) the creation or updating of portable, industry-recognized credentials, or where there is not such a credential, the creation or updating of a training curriculum that can lead to the development of such a credential;

''(IV) in the case of an eligible entity that is an industry or sector partnership, the number of firms, and the percentage of the local industry, participating in the industry or sector partnership; and

''(V) the number of firms, and the percentage of the local industry, receiving workers or services through the grant funded under this section.

''(G) A timeline for achieving progress toward the strategic objectives.

''(H) In the case of an eligible entity desiring an implementation grant under this section, an assurance that the eligible entity will leverage other funding sources, in addition to the amount required for the non-Federal share under subsection (d), to provide training or supportive services to workers under the grant program. Such additional funding sources may include—

''(i) funding under this title used for such training and supportive services;

''(ii) funding under the Adult Education and Family Literacy Act of 1998 (20 U.S.C. 9201 et seq.);

''(iii) funding under chapter 2 or 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

''(iv) economic development funding;

''(v) employer contributions to training initiatives; or

''(vi) providing employees with employee release time for such training or supportive services.

''(e) AWARD BASIS.—

''(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall award grants under this section in a manner to ensure geographic diversity.

''(2) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(A) work with high road employers within a targeted industry cluster to retain and expand employment in high wage, high growth areas;

''(B) focus on helping workers move toward economic self-sufficiency and ensuring the workers have access to adequate supportive services;

''(C) address the needs of firms with limited human resources or in-house training capacity, including small- and medium-sized firms; and

''(D) coordinate with entities carrying out State and local workforce investment, economic development, and education activities.

''(f) ACTIVITIES.—

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives described in the entity's application in a manner that—

''(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

''(B) uses grant funds awarded under this section efficiently.

''(2) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 10 percent of the grant amount.

''(g) EVALUATION AND PROGRESS REPORTS.—

''(1) ANNUAL ACTIVITY REPORT AND EVALUATION.—Not later than 1 year after receiving a grant under this section, and annually thereafter, an eligible entity shall—

''(A) report to the Secretary, and to the Governor of the State that the eligible entity serves, on the activities funded pursuant to a grant under this section; and

''(B) evaluate the progress the eligible entity has made toward the strategic objectives identified in the application under subsection (d)(2)(D), and measure the progress using the performance measures identified in the application under subsection (d)(2)(F).

''(2) REPORT TO THE SECRETARY.—An eligible entity receiving a grant under this section shall submit to the Secretary a report containing the results of the evaluation described in subparagraph (B) at such time and in such manner as the Secretary may require.

''(h) ADMINISTRATION BY THE SECRETARY.—

''(1) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 10 percent of the funds appropriated pursuant to the authorization of appropriations under subsection (j) for each fiscal year to administer this section.

''(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretary shall provide technical assistance and oversight to assist the eligible State and local agencies or eligible entities in applying for and administering grants awarded under this section. The Secretary shall also provide technical assistance to eligible entities in the form of conferences and through the collection and dissemination of information on best practices developed by eligible partnerships. The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of industry cluster partnerships.

''(3) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in subsection (d)(2)(D). Such measures shall consider the benefits of the industry or sector partnership and its activities for workers, firms, industries, and communities.

''(4) DISSEMINATION OF INFORMATION.—The Secretary shall—

''(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes—

''(i) the critical learning of each industry or sector partnership, such as—

''(I) the training that was most effective;

''(II) the human resource challenges that were most common;

''(III) how technology is changing the targeted industry cluster; and

''(IV) the changes that may impact the targeted industry cluster over the next 5 years; and

''(ii) a description of what eligible entities serving similar targeted industry clusters consider exemplary practices, such as—

''(I) how to work effectively with postsecondary educational institutions;

''(II) the use of internships;

''(III) coordinating with apprenticeships and cooperative education programs;

''(IV) how to work effectively with schools providing vocational education;

''(V) how to work effectively with adult populations, including—

''(aa) dislocated workers;

''(bb) women in nontraditional occupations; and

''(cc) individuals with barriers to employment, such as job seekers who—

''(AA) are economically disadvantaged;

''(BB) have limited English proficiency;

''(CC) require remedial education;

''(DD) are older workers;

''(EE) are individuals who have completed a sentence for a criminal offense; and

''(FF) have other barriers to employment;

''(VI) employer practices that are most effective;

''(VII) the types of training that are most effective; and

''(VIII) other areas where industry or sector partnerships can assist each other;

''(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

''(C) conduct conferences and seminars to—

''(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

''(ii) provide information to the communities of eligible entities.

''(5) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the industry or sector partnership

grant program established by this section. The report shall include a description of—

''(A) the eligible entities receiving funding;

''(B) the activities carried out by the eligible entities;

''(C) how the eligible entities were selected to receive funding under this section; and

''(D) an assessment of the results achieved by the grant program including findings from the annual reviews described in paragraph (4)(A).

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and for each succeeding fiscal year.

''(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) for the fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were first appropriated.''.

SEC. 3. FEDERAL AGENCY COORDINATION.

(a) INTERAGENCY COOPERATION.—The head of each Federal department or agency whose funding, regulations, or other policies impact workers shall cooperate with the Secretary of Labor to—

(1) maintain up-to-date information on jobs, wages, benefits, skills, and careers of workers impacted by the actions of such agency or department;

(2) develop and implement policies that would improve the jobs and careers of workers impacted by the actions of such agency or department; and

(3) report the department or agency's job creation and economic development strategies to the Secretary.

(b) ALIGNMENT.—Notwithstanding any other provision of law, the Secretary and the heads of other Federal departments or agencies shall work together to align existing education and training programs with the demonstrated needs of industry or sector partnerships, as defined in section 174A(b) of the Workforce Investment Act. These collaborative efforts shall include the following:

(1) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall advise the Secretary of Labor of the Department of Commerce's workforce and economic development strategies, programs, and initiatives.

(2) JUSTICE DEPARTMENT.—The Attorney General shall—

(A) align federally funded programs offering training for inmates with industry clusters (as defined in section 174A(b) of the Workforce Investment Act) and high-priority occupations, and annually review these training programs to assure that the training programs prepare individuals for high-priority occupations; and

(B) align federally funded reentry programs to take advantage of information and career opportunities provided by industry and sector partnerships.

(3) DEPARTMENT OF EDUCATION.—The Secretary of Education shall—

(A) develop and support career ladders for high-priority occupations critical to targeted industry clusters served by a grant under section 174A of the Workforce Investment Act;

(B) develop and support innovative programs to address literacy (including English as a second language) and numeracy shortcomings, especially in those occupations critical to such targeted industry clusters;

(C) develop and support programs and strategies to reduce barriers to adult education;

(D) develop and support career education initiatives in middle and high schools; and

(E) support initiatives to develop industry-recognized credentials and new credit-bearing programs in public and private postsecondary educational institutions, especially in occupations critical to such targeted industry clusters.

(4) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall—

(A) develop and support innovative programs that connect qualified individuals receiving assistance under the State temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) with employment opportunities in the targeted industry clusters served by a grant under section 174A of the Workforce Investment Act;

(B) develop and support strategies to prepare individuals receiving assistance under the State temporary assistance for needy families programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for success in postsecondary education and training programs; and

(C) develop and support career education initiatives that provide such individuals with information to guide the clients' education and training plans.

Ms. SNOWE. Mr. President, I rise today, with Senator SHERROD BROWN, to introduce the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act. This legislation would amend the Workforce Investment Act of 1998 and establish a new industry or sector partnership grant program administered by the Department of Labor.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers are able to find a capable workforce. Unfortunately, many manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace. It is critical that we ensure that our Nation has a sufficient workforce to meet the needs of the U.S. manufacturing sector.

This legislation provides grants to help industry clusters—which are interrelated group of businesses, service providers, and associated institutions—establish and expand industry partnerships. Existing partnerships, which are similar to those created by this bill, have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current Federal policy does not provide sufficient support for these critical ventures.

In my home State of Maine, the number of manufacturing jobs has dropped dramatically over the past decade. Between 1998 and 2008, manufacturing employment in Maine went from 81,000 to 59,000, a 27 percent decrease! A key reason manufacturing job losses have dramatically affected Maine is that the average manufacturing salary is $10,000 more than the average annual State wage. The statistics for the whole of New England are no better. From January 1998 through December 2006, the region witnessed a decline of roughly 25 percent of its manufacturing workforce.

For those who have lost manufacturing jobs, it is vital to help improve their skills, preparing them for available U.S. jobs. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership we will take a crucial step toward rejuvenating our economy.

Groups, such as the National Governors Association, the Aspen Institute, and the National Network of Sector Partners have promoted and documented the success of sector partnerships. Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and advancing employment opportunities. For example, the State of Maine has recently created the North Star Alliance Initiative. The alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Out Nation's capacity to innovate is a key reason why our economy continues to grow and remains the envy of the world. Ideas by innovative Americans in the private and public sector have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing this vital sector if America is to compete at the forefront of innovation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 632—CALLING ON THE GOVERNMENTS OF THE PEOPLE'S REPUBLIC OF CHINA AND THE INTERNATIONAL COMMUNITY TO USE THE UPCOMING OLYMPIC GAMES AS AN OPPORTUNITY TO PUSH FOR THE PARTIES TO THE CONFLICTS IN SUDAN, CHAD, AND THE CENTRAL AFRICAN REPUBLIC TO CEASE HOSTILITIES AND REVIVE EFFORTS TOWARD A PEACEFUL RESOLUTION OF THEIR NATIONAL AND REGIONAL CONFLICTS

Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mr. CARDIN, Ms. LANDRIEU, Ms. SNOWE, Mr. KERRY, Mr. BROWNBACK, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 632

Whereas, since the conflict in Darfur, Sudan, began in 2003, hundreds of thousands of people across the region have been murdered, tortured, and raped, with more than 2,500,000 people driven from their homes as a result of ongoing violence, and all parties to the conflict continue to attack civilians throughout the region, while impeding access of humanitarian workers;

Whereas armed groups move freely among Sudan, Chad, and the Central African Republic, committing murder, banditry, forced recruitment, mass displacement, gender-based violence, and other crimes undermining regional security and exacerbating a cross-border humanitarian crisis;

Whereas, on July 31, 2007, the United Nations Security Council passed Security Council resolution 1769 (2007), authorizing a joint United Nations-African Union Mission in Darfur (UNAMID) to implement the Darfur Peace Agreement and protect civilians;

Whereas only one-third of UNAMID peacekeepers have been deployed to the region and those deployed remain under-equipped to protect civilians and are the target of deliberate attacks by armed militias;

Whereas a new joint African Union-United Nations chief mediator, Burkina Faso's foreign minister, Djibril Bassole, has been appointed to reignite stalled peace talks between the parties in Darfur and help establish a cessation of hostilities;

Whereas fighting erupted in Sudan's oil-rich Abyei region on May 13 and 21, 2008, leaving 18 civilians dead and giving rise to concerns about a breakdown of the Comprehensive Peace Agreement (CPA), which could ruin progress made over the last three years toward lasting peace in southern Sudan and ensnare the wider region into overlapping conflicts;

Whereas the Chief Prosecutor of the International Criminal Court charged the President of Sudan on July 14, 2008, with orchestrating genocide and crimes against humanity in Darfur, elevating hopes for accountability but also fears of retaliation against peacekeepers, humanitarian workers, and civilians;

Whereas the Government of the People's Republic of China has long-standing economic and military ties with Sudan, giving it significant influence on the Government of Sudan;

Whereas, from August 8 to August 24, 2008, China will host the Olympic Summer Games, the most venerated and prestigious international sporting event;

Whereas there is a tradition of an Olympic Truce, originating in ancient Greece, to ensure the safety of athletes traveling to the ancient Olympic Games, the importance of which was reaffirmed in 2003 by the United Nations;

Whereas the Olympic Truce traditionally begins one week before the Olympic Games and extends one week after the end of the Paralympic Games;

Whereas, on October 16, 2007, the United Nations General Assembly passed resolution G/A 62/L.2, ''Building a better and more peaceful world through sport,'' which urges Member States to observe, within the framework of the Charter of the United Nations, the Olympic Truce, individually and collectively, during the Games of the XXIX Olympiad in Beijing, and to cooperate with the International Olympic Committee in its efforts to use sport as an instrument to promote peace, dialogue, and reconciliation in areas of conflict during and beyond the Olympic Games period; and

Whereas the situation in Sudan and the neighboring region remains highly volatile as the Olympics approach: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its continued support and sympathy for the hundreds of thousands of civilians of Sudan, Chad, and the Central African Republic who have been affected by the ongoing violence and regional instability;

(2) recognizes the unique opportunity presented by the Olympics and calls on the United Nations, the African Union, and other international leaders to use it to promote peace, dialogue, and reconciliation in areas of conflict and commends those Olympic and Paralympic athletes seeking to advance that cause;

(3) recognizes the close relationship between the Governments of People's Republic of China and Sudan, and strongly urges the Government of the People's Republic of China to use its full influence to press the Government of Sudan to commit to a cessation of hostilities, allow the full deployment of UNAMID peacekeeping forces, and engage in good faith in efforts to rejuvenate peace talks;

(4) calls upon the Government of Sudan and other armed actors in the region to immediately adopt a cessation of hostilities, during which they allow unfettered humanitarian access and the full deployment of UNAMID peacekeeping forces as well as engage in good faith efforts to rejuvenate peace talks;

(5) welcomes the efforts of the new joint African Union-United Nations mediator, Mr. Djibril Bassole, to revive a comprehensive peace process with all stakeholders to end the violence, demobilize militias, and promote voluntary return of internally displaced persons and refugees;

(6) urges the President and the international community to ensure that mediation efforts are supported and backed by credible leverage through targeted pressure and an enforced arms embargo;

(7) calls upon the United Nations and African Union to use the opportunity presented by a cessation of hostilities to fully deploy and equip UNAMID as well as strengthen the United Nations Mission in Sudan (UNMIS) to better monitor the Abyei region; and

(8) encourages the United Nations Secretary-General and other international leaders to publicly promote the principles reflected in the Olympic Truce among all the warring parties in Sudan, Chad, the Central African Republic, and other areas of conflict around the world.

SENATE RESOLUTION 633—EXPRESSING THE SENSE OF THE SENATE ON THE DETERIORATION OF RESPECT FOR PRIVACY AND HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA BEFORE THE 2008 OLYMPIC GAMES IN BEIJING

Mr. BROWNBACK (for himself and Mr. BUNNING) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 633

Whereas, on July 13, 2001, the International Olympic Committee announced the awarding of the 2008 Olympic Games to Beijing, People's Republic of China;

Whereas, prior to that announcement, the bidding documents submitted by the Government of the People's Republic of China to the International Olympic Committee stated, ''We are confident that the Games coming to China not only promotes our economy, but also enhances . . . human rights.'';

Whereas those documents also stated, ''There will be no restrictions on journalists in reporting on the Olympic Games. . . . There will be no restriction concerning the use of media material produced in China and intended principally for broadcast outside.'';

Whereas Beijing's Action Plan for the Olympics states, ''In the preparation for the Games, we will be open in every aspect to the rest of the country and the whole world.'';

Whereas, on April 23, 2002, after the Olympic Games had been awarded to Beijing, the President of the International Olympic Committee, Jacques Rogge, said, ''We are convinced that the Olympic Games will improve the human rights record [in China].'';

Whereas, on March 13, 2008, the United States Department of State released the annual Country Reports on Human Rights Practices;

Whereas the report on the People's Republic of China states that in 2007 the Government of the People's Republic of China ''tightened restrictions on freedom of speech and the press, particularly in anticipation of and during sensitive events, including increased efforts to control and censor the Internet'';

Whereas that report also states that in 2007 authorities of the People's Republic of China ''monitored telephone conversations, facsimile transmissions, e-mail, text messaging, and Internet communications'';

Whereas, on July 29, 2008, Amnesty International released a report entitled ''People's Republic of China: The Olympics Countdown—Broken Promises'', which finds, regarding the promises of the Government of the People's Republic of China to the International Olympic Committee in 2001, ''[T]here has been no progress towards fulfilling these promises, only continued deterioration. . . . In fact, the crackdown on human rights defenders, journalists and lawyers has intensified because Beijing is hosting the Olympics.'';

Whereas, that report also states, ''Chinese journalists continue to operate in a climate of official censorship and control, with many still languishing in jail for reporting on issues deemed politically sensitive. Internet controls have been increasingly tightened as the Olympics approach with control, regulation and censorship extending to various categories of internet users, including Internet Service Providers, bloggers and website owners. Numerous websites have been closed down for providing information deemed sensitive by the authorities. Internet users who post such information risk detention, prosecution and imprisonment.'';

Whereas, in April 2008, the Government of the People's Republic of China issued an order requiring hotels to allow the Public Security Bureau to install hardware devices and new software programs on the hotel networks that are designed to send sensitive information about users, including foreign visitors and journalists, to the Public Security Bureau;

Whereas, on July 29, 2008, Agence France-Presse reported that ''China will censor the Internet used by foreign media during the Olympics . . . reversing a pledge to offer complete media freedom at the games'', citing confirmation by Sun Weide, spokesman for the Beijing Olympic Organizing Committee;

Whereas the Olympic Charter states that the mission of the International Olympic Committee is ''to promote a positive legacy from the Olympic Games to the host cities and host countries'';

Whereas, on December 25, 2007, the Vice-President of the International Olympic Committee, Thomas Bach, stated, ''The Games can act as a catalyst and contribute to the opening of a society.''; and

Whereas, on March 23, 2008, the President of the International Olympic Committee, Jacques Rogge, stated that the Olympic Games are a ''force for good'': Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Government of the People's Republic of China—

(A) to rescind the order requiring hotels to allow the Public Security Bureau to install hardware and software on the hotel networks; and

(B) to refrain from targeting, on the basis of information collected from Internet monitoring, any individual who visits websites related to politics or human rights or who expresses opinions related to politics or human rights in electronic communication;

(2) expresses grave concern regarding the deterioration of respect for human rights in the People's Republic of China leading up to the Beijing Olympics;

(3) notes that the behavior of the Government of the People's Republic of China violates several international conventions to which the country is a signatory, violates the Government's commitments to the International Olympic Committee, and is contrary to longstanding Olympic tradition and spirit; and

(4) remains concerned for the safety and privacy of international visitors and journalists traveling to the People's Republic of China for the Beijing Olympics, in particular visitors and journalists involved in documenting human rights abuses and promoting human rights improvements.

SENATE RESOLUTION 634—RECOGNIZING JULY 30, 2008, AS THE 40TH ANNIVERSARY OF THE ENACTMENT OF THE RESOLUTION ESTABLISHING THE SENATE SELECT COMMITTEE ON NUTRITON AND HUMAN NEEDS

Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. HARKIN, Mr. KERRY, Mr. SANDERS, Mrs. LINCOLN, Ms. STABENOW, Mr. ROBERTS, Mrs. DOLE, Mr. PRYOR, Mr. SMITH, Mr. JOHNSON, Mrs. CLINTON, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 634

Whereas on April 26, 1968, after viewing the CBS Emmy-award winning documentary ''Hunger in America,'' Senator George McGovern introduced a resolution to establish a Senate Select Committee on Nutrition and Human Needs;

Whereas the resolution establishing the Select Committee on Nutrition and Human Needs was enacted on July 30, 1968;

Whereas Senator George McGovern served as the Chairman of the Select Committee on Nutrition and Human Needs from 1968 to 1977;

Whereas July 30, 2008, marks the 40th anniversary of the enactment of the resolution establishing the Select Committee on Nutrition and Human Needs, which later became the foundation of the current Subcommittee on Nutrition and Food Assistance, Sustainable and Organic Agriculture, and General Legislation Jurisdiction of the Senate Committee on Agriculture, Nutrition, and Forestry;

Whereas Senator George McGovern was committed to exposing the failure of Federal food assistance programs to reach citizens lacking in adequate quantities and quality of food;

Whereas Senators George McGovern and Robert Dole worked tirelessly in their respective roles on the Select Committee on Nutrition and Human Needs to develop a bipartisan Federal response to hunger;

Whereas the Select Committee on Nutrition and Human Needs played a key role in educating Congress, the Federal government, and the Nation at large about the magnitude of hunger in the United States;

Whereas the work of the Select Committee on Nutrition and Human Needs was vital to reforming the Federal food stamp program, culminating in the passage of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), which made the program more efficient and more accessible to those most in need by finally eliminating the requirement that Americans pay for a portion of their food stamps;

Whereas the work of the Select Committee on Nutrition and Human Needs was essential to expanding the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) and permanently establishing the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the child and adult care food program under section 17 of the National School Lunch Act (42 U.S.C. 1766), and the summer food service program for children under section 13 of that Act (42 U.S.C. 1761);

Whereas the work of the Select Committee on Nutrition and Human Needs was instrumental in the establishment of the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (WIC);

Whereas the Senate Committee on Agriculture, Nutrition, and Forestry remains committed to continuing the important work begun by Senators George McGovern and Robert Dole of providing a Federal response to hunger;

Whereas the Senate Committee on Agriculture, Nutrition, and Forestry provided a record-level amount of nutrition funding in the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651) to reform and strengthen Federal nutrition assistance programs;

Whereas, through the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651), the Senate Committee on Agriculture, Nutrition, and Forestry made key improvements to the food stamp program, including—

(1) increasing the food purchasing ability of low-income households by accounting for food cost inflation;

(2) increasing the minimum benefit;

(3) encouraging retirement and education savings; and

(4) allowing families to account for child care costs in calculating food assistance;

Whereas, through the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651), the Senate Committee on Agriculture, Nutrition, and Forestry helped to strengthen the domestic food assistance safety net by providing significant funding to increase commodity purchases for local area food banks;

Whereas, in 2008, more than 28,000,000 people in the United States participate in the food stamp program;

Whereas, in 2008, more than 17,500,000 low-income children receive free or reduced-price meals through the national school lunch program;

Whereas despite Federal food assistance programs, 35,500,000 people in the United States, including 12,600,000 children, continue to live in households considered to be food insecure;

Whereas children who live in households lacking access to sufficient food are more likely to be in poorer physical health than children from food secure households; and

Whereas children are particularly vulnerable to the effects of food insecurity because undernutrition can have adverse impacts on emotional health, behavior, school performance, and cognitive development: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 30, 2008, as the 40th anniversary of the enactment of the resolution establishing the Senate Select Committee on Nutrition and Human Needs;

(2) recognizes the substantial contributions the Select Committee on Nutrition and Human Needs made in ensuring that effective and efficient Federal food assistance programs were accessible to those most in need;

(3) recognizes that hunger continues to be an issue plaguing the United States; and

(4) supports the continued efforts of Federal, State, and local governments and private non-profit organizations to eradicate hunger in the United States.

SENATE RESOLUTION 635—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 635

Resolved, That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Commerce, Science and Transportation: Mrs. Hutchison, Mr. Stevens, Mr. McCain, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, Mr. Thune, Mr. Wicker.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5254. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3322, to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; which was referred to the Committee on Finance.

SA 5255. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3335, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 5256. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3186, to provide funding for the Low-Income Home Energy Assistance Program; which was ordered to lie on the table.

SA 5257. Mr. PRYOR (for Mr. LEAHY) proposed an amendment to the bill H.R. 5938, to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

TEXT OF AMENDMENTS

SA 5254. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3322, to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; which was referred to the Committee on Finance; as follows:

On page 15, line 11, insert ''or by any instrumentality of the State'' after ''located''.

SA 5255. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3335, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPEN FUEL STANDARDS.

(a) SHORT TITLE.—This section may be cited as the ''Open Fuel Standard Act of 2008'' or the ''OFS Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States.

(2) In a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines.

(3) Technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance.

(4) Fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status.

(5) The current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States of nearly $500,000,000,000 per year.

(6) Much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies.

(7) Alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in many other countries in the Western Hemisphere that are friendly to the United States.

(8) Alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels.

(9) It is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available.

(10) Existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete.

(11) The necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels.

(12) The establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad.

(13) The United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible.

(14) New cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel.

(15) Such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(c) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''§ 32920. Open fuel standard for transportation

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL INVENTORY.—The term 'light-duty automobile manufacturer's annual inventory' means the number of light-duty automobiles that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual inventory shall be comprised of not less than 50 percent fuel choice-enabling automobiles in 2012.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles due to a disruption in—

''(i) the supply of any component required for compliance with the regulations; or

''(ii) the use and installation by the manufacturer of such component.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufactures under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.

''(F) LABELING.—Each manufacturer that receives an exemption under this paragraph shall place a label on each exempted automobile. Such label—

''(i) shall comply with the regulations prescribed by the Secretary under paragraph (3); and

''(ii) may only be removed after recall and installation of the required components.

''(G) NOTICE OF EXEMPTION.—Each light-duty automobile delivered to dealers and first purchasers that is not a fuel choice-enabling automobile and for which the manufacturer received an exemption under this paragraph, shall be accompanied with a written notification of such exemption, which complies with the regulations prescribed by the Secretary under paragraph (3).

''(3) RULEMAKING.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''32920. Open fuel standard for transportation.''.

SA 5256. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3186, to provide funding for the Low-Income Home Energy Assistance Program; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. OPEN FUEL STANDARDS.

(a) SHORT TITLE.—This section may be cited as the ''Open Fuel Standard Act of 2008'' or the ''OFS Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) The status of oil as a strategic commodity, which derives from its domination of the transportation sector, presents a clear and present danger to the United States.

(2) In a prior era, when salt was a strategic commodity, salt mines conferred national power and wars were fought over the control of such mines.

(3) Technology, in the form of electricity and refrigeration, decisively ended salt's monopoly of meat preservation and greatly reduced its strategic importance.

(4) Fuel competition and consumer choice would similarly serve to end oil's monopoly in the transportation sector and strip oil of its strategic status.

(5) The current closed fuel market has allowed a cartel of petroleum exporting countries to inflate fuel prices, effectively imposing a harmful tax on the economy of the United States of nearly $500,000,000,000 per year.

(6) Much of the inflated petroleum revenues the oil cartel earns at the expense of the people of the United States are used for purposes antithetical to the interests of the United States and its allies.

(7) Alcohol fuels, including ethanol and methanol, could potentially provide significant supplies of additional fuels that could be produced in the United States and in

many other countries in the Western Hemisphere that are friendly to the United States.

(8) Alcohol fuels can only play a major role in securing the energy independence of the United States if a substantial portion of vehicles in the United States are capable of operating on such fuels.

(9) It is not in the best interest of United States consumers or the United States Government to be constrained to depend solely upon petroleum resources for vehicle fuels if alcohol fuels are potentially available.

(10) Existing technology, in the form of flexible fuel vehicles, allows internal combustion engine cars and trucks to be produced at little or no additional cost, which are capable of operating on conventional gasoline, alcohol fuels, or any combination of such fuels, as availability or cost advantage dictates, providing a platform on which fuels can compete.

(11) The necessary distribution system for such alcohol fuels will not be developed in the United States until a substantial fraction of the vehicles in the United States are capable of operating on such fuels.

(12) The establishment of such a vehicle fleet and distribution system would provide a large market that would mobilize private resources to substantially advance the technology and expand the production of alcohol fuels in the United States and abroad.

(13) The United States has an urgent national security interest to develop alcohol fuels technology, production, and distribution systems as rapidly as possible.

(14) New cars sold in the United States that are equipped with an internal combustion engine should allow for fuel competition by being flexible fuel vehicles, and new diesel cars should be capable of operating on biodiesel.

(15) Such an open fuel standard would help to protect the United States economy from high and volatile oil prices and from the threats caused by global instability, terrorism, and natural disaster.

(c) OPEN FUEL STANDARD FOR TRANSPORTATION.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

"§ 32920. Open fuel standard for transportation

''(a) DEFINITIONS.—In this section:

''(1) E85.—The term 'E85' means a fuel mixture containing 85 percent ethanol and 15 percent gasoline by volume.

''(2) FLEXIBLE FUEL AUTOMOBILE.—The term 'flexible fuel automobile' means an automobile that has been warranted by its manufacturer to operate on gasoline, E85, and M85.

''(3) FUEL CHOICE-ENABLING AUTOMOBILE.—The term 'fuel choice-enabling automobile' means—

''(A) a flexible fuel automobile; or

''(B) an automobile that has been warranted by its manufacturer to operate on biodiesel.

''(4) LIGHT-DUTY AUTOMOBILE.—The term 'light-duty automobile' means—

''(A) a passenger automobile; or

''(B) a non-passenger automobile.

''(5) LIGHT-DUTY AUTOMOBILE MANUFACTURER'S ANNUAL INVENTORY.—The term 'light-duty automobile manufacturer's annual inventory' means the number of light-duty automobiles that a manufacturer, during a given calendar year, manufactures in the United States or imports from outside of the United States for sale in the United States.

''(6) M85.—The term 'M85' means a fuel mixture containing 85 percent methanol and 15 percent gasoline by volume.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(b) OPEN FUEL STANDARD FOR TRANSPORTATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each light-duty automobile manufacturer's annual inventory shall be comprised of not less than 50 percent fuel choice-enabling automobiles in 2012.

''(2) TEMPORARY EXEMPTION FROM REQUIREMENTS.—

''(A) APPLICATION.—A manufacturer may request an exemption from the requirement described in paragraph (1) by submitting an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require by regulation. Each such application shall specify the models, lines, and types of automobiles affected.

''(B) EVALUATION.—After evaluating an application received from a manufacturer, the Secretary may at any time, under such terms and conditions, and to such extent as the Secretary considers appropriate, temporarily exempt, or renew the exemption of, a light-duty automobile from the requirement described in paragraph (1) if the Secretary determines that unavoidable events not under the control of the manufacturer prevent the manufacturer of such automobile from meeting its required production volume of fuel choice-enabling automobiles due to a disruption in—

''(i) the supply of any component required for compliance with the regulations; or

''(ii) the use and installation by the manufacturer of such component.

''(C) CONSOLIDATION.—The Secretary may consolidate applications received from multiple manufactures under subparagraph (A) if they are of a similar nature.

''(D) CONDITIONS.—Any exemption granted under subparagraph (B) shall be conditioned upon the manufacturer's commitment to recall the exempted automobiles for installation of the omitted components within a reasonable time proposed by the manufacturer and approved by the Secretary after such components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

''(E) NOTICE.—The Secretary shall publish in the Federal Register—

''(i) notice of each application received from a manufacturer;

''(ii) notice of each decision to grant or deny a temporary exemption; and

''(iii) the reasons for granting or denying such exemptions.

''(F) LABELING.—Each manufacturer that receives an exemption under this paragraph shall place a label on each exempted automobile. Such label—

''(i) shall comply with the regulations prescribed by the Secretary under paragraph (3); and

''(ii) may only be removed after recall and installation of the required components.

''(G) NOTICE OF EXEMPTION.—Each light-duty automobile delivered to dealers and first purchasers that is not a fuel choice-enabling automobile and for which the manufacturer received an exemption under this paragraph, shall be accompanied with a written notification of such exemption, which complies with the regulations prescribed by the Secretary under paragraph (3).

''(3) RULEMAKING.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''32920. Open fuel standard for transportation.''.

SA 5257. Mr. PRYOR (for Mr. LEAHY) proposed an amendment to the bill H.R. 5938, to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; as follows:

On page 2, strike lines 1 through 5, and insert the following:

TITLE I—FORMER VICE PRESIDENT PROTECTION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Former Vice President Protection Act of 2008''.

SEC. 102. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.

On page 3, strike line 1 and insert the following:

SEC. 103. EFFECTIVE DATE.

On page 3, after line 4, insert the following:

TITLE II—IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Identity Theft Enforcement and Restitution Act of 2008''.

SEC. 202. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 203. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 204. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 205. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 206. CONSPIRACY TO COMMIT CYBERCRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 207. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 208. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 209. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 9:30 a.m.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 12 p.m. to conduct a hearing entitled ''Planning for Post-Catastrophe Housing Needs: Has FEMA Developed an Effective Strategy for Housing Large Numbers of Citizens Displaced by Disaster?''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 3:15 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Hearing on the Nomination of Thomas J. Madison, Jr. to be Administrator of the Federal Highway Administration for the Department of Transportation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10:30 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, conduct a hearing entitled ''Politicizing Hiring at the Department of Justice'' on Wednesday, July 30, 2008, at 10, in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''S.1. Res. 45, A Resolution Consenting To and Approving the Great Lakes-St. Lawrence River Basin Water Resources Compact'' on Wednesday, July 30, 2008, at 1 p.m. in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, at 10 a.m.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, July 30, 2008, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 30, 2008, at 2:30 p.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate in order to conduct a hearing on Wednesday, July 30, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Byron Hurlbut, Matt Padilla, and Michele Mazzocco of Senator BINGAMAN's office be granted privileges of the floor for today.

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

Mr. CASEY. Mr. President, I ask unanimous consent a member of my staff, Caryn Long, be granted the privilege of the floor for purposes of this speech.

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

Mr. MENENDEZ. Mr. Presdient, I ask unanimous consent that Jillian Curtis from my office be granted floor privileges for the duration of today's session.

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 897, S. 2617.

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

The assistant legislative clerk read as follows:

A bill (S. 2617) to increase, effective December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2008''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that subsection, not later than the date on which the matters specified in section 215(i)(2)(D) of the

Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$115'' and inserting ''$117'';

(2) in subsection (b), by striking ''$225'' and inserting ''$230'';

(3) in subsection (c), by striking ''$348'' and inserting ''$356'';

(4) in subsection (d), by striking ''$501'' and inserting ''$512'';

(5) in subsection (e), by striking ''$712'' and inserting ''$728'';

(6) in subsection (f), by striking ''$901'' and inserting ''$921'';

(7) in subsection (g), by striking ''$1,135'' and inserting ''$1,161'';

(8) in subsection (h), by striking ''$1,319'' and inserting ''$1,349'';

(9) in subsection (i), by striking ''$1,483'' and inserting ''$1,517'';

(10) in subsection (j), by striking ''$2,471'' and inserting ''$2,527'';

(11) in subsection (k)—

(A) by striking ''$89'' both places it appears and inserting ''$91''; and

(B) by striking ''$3,075'' and ''$4,313'' and inserting ''$3,145'' and ''$4,412'', respectively;

(12) in subsection (l), by striking ''$3,075'' and inserting ''$3,145'';

(13) in subsection (m), by striking ''$3,392'' and inserting ''$3,470'';

(14) in subsection (n), by striking ''$3,860'' and inserting ''$3,948'';

(15) in subsections (o) and (p), by striking ''$4,313'' each place it appears and inserting ''$4,412'';

(16) in subsection (r), by striking ''$1,851'' and ''$2,757'' and inserting ''$1,893'' and ''$2,820'', respectively; and

(17) in subsection (s), by striking ''$2,766'' and inserting ''$2,829''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$139'' and inserting ''$142'';

(2) in subparagraph (B), by striking ''$240'' and ''$70'' and inserting ''$245'' and ''$71'', respectively;

(3) in subparagraph (C), by striking ''$94'' and ''$70'' and inserting ''$96'' and ''$71'', respectively;

(4) in subparagraph (D), by striking ''$112'' and inserting ''$114'';

(5) in subparagraph (E), by striking ''$265'' and inserting ''$271''; and

(6) in subparagraph (F), by striking ''$222'' and inserting ''$227''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$662'' and inserting ''$677''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$1,067'' and inserting ''$1,091''; and

(B) in paragraph (2), by striking ''$228'' and inserting ''$233''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	*Monthly rate*	*Pay grade*	*Monthly rate*
E–1	*$1,091*	*W–4*	*$1,305*
E–2	*$1,091*	*O–1*	*$1,153*
E–3	*$1,091*	*O–2*	*$1,191*
E–4	*$1,091*	*O–3*	*$1,274*
E–5	*$1,091*	*O–4*	*$1,349*
E–6	*$1,091*	*O–5*	*$1,485*
E–7	*$1,129*	*O–6*	*$1,674*
E–8	*$1,191*	*O–7*	*$1,808*
E–9	*[1] $1,242*	*O–8*	*$1,985*
W–1	*$1,153*	*O–9*	*$2,123*
W–2	*$1,198*	*O–10*	*[2] $2,328*
W–3	*$1,234*		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,342.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,499.''

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$265'' and inserting ''$271'';

(B) in subsection (c), by striking ''$265'' and inserting ''$271''; and

(C) in subsection (d), by striking ''$126'' and inserting ''$128''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$452'' and inserting ''$462'';

(B) in paragraph (2), by striking ''$649'' and inserting ''$663'';

(C) in paragraph (3), by striking ''$846'' and inserting ''$865''; and

(D) in paragraph (4), by striking ''$846'' and ''$162'' and inserting ''$865'' and ''$165'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$265'' and inserting ''$271'';

(B) in subsection (b), by striking ''$452'' and inserting ''$462''; and

(C) in subsection (c), by striking ''$225'' and inserting ''$230''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2007.

Amend the title so as to read: ''A Bill to amend title 38, United States Code, to codify increases in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans that were effective as of December 1, 2007, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.''.

Mr. AKAKA. As chairman of the Senate Committee on Veterans' Affairs, I note my strong support for Senate passage of S. 2617, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 2008. This measure, which I introduced earlier this year and which the Committee on Veterans' Affairs reported on July 24, would direct the Secretary of Veterans' Affairs to increase, effective December 1, 2008, the rates of veterans' disability compensation to keep pace with the rising cost of living. The rate adjustment would be equal to that provided to Social Security recipients, based on the Bureau of Labor Statistics' Consumer Price Index.

Congress regularly enacts an annual cost-of-living adjustment, COLA, for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their needs. This past year Congress passed, and the President signed into law, Public Law 110–111, which resulted in a COLA increase of 2.3 percent for 2008. At this time, the Congressional Budget Office estimates that the cost-of-living adjustment for 2009 will be 2.8 percent.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. According to the latest figures from VA, there are 2.8 million veterans currently receiving compensation for disabilities incurred in the line of duty, as well as over 316,000 surviving spouses of veterans receiving dependency and indemnity compensation. Current U.S. military deployments in Iraq and Afghanistan will ensure that there will be new recipients of these benefits in the coming years. The brave men and women who voluntarily put themselves in harm's way to keep our country safe need to be certain that we will fulfill our responsibility to ensure that those who are injured during service are provided with the help they need to provide for their families' economic security.

Many of the more than 3 million recipients of these VA benefits depend upon these tax-free payments not only to provide for their own basic needs but those of their spouses, children and parents as well. Without an annual COLA increase, these veterans and their families would see the value of

their hard-earned benefits slowly dwindle, and we, as a Congress, would have neglected our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

I urge all of our colleagues to support passage of this COLA increase and for their continued support for our Nation's veterans.

Mr. PRYOR. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2617), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to.

FORMER VICE PRESIDENT PROTECTION ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5938, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5938) to amend Title 18 United States Code to provide Secret Service protection to former Vice Presidents, and for other purposes.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that a Leahy-Specter amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5257) was agreed to, as follows:

(Purpose: To amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft)

On page 2, strike lines 1 through 5, and insert the following:

TITLE I—FORMER VICE PRESIDENT PROTECTION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Former Vice President Protection Act of 2008''.

SEC. 102. SECRET SERVICE PROTECTION FOR FORMER VICE PRESIDENTS AND THEIR FAMILIES.

On page 3, strike line 1 and insert the following:

SEC. 103. EFFECTIVE DATE.

On page 3, after line 4, insert the following:

TITLE II—IDENTITY THEFT ENFORCEMENT AND RESTITUTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Identity Theft Enforcement and Restitution Act of 2008''.

SEC. 202. CRIMINAL RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of an offense under sections 1028(a)(7) or 1028A(a) of this title, pay an amount equal to the value of the time reasonably spent by the victim in an attempt to remediate the intended or actual harm incurred by the victim from the offense.''.

SEC. 203. ENSURING JURISDICTION OVER THE THEFT OF SENSITIVE IDENTITY INFORMATION.

Section 1030(a)(2)(C) of title 18, United States Code, is amended by striking ''if the conduct involved an interstate or foreign communication''.

SEC. 204. MALICIOUS SPYWARE, HACKING AND KEYLOGGERS.

(a) IN GENERAL.—Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking ''(A)(i) knowingly'' and inserting ''(A) knowingly'';

(ii) by redesignating clauses (ii) and (iii) as subparagraphs (B) and (C), respectively; and

(iii) in subparagraph (C), as so redesignated—

(I) by inserting ''and loss'' after ''damage''; and

(II) by striking ''; and'' and inserting a period;

(2) in subsection (c)—

(A) in paragraph (2)(A), by striking ''(a)(5)(A)(iii),'';

(B) in paragraph (3)(B), by striking ''(a)(5)(A)(iii),'';

(C) by amending paragraph (4) to read as follows:

''(4)(A) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 5 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(B), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(I) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(II) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(III) physical injury to any person;

''(IV) a threat to public health or safety;

''(V) damage affecting a computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(VI) damage affecting 10 or more protected computers during any 1-year period; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(B) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense under subsection (a)(5)(A), which does not occur after a conviction for another offense under this section, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused) a harm provided in subclauses (I) through (VI) of subparagraph (A)(i); or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(C) except as provided in subparagraphs (E) and (F), a fine under this title, imprisonment for not more than 20 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subparagraphs (A) or (B) of subsection (a)(5) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(D) a fine under this title, imprisonment for not more than 10 years, or both, in the case of—

''(i) an offense or an attempt to commit an offense under subsection (a)(5)(C) that occurs after a conviction for another offense under this section; or

''(ii) an attempt to commit an offense punishable under this subparagraph;

''(E) if the offender attempts to cause or knowingly or recklessly causes serious bodily injury from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for not more than 20 years, or both;

''(F) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(G) a fine under this title, imprisonment for not more than 1 year, or both, for—

''(i) any other offense under subsection (a)(5); or

''(ii) an attempt to commit an offense punishable under this subparagraph.''; and

(D) by striking paragraph (5); and

(3) in subsection (g)—

(A) in the second sentence, by striking ''in clauses (i), (ii), (iii), (iv), or (v) of subsection (a)(5)(B)'' and inserting ''in subclauses (I), (II), (III), (IV), or (V) of subsection (c)(4)(A)(i)''; and

(B) in the third sentence, by striking ''subsection (a)(5)(B)(i)'' and inserting ''subsection (c)(4)(A)(i)(I)''.

(b) CONFORMING CHANGES.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)'' and inserting ''1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)''.

SEC. 205. CYBER-EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information from a protected computer without authorization or in excess of authorization or to impair the confidentiality of information obtained from a protected computer without authorization or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 206. CONSPIRACY TO COMMIT CYBER-CRIMES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 207. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 208. FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) For purposes of subsection (i), the following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(1) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this section, or a conspiracy to violate this section''.

SEC. 209. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code, and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the United States Sentencing Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national defense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of, significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of, creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(3) make any conforming changes to the sentencing guidelines; and

(4) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

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

The bill (H.R. 5938), as amended, was read the third time, and passed.

MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 635, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 635) making minority party appointments for the 110th Congress.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 635) was agreed to, as follows:

S. RES. 635

Resolved. That the following be the minority membership on the following committee for the remainder of the 110th Congress, or until their successors are appointed:

Committee on Commerce, Science and Transportation: Mrs. Hutchison. Mr. Stevens, Mr. McCain, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Sununu, Mr. DeMint, Mr. Vitter, Mr. Thune, Mr. Wicker.

MEASURE PLACED ON THE CALENDAR—S. 3348

Mr. PRYOR. Mr. President, I understand that S. 3348 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3348) to provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

Mr. PRYOR. I object to any further proceedings with respect to the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, JULY 31, 2008

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, July 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled by the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half. I further ask unanimous consent that following morning business, the Senate resume consideration of the motion to proceed to S. 3001, the Department of Defense authorization bill. Finally, I ask unanimous consent that the time from 10:30 a.m. to 12:30 p.m. be controlled in alternating 30-minute blocks of time between the majority and Republican sides, with the Republicans controlling the first 30 minutes.

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

PROGRAM

Mr. PRYOR. Mr. President, tomorrow we expect to turn to the consideration of the Consumer Product Safety Commission conference report and the higher education conference report. Therefore, Senators should expect votes throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the

Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:58 p.m., adjourned until Thursday, July 31, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

JAMES A. SLUTZ, OF OHIO, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

PATRICK W. DUNNE, OF NEW YORK, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE DANIEL L. COOPER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SARAH C. L. SCULLION

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD E. CUTTS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

KARL L. BROWN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANDREW T. HARKREADER
TARIS S. HAWKINS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEPHEN E. HUSKEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JENNIFER A. HISGEN
VIVIAN C. SHAFER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KORD H. BASNIGHT
DAVID C. CANNON
DANNY M. CHAPPELL
PATRICK L. CUMMINGS
KURT A. DIDIER
PHILLIP N. FOSTER
THOMAS L. FRANKFURT
DEREK GILMAN
URAL D. GLANVILLE
JON L. HALL
JOYCE A. HAMEL
JAMES M. HEATON
MARK E. JOHNSON
JEFFREY G. KLAVENS
GERALD P. KOHNS
GERALD J. LANGAN, JR.
THOMAS A. LINCOLN
WILLIAM W. MCQUADE
EDYE L. MORAN
JOHN K. MORONEY
ROGER E. NELL
ALAN OTT
LON S. PLATT
CYNTHIA J. RAPP
ANTHONY P. RICCI
CHRISTOPHER W. ROYER
ANDREW SQUIRE
ANTHONY R. TEMPESTA
DAVID K. TRAUTMAN
WILLIAM W. WAY
FRANK D. WHITNEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

BRADLEY AEBI
JAMES ANDERSON
JAMES P. ARNOLD
TRAVIS J. AUSTIN
CHAD BANGERTER
SAMUEL BELAU
BENJAMIN BELFIGLIO
JOSEPH BOWLES
CLINTON CABLE
CHUN Y. CHAN
DAVID CIESLA
STAN CLARK
JARED DEAN
MARK ERICSON
MICHAEL FORAN
LACEY GREEN
THOMAS R. GUNNELL
KRISTOPHER HART
GARTH W. HATCH
DANIEL HENDRICKS
KELLY J. JOHNSON
THOMAS M. JOHNSON
DANIEL D. KERSTEN
KIRBY S. KJAR
SUSAN O. KOAGEL
JACQUELINE KORMANN
SOOMO LEE
MICHAEL R. MANSELL
ROBERT MANSMAN
DAVIN E. MELLUS
JASON M. MICHEL
MAX H. MOLGARD, JR.
DAVID D. NELSON
THAO NGUYEN
LISA NORBY
KEVIN PARKER
LOKEN M. PATEL
MATTHEW E. ROBERTSON
GREGORY S. RUSSELL
RAND RUSSELL
JERROD L. SANDERS
JILL E. SANDERS
DANIEL C. SHIN
DANIELLE SIM
RYAN STRATTON
GYULA TAKACS
DAVID TUCKER
AZURE L. UTLEY
MARK VAGNETTI
PHILIP VANCE
KEVYN WETZEL
CLAYTON B. WILLIAMS
KEITRA T. WILSON
KYUNGHEE K. YOO
JONATHAN YUN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JULIE A. AKE
KEVIN S. AKERS
SHAWN M. ALDERMAN
ASNA A. AMIN
SAMUEL ANAYA
ZACHARY ARTHURS
ADAM ASH
SIMEON W. ASHWORTH
MEAGAN M. BACHARACH
TERRENCE BARRETT
CRAIG H. BARSTOW
ERIC BASS
NICHOLAS K. BATCHELOR
SLAVA M. BELENKIY
DANIEL A. BELLIN
NIDHI BHATIA
PAMELA BLAND
MATTHEW A. BORGMAN
FLETCHER M. BOULWARE
PETER BRANDRUP
JOANNA G. BRANSTETTER
ELIZABETH L. BRENT
DONNA BRISTER
ADAM L. BROWN
DOUGLAS N. BROWN
JAMIE D. BULKENHOOVER
ELIZABETH R. BURCHARD
TIFFANY BURNETT
KAREN CALLAGHAN
ELIZABETH A. CALLEN
MATTHEW R. CAMPBELL
DEBRA CARSON
DANIEL S. CASE
DAVID M. CHATWIN
JOSEPH G. CHEATHAM
ERIC CHIN
SUNGHUN CHO
TIMOTHY H. CHO
EUGENE J. CHUNG
PAUL CLARK
JASON E. COHEN
DANIEL V. CORDARO
CHRISTIAN COX
AMANDA S. CUDA
SCOTT P. CUDA
RACHEL A. CUENCA
MARTHA E. CULPEPPER
MATTHEW CURNUTTE
CLIFTON R. DABBS
NEIL B. DAVIDS
DAVID C. DEBLASIO
SEAN DEMARS
CHAD A. DEROSA
PETER A. DESOCIO
MARK DEVENPORT
AARON N. DEWEES
JAY M. DINTAMAN
BRAD M. DOLINSKY
BENJAMIN J. DUFFY
DUANE DUKE
WILLIAM DUKE
ELIZABETH H. DUQUE
AARON P. EDWARDS
TANJA S. EPLEY
JUDE T. ESCANO
EDUARDO ESCOBAR
CLIFFORD J. EVANS
LEE A. EVANS
EDWIN A. FARNELL IV
ASHLEY A. FEAVER
JOCELYN FIGUEROA
COLLIN J. FISCHER
ZACHARY E. FISHER
KEVIN FITZPATRICK
ERIN FLAHERTY
SHANNON K. FLOODNICHOLS
TOBY FOSTER
ALLISON J. FRANKLIN
ERIC C. GARGES
DENA L. GEORGE
JEREMY GIBSON
BRUCE GILBERT
JENNIFER GILBERT
JEFFREY R. GIULIANI
TRISA A. GIULIANI
DAVID GLIDDEN
JESSICA F. GOLD
SCOTT T. GOODRICH
TIMOTHY W. GOODRICH
JASON A. GRASSBAUGH
DAVID L. GREENBURG
GARTH T. GREENWELL
CHRISTINA D. HAHN
JASMINE J. HAN
JENNIFER C. HANOWELL
UEL D. HANSEN
SCOTT HARRINGTON
MARK L. HARSHANY
NIDAL M. HASAN
PATRICK C. HAYES
EREK K. HELSETH
MARC W. HERR
JENNIFER R. HEWITT
ROBERT HICKS
GUYON J. HILL
MICAH HILL
MARY K. HINKLE
MICHAEL HITE
AARON HOBLET
COURTNEY A. HOLLAND
MITCHEL HOLM
TODD R. HOWLAND
JAMES T. HSU
KEVIN G. HUEMAN
EDWARD A. HULTEN
MELISSA IGLESIAS
RICHARD K. INAE
DAVID JAMISON
DOROTA J. JANIEC
CHESTER C. JEAN
RALPH E. JENSEN
ERICA N. JOHNSON
KATHRYN JOHNSON
ROBIN JOHNSON
SHAWN E. JOHNSON
WILLIAM J. JORDAN
DANIEL JOYCE
DAVID KAYLOR
CLINTON G. KEILMAN
JEFFREY KELLY
JOSEPH F. KELLY
KEVIN M. KELLY
JOHN Y. KIM
ROBERT S. KING
STEPHANIE L. KIRBY
AARON D. KIRKPATRICK
RANDY KJORSTAD
PETER KREISHMAN
ADRIAN T. KRESS
MICAIAH KUZMA
ANTON P. LACAP
JEFFREY N. LACKEY
JEFFREY T. LACZEK
KIMBERLY F. LAIRET
DOUGLAS R. LANGFORD
JEFFREY B. LANIER
ABIGAIL J. LEE
KANG H. LEE
SUKHYUNG LEE
KIMBERLY A. LEHMAN
LUCAS R. LEONARD
SARA LOKSTAD
SCOTT A. LUKE
RANDY LUNDELL
REBECCA B. LURIA
NICK M. LY
DUSTEN MACDONALD
MICHAEL A. MAHLON
ASHLEY MARANICH
KATHARINE W. MARKELL
SCOTT A. MARSHALL, JR.
MICHAEL C. MARTE
JENNIFER MATHIEU
ROSS M. MATHIEU
JAMES MAUTNER
DUSTIN M. MCDERMOTT
MICHAEL J. MCDONALD
CAMILLE F. MCGANN
ROBERT W. MCINTOSH
CAROL MCLAUGHLIN
JOSEPH C. MCLEAN
NEIL MCMULLIN
KEVIN MCPHERSON

CHARLENE S. MCWILLIAMS
GRANT D. MCWILLIAMS
SEAN MEADOWS
PAUL M. MICHAUD
ETHAN A. MILES
KRISTIN MILLER
LUKE M. MILLER
FOUAD J. MOAWAD
KELLY MORALES
PEREZ J. MORALES
CRISTIN A. MOUNT
KUWONG B. MWAMUKONDA
JASON M. NAKAMURA
JOSHUA T. NAPIER
SHAHIN NASSIRKHANI
BURTON T. NEWMAN
VU Q. NGUYEN
ADAM S. NIELSON
ROBERT NOLAN
EMUEJEVOKE J. OKOH
NKEMAKONAM OKPOKWASILI
BRUCE A. ONG
JUSTIN D. ORR
CHRISTOPHER OTT
DAVID OWSHALIMPUR
JOSEPH PARK
DAVID M. PARKER
GREGORY D. PARKHURST
PRANAV D. PATEL
MATTHEW PFLIPSEN
MATTHEW A. POSNER
JENNIFER PUGLIESE
DAVID PULA
ABIGAIL C. RAEZ
JOHN R. REAUME
JUSTIN M. RECKARD
THEODORE T. REDMAN
THOMAS REGAN
JULIE A. REID
DANIEL REYNOLDS
JACOB H. RICHARDSON
DIANA RIERA
JAMIE C. RIESBERG
RAUL A. RIVERA
JUSTIN ROBBINS
ROSEMARIE RODRIGUEZ
ROMAN D. ROSARIO
LINDSEY D. ROSCHEWSKI
KIRK S. RUSSELL
WESLEY RYLE
KATHLEEN M. SAMSEY
MIGUELGERENA F. SAN
AMY SANCHEZ
DAVID C. SCHNABEL
ERIC SCHNEIDER
THOMAS J. SEERY
ANDREW SENCHAK
GIRISH SETHURAMAN
NICHOLES SEXTON
SHAWN C. SHAFFER
DUSTIN L. SHAWCROSS
JOHN SHEPPARD
BENJAMIN SIGMOND
DARBY L. SILVERNAIL
DAPHNE G. SIMS
EVA SMIETANA
DARREN J. SOMMER
DAVID R. STAGLIANO
DEREK STANER
CHRISTOPHER STANG
AARON K. STARBUCK
JAMES STINCHON
GERALD W. SURRETT
CHRISTOPHER SUTTON
MICHAEL P. SZCZEPANSKI
SCOT A. TEBO
MICHAEL THWING
DAVID D. TIMM
ROBERT TRAINER
HUNG V. TRAN
TUAN C. TRAN
JACOB L. TURNQUIST
CHRISTINE M. VACCARO
NEEL K. VAIDYA
JOHN VALOSEN
ELLIOTT VANN
VEETA M. VAUGHN
TIMOTHY D. WAGNER
JAMES Y. WANG
CYNTHIA L. WEBER
ERIC D. WEBER
TIMOTHY S. WELCH
JOSHUA WILL
DANIEL M. WILLIAMS
KAMEKEA C. WILLIS
RYAN A. WITHROW
ROSS A. WITTERS
JAMES P. WOODROW
DANIEL WOYDICK
CHRISTOPHER D. YAO
WALTER YEE
JOHN W. YOKITIS
SYLVIA C. YOON
SCOTT E. YOUNG

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

ANTHONY M. GRIFFAY
KENNETH L. MERRICK
MICHAEL P. UVA
JEFFREY P. WOOD

To be commander

DANIEL T. GAGE
STEVEN R. JACOBS
RONALD G. SEITS
KELLY A. WATSON

To be lieutenant commander

KRISTIAN B. BARTON
JEFF A. BLEILE
JAMES W. HENDLEY
ANDREW G. LIGGETT

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

PATRICK J. FULLERTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JOSHUA D. CROUSE
DAVE S. EVANS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

MATTHEW E. DUBROW
TAMER N. A. MANSOUR
ADRIAN D. TALBOT
ROBERT S. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ZACHARY A. BEEHNER
LISA C. BERG
BENJAMIN F. COTE
RACHID ELBADRI
RICARDO A. FLORES
RAJA G. HUSSAIN
NICHOLAS G. OSBURN
CONSTANTINE N. PANAYIOTOU
DAVID R. WILCOX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DENVER L. APPLEHANS
PAMELA S. BOU
LEWIS T. CROSBY
JEREAL E. DORSEY
KAREN E. EIFERT
RONALD S. FLANDERS
JAMES R. HOEFT
SARAH T. SELFKYLER
CHRISTOPHER S. SERVELLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LYLE P. AINSWORTH
KEVIN D. BITTLE
JEFFREY A. BROWN
JESUS D. CUNILLERA
STEVEN M. DOWNS
ANTHONY S. ESTEP
CLINT B. FONDO
SEAN HANSON
STEPHEN C. KEHRT
STANLEY M. LAKE, JR.
CLAYTON B. MASSEY
CHRISTOPHER M. MIERA
BENJAMIN J. MOORE
MICHAEL P. MULHERN
WILLIAM A. PALMER
MARIA C. REYMAN
JOSEPH B. RUFF
VICTORIA A. STATTEL
KENNETH I. STEWART
OSMAY TORRES
JUAN C. VARELA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RODNEY O. ADAMS
CHRISTOPHER G. BRIANAS
WILLIE D. BRISBANE
NINA M. BUTLER
DAMIAN M. GELBAND
VANESSA GIVENS
RICHARD A. HUTH
RICHARD D. JOHNSTON, JR.
DOUGLAS W. JONES
RICHARD A. KNIGHT, JR.
YOLANDA K. MASON
JOYCE E. NELSON
JAMES D. POE
ADRIANNE Y. SEARS
JOHN J. SIMONSON III
ROBERT S. SMITH
LARRY B. TALTON
DAVID C. WEBBER
CHRISTOPHER L. WEBSTER
JOHN E. WILLIAMS
STEVEN T. WISNOSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TIMOTHY R. CAMPO
SHELLEY D. CAPLAN
DAVID J. CHENEY
ROBIN C. CHERRETT
JENNIFER E. CLINE
MICHAEL D. DUENSING
JASON D. GIPSON
AMY D. HECK
MATTHEW K. HENIGIN
ALICIA A. HOPKINS
DAVID R. LEWIS
TIMOTHY P. MCGEEHAN
BRANDON K. MCWILLIAMS
ERIN E. OMARR
SAMANTHA J. POTEETE
GREGORY P. RAY
JANICE L. RICE
WILLIAM D. TAGGART
CHRISTOPHER L. TAPPEN
RICARDO A. TREVINO
ANA L. WILSON
JOHN E. WOODS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL M. ANDREWS
DONALD W. BEISH
MARY L. BERRIAN
BRIAN S. BOONE
MARK A. CAMACHO
THOMAS E. CHILDERS, JR.
MELISSA M. CLARADY
TRAVIS W. DAWSON
RANDAL E. FULLER
CRAIG A. GABRIELLINI
ANTHONY J. GILLESPIE
WILLIAM K. GILMORE
JOHN K. GRIMES
THOMAS J. HAINES
JAIME L. HILL
MICAH R. KELLEY
AARON M. LITTLEJOHN
DERBY C. LUCKIE
ADEJOSE R. MCKOY
ROBERT D. MCLAUGHLIN, JR.
JOSEPH B. MOORE
ROBERT W. MOORE
ANDREW J. NEBOSHYNSKY
ALLEN C. RUTLEDGE
KENT L. SANDERS
FIKRET SARISEN
JEREMIAH E. SHAFER
WILLIAM L. SMILEY
THOMAS E. STEWART
DWIGHT D. TAYLOR
ERIC G. TURNER
ALWIN E. WESSNER
JOSEPH ZULIANI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LASUMAR R. ARAGON
MICHAEL A. BURKHARD
LUC D. DELANEY
ELAINE S. DUSETZINA
CHRISTOPHER D. EPP
KEITH B. FAHLENKAMP
WILLIAM F. FALLIER
JOHN W. GAMBLE
ROBERT A. GOLD
WESTON L. GRAY
CARLUS A. GREATHOUSE
TODD R. GREENE
WILLIAM L. HAGAN
ANDREW J. HOFFMAN
JONATHAN J. H. KIM
WILLIAM E. KOSZAREK III
HANNAH A. KRIEWALDT
NATHAN E. LYON
NJUGUNA MACARIA
PETER MAJEWICZ
GREGORY A. MOSELLE
LEE A. NICKEL
NICOLE K. NIGRO
MARK C. PARRELLA
WILLIAM P. PEMBERTON
MITCHELL R. PERRETT
DEREK T. PETERSON
ROBERT C. QUESENBURY, JR.
KIAH B. RAHMING
MATTHEW K. SCHROEDER
RANDOLPH E. SLAFF, JR.
GEORGE T. SOUTHWORTH
ZALDY M. VALENZUELA
TYRONE Y. VOUGHS
BENJAMIN A. WILDER
ROBERT E. WILLIAMS
SARAH E. ZARRO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AUDREY G. ADAMS
DAVID C. ANDERSON
DAVID S. BARNES
RICHARD G. BENSING
MARK L. BOGGIS
JOHN V. BREEDLOVE
CHRISTINE A. COCHRAN
BRIAN CONNETT
JACQLYNN K. D. DAVIS
MARK E. DYE
ROBERT R. ELLISON III
KAREN D. GOFF
BOBBY R. GREEN
MICHAEL J. HERLANDS
CLAY C. HERRING
JOHN N. HILL
MISTY D. HODGKINS
JASON S. HULL
MICHELLE HUMPHREY
BRUCE S. IVERSEN
LAURA JEFFERIES
LAWRENCE W. KEMPISTA
IRA D. LAMBETH III
KENNETH W. LASSEK
KAREN Y. LI
CHARLES W. MAYO
MICHAEL J. MCCAFFREY
JOSIE L. MOORE
SHELLEE A. MORRIS
MATTHEW S. MORTON
SEAN R. MULDER
SCOTT A. MULLINS
GARY M. OLIVI
BERNARD T. ONEILL III
CATALINA L. PHIPPEN
ROBERT E. RILEY
JONATHAN P. RINKUS
JESUS A. RODRIGUEZ
JOSHUA J. SANDERS
AMY E. SHROUT
STEVE J. SOLLON
KENNETH W. STGERMAIN
JAMES R. SWAYZE
JAMES B. VERNON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ADAM L. ALBARADO
MICHAEL P. BAILEY
ALLAN M. BAKER
DAVID T. BARR
KARL L. BENDER
JOSEPHINE F. BERNABE
ANTHONY BOICH
JOHN P. BONENFANT
AMANDA M. BORNGEN
ANDREW W. BOYDEN
ALAN M. BRECHBILL
LISA M. BRENNEN
JOHN P. CARDIN
ERIC T. CASTILLO
TIMOTHY P. CHESSER
JAMES P. CHRISTENSEN
LAURA A. COAPSTICK
VALERET H. COLLINS
ALFRED J. CORKRAN III
DEMETRIUS COX
LEIGH A. DETWILER
DALE C. DURLACH
STAFFAN L. EHRLANDER
GREGORY J. ENGLISH
OSCAR J. ESTRADA
RODNEY C. FERIOLI
ROGER D. FERRELL, JR.
MITCHELL H. FINKE
JEFFREY T. FREYE
JENNIFER L. GILLOOLY
THOMAS J. GILMORE
CHRISTOPHER L. GODIER
DANIEL C. GRAY
STUART A. GREEN
ROBERT J. HAMILTON
NELSON D. HEINTZ
MICHAEL A. HUBBARD
ROBERT W. JOHNSTON
JAMES H. KING
CHRISTINA R. LAUGHLIN
ERROL M. LAUMANN
JOEL E. LEATH
DAVID C. LUNDQUIST
YERODIN J. MACK
PETER N. MADSON
KENNETH P. MATTHIAS
ANTONIO MAURO
STEVEN R. MCKINNEY
JACOB W. NEELY
WILLIAM H. NESBITT
CHRISTOPHER A. NIGON
CHRISTOPHER W. ODELL
THOMAS C. OTTOSON
LAURA H. PARSONS
ERIC D. PEDERSEN
ROBERT V. PEELER, JR.
ANDREW G. PLUMER
DARREN M. POOLE
PETER P. QUINN
MICHAEL J. RANCOUR
BENJAMIN W. RAYBURG
CALEB RISINGER
JOSIE J. RODRIGUEZ
MEGAN H. SAGASER
REGINA SLAVIN
ANDREA L. SMITH
RYAN C. SMITH
SARKIS SOLAKIAN
JEREMY D. SPECTOR
DANIEL P. SPEER
NICHOLAS A. STOJANOVICH
JOHN W. STOLZE III
LANCE A. TAYLOR
ANTHONY J. TORIELLO
WILLIAM R. WALSH
BRADLEY J. WALTERMIRE
JARROD M. WARREN
CHAD R. WEDEL
MICHAEL J. WEED, JR.
NICK G. WICKER, JR.
RICHARD M. YEATMAN
JOSEPH A. ZERBY
DENNIS M. ZOGG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

EMMANUEL C. ARCELONA
CHARLES E. ARDINGER
AARON S. AUSBROOKS
DAVID L. BALDWIN
JERRY L. BARTEE
JOHN O. BEACH
KENNETH T. BELLOMY
MICHAEL W. BICKFORD
CHRISTOPHER P. BOBB
KEVIN M. BONSER
MICHAEL L. BORNSTEIN
JOHN M. BRAY
RANDY E. BROWN
JAMES J. BURNETTE
JOHN M. CARMICHAEL
DAVID E. CARROLL
ANTHONY J. CHILES
SHAUN A. CHITTICK
MANUEL A. CORTES
MICHAEL T. CURRY
DOUGLAS L. DANIELS
DZUNG P. DAVIS
ANTHONY DIAZ
PAUL A. DISE
JOSEPH E. DOLSAK
JAMES C. DYER
DANIEL W. ELSASS
RICARDO G. ENRIQUEZ
RANDALL I. FEHER
DONALD E. FRANDSEN
FRANK P. FUHRMEISTER
TROY S. GIGER
STEPHEN E. GILL
GERALD W. GLADDERS
TOD M. GREVER
REBECCA L. HAGEMANN
ROBERT L. HAINLINE, JR.
AUBREY K. HAMLETT
ERIC J. HARRINGTON
CHRISTOPHER K. HAYNIE
JAMES J. HEAVEY
CALVIN G. HENDRIX
JACOB R. HILL
ERIC T. HOLLIS
MARLIN O. HOUSER
TIMOTHY S. HUNT
STEVEN B. JAMES
NOMER F. JAVIER
DEREK S. JENSEN
CHARLES O. JONES
SANFORD L. KALLAL
ALAN D. KENEIPP
JOSEPH KLAPISZEWSKI
RANDY D. LANGLITZ
DENNIS M. LATOUR
RICKY W. LEE, JR.
WILLIAM G. LEWIS
JOHN E. LOHR
LEONARD J. LONG
CALVIN LOPER
ROBERT J. LOPEZ
MITCHELL D. LOTT
RICHARD F. LOVE III
DOUGLAS H. LOYD
ROBERT A. LUTZ
JAMES W. MACISAAC III
ANCEL S. MANALILI
ERROL K. MANDRELL
LUIS R. MARROQUIN
DREW W. MARTINEZ
CHRISTOPHER C. MCCARTER
JEFFREY T. MCMILLAN
TROY A. MCQUEENEY
MICHAEL A. MEADS
MICHAEL S. MILLS
GEORGE I. MOORE
MICHAEL A. MORAND
RODNEY H. MOSS
JOHN D. NAYLOR
JOHN W. NELSON
MICHAEL S. NIELSEN
THOMAS OBER
MICHAEL S. OLDHAM
ENRIQUE ORTIGUERRA
MICHAEL R. OTTO
PAUL R. OUELLETTE
RAYMOND A. PARHAM
WILLIAM P. PARKS
RICK C. PEREZ
JOHN E. PHILLIPS
ROBERT G. PINSKI
LLOYD R. PLANTY
REX N. PUENTESPINA
ORLANDO RAMOS
RONALD G. RANCOURT
TERRY L. RHODES
KENNETH A. SABOL
CRAIG R. SADRACK
BERNARD B. SALAZAR
DAVID T. SANDERLIN
NICHOL M. SCHINE
CARL F. SCHOLLE
BRUCE SCOTT
ROBIN C. SHAFFER
MICHAEL T. SHERROD
RICKY L. SHILO
KENNETH R. SMITH
ANTHONY W. STACY
NORMAND O. STCYR
JEFFREY C. STELZIG
BRIAN C. STOUGH
RITCHIE L. TAYLOR
KENNETH C. TEASLEY
JOHN W. THIERS
EUGENE TILLERY
MARK K. TILLEY
JOSE L. TORRES
WILBERT M. WAFFORD
TREVOR B. WHALEY
KENNETH J. WILLIAMS
VINCENT J. WOOD
WILLIAM R. WOODFIN
BERNERD C. ZWAHLEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CAL R. ABEL
COLIN M. ACKERMAN
GREGORY R. ADAMS
JEREMIAH V. ADAMS
KEVIN M. ADAMS
KEITH T. ADKINS
CHARLES C. ADKISON
JOHN S. ADKISSON
SEAN P. AHEARNE
MEHDI A. AKACEM
EUGENE A. ALBIN
MICHAEL B. ALBUS
DANIEL R. ALCORN
KENNETH D. ALEXANDER
DAVID M. ALIBERTI
RONALD E. ALLEN
CHRISTA D. ALMONTE
SCOTT C. ALMS
RICARDO ALSTON
AARON M. ANDERSON
KEVIN J. ANDERSON
TODD A. ANDERSON
RYAN S. ANNIS
JASON R. ANSTEAD
ZACHARIAH D. APERAUCH
JOSE A. ARANA
JULIAN D. ARELLANO
BENJAMIN F. ARMSTRONG
TREVOR J. ARNESON
GREGORY S. ARNOLD
SEAN M. BABBITT
EDWARD W. BAHAM
DANIEL A. BAKKER
MATTHEW J. BALDWIN
MICHAEL W. BALL
FRANKLIN F. BALLOU
DAVID H. BANKART
DWAYNE E. BARNETT
JONATHAN L. BARON
SONIA M. BARRANTES
ROBERT J. BARRETT
JOHN P. BARRIENTOS
DAVID D. BARRINGTON
BRYAN P. BARRY
JOHN R. BARTAK
JASON K. BARTHOLOMEW
SCOTT A. BARTRAM
SETH E. BASS
EMILY L. BASSETT
TY D. BATHURST
JONATHAN C. BEATTIE
SCOTT C. BEATY
MITCHELL D. BECKER
DANA N. BEERY
LAWRENCE M. BEHR
ALICIA L. BELCHER
CHRISTOPHER R. BELL
JAMES W. BENDER
LEOPOLDO L. BENITES
CHRISTOPHER L. BENJAMIN
DANIEL S. BENSE
BRYCE A. BENSON
LISA M. BERBERICH
BENJAMIN M. BERKOWICK
ERIC A. BERNSEN
CARL A. BERNTSEN
RAMON J. BERROCAL
EDWARD P. BERTUCCI
ROBERT L. BETTS
ERIK M. BICKLE
JONATHAN R. BIEHL
MARK S. BIERWIRTH
CARL T. BIGGS
CHRISTOPHER M. BIGGS
RYAN B. BILLINGTON
MICHAEL J. BILLMAN
JASON L. BIRCH
JAMES R. BIRD
BRIAN C. BLACK
JERICK C. BLACK
JOHN G. BLAKE

SHANE A. BLANCHARD
DANIEL A. BLEICHER
SHAN A. BOGART
JON G. BOGER
ANDREW D. BOGIE
AARON R. BOMAR
DOUGLAS B. BOOHER
REX A. BOONYOBHAS
ADAM P. BOOTH
BRITT W. BOUGHEY
KENNETH A. BOURASSA
JOHN R. BOWEN
DESOBRY E. BOWENS
JEFFREY M. BOWMAN
HAROLD W. BOWMANTRAYFORD
JEREMY D. BOYD
ROBERT C. BOYER
KURT A. BRAECKEL
THOMAS J. BRASHEAR
SCOTT A. BRAUER
WILBERT B. BREEDEN
RICADEMUS BREITWIESER
HARRY J. BRODEEN
COREY R. BROGNA
PETER J. BROTHERTON
JASON D. BROWN
JOSEPH C. BROWN III
JUSTIN S. BROWN
KENNETH R. BROWN
STACEY L. BROWN
STEPHEN BROWN
SONYA L. BROWNCONNER
EDWARD J. BROWNE
JEREMY S. BRYANT
STEVEN L. BRYANT
TERRY L. BUCKMAN
DUSTIN D. BUDD
ROBERT E. BULATAO
MARK C. BURKE
BRANDON J. BURKETT
ANDREW T. BURNS
TYRONE BUSH
JASON G. BUTLER
ANDREW V. BYRNE
JASON A. CABRAL
ANDREW M. CAIN
SHALEN O. CAIN
NOEL C. CAJUDO
DAVID A. CALDWELL
CLAUDINE CALUORI
KEITH E. CAMPBELL
GILBERT T. CANDELARIA
TODD W. CANNAN
PABLOBENITO G. CAPISTRANO II
ARRVID E. CARLSON
TED W. CARLSON
JAMES H. CARSNER II
MACKENZIE J. CARTER
TIMOTHY R. CARTER
ROBERT G. CARTON
DAVID B. CASSALIA
MICHAEL J. CASSIDY
ROBERT D. CASSIDY, JR.
RAPHAEL R. CASTILLEJO
EMILY A. CATHEY
DAN S. CATLIN
ORVILLE W. CAVE
DAVID A. CEARLEY
DEREK J. CEDARS
ARTHUR J. CERVENY
DAVID J. CHAMPAIGNE
CURTIS S. CHANCE
PAUL A. CHANDLER
BENJAMIN D. CHARLES
CAMERON R. CHEN
VINCENT P. CHEN
RANDOLPH CHESTANG
DAVID C. CHEVRETTE
MATTHEW P. CHOQUETTE
BENJAMIN B. CHRISTEN
KEVIN S. CHRISTENSON
BENJAMIN J. CIPPERLEY
BENJAMIN N. CITTADINO
CHRISTOPHER T. CLARK
JEREMY A. CLARK
KALOHI R. CLARK
TYREE N. CLARK
JAMES W. CLAY
JASON I. CLAY
MICHAEL S. CLOUD
LAURIE N. COFFEY
PATRICK D. COFFEY
EVAN M. COLBERT
JOEL E. COLE
MARCUS L. COLE
DAVID S. COLLINS
CHRISTOPHER M. CONLON
BRADLEY D. CONVERSE
MATTHEW K. COOMBS
SCOTT C. COONAN
JASON T. COOPER
THOMAS J. COOPER
AARON S. CORNETT
COLIN CORRIDAN
PATRICK S. CORRIGAN
DANIEL CORTES
PAUL J. COSTANZO
THOMAS E. COTTON
STEPHEN V. COURTRIGHT
JEFFREY G. COVEY
HOWARD J. CRAIG
CAROLYN D. CRARY
RICHARD A. CRAWFORD
KEVIN R. CRISSON
KEVIN R. CROCKETT
THOMAS J. CRONLEY
BRIEN J. CROTEAU
JOSEPH A. CUBA
SCOTT M. CULLEN
HAROLD V. CULLY
JOHN S. CURRIE
SEAN T. CURTIN
RICCARDO S. CUTRUZZULA
KIM M. DACOSTA
RICHARD T. DANIELS
TODD M. DANTONIO
MICHAEL K. DARBY
JOSEPH O. DAVIDSON IV
BRADFORD W. DAVIS
JOHN A. DAYMUDE
JANET H. DAYS
CHANLOR C. DEAL
STEPHEN P. DEAN
CHRISTOPHER B. DEBONS
DEAN C. DEBOURGE
BENJAMIN D. DECKERT
DANIELLE C. DEFANT
JASON F. DEGROOT
JASON M. DEICHLER
MICHAEL F. DELANEY
NICHOLAS C. DELEO
MATTHEW C. DEMARTINO
EARL J. DEMERSSEMAN II
TROY R. DENISON
CHRISTOPHER S. DENNY
MATTHEW A. DENSING
RAVI M. DESAI
JOHN D. DESPLINTER
RYAN P. DEXTER
NATHAN P. DIAZ
ANTHONY D. DIBUCCI
PETER J. DICARO
JOHN M. DICK
RYAN M. DICK
MATTHEW J. DIGERONIMO
ROBERT J. DIRGA
JOHN E. DOLBY III
JAMES A. DOMACHOWSKI
BRIAN L. DORSEY
TIMOTHY D. DOUGHERTY
JONAS I. DOWNING
DENNIS T. DOYLE
SHAWN J. DOYLE
ALBERT L. DOZIER
CHRISTOPHER M. DRAGO
STEPHEN R. DRAPER
DOUGLAS A. DREESE
ROSS A. DRENNING
JOHN P. DROSINOS
MARIO V. DUARTE
GARY E. DUBIA
ENNO J. DUDEN
WILLARD E. DUFF III
DENNIS M. DUFFY II
DEREK D. DUFORD
ROBERT DUNCAN III
ROBERT T. DUNN
VU L. DUONG
JEAN J. DUPINDESAINTCYR
GREG M. DUSETZINA
MICHAEL L. DUTTON
JOHN R. DYE
PATRICK M. DZIEKAN III
BRIAN C. EARP
DERRICK W. EASTMAN
ROBERT H. EASTMAN III
GEORGE R. EBARB
DAVID K. EDGERTON
DAVID J. EHREDT, JR.
ROBERT E. EILERS, JR.
RANDY M. ELDER
BENJAMIN M. ELFERT
CHRISTOPHER J. ELLISON
JOSHUA C. ELLISON
MICHAEL P. ELROD
CAROLYN A. ENGLER
RYAN B. ERNST
SEAN C. ESPIRITU
TRAVIS M. ESTEVES
JAYSON E. EURICK
STEVEN C. EVERHART
JOSHUA D. FAGAN
JOSEPH E. FALS
MATTHEW D. FANNING
JEFFREY A. FARMER
SAMANTHA A. FARRICKER
GORDON F. FAULKNER
BRIAN J. FELLONEY
TIM L. FERRACCI
PAUL F. FISCHER
DOUGLAS G. FITCHETT
VAN R. FITZSIMMONS
LYNN N. FLEDDERJOHN
ANDREW D. FLEISHER
JONATHAN M. FLOYD
MATTHEW C. FLYNN
JASON M. FOGLE
JAY N. FORSGREN
ANDREW K. FORTMANN
KELSEY C. FOSTER
RICHARD P. FOSTER
ADAM H. FOX
JASON D. FOX
CHRISTOPHER T. FRANSSEN
JEFFREY B. FRANZ
DONALD M. FREEMAN
MARIO T. FREEMAN
PETER D. FRENCH
MATTHEW T. FRENIERE
JONAS FREY
STEVEN A. FUCHS
DANIEL R. FUCITO
KIRK A. FUGATE
NATHAN W. FUGATE
MICHAEL D. FULLER
LYNN M. FULTON
JOSEPH J. FURCO
JONATHAN M. FUSSELL
BRYAN S. GALLO
RAYMOND J. GAMICCHIA
DAVID A. GANCI
TIMOTHY P. GANTZ
BRADLEY J. GARMS
CASE W. GARRISON
SHAINE L. GARRISON
VICTOR J. GARZA
ERIC C. GATLEY
JASON R. GAUDETTE
WAYNE H. GAYLE
CHRISTOPHER T. GEORGE
DAVID M. GERACE
DONALD P. GERHARDSTEIN
CLIFTON M. GIBSON
CHRISTOPHER J. GIERHART
PAUL R. GIGUERE
JAMES M. GILLISON
BRADFORD R. GILROY
JOSHUA B. GLENN
RAY A. GLENN
VICTOR J. GLOVER
MARIACRISTINA GOMEZ
DANIEL R. GOOD
RYAN M. GORMLEY
MICHAEL A. GORSKI
JUSTIN D. GOSS
CLARENCE Z. GRAVES
SAMUEL A. GRAY
JOHN T. GREEN
WELLS W. GREEN
JOHN C. GREER
JUSTIN P. GRIFFIN
JASON D. GRIZZLE
DAVID W. GROGAN
JEREMY A. GROSS
STEVEN M. GROVES
MICHAEL C. GRUBB
MICHAEL S. GRUELL
EDGAR GUERRERO
KYLE L. GUILFOYLE
JAMES A. GUIMOND
DAVID A. GUNN
ARTHUR K. GUTTING
RYAN C. HAAR
MARK A. HAAS
DAVID S. HAASE
AARON R. HAGER
FIONA C. HALBRITTER
CHAD C. HALBROOK
JELANI K. HALE
ANDREW B. HALL
BRIAN E. HALL
RAYMOND B. HAM
BRIAN K. HAMEL
KEVIN A. HAMMER
JOSHUA A. HAMMOND
ALEX L. HAMPTON
MARC A. HANSON
ANTHONY J. HARDENBROOK
MATTHEW T. HARDING
CHAD A. HARDT
BRANDON J. HARJER
WILLIAM M. HARKIN
ANTHONY J. HARRELL
CHRISTOPHER N. HARRIS
BRIAN D. HARTMAN
STEPHEN D. HARTMAN
TRAVIS A. HARTMAN
MICHAEL W. HARTMANN
JEFFREY J. HARTSELL
WILLIAM W. HASEGAWA
PHILIP M. HASKINS
BRADY M. HATCHER III
ROBERT B. HAULENBEEK III
RYAN C. HAYES
MARY K. HAYS
SEAN P. HAYS
JOSEPH K. HAYWOOD
BENJAMIN J. HEINEMEIER
CRAIG W. HEMPECK
MARC R. HENDERSON
DUSTIN B. HENDRIX
MICHAEL D. HENRY
SIDDHARTHA D. HERDEGEN
JESSICA L. HERMAN
MARCOS HERNANDEZ
DUANE I. HESS
JEREMY J. HESSELROTH
CLARK H. HICKINGBOTTOM
JIMMY B. HIERS, JR.
JASON B. HIGGINS
MICHAEL F. HIGGINS
MICHAEL S. HIGGINS
IAN J. HILDRETH
JESSE G. HILL
VICTOR A. HILL
JAMES A. HILTON
JUAN E. HINES
ANDREW C. HOCHHAUS
LISA B. HODGSON
MATTHEW D. HOEKSTRA
DANIEL P. HOGAN
CHRISTOPHER S. HOLBERT
BRETT W. HOLDIMAN
MARTIN J. HOLGUIN
PHILLIP C. HOLMGREN
JEFFREY T. HOLSER
YOUNG P. HONG
DOUGLAS C. HOOD
MAURICE C. HOOD IV
ROYCE E. HOOD III
MATTHEW L. HOOKER

FELIX L. HOPKINS
JAMIE D. HOPKINS
MICHAEL W. HOSKINS
ERIC M. HOWARD
STEPHEN M. HRUTKA
CHRISTOPHER L. HUBBARD
DANIEL J. HUBERT
TISH M. HUFF
JOSEPH A. HUFFINE
JEFFREY A. HURLEY
DAVID P. HURN
JAMES F. HURT
JASON D. HUTCHERSON
ANTONIO L. HYDE
JAMES R. IMLAH
FRANK T. INGARGIOLA
ERIC C. ISAACSON
AUSTIN M. JACKSON
BRANDY T. JACKSON
JEREMIAH D. JACKSON
RYAN S. JACKSON
JAMES S. JAEHNIG
JOHN J. JALLETTE
JERIN T. JAMES
QUINTIN L. JAMES
WILLIAM M. JAMESON
ERIC P. JAUTAIKIS
ANGELA H. JOHNSON
AUSTIN C. JOHNSON
BRENT M. JOHNSON
BRIAN M. JOHNSON
JON A. JOHNSON
LEWIS JOHNSON, JR.
NATHAN A. JOHNSON
PATRICK A. JOHNSON
REGINALD E. JOHNSON
ADAM W. JOHNSTON
JOHANNES E. JOLLY
CHRISTOPHER G. JONES
DANIEL E. JONES, JR.
JOHN M. JONES, JR.
ROBERT S. JONES
ROBIN D. JONES
THOMAS M. JONES
GREGORY G. JONIC
ADRIAN W. JOPE
GARY M. JOY
MAURICE G. JOY
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TY C. JURICA
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SHAWN M. KELLEY
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VINCENT S. KING
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TIMOTHY KNAPP
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WAYNE P. LABAT
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GREGG L. MILLER
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LUCAS C. ROBERTSON
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ADRIAN M. RODZIANKO
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ANTHONY M. ROMERO
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CASEY T. ROSKELLY
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WILLIAM J. ROSS
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JOSHUA W. SMITHBERGER
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BRENDAN R. STICKLES
BENJAMIN A. STICKNEY
BENJAMIN M. STINESPRING
MANSFIELD L. STINSON
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MARCUS A. STOCKWELL
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SETH A. STONE
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MICHAEL L. STRONG
ABRAM M. STROOT
MAREK STROSIN
JOHN J. STRUNK
DAVID G. STUCKEY
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ASA E. TAYLOR
MATTHEW K. TEACHOUT
TRICIA L. TEAS
SPENCER E. TEMKIN
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MICHAEL J. THEORET
BRETT T. THOMAS
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SARAH E. THOMAS
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TODD J. THOMPSON
SAMUEL A. TICKLE
TONY A. TILLMON
BRANDON E. TODD
MICHAEL J. TOLLISON
MICHAEL C. TOMON
CLIFFORD W. TORAASON
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PATRICK G. WATKINS
CHRISTOPHER S. WATSON
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JASON D. WEAVER
THOMAS J. M. WEAVER
ANTHONY L. WEBBER
JASON E. WEED
WILLIAM E. WELCH II
CARL J. WELLS
JOSHUA F. WENKER
CHARLES E. WESTERHAUS
MARY G. WESTHAFER
JOHN T. WESTHOFF
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MARK A. WEYMOUTH
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DAVID C. WHITMER
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CRAIG A. WIGHTMAN
JASON S. WILKINSON
SHAWN T. WILLIAM
BRETT C. WILLIAMS
GREGG A. WILLIAMS
JAMES M. WILLIAMS
KELLY M. WILLIAMS
NEALL W. WILLIAMS
ROBERT R. WILLIAMS IV
DAVID A. WILLIAMSON
DAVID J. WILSON, JR.
JASON A. WILSON
JOHN F. WILSON
ROY L. WILSON, JR.
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JESSE D. WOJTKOWIAK
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ROBERT A. WOODRUFF III
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BRANDON G. YOUNGSTROM
CHIMI I. ZACOT
JASON R. ZAHARRIS
RONALD W. ZENGA
MATTHEW G. ZUBLIC
PETER M. ZUBOF
CHARLES B. ZUHOSKI

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 30, 2008 withdrawing from further Senate consideration the following nomination:

NAVY NOMINATION OF REAR ADM. ELIZABETH A. HIGHT, TO BE VICE ADMIRAL, WHICH WAS SENT TO THE SENATE ON FEBRUARY 5, 2008.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I submit the following:

Vehicle Paint Facility, Fort Eustis.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 6599.

Account: U.S. Department of the Army, Military Construction.

Legal Name of Requesting Entity: City of Newport News.

Address of Requesting Entity: 2400 Washington Avenue, Newport News, VA 23607.

Description of Request: $3.90 million to construct a Vehicle Paint Facility at Fort Eustis with paint booths to accommodate the preparation and painting of vehicles, equipment, components, helicopters, and modular causeway sections. This project is required to support the preparation for and painting of approximately 1600 pieces of vehicular equipment. Most of this equipment belongs to the 7th Sustainment Brigade, which is one of the Army's most frequently deployed units. If this project is not provided, Fort Eustis will incur negative mission impacts and will not meet Virginia Environmental Quality requirements. Current painting operations will have an elevated cost because existing facilities cannot accommodate oversized equipment. The facility is critical to rapidly prepare equipment for deploying units in conjunction with time phased deployment schedules. In addition, the Deputy Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential.

The estimated contract cost is approximately $3.0 million with an estimated contingency percent of 5 percent, supervision, inspection and overhead costs at an estimated 5.7 percent, design/build design costs at an estimated 4 percent and additional expenses for installed equipment.

This request is consistent with the intended and authorized purpose of the U.S. Department of the Army, Military Construction account and the Department of the Army is the recipient of these funds. There is no matching requirement.

Marine Corps Base Quantico OCS Headquarters Facility.

Requesting Member: Congressman ROBERT J. WITTMAN.

Bill Number: H.R. 6599.

Account: U.S. Department of the Navy, Military Construction.

Legal Name of Requesting Entity: Member initiated request.

Description of Request: $5.98 million for construction of the Marine Corps Base Quantico OCS Headquarters Facility located at Quantico, Virginia. The funding would be used to construct a single-story administrative headquarters building to consolidate Headquarters functions at Officer Candidate School (OCS). The facility will provide workspaces for 75 Marines responsible for coordinating the administrative, educational, operational and logistics support required to conduct Officer Candidate training at OCS. The existing facility was built in 1945 and will be demolished once new construction is complete. Preventive and corrective maintenance, both routine and emergency, take place on a daily basis at the existing facility, consuming material, money and manpower.

This project is listed on the USMC FY09 Unfunded Programs List. The entity to receive funding for this project is the United States Navy.

The estimated contract cost for the 13,250 square foot facility is approximately $4 million with an estimated contingency percent of 5 percent, supervision, inspection and overhead costs at an estimated 5.7 percent, design/build design costs at an estimated 4 percent and additional expenses for installed equipment. The funds will be used for the OCS headquarters construction, technical operating manuals, information systems, anti-terrorism force protection, and supporting facilities (construction features, electrical, mechanical, paving and site improvements, demolition and environmental mitigation.)

There is no matching requirement. This request is consistent with the intended and authorized purpose of the U.S. Department of the Navy Military Construction account.

TRIBUTE TO REVEREND HAROLD GILLENEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Reverend Harold S. Gilleney on the celebration of his 100th birthday on August 4, 2008.

Reverend Gilleney was born on August 4, 1908 to William and Ella Gilleney. He had one sister, Vera. In 1942, Reverend Gilleney married Ida Casey, and together they had one child, later welcoming into the family two grandchildren and three great grandchildren. During his lifetime, Reverend Gilleney has lived in many places and served in the Air Force as a Designated Spotter in World War II. He has served in Presbyterian churches in Mountain View, WY, Hanson, NE, Zwingle, IA, Mount Vernon, IA, Ft. Des Moines, IA, Grimes, IA, Westminster Presbyterian in Ottumwa, IA, and Plymouth Congregational Church in Ottumwa. He is still Pastor Emeritus at Westminster Presbyterian in Ottumwa. Reverend Gilleney currently lives at the Eastern Star Masonic Home in Boone, Iowa where he is on the Resident Council.

There have been many changes that have occurred during the past one hundred years. Since Reverend Gilleney's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Reverend Gilleney has lived through eighteen United States Presidents and twenty-four Governors of Iowa. In his lifetime, the population of the United States has more than tripled.

I congratulate Reverend Harold S. Gilleney for reaching this milestone of a birthday. I am extremely honored to represent Reverend Gilleney in the United States Congress, and I wish him happiness and health in his future years.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I submit the following:

Requesting Member: Congressman TIM MURPHY.

Bill Number: H.R. 6599, The Military Construction and Veterans Affairs Fiscal Year 2009 Appropriations bill.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Pennsylvania National Guard.

Address of Requesting Entity: Coraopolis, Pennsylvania, USA.

Description of Request: Appropriation of $3,250,000 for planning and design of the Combined Support Maintenance Shop in Coraopolis, Pennsylvania, is included in the bill. This new complex will consist of approximately 130,000 square feet of administrative and supply areas, and nine general purpose and 12 specialty maintenance work bays to regionally maintain Army National Guard ground vehicles located in Western Pennsylvania. The project will allow consolidation and closing of four inadequate maintenance facilities in the Pittsburgh area. The Army National Guard and the Commonwealth will benefit by reduced operating and maintenance costs associated with the closure of four inefficient facilities as well as utilizing an Energy Management control system. Soldiers will benefit by being provided a state-of-the-art, efficiently functioning work space to maintain combat vehicles.

EARMARK DISCLOSURE

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KING of Iowa. Madam Speaker, I wish to make the following disclosure in accordance with the new Republican Earmark Transparency Standards requiring Members to

place a statement in the CONGRESSIONAL RECORD prior to a floor vote on a bill that includes earmarks they have requested, describing how the funds will be spent and justifying the use of Federal taxpayer funds.

Requesting Member: Congressman STEVE KING.

Bill Number: H.R. 6599, the Military Construction, Veterans Affairs and Related Agencies Appropriations Act for Fiscal Year 2009.

Account: MilCon, Air National Guard.

Legal Name of Requesting Entity: Iowa Air National Guard.

Address of Requesting Entity: 7700 NW Beaver Drive, Johnston, Iowa, 50131.

Description of Request: Appropriation of $5.6 million for the construction of a new Vehicle Maintenance Facility and remodeling of the existing Communications Facility located at the 133rd Test Squadron in Fort Dodge, Iowa. Updating facilities at the 133rd Test Squadron is of the utmost importance and highest priority for the Iowa National Guard. This project is approved on the U.S. Air Force Future Year Defense Plan (FYDP), and has been assigned the number HEMT039066. The facility is significantly short of space due to the expansion of the unit's mission, manning and resources. Since it is the only unit designated to test future Command and Control (C2) projects for the U.S. Air Force, the performance of the 133rd Test Squadron is vital to Air Force missions. A detailed financial plan based on form DD 1391 required by the Department of Defense for military construction projects follows.

COST ESTIMATE

ITEM	U/M	Quantity	Unit cost	Cost ($000)
Vehicle maintenance/comm training facility.	SF	32,369	.....	4,171
Vehicle maintenance area	SF	7,000	210	(1,470)
Age addition to comm area ..	SF	2,600	186	(484)
Upgrade communications area.	SF	22,769	91	(2,072)
Anti-terrorism/force protection measures.	SF	32,369	2	(65)
LEED Certification	LS	.....	.....	(80)
Supporting facilities	.....	.....	.....	864
Pavements	LS	.....	.....	(115)
Utilities	LS	.....	.....	(150)
Site improvements/parking ...	LS	.....	.....	(100)
Communications support	LS	.....	.....	(100)
Pre-wired work stations	LS	.....	.....	(130)
Temporary trailers	LS	.....	.....	(220)
Demolition/asbestos removal	SF	3,270	15	(49)
Subtotal	.....	.....	.....	5,035
Contingency (5%)	.....	.....	.....	252
Total contract cost	.....	.....	.....	5,287
Supervision, inspection and overhead (6%).	.....	.....	.....	317
Total request	.....	.....	.....	5,604
Total request (rounded)	.....	.....	.....	5,600

10. Description of Proposed Construction: New Construction: Reinforced concrete foundation and floor slab with steel-framed masonry walls and sloped roof structure. Includes overhead crane/hoist, all utilities, pavements, fire protection, site improvements, and support. All interior wall, ceilings, interior finishes and pre-wired work stations. Alteration: Rearrange and extend interior walls and utilities. Provide anti-terrorism force protection measures. Demolish three buildings (304 SM) and landscape the site. Air conditioning: 60 Tons.

11. Requirement: 32,369 SF Adequate: 0 SF Substandard: 22,769 SF

Project: Vehicle Maintenance and Communications Training Facility (Current Mission).

Requirement: The base requires an adequately sized, properly configured, and environmentally safe vehicle maintenance facility for operations and training. Vehicles to be repaired and maintained include cars, trucks, sweepers, and snowplows. Functional areas consist of maintenance bays, paint bay, office area, parts/tool storage, battery shop, vehicle dispatch, fuel dispensing facility and wash rack. An adequately sized and properly configured facility is required for the operations, maintenance, and training in support of a 132–personnel combat communications squadron responsible for tactical communications—electronics systems. Functional areas include the command section, communication systems (i.e. satellite, base, and network), communications center, combat support, secure storage, deployment control center, classrooms, physical fitness center, dining area, and medical training.

Current Situation: The vehicle maintenance functions are accomplished in a facility that has reached the end of its useful life. Facility maintenance and repair of the mechanical and electrical systems are no longer cost effective due to the lack of replacement parts. The facility is significantly short of maintenance, office, and training space due to the expansion of the unit's manning and resources over the years. Maintenance and repair operations on larger vehicles must be done outside because they do not fit in the small bays. The facility has numerous safety, health, and environmental hazards. The communications and electronics facility portion of this project will reconfigure and renovate existing spaces while adding to the complex to alleviate facility shortfalls. Mission accomplishment and Status of Readiness and Training System (SORTS) levels are degraded as there is no adequate space to properly store civil engineering equipment, generators, and equipment assets to be deployable within response time criteria given winter conditions. The 133rd is accomplishing part of the test mission requirements in a facility on the other side of the airport driveway. This requires them to take valuable time and manpower to get to the support functions such as medical and supply items. The area is 12 percent short of the required space needed to support the mission. Several Control and Reporting Center (CRC) testing events have been located in building 102, which has been identified to be demolished. This facility requires roof repairs and electrical and mechanical upgrades to meet code requirements. The space is not functionally setup to house a test squadron, which causes interruptions in training/testing requirements. They do not have the space to test, maintain, train and repair equipment that they are required to support. The office space is not properly configured. The Aerospace Ground Equipment (AGE) facility (building 101) is not functionally efficient as an AGE shop with its current layout. Equipment is stored outside due to lack of covered storage space. The administrative area is congested and not properly configured. The existing forced air heat system is inefficient and requires repair. The existing floor drains are not connected to an oil water separator. The majority of the base infrastructure system is over 40 years old and has been upgraded only as part of new construction. Parts of the system that have not been upgraded are deteriorated due to age.

Impact If Not Provided: Operations and training suffer from lack of up-to-date and adequate facilities. The overcrowded and antiquated facility seriously degrades the unit's capability to maintain a safe, operationally ready fleet, and severely limits the unit's ability to train. Continued safety and environmental problems with possible violations of Federal and State environmental statutes. Quality of life is negatively impacted affecting morale, recruiting, and retention.

Additional: This project meets the criteria/scope specified in Air National Guard Handbook 321084, ''Facility Requirements,'' and is in compliance with the base master plan. These facilities are ''inhabited'' buildings and meet the standoff distance requirements. There is minimal threat and the level of protection is low so minimum construction standards have been applied. All known alternatives options were considered during the development of this project. No other option could meet the mission requirements; therefore, no economic analysis was needed or performed. The following buildings will be demolished as a result of this project: 101 (214 SM), 104 (45 SM), and 105 (45 SM) for a total of 304 SM.

Vehicle maintenance area: 7,000 SF = 650 SM.

Age addition to comm area: 2,600 SF = 242 SM.

Upgrade communications area: 22,769 SF = 2,115 SM.

Demolition/asbestos removal: 3,270 SF = 304 SM.

EARMARK DECLARATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. WALSH of New York. Madam Speaker, consistent with Republican transparency standards, the following is a disclosure for each of my requested projects in H.R. 6599, the FY 2009 Military Construction—VA Appropriations Bill:

Requesting Member: Rep: JAMES T. WALSH

Bill Number: H.R. 6599.

Account: Military Construction—Air National Guard.

Legal Name of Representing Entity: Hancock Field, Air National Guard, Syracuse, NY.

Address of Requesting Entity: 6001 East Malloy Road, Syracuse, NY 13211.

Description of Request: (1) Include $5 million for Hancock Field—TFI—Predator IOC/FOC Beddown. This is included in the President's FY 2009 Budget Request. Funding will be used for conversion and upgrade of the Squadron Operations Facility to bed down Predator Operations Center (POC), Ground Control Station (GOC) and squadron operation functions. Rearrange and extend interior walls and utilities. Provide secure areas and Sensitive Compartmentalized Information Facility (SCIF) and alarm systems. Provide sustainable design elements and high efficiency energy-saving features/materials. Provide standby power with uninterruptible power capability. Exterior work includes: Utility support, pavements, site improvements, fire protection, and antiterrorism force protection measures. See DD Form 1391 for project details. (2) Include $5.4 million for Hancock Field—Upgrade ASOS Facilities (included in FYDP); funding will be used for an addition: Metal framed, masonry slab-on-grade facility with standing seam metal roof, architecturally compatible to

existing facility. Rearrange and extend interior walls and utilities. Provide interior walls, ceilings, and floor coverings and finishes as well as plumbing, electrical, heating, ventilation, air conditioning, alarms, and fire detection and suppression functions. Provide exterior support such as pavements, utilities, site improvements, fire protection and all other necessary work as required. Install utility metering and connect to Direct Digital Control System. See DD Form 1391 for project details.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. SMITH of Texas. Madam Speaker, I submit the following:

Requesting Member: Congressman LAMAR SMITH.

Bill Number: H.R. 6599.

Account: Department of the Army, Military Construction.

Legal Name of Requesting Entity: Fort Sam Houston.

Address of Requesting Entity: 1206 Stanley Road, Suite A, Fort Sam Houston, TX 78234–5001.

Description of Request: The funding would be used to construct a Trainee Barracks Complex. This project will provide a 1200 PN barracks, a Battalion Headquarters, Two Company Operation Buildings and a Central Energy Plant.

IN RECOGNITION OF PAUL T. MOBLEY, SR., UPON HIS COMPLETION OF HIS THIRD TOUR OF DUTY IN AFGHANISTAN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today in recognition of Paul T. Mobley, Sr., Special Agent with the Naval Criminal Investigative Service.

Paul Mobley, Sr. has spent the last 24 years serving his country as both a Special Agent for the Naval Criminal Investigative Service and a Sergeant for the United States Marine Corps. After graduating from Troy University in 1984, Mr. Mobley began his career as a Patrol Officer with the Dougherty County Police Department. After being promoted to Lieutenant, Mr. Mobley was soon selected to join the prestigious criminal investigative service of the U.S. Navy.

In 1996, Mr. Mobley was assigned to the Computer Crimes Investigation and Operations Unit of the NCIS Gulf Coast Field Office and was instrumental in establishing the unit's first computer forensics lab. Since 2002, he has specialized in cyber-related operations for the counter-terrorism and counter-intelligence communities. For 4 years, Mr. Mobley worked within the U.S. borders making our Nation more secure during the war on terror. While dutifully serving our country as an NCIS Special Agent, he has also faithfully served as President of the West Florida Home Education Support League and Assistant Scoutmaster of Troop 10 in Pensacola, Florida.

In June of 2006, after completing the High Risk Operations Training Program at the Federal Law Enforcement Training Center in Glynco, GA, Mr. Mobley was called to serve his country yet again as an NCIS Special Agent in Kabul, Afghanistan. Mr. Mobley is now serving his third tour of duty in Afghanistan. The Department of the Army recently presented him with the Commander's Award for Civilian Service for ''exceptionally meritorious achievement and outstanding civilian service . . . in support of Operation Enduring Freedom.'' Upon completion of his second deployment, the Department of the Navy presented Mr. Mobley with the Expeditionary Medal from the U.S. Naval Criminal Investigative Service. Mr. Mobley continues to be a courageous soldier and vital part of the war against terrorism.

Madam Speaker, on behalf of the U.S. Congress, I am proud to honor Mr. Paul T. Mobley, Sr. for his dedicated service to the community of northwest Florida and to the United States of America.

CARIBBEAN CONTEMPLATES SINGLE MARKET ECONOMY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD a July 15, 2008 New York Carib News Op-Ed entitled: ''CARICOM Summit on Economic Integration.''

One issue that was made very clear as a result of the CARICOM Conference in New York is that there is a call for economic and political unity among the CARICOM states. With dozens of small economies that are similar in makeup and have many of the same goals, it is clear that the need for the Caribbean to form a Single Market Economy would eliminate many barriers to growth in the region.

The Op-Ed speaks to the benefits that this Single Market Economy would have for the growth of the Caribbean and that ''the sooner the roadblocks are removed the better it would be for the region as a whole.'' The Caribbean can possibly experience the growth that Europe continues to experience since their unification. But unity will not be easy as we are dealing with issues of sovereignty and especially fear of an influx of unemployed migrants and the free movement of criminal networks.

CARICOM SUMMIT ON ECONOMIC INTEGRATION

When Caribbean leaders met recently in New York and Antigua, the effects which democracy and the free and fair expression of the will of the electorate in various Caricom countries in recent months were quite evident.

Several new faces were around the tables since the advent of the year 2007, with new leaders making their presence felt in one way or another in the council of the Caribbean Community. St. Lucia, the Bahamas, Jamaica and Belize have all changed governments while Trinidad and Tobago and its ruling People's National Movement bucked what appeared to be a trend in the wind of change that swept out governments, some with good records in office.

That change was bound to affect the pace of movement towards the establishment of the Single Economy, a vital step in the process towards regional economic integration. After all, new leaders could be expected to get up to speed on such a vital step.

By any measure, the road to the Caribbean Single Market and Economy is being traveled with less enthusiasm and fanfare than two to three years ago. Part of that hard and regrettable fact of life can be attributed to the departure of two enthusiastic advocates of regional togetherness, P.J. Patterson of Jamaica and Owen Seymour Arthur of Barbados. They served the region well but couldn't be expected to continue forever.

That situation may explain the recent criticism level by Dr. Ralph Gonsalves, Prime Minister of St. Vincent & the Grenadines who complained that the implementation of the CSME was taking a back seat to other things.

So that's why it made sense for the leaders at their meeting in Antigua last week to decide to meet before the end of the year to take stock of the CSME.

''The meeting will review the status of the preparation for the Strategic Plan for Regional Development, Member-States' readiness for the implementation of the Single Economy, as well as the role of stakeholders in the implementation of various elements of the CSME,'' was the way the leaders put it in their joint communiqué issue after the summit. Although lacking in specifics, that statement spoke volumes about where the region stands when it comes to the CSME. It tells us that quite a lot of unfinished business remains to be resolved and it suggests that some countries may be stalling on going forward with the Single Economy. But the sooner the roadblocks are removed the better it would be for the region as a whole.

One thing is clear: Caricom has fostered a sense of togetherness within the region. But the countries must be prepared to give up some of the things they hold dear for the good of the region. One of them is sovereignty. That's how Europe has achieved such progress. The problem is that far too many leaders and countries want to have their cake and eat it too. Without compromises and concessions we aren't going to move forward. Perhaps, the members of the Organization of Eastern Caribbean States should examine their own attitude to the CSME.

Nevertheless, there were some crucial decisions made at the Antigua summit. One of them was the crucial support given to the creation of the Caribbean Public Health Agency that would help bring the various regional health institutions under a single set of operating procedures. It would boost oversight of the management of regional health programs.

Another was the word on the Caricom passport and the movement of people throughout the region. Both Jamaica and Belize have now decided to begin issuing the Caricom passport by the end of the year. That step should reduce many of the hassles people encounter in moving from one territory to another and that's why it is vital for the member-states to put the machinery in place to ensure that the system is well-oiled so that ease of travel would become a reality and not the exception.

A disappointing note was struck however when Caricom devoted only two lines to the question of the free movement of people within the community. The leaders sidestepped the question when they decided to ''review the implementation of the free movement of Caricom skilled nationals with a view to determining its ratification or mediation.'' That's a sure indication of further delay.

There is an understandable level of apprehension about the impact of free movement on individual economies at a time of worries about the global economic picture, the food crisis, skyrocketing oil prices. There is also major worry about the increasing high level of crime.

With the economies of the United States and Britain slowing down and the negative impact that it could have on the vital tourism industry in the Caribbean, countries fear they would be hurt by a declining tourism industry and a steady influx of job seekers from their neighbors. They are also deeply worried about the machinations of regional criminal networks that are far more sophisticated than the police and other security forces.

CONGRATULATING MR. AND MRS. MATTHEW AND DIANE DUNASKISS ON THEIR 30TH WEDDING ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Mr. and Mrs. Matthew and Diane Dunaskiss upon their 30th wedding anniversary.

The couple first met in the Lake Orion School District, where they still reside today. Diane Tench had always wanted to be a teacher, and after graduating from Wayne State University, she became an elementary teacher at Pine Tree Elementary in Lake Orion, Michigan. Her loyalty and commitment to the school grew in the year 2000, as she became principal. Diane Dunaskiss was elected state-wide and is serving her second term on the Wayne State Board of Governors. Matthew Dunaskiss put himself through college by making buttons at local fairs and, later, graduated from the University of Michigan. Mr. Dunaskiss started his career in teaching, but life took him on another path, which led him into politics and small business. Matthew served at the state level as a State Representative and State Senator for over 20 years.

While Matthew and Diane developed their careers, they decided to start a family and had three beautiful children, Jamie, Justin, and Jordan. Through all of their hard work, Mr. Dunaskiss still prepares meals he thinks his wife will enjoy, and Mrs. Dunaskiss still finds time to help her husband out around the house. They have raised their children in a loving, fun, and educational environment, and have shown them, through good times and bad, to support and love your spouse unconditionally.

Madam Speaker, Matthew and Diane have demonstrated their enduring love and commitment to one another for the past thirty years. I ask my colleagues to join me in congratulating Mr. and Mrs. Matthew and Diane Dunaskiss on their anniversary as well as their continued devotion to the community and our country.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW.

Bill Number: H.R. 6599—Military Construction, Veterans Affairs and Related Agencies.

Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Navy.

Legal Name of Receiving Entity: Naval Station Mayport.

Address of Receiving Entity: Mayport, Florida.

Description of Request: I have secured $3,530,000 in funding in H.R. 6599 in the Military Construction, Navy account for an Aircraft Refueling project at Naval Station Mayport, Florida.

This project will construct a two (2) outlet, 300gpm/outlet aircraft direct fueling system to include concrete foundations and slab on grade, 15,000 gallon double wall steel tanks (to be relocated from the existing truck fill stand), concrete containment berms, double walled underground piping, valves, pumps, pressure gauges, filter separators, leak detection monitors for piping and tanks, float switches, double wall steel product recovery tank, emergency shut off valves, fuel quality monitors, pipe vents, fire protection, pressure indicating transmitter and water drainoff system. It would also construct underground double walled fuel transfer line from bulk storage to the direct fueling facility. The project will properly close, by abandoning in place, the existing underground fuel transfer line from the bulk storage to the existing truck fill stand. Closure will include pigging/purging the lines, grout injection of ends, core boring and soil sampling along the fuel transfer line, and submission of a Florida Department of Environmental Protection Closure Assessment Report.

In addition, this project will construct a 150 m2, single story building on a concrete slab on grade and concrete footings. The building and fuel lab will include vinyl floor tile, steel stud/gypsum wallboard walls, hollow core interior steel doors, solid core exterior steel doors, double glazed single hung windows, modified bitumen roofing, interior plumbing, electrical power and lighting wiring, data/communication wiring, fluorescent lighting fixtures, ceramic bathroom tile, HVAC system/distribution/controls and site utilities (electric, water, sanitary, fiber optic communication/data). The project demolishes building 18 (32 m2) and the truck fill stand facility 142 (400 GM).

Naval Station Mayport is a strategic base for the Navy. This project was programmed to receive funding in Fiscal Year 2012 but was identified by the base commander as the highest unfunded priority in Fiscal Year 2009.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

INTRODUCTION OF GENETICALLY ENGINEERED REGULATORY FRAMEWORK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KUCINICH. Madam Speaker, I rise in support of three bills I have introduced today that will provide a comprehensive regulatory framework for all genetically engineered plants, animals, bacteria, and other organisms. The bills will protect our food, environment, and health. They are a common sense precaution to ensure genetically engineered foods do no harm. Genetic engineering is having a serious impact on the food we eat, on the environment, and on farmers. To ensure we can maximize benefits and minimize hazards, Congress must provide a comprehensive regulatory framework for all genetically engineered products.

Current laws, such as our food safety and environmental laws were not written with this technology in mind. Clearer laws are necessary to ensure that these new scientific capabilities and the associated impacts are closely monitored.

Combined, these bills will ensure that consumers are protected, increase food safety, protect farmers' rights and make biotech companies liable for their products.

THE GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

Consumers wish to know whether the food they purchase and consume is a genetically engineered food. Concerns include the potential transfer of allergens into food and other health risks, potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions. Adoption and implementation of mandatory labeling requirements for genetically engineered food produced in the United States would facilitate international trade. It would allow American farmers and companies to export and appropriately market their products—both genetically engineered and non-genetically engineered—to foreign customers. This bill acknowledges consumers have a right to know what genetically engineered foods they are eating:

Requires food companies to label all foods that contain or are produced with genetically engineered material and requires the FDA to periodically test products to ensure compliance.

Voluntary, non-GE food labels are authorized.

A legal framework is established to ensure the accuracy of labeling without creating significant economic hardship on the food production system.

THE GENETICALLY ENGINEERED SAFETY ACT

Given the consensus among the scientific community that genetic engineering can potentially introduce hazards, such as allergens or toxins; genetically engineered foods need to be evaluated on a case-by-case basis and cannot be presumed to be generally recognized as safe. The possibility of such hazards dictates a cautious approach to genetically engineered food approvals. However, FDA has glossed over the food safety concerns of genetically engineered foods and not taken steps to ensure the safety of these genetically engineered foods.

A pharmaceutical crop or industrial crop is a plant that has been genetically engineered to produce a medical or industrial product, including human and veterinary drugs. Many of the novel substances produced in pharmaceutical crops and industrial crops are for particular medical or industrial purposes only. These substances are not intended to be incorporated in food or to be spread into the environment. That would be equivalent to allowing a prescription drug in the food supply. Experts acknowledge that contamination of human food and animal feed is inevitable due to the inherent imprecision of biological and agricultural systems. This contamination by pharmaceutical crops and industrial crops pose substantial liability and other economic risks to farmers, grain handlers, and food companies.

This bill requires that all genetically engineered foods follow a strenuous food safety review process and attempts to prevent contamination of our food supply by pharmaceutical and industrial crops:

Require the FDA to screen all genetically engineered foods through the current food additive process to ensure they are safe for human consumption, yet continues FDA discretion in applying the safety factors that are generally recognized as appropriate.

Require that unique concerns regarding genetically engineered foods be explicitly examined in the review process, a phase-out of antibiotic resistance markers, and a prohibition on known allergens and requires the FDA to conduct a public comment period of at least 30 days.

Place a temporary moratorium on pharmaceutical crops and industrial crops until all required regulations put forth by this bill with regard to these crops are in effect.

Place a permanent moratorium on pharmaceutical crops and industrial crops grown in an open-air environment and on pharmaceutical crops and industrial crops grown in a commonly used food source.

Require the United States Department of Agriculture to establish a tracking system to regulate the growing, handling, transportation, and disposal of all pharmaceutical and industrial crops and their byproducts to prevent contamination.

Call on the National Academy of Sciences to submit to Congress a report that explores alternative methods to produce pharmaceuticals or industrial chemicals that have the advantage of being conducted in controlled production facilities and do not present the risk of contamination.

THE GENETICALLY ENGINEERED FARMER PROTECTION ACT

Agribusiness and biotechnology companies have rapidly consolidated market power at the same time as the average farmer's profits and viability have significantly declined. Policies promoted by biotech corporations have systematically acted to remove basic farmer rights enjoyed since the beginning of agriculture. These policies include unreasonable seed contracts, the intrusion into everyday farm operations, and liability burdens. The introduction of genetically engineered crops has also created obstacles for farmers, including the loss of markets and increased liability concerns. To mitigate the abuses upon farmers, a clear set of farmer rights must be established.

Furthermore, biotech companies are selling a technology that is being commercialized far in advance of the new and unknown science of genetic engineering. Farmers may suffer from crop failures, neighboring farmers may suffer from cross pollination, increased insect resistance, and unwanted ''volunteer'' genetically engineered plants, and consumers may suffer from health and environmental impacts. Therefore, biotech companies should be found liable for the failures of genetically engineered crops.

This bill provides several farmer rights and protections to maintain the opportunity to farm and ensures that the creator of the technology assumes all liability:

Farmers may save seeds and seek compensation for failed genetically engineered crops.

Biotech companies may not: shift liability to farmers; nor require access to farmer's property; nor mandate arbitration; nor mandate court of jurisdiction; nor require damages beyond actual fees; nor charge more to American farmers for use of this technology, than they charge farmers in other nations, or any other unfair condition.

Seed companies must: ensure seeds labeled non-GE are accurate; provide clear instructions to reduce cross-pollination, which contaminates other fields; and inform farmers of the risks of using genetically engineered crops.

The EPA is required to evaluate the concern of Bt resistant pests and take actions necessary to prevent resistance to Bt, an important organic pesticide.

The bill prohibits genetic engineering designed to produce sterile seeds and loan discrimination based on the choice of seeds an agricultural producer uses.

The bill places all liability from negative impacts of genetically engineered organisms squarely upon the biotechnology companies that created the genetically engineered organism.

Farmers are granted indemnification to protect them from the liabilities of biotech companies.

The bill prohibits any transfer of liability away from the biotechnology companies that created the genetically engineered organism.

EARMARK DECLARATION

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. HOBSON. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following:

Requesting Member: Congressman DAVID L. HOBSON.

Bill Number: H.R. 6599.

Provision: Title I, Department of Defense, Military Construction.

Legal Name of Requesting Entity: Ohio National Guard.

Address of Requesting Entity: 2825 West Dublin-Granville Road, Columbus, Ohio 43235–2789.

Description of Request: Provide an earmark of $12,800.00 to fund acceleration of construction of a facility to relocate the Ohio Air National Guard's 269th Combat Communications Squadron and 251st Combat Communications Group to another part of the Springfield, Ohio, Air National Guard Base. The current 25-year-old facility is obsolete and places severe restrictions on the ability to perform equipment maintenance and conduct training operations. It does not comply with existing codes and has excessive operations and maintenance costs. The current building can be reused for other functions but cannot be made functionally adequate for the communications mission.

CONGRATULATING MR. AND MRS. GIOVANNI AND LINA DEL SIGNORE ON THEIR 50TH WEDDING ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mr. and Mrs. Giovanni and Lina Del Signore, who on March 9, 2008 celebrated their 50th wedding anniversary.

Giovanni and Lina both grew up in Italy, where they met, and decided to marry in the spring of 1958. Just one week after the wedding Giovanni left his hometown and wife to pursue a future in the United States. Four years later, Lina was finally able to join her husband in Michigan, and in 1963, the couple opened DiGiovanni's Pizza in Livonia, Michigan. Today the Giovannis are the proud owners of the Laurel Manor Banquet and Conference Center, which has been a family affair since its opening in 1988.

While their restaurant business prospered, John and Lina have made time for their loving family they have built together. Over the years, they have been blessed with four beautiful children, Constantino, Luciano, Nazzrena, and Renata. In subsequent years each of their children went on to assist their parents in continuing the tradition of quality and hospitality within the community.

Madam Speaker, this year John and Lina returned to Italy to renew their vows and celebrate their 50th wedding anniversary. Today, I ask my fellow colleagues to join me in congratulating them on this spectacular milestone and sending our best wishes for many more years of happiness.

ON THE BIRTH OF MADELYN CLAIRE KAPLAN AND AINSLEY ELIZABETH KAPLAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate my friend Andrew Kaplan and his wife Danleigh Kaplan of Washington on the birth of their new twin girls. Madelyn Claire Kaplan and Ainsley Elizabeth Kaplan were born on July 27, 2008 weighing 5 pounds 2 ounces and 5 pounds 8 ounces respectively. Madelyn and Ainsley have been born into a loving home where they will be raised by parents who are devoted to their well-being and bright future.

I am so excited for this new addition to the Kaplan family. On behalf of my wife Roxanne,

and our entire family, we want to wish Andrew, Danleigh, Madelyn, and Ainsley all the best.

THANK YOU FOUNDATION

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize The Thank You Foundation of Lebanon, Ohio. The Thank You Foundation is an all volunteer, non-profit organization whose stated mission is to show appreciation and express gratitude for those who have served in the United States Armed Forces both past and present.

The Thank You Foundation was created by John Guinn, a veteran of the United States Army and the organization's current President. John's inspiration came from his mother, who worked tirelessly for the Am Vets Organization and served as President of the Ladies Auxiliary, Post 24, in Dayton, Ohio. John's mother Juanita believed that gratitude and appreciation for soldiers and veterans should always be a priority and that without exception our support and respect should be presented publicly.

The Thank You Foundation provides an array of support for our soldiers and veterans. This includes sending care packages to active duty personnel serving overseas; providing resume and job coaching services to veterans and their families; and visiting veterans in care facilities. The Thank You Foundation is currently spearheading a large project to construct a Mobile Health Unit for use by the Veterans Affairs Cincinnati Medical Center. Once completed the mobile unit will travel the Cincinnati region and act as a one-stop center for veterans to enroll for care, receive initial examinations, and have access to mental health counseling. Just recently, The Thank You Foundation visited Walter Reed Army Medical Center, where they helped entertain and bring encouragement to the children of wounded veterans.

Madam Speaker, please join me in recognizing all the amazing volunteers from The Thank You Foundation who continually lend their time to give so much to our men and women in the Armed Forces who preserve our Freedom.

RECOGNIZING JUDGE RAMONA ROBERTS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating Judge Ramona Roberts as she retires as a Flint District Court judge. A celebration is planned for August 9th to honor Judge Roberts in Flint, Michigan.

Ramona Roberts graduated from Flint Northern High School in 1964 determined to become an attorney. She attended Flint Junior College, now Mott Community College, and graduated from Michigan State University with high honors. She obtained her Doctorate of Jurisprudence from University of Toledo—College of Law in 1980.

Before returning to her hometown of Flint, Judge Roberts spent time working in Ohio completing legal research. Back in Michigan she spent several years working for Legal Services of Eastern Michigan, UAW Legal Services and as a judicial assistant to former Genesee County Circuit Court Judge Earl E. Borradaile. She entered private practice sharing office space with LoLanda R. Johnson and the soon to be named Chief Genesee County Circuit Judge Archie L. Hayman.

She successfully ran for Judge of the 68th District Court in 1992 because she wanted to bring a woman's perspective to the bench. She has served the people of Flint in this capacity since then. In 1992 she was elected by the highest number of votes for any Flint District Court judge and has been reelected twice, unopposed. In addition to her judicial duties, Judge Roberts has also served as the Financial Secretary of the Judicial Council National Bar Association and in 2002 she was President of the Michigan District Judges Association. She is the past President of the Boys and Girls Club of Flint and their learning center is named in her honor.

Madam Speaker, please join me in wishing Judge Ramona Roberts the best as she enters this new phase of her life. The 68th District Court and the people of Flint are losing a wonderful public servant and a diligent legal mind with her retirement.

REMEMBERING THE 55TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge and remember the 55th anniversary of the Korean War Armistice and to remember the more than 474,000 Allied troops who lost their lives defending our freedom and liberty.

On June 25, 1950, the North Korean People's Army crossed the 38th parallel in blatant contravention of international law and aggression against South Korean democracy. Under the guise of a counter-attack, the North Korean Army struck on the early Sunday morning behind a firestorm of artillery. The North Korean army advanced quickly and eventually gained control of nearly 90 percent of the peninsula. After days of bloodshed, South Korean and Allied troops pushed North Korean forces back beyond the 38th parallel. Then on October 8, 1950, Chinese forces joined efforts with North Korean troops. Fighting continued for the next two years, and both sides struggled until ultimately ended in a stalemate. By July 27, 1953, a ceasefire was established at the front line which by that time was again the 38th parallel. After three years of full scale fighting, tens of thousands of allied troops and South Korean civilians had died.

Today, South Korea and the United States share a deep and abiding commitment to uphold the ideals of freedom, democracy, justice, and human rights.

Madam Speaker, today many people refer to the Korean War as the ''Forgotten War,'' but we cannot forget the sacrifice of our American service men and women. I ask my colleagues to rise with me in remembering the courage and sacrifice of those lost.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. WAMP. Madam Speaker, as a leader on earmark reform among House Republicans, I am committed to honoring House Republican rules that provide for greater transparency. The Fiscal Year 2009 Military Construction, Veterans Affairs and Related Agencies Appropriation Act contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP.

Bill Number: H.R. 5658.

Account: Military Construction, Army National Guard.

Legal Name Requesting Entity: Tennessee National Guard.

Address: 3041 Sidco Drive, Nashville, TN.

Description of Request: $10,372,000 for the construction of a new Army National Guard Readiness Center to replace the inadequate Readiness Center that was constructed in 1954. The existing facility has numerous health and safety issues as well as significant electrical code issues, and ADA violations. The new facility will house the 20th Troop Command, and the Company Headquarters of the 1175th Transportation Company. This project is in the Army National Guard's Fiscal Year 2012 Future Year Defense Plan.

H. CON. RES. 361, A RESOLUTION COMMEMORATING THE LIFE AND ACCOMPLISHMENTS OF IRENA SENDLER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today as an original co-sponsor and strong supporter of House Concurrent Resolution 361, a resolution which commemorates the life of Irena Sendler, a woman whose courage and selflessness saved the lives of thousands of Polish citizens from Nazi brutality during the Holocaust.

I would like to thank my friend and colleague, Congresswoman JAN SCHAKOWSKY of Illinois, for introducing this legislation, as well as the 63 other bipartisan Members of Congress for their co-sponsorship of H. Con. Res. 361.

This important resolution commemorates the work of Irena Sendler, a Polish woman who dedicated her life to saving 2,500 Jewish children from Poland's Warsaw Ghetto and Nazi extermination during the Holocaust. As an early activist during World War II, Sendler joined Zegota, an underground movement that provided a safe haven for Jews who would otherwise be sent to death camps throughout Europe. In addition, Sendler built strong connections in Warsaw's Welfare Department that enabled her to help ferry Jewish children from the Warsaw Ghetto.

Sendler was eventually caught by the Nazis, brutally tortured, and sentenced to death for her heroic acts. However, Sendler managed to escape and continued her work of saving children in the Warsaw Ghetto.

After the Holocaust, Irena Sendler was rewarded for her courageous efforts. In 1965, she was recognized as ''Righteous Among the Nations'' by Yad Vashem in Israel. In 2006, she was nominated for the Nobel Peace Prize. Sendler was also awarded the Order of the White Eagle, Poland's highest civilian decoration.

Irena Sendler passed away on May 12, 2008 at the age of 98. A woman who risked her own life to defend the lives of others, it is appropriate for Sendler to be recognized and honored by the Congress. Her selflessness and courage to fight against hate and genocide should serve as a model for others in our world to combat hatred and intolerance and seek to end the genocide in the Sudan.

It is unacceptable for citizens of this country or any other nation to allow, accept, or tolerate acts of hatred. Yet worldwide discrimination continues to exist and Holocaust deniers still serve as leaders of nations.

In honoring the life of Irena Sendler and her courageous acts to save Jewish children from the Nazis, we pay tribute to the righteous among us and reaffirm our commitment to combating worldwide acts of discrimination. I send my condolences to the Sendler family and hope Irena's story will encourage all citizens of the world to uphold justice, equality, and human rights.

I urge my colleagues to vote in favor of this legislation.

EARMARK DECLARATION

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act, 2009.

Requesting Member: Congressman KEVIN MCCARTHY.

BM Number: H.R. 6599.

Account: Military Construction, Air Force.

Project Amount: $6,000,000.

Legal Name of Recipient Military Installation: Edwards Air Force Base.

Address of Recipient Military Installation: 1 S. Rosamond Blvd., Edwards AFB, CA.

Description of Request: This funding would complete construction of the main base runway at Edwards Air Force Base, CA. The funding will be used to complete paved shoulders on the runway and account for extra costs in the overall runway replacement project from items such as the stabilization of over 41,000 cubic yards of both unsuitable and unstable soil.

The main base runway, which supports almost every flight operation at Edwards Air Force Base, as well as space shuttle landings when necessary, is over 50 years old and is rapidly degrading as a result of Alkali-Silica Reaction (ASR), a reaction between the cement and the aggregate that creates map cracking, scaling and spalling of the concrete. Emergency Foreign Object Damage (FOD) repairs have forced runway closures affecting 10 to 15 flights for each closure. No other runways at Edwards AFB can safely support the current and projected test operations without significant test mission delays, and temporary relocation of these missions is not feasible; however, many of the current and planned test missions can be supported by a temporary runway.

This project was programmed by the Air Force in 2003 for FY06, and was incrementally funded over 3 years (FY06, FY07 and FY08). After the project was programmed, the cost of construction materials escalated dramatically, eliminating all management reserve and resulting in a reduction in the planned scope of the project. Providing the final $6,000,000 in FY09 will complete the project as originally scoped, avoid contractor demobilization and remobilization, and avoid reconstitution of the temporary runway to support this work, saving the government over $4,000,000 in cost avoidance on the temporary runway alone.

CONGRATULATING THE UNIVERSITY OF MICHIGAN'S SOLAR CAR TEAM FOR WINNING THE NORTH AMERICAN SOLAR CHALLENGE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. DINGELL. Madam Speaker, I rise today to congratulate the University of Michigan's Solar Car Team on their recent victory in the North American Solar Challenge.

The team finished the 2,400-mile course in just over 50 hours, and beat 15 other universities, including the second-place team by an astonishing 10 hours. The victory marks the University's fifth in the nine races since the North American Solar Challenge began in 1990.

The University of Michigan Solar Car Team is an entirely student-run organization whose purpose is to design, finance, build, and race a solar-powered vehicle in competitions around North America and the world. With more than 100 members, Solar Car is one of the largest student organizations on campus, including students from the College of Engineering, the College of Literature, Science, and the Arts, the Ross School of Business, the School of Art and Design, and the School of Education.

This victory is a testament to the team's hard work, creativity, and determination. Many of the students have worked on their car for two years. They raised money, created new systems, tested their designs, and made the necessary tweaks to ensure the car was ready for competition. All of this hard work paid off on Tuesday, when they captured their fifth title.

As University President Mary Sue Coleman said, ''These students have demonstrated the promise of alternative energy and new technologies with the championship run of their car, Continuum. The campus community applauds such an impressive performance in this year's race.''

Madam Speaker, I ask that my colleagues join me in congratulating the students and faculty supervisors of the University of Michigan's Solar Car Team.

INTRODUCTION OF NATIONAL CONSUMER COOPERATIVE BANK ACT AMENDMENTS OF 2008 JULY 29, 2008

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to offer the National Consumer Cooperative Bank Act Amendments of 2008. This legislation is necessary to make a technical correction to the statute of the National Consumer Cooperative Bank Act.

The National Consumer Cooperative Bank, NCB, was created by Congress in 1978 and is dedicated to strengthening communities nationwide through the delivery of banking and financial services, complemented by a special focus on cooperative expansion and economic development.

The National Consumer Cooperative Bank Act of 1978 established a non-profit corporation to reach further into low income communities and to serve disadvantaged populations. NCB Capital Impact is that non-profit, mission-driven subsidiary of NCB that works to provide housing, education, healthcare, cultural centers, small businesses and social services in economically distressed communities.

In the last 10 years alone, NCB Capital Impact has invested more than $600 million in assistance to low- and moderate-income communities. Cumulatively, these funds helped finance 32,000 affordable housing units, 8,700 affordable assisted living units for seniors and persons with disabilities, 94,000 school seats, 2.4 million square feet of community health center space serving 350,000 patients, and helped created 15,000 jobs for low-income individuals.

In my home city of New York, NCB Capital Impact has played a significant role in providing housing finance to much of New York's 14th District. In fact, NCB has participated in more than 600 loans in my district alone. Most of these loans are for housing, including affordable housing, as well as loans for community facilities and loans to non-profit organizations like the Council of New York Cooperatives and Condominiums. Together, these groups are able to provide assisted living, affordable housing and services to the frail and elderly. Presently, NCB Capital Impact is working with 5 community-based organizations to help finance 17 projects that will create 558 housing units.

Despite their good work in serving low-income communities and disadvantaged populations, NCB Capital Impact is not eligible for assistance authorized under the Community Development Banking and Financial Institutions Act of 1994, which is administered by the CDFI Fund. The Fund has ruled it cannot certify NCB Capital Impact as a CDFI because of the corporate structure of its parent NCB. In short, NCB Capital Impact is shut off from critical sources of financial awards that are needed to maintain their housing and community development efforts.

The interest of NCB Capital Impact in gaining CDFI certification is two-fold. First, it has a track record that is comparable to other organizations that received CDFI status; its mission is dedicated to working with low income populations and communities. Second, increasingly in the community development finance field, CDFI certification is viewed as a 'good housekeeping seal' of approval in working with other Federal agencies and other private and public institutions.

I urge my colleagues to join me in supporting this technical amendment to the NCB statute so that the non-profit, mission-driven NCB Capital Impact may continue to provide services to distressed and underserved communities throughout New York and the country at-large.

REMEMBERING THE 34TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge and remember the 34th anniversary of the Turkish invasion of Cyprus, to mourn the thousands of Greek Cypriots who lost their lives, and to condemn Turkey's ongoing occupation of the Republic of Cyprus.

On July 20, 1974, Turkey invaded the island in blatant contravention of international law. After days of bloodshed, Turkey's soldiers maintained a stronghold in the north, and eventually gained control of roughly 37% of the island. As a result of the invasion and occupation, approximately 200,000 Greek Cypriots were forced from their homes and over 5,000 were killed. Furthermore, over 1,400 Greek Cypriots, including 4 Americans, remain missing since the start of Turkey's onslaught.

Cyprus and the United States share a deep and abiding commitment to uphold the ideals of freedom, democracy, justice, and human rights. The international community has a moral and ethical obligation to stand with persecuted Cypriots, reunify the island, and end Turkey's military occupation.

Madam Speaker, we cannot forget the realities of what took place on July 20, 1974, in Cyprus, nor can we continue to ignore the ongoing human rights violations by Turkey's occupying army. Today, I wish to offer my support for a single independent and sovereign Cyprus, which not only respects human rights, but the fundamental freedoms of all Cypriots.

A TRIBUTE TO REVEREND JAMES S. ALLEN

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to recognize my dear friend, Rev. James S. Allen, in honor of his 30th anniversary as pastor of the Vine Memorial Baptist Church of Philadelphia. Reverend Allen has carried the torch for human rights throughout his career and has brought that same passion to his ministry in Philadelphia. Through his work, he has touched the lives of numerous members of my community and continues to be a blessing to all those who encounter him.

Born in rural Arkansas, Reverend Allen was a firsthand witness to the injustices of racial segregation. The young Reverend Allen walked 4 miles both ways to his segregated three-room schoolhouse every day, and in spite of the challenge, he went on to become valedictorian of his high school's graduating class. After Reverend Allen joined the United States Air Force and honorably served in the Korean War until 1956, he returned home to the ever burgeoning issue of racial equality and discovered his life's calling in the ministry. When the integration orders handed down in Brown v. Board of Education were jeopardized, Reverend Allen joined the fight to uphold its central purpose of racial equity. The day that President Eisenhower ordered military troops into Little Rock to ensure its desegregation, Reverend Allen, with the same thought in mind, enrolled at the Arkansas Baptist College.

As a champion of human rights, Reverend Allen has made his mark in a number of places. He assisted Dr. Leon Sullivan in planning the first and second African American Summits and has worked extensively with the Opportunities Industrialization Centers of America Incorporated to help members of his community find and maintain jobs. Reverend Allen has served in numerous leadership positions for various organizations. Most notable has been his service as vice-president of National Baptist Congress of Christian Education and as the first president of the Black Clergy of Philadelphia and Vicinity. Reverend Allen also served as a special assistant to the first African American mayor of Philadelphia, W. Wilson Goode. Currently, Reverend Allen serves as the chairman of the Philadelphia Commission on Human Relations. Above his charitable contributions to the community at large, he is also a loving husband, father, and grandfather.

Madam Speaker, Reverend Allen has been a minister for 51 years, 30 of which have been at the Vine Memorial Baptist Church of Philadelphia. He has served the people of many cities, making a lasting impact everywhere he has been. As a valued member of my community, I ask that you and my other esteemed colleagues join me in congratulating Reverend Allen on this occasion of achieving 30 years of pastoral excellence in Philadelphia and a growing legacy of human rights successes.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in the H.R. 6599, Military Construction and Veterans Affairs Appropriations Act for FY 2009.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 6599.

Account: Military Construction, Navy.

Legal Name of Requesting Entity: Norfolk Naval Shipyard.

Address of Requesting Entity: Norfolk Naval Shipyard, Portsmouth, VA, USA.

Description of Request: Provide $10,590,000 to make Industrial Access Improvements at Main Gate 15 at the Norfolk Naval Shipyard. Mandatory vehicle access control at military installations is a Department of Defense (DoD) requirement per DoD Directives 5200.8 and 5200.8R. Based on a Staff Integrated Vulnerability Assessment conducted in October 2006, the entrance and guardhouse configuration at Gate 15 are inadequate for both industrial access and from a security/safety standpoint and require upgrading. This project provides for industrial access improvements of Gate 15 including the truck and private automobile inspection area, Pass Office Renovations and counterterrorism measures at Gate 15.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 6599.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Fort Pickett.

Address of Requesting Entity: Fort Pickett, VA, USA.

Description of Request: Provides $2,950,000 to be used to construct a Multipurpose Machine Gun Range for training purposes with a variety of firearms and weapons for the Virginia National Guard and other Army and Guard units along the East Coast. Full budget documentation is a part of the President's Fiscal Year 2009 Department of Defense budget request.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 6599.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Fort Lee.

Address of Requesting Entity: Fort Lee, VA, USA.

Description of Request: Provides $90,000,000 to construct a standard-design training barracks complex for advanced initial training for Army soldiers. This project supports the increase in trainee requirements at Fort Lee as part of the increase in permanent end strength of the Army. The estimated and intended use is 1,200 soldiers. All existing adequate facilities are being fully utilized to support current operations. If this project is not provided, there will not be sufficient adequate permanent facilities to support the Grow the Force initiative and soldiers will continue to work out of temporary and/or relocatable buildings which have limited operational capabilities and limited useful life expectancies. Full budget documentation is a part of the President's Fiscal Year 2009 Department of Defense budget request.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 6599.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Fort Lee.

Address of Requesting Entity: Fort Lee, VA, USA.

Description of Request: Provides $10,300,000 to provide a dining facility to support an increase in the number of soldiers who will receive Advanced Individual Training at Fort Lee. This project supports the Grow the

Force initiative. It will enable the Army to meet the greater training throughput requirement that will result from the increased size of the Army. All existing adequate facilities are being fully utilized to support current operations as well as Army Modularity and Global Defense Posture Realignment (GDPR) initiatives. If this project is not provided, there will not be sufficient adequate dining facilities to support the training requirement as a result of the Grow the Force initiative. All physical security measures and antiterrorism protection measures are included. The Deputy Assistant Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential. Full budget documentation is a part of the President's Fiscal Year 2009 Department of Defense budget request.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. TIAHRT. Madam Speaker, I submit the following:

H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act; 2009, contains $6,800,000 for MXG Consolidation and Forward Logistic Center, Phase 2 in the Air Force, Military Construction account.

This project is for McConnell Air Force Base located at 57837 Coffeyville St., Kansas, 67221.

The funds will help complete phase two of the Maintenance Group (MXG) Consolidation and Forward Logistics Center that will streamline many different facilities into one maintenance facility, resulting in improved military operations and saving taxpayer dollars by reducing operations and maintenance spending.

No matching funds are required for this military construction project.

TRIBUTE TO FATHER PAUL TIPTON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCGOVERN. Madam Speaker, on May 25, my friend, Father Paul Tipton, passed away. He was an incredible man with an irreverent sense of humor who accomplished great things.

I first met Father Tipton in 1989. He was the President of the Association of Jesuit Colleges and Universities and I was a staffer for Congressman Joe Moakley (D–MA). On November 16th of that year, six Jesuit priests, their housekeeper and her daughter were murdered by members of the U.S.-backed Salvadoran Armed Forces. A cover-up ensued and there was a strong sense that the truth would never be known.

Father Tipton organized the Jesuit community in the United States—including all the Jesuit college and university Presidents—to put pressure on the U.S. and Salvadoran governments and demand truth and justice in this tragic case. He worked closely with Congressman Moakley, who headed a special task force that was established to investigate these crimes. His no-nonsense style and his tough talk earned him the nickname ''Father John Wayne.'' He wouldn't give up—and ultimately he helped find the truth.

Father Tipton dedicated his life to helping people and making the world a better place. In addition to his work in El Salvador, he was a champion for education and making sure that everyone who wanted an education could afford to get one. He was a great man and a great friend. I miss him.

Madam Speaker, I would like to ask unanimous consent to insert Father Tipton's obituary, which appeared in the Washington Post on Sunday, June 1, 2008, into the RECORD.

[From the Washington Post, June 1, 2008]

PAUL TIPTON; EXPOSED JESUIT DEATHS IN EL SALVADOR

(By Patricia Sullivan)

Paul Smallwood Tipton, 69, who, while president of the Association of Jesuit Colleges and Universities helped expose the assassination of six Catholic priests, their their housekeeper and her daughter by the Salvadoran army, died of cancer May 25 at Georgetown University Hospital. He lived in the District and Lusby.

Rev. Tipton had just started at the association when he received a call telling him that the sole witness to the Nov. 16, 1989, murders of six Jesuits and two women at Central American University in San Salvador was detained and interrogated by Salvadoran officials, the U.S. State Department and the FBI. He flew from Washington to Miami and took custody of Luisa Cerna, the housekeeper and her husband.

He became active in the case, writing letters that accused the U.S. ambassador of attempting to discredit her.

''The reason we Jesuits in the United States are very angry is that the mistreatment of the Cernas effectively has neutralized the only witness who has come forward, and it means probably no other witness will come forward,'' he told the New York Times at the time. ''This particular institution is a voice for peace and justice, and pursuing the people who pulled the triggers is a very personal matter for us.''

Rev. Tipton later made several trips to El Salvador with U.S. Rep. Joe Moakley, the Massachusetts Democrat who led the congressional task force investigating the killings. The revelations led to a cut in U.S. foreign aid to the Salvadoran government, resolution of the country's civil war and election of a new government.

Rev. Tipton was born in Birmingham Ala., and began studying to be a Jesuit priest in 1958. He attended the University of Virginia and graduated from Spring Hill College in Mobile, Ala. He taught at an El Paso high school, while attending graduate school at the University of Texas at El Paso.

In 1968, he joined the staff of U.S. Rep. Richard C. White (D–Tex.) and did further graduate work in theological studies at Woodstock College in Maryland, Union Theological Seminary in New York and Catholic University. He was ordained a Jesuit priest in 1971 in New Orleans.

The following year, he was named the president of Spring Hill College, where he worked for 17 years. While there, he and a crew of students raced a 40 foot sloop, ''Holy Smoke,'' in a 180-mile overnight trip in the Gulf of Mexico in 1983. Halfway through the race, an intense storm with near-hurricane strength winds generated 20-foot waves. Rev. Tipton and his crew headed home but almost a third of the 29 boats had major problems. The Coast Guard responded to three Mayday calls and one sailor drowned.

Rev. Tipton, who was chairman of the offshore committee of the Gulf Yachting Association, which had sponsored the race, found two of the missing crews the next day on a barrier island according to a contemporaneous article in the New York Times.

He worked at the association of Jesuit Colleges and Universities in Washington from 1989 until 1996, overseeing the legislative activities of the 28 Jesuit postsecondary schools in the United States.

When Georgetown Visitation Preparatory School caught fire July 8, 1993, Rev. Tipton helped lead nuns out of their monastery into the courtyard, then joined other priests in rescuing priceless vestments, chalices, and paintings. With a friend, Davis Feickert, he removed a massive 1821 painting of Jesus, Mary and Martha in prayer, donated to the Sisters of Visitation by Charles X of France.

By 1996, when he became president of Jacksonville University in Florida, Rev. Tipton had left the Jesuits and become a diocesan priest. He returned to Washington in 2000, working as a counselor to the secretary of labor. In 2001, he started the Provident Consulting Group to provide services to nonprofit and faith-based organizations a group he ran until his death.

In 2003, he became president of St. Mary's Ryken High School, a Catholic college preparatory school in Leonardtown, where for the next two years he developed a long-range financial plan, recrafted the misson statement and increased annual giving by 100 percent.

He was a member of numerous education and civic boards.

He had no immediate family survivors.

H.R. 6340, ''CHARLES L. BRIEANT, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE''

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 6340, a bill to designate the Federal building and United States courthouse in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse''. I commend the gentlewoman from New York, Ms. LOWEY, for her steadfast actions to ensure that this bipartisan bill received timely consideration.

Judge Brieant was an eminent jurist who recently died at the age of 85. He maintained a full docket until he moved to senior status in 2007. Judge Charles Brieant, Jr. was born in 1923 in Ossining, New York, and served in his hometown during his entire professional career. He graduated from Columbia University and Columbia Law School.

He began his public service practicing in White Plains, New York, while serving as water commissioner for the town of Ossining, New York. Judge Brieant was elected Ossining town justice in 1952 before serving as village attorney for Briarcliff Manor, New York.

From 1960 through 1963, he served as town supervisor for Ossining. He also served in the New York legislature in 1970 and 1971. In 1971, President Richard M. Nixon nominated Judge Brieant to serve on the District Court for the Southern District of New York. He served as Chief Judge for the Southern District of New York from 1986 to 1993. Last year, Judge Brieant took senior status.

During his distinguished career, Judge Brieant received many awards and honors including the Servant of Justice Award from the Guild of St. Ives in 1998 and the Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice in 2006.

During his lengthy career, Judge Brieant rendered many important decisions, including the Texaco bankruptcy case, and the decision to overturn New York's primary system, declaring it ''unconstitutionally discriminating'' by diluting the voting strength of minority voters. He was known as a strong independent thinker, a true gentleman, and a mentor to young lawyers.

It is both fitting and proper to honor Judge Brieant's distinguished public career with this designation. I urge my colleagues to join me in supporting H.R. 6340.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mr. BACA. Mr. Speaker, the foreclosure crisis is hurting communities all across the Nation and my district has been especially impacted: In San Bernardino County, 11,817 notices of default were recorded in the first quarter, 130 percent more than a year earlier.

Everyone pays when there are foreclosures. Crime increases, home values decline, schools are affected, and cities run deficits which impacts revenues for local police, fire, and social services.

Last Wednesday, I came to the floor in support of a legislative package that would stimulate our Nation's struggling economy and help prevent foreclosures. The House passed the American Housing Rescue and Foreclosure Prevention Act of 2008 with bipartisan support on that same day and the Senate approved it last Saturday, sending the bill straight to the President for his signature.

I am particularly pleased that the final package included an important housing counseling provision which I offered with support from Reps. MAHONEY from Florida and MCCARTHY from New York. This provision directs the Neighborhood Reinvestment Corporation to give greater consideration to counseling agencies that have a demonstrated track record in working with servicers and that provide in-person contact and in-person [face-to-face] housing counseling to borrowers in trouble when awarding their grants. It evolved out of the growing concern that despite all of the media attention given to the foreclosure crisis, as well as the creation of the HOPE Now Alliance, many homeowners were still not receiving assistance they needed to avoid entering foreclosure. According to a Freddie Mac study, 56 percent of homeowners don't even know free counseling exists. Also, counselors across the country have reported delays and challenges connecting with telephone counseling. Counselors that receive referrals from hotlines often have to start fresh with the client, and language minorities report having difficulty reaching a live counselor.

Whenever possible, in-person foreclosure counseling is preferable over telephone counseling alone. In fact, one-on-one counseling is shown preference in the HUD Housing Counseling Program—one that has demonstrated enormous success.

Of course, the intention of this provision is not to exclude any struggling family. If telephone counseling is the only means of support available, the family should absolutely have access to it. The intention is to promote first the most effective and efficient services to families, then ensure a back up is in place. Telephone counseling should augment and supplement in-person counseling when it is unavailable or work is overflowing. Not the other way around.

The intent of the effort which I have described is to make housing counseling dollars as effective as possible and to reach as many borrowers in trouble as possible. Providing in-person outreach to homeowners in trouble and in-person housing counseling is more effective than just sending a default notification in the mail. Having someone individually reach out to these borrowers to work through their options to avoid foreclosure by analyzing their specific situation, including their loan document, is a necessary line of prevention and defense.

My amendment simply directs some of the counseling funding in the American Housing Rescue and Foreclosure Prevention Act (H.R. 3221) to organizations that already promote this proven method.

It is our hope that the lenders, servicers, and federally regulated and federally chartered institutions like the GSEs and HUD would also do everything possible to include in-person outreach and in-person counseling in their efforts, including working with organizations that have the demonstrated capacity to reach out to homeowners needing assistance. Increasing this type of outreach and assistance is especially critical in non-judicial foreclosure states where notice of default and foreclosure is limited.

We also hope the language in this bill will help level the playing field to ensure organizations with established servicer partnerships and the demonstrated experience and capacity to offer more in-depth service through in-person counseling and outreach can receive grant funding so that they have the resources they need to assist those hard-to-reach borrowers.

This is good public policy and good business because it will increase loan modifications and decrease foreclosures and thereby minimize the adverse impact on local communities. It will also strengthen relationships between counseling agencies, servicers, and lenders to enhance outreach out to borrowers who are behind in their payments. More importantly, it will help keep struggling families in their homes.

Mr. Speaker, I am also pleased that the American Housing Rescue and Foreclosure Prevention Act contains another provision I authored in my bill, H.R. 4019, the Mortgage Disclosure Improvement Act and I want to thank Senator REED (RI) the author of the companion bill, for his leadership in shepherding this provision in the Senate. This provision will ensure that consumers are provided with timely and meaningful disclosures in connection with not just home purchases but also for loans that refinance a home or provide a home equity line of credit. It requires that mortgage disclosures be provided within 3 days of application and no later than 7 days before closing. This should allow borrowers to shop for another mortgage if they are not satisfied with the terms. If the terms of the loan change, the consumer must be notified 3 days before closing of the changed terms.

If consumers apply for adjustable rate or variable rate payment loans, there will now be an explicit warning on the 1-page Truth in Lending Act form that the payments will change depending on the interest rate and an estimate of how those payments will change under the terms of the contract based on the current interest rate. The bill also provides a new disclosure that informs borrowers of the maximum monthly payments possible under their loan.

The bill provides the right to waive the early disclosure requirements if the consumer has a bona fide financial emergency that requires they close the loan quickly and increases the range of statutory damages for TILA violations from the current $200 to $2,000 to a range of $400 to $4,000.

Finally, it requires lenders to include a statement that the consumer is not obligated to purchase the mortgage loan just because they received the disclosures. This will give consumers the opportunity to truly shop around for the best mortgage terms for the first time ever. They will be able to compare the payments and costs associated with a certain loan product and decide not to sign on the dotted line if they do not like the basic terms of the loan.

This will help prevent foreclosures in the future especially given the fact that many consumers facing foreclosure on their homes who have adjustable rate mortgages never understood how their loan products worked or how high their payments would be once their loans reset.

EARMARK DECLARATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. FEENEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, the FY 09 Military Construction and Veterans Affairs Appropriations bill:

I sent the attached letter to the Appropriations committee members on February 4, 2008 asking for complete funding for the veterans hospital being built in Orlando, FL.

The funds for the new medical facility in Orlando, FL come from the Major Construction account under Veterans Affairs. The United States Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, will be receiving the funds. The $220,000,000 will be used toward construction, site preparation, installation of utilities, roads, and an energy plant.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2008.

Hon. ROGER WICKER,
Rayburn House Office Building,
Washington, DC.

DEAR RANKING MEMBER WICKER: I am writing to request that Congress include full funding for the completion of the VA hospital to be located in Orlando, Florida. The

President's budget released today allocates $120 million for the hospital. In order to insure the swift completion of the Lake Nona hospital it is imperative that the VA receive full funding in this budget year.

Today, there are more than 26.5 million veterans living in the United States and Puerto Rico with more than 1.8 million of them residing in the State of Florida. That is the second highest total in America, second only to California. More than one-third of these live in the Central Florida area alone.

According to the VA, Central Florida is the number one destination for combat veterans 65 years of age or older. It is also the number one area for veterans who have 50 percent or more service connected disability and 18 percent of our veterans have Post Traumatic Stress Disorder.

The Department of Veterans Affairs has estimated the cost to complete this hospital at $597 million. This hospital is a top priority for the VA and is badly needed in central Florida. It is vital that the remaining $537 million, to finish construction, is included in the Fiscal Year 2009 Military Construction appropriations bill.

I hope you will consider the inclusion of these funds as you work through the many important requests during the FY09 appropriations process.

Sincerely,

TOM FEENEY,
Member of Congress.

LETTER TO HIS HOLINESS BENEDICT XVI FROM REPRESENTATIVE MCCOTTER

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to place into the RECORD my letter to His Holiness Benedict XVI concerning the persecution of the Christian community in Iraq.

JULY 24, 2008.

His Holiness BENEDICT XVI,
Apostolic Palace,
Vatican City State, Europe.

YOUR HOLINESS: It is with great respect that I write to you as both a Member of Congress and a Roman Catholic. Your witness to justice and advocacy of the plight of the persecuted is an instrument of hope.

Your Holiness has emphasized the importance to the Church of the well-being of the ancient Christian community of Iraq. It is now widely acknowledged to be an ''endangered'' community, with nearly half of its members forced to flee Iraq over the past five years. As the U.S. Conference of Catholic Bishops Migration & Refugee Services reported last July: ''Especially critical is the plight of Iraq's minority religious communities, including Christians and Mandeans (or Sabeans). These groups, whose home has been what is now Iraq for many centuries, are literally being obliterated—not because they are fleeing generalized violence but because they are being specifically and viciously victimized by Islamic extremists and, in some cases, common criminals.''

As you meet with Prime Minister Nouri al-Maliki tomorrow, please know that the United States is shifting its burden to the Iraqi government. It is imperative that he acknowledge and commit to the future well-being of Iraq's endangered religious minorities.

Concerned Americans, including the ChaldoAssyrian Christians in my Congressional district, are anxious that the Maliki government address the following issues to ensure that the Iraqi Christians, who have made contributions to Iraqi society far beyond what their numbers suggest, and other smallest minorities are able to maintain their presence as part of the national fabric of that country: Security, including protection for their vulnerable clergy, development assistance, humanitarian aid for the large number of displaced among them, educational opportunities, full civic participation, including thorough measures to guarantee free and fair provincial elections later this year that would allow them just representation, and equal treatment under the constitution that would allow political autonomy in the Nineveh Plains.

Be assured that I will remain actively engaged with the ChaldoAssyrian Church and civic leaders in the United States and Iraq to protect the fundamental dignity of this oppressed ancient community of Iraq.

The psalmist seeking deliverance from his enemies remembers the great mercy of God. ''Blessed be the Lord! For he has shown me the wonders of his love in a besieged city . . . Be strong and let your heart take courage, all you who wait for the Lord'' (Psalm 31: 21,24) The Christians of Iraq have suffered threats of violence, kidnappings, murder and being exiled from their ancient homeland. And yet, they are resilient in the face of what is certainly an existential threat. Their great faith and your advocacy on their behalf, give them hope.

I have the honor to profess myself with the most profound respect, your Holiness, sincerely yours,

THADDEUS G. MCCOTTER,
Member of Congress.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KING of New York. I submit the following:

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 6599.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: New York National Guard.

Address of Requesting Entity: 330 Old Niskayuna Road, Latham, NY 12110.

Description of Request: $7.5 million will be used to construct Phase II of the Pararescue Facility. The use of taxpayer dollars is justified because The Francis Gabreski Air National Guard Base improves pararescue operations and survival equipment functions on Long Island.

INTRODUCING THE FOSTER CHILDREN OPPORTUNITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. STARK. Madam Speaker, I rise today with Representative XAVIER BECERRA to introduce legislation aimed at ensuring all foster children have a fighting chance to lead healthy and productive lives after they leave care.

Each year, hundreds and perhaps thousands of abused and neglected children leave the child welfare system and become illegal immigrants through no fault of their own. Under current law, abused and neglected immigrant children in the child welfare system are eligible to become legal permanent residents under the Special Immigrant Juvenile Status (SIJS) provisions of immigration law. In order to obtain SIJS, a court must find that the child is in long-term foster care with no opportunity for family reunification (either in the U.S. or in their home country). If a child also meets additional immigration criteria, such as not having a criminal record, they can become a Legal Permanent Resident. Once a child leaves the child welfare system, however, they are no longer eligible for SIJS. A series of articles in the Los Angeles Times and other reports have documented how children have aged-out of foster care or been adopted without obtaining SIJS. The result is that these abused and neglected children are forced into the underground economy, are extremely vulnerable to exploitation, and are under the constant threat of deportation back to a country that is unfamiliar to them and may be home to their abuser.

The Foster Children Opportunity Act aims to correct this terrible situation by requiring that all children in the foster care system be screened for SIJS eligibility and assisted through the legal process to obtain SIJS and eventually Legal Permanent Resident Status. The bill will provide technical assistance to help child welfare agencies better understand this problem and provide resources to train judges, attorneys, and other legal workers in a complex area of law.

This legislation will not change any aspect of current immigration law, nor will it result in any adults who have engaged in illegal behavior from gaining legal status. The bill simply aims to protect abused and neglected children by ensuring they have a fighting chance at leading healthy and productive lives when they exit foster care.

The Foster Children Opportunity Act will:

Require State plans for foster care and adoption assistance to document procedures to assist immigrant children in obtaining SIJS, Legal Permanent Residency, or other appropriate forms of immigration relief when doing so is in the child's best interest;

Require child welfare agencies to assist immigrant children, and document their efforts, in obtaining SIJS, Legal Permanent Residency, or other appropriate forms of relief under immigration law before the child exits foster care;

Require juvenile courts and child welfare agencies to determine whether filing petitions or appointing immigration counsel for a potentially SIJS eligible child is in that child's best interest;

Permit the Court Improvement Program to use funds to educate and train judges and lawyers to assist SIJS-eligible foster children;

Direct the Secretary of the Health and Human Services Agency, in consultation with the Secretary of Homeland Security, to provide technical assistance to child welfare agencies in carrying out the provisions of this bill.

Members on all sides of the immigration debate should put down our differences when it comes to protecting abused and neglected children. We should not let the poisonous politics of immigration interfere with helping foster

children become successful adults. I encourage all of my colleagues to join us me in supporting this simple legislation that will improve the lives of thousands of our most vulnerable children.

EARMARK DECLARATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. EVERETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding two earmarks I received as part of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Request No. 1:

Requesting Member: Congressman TERRY EVERETT.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction/U.S. Army.

Legal Name of Requesting Entity: U.S. Army/Congressman TERRY EVERETT.

Address of Requesting Entity: Office of Command, Fort Rucker, 453 Novosel Street, Fort Rucker, Alabama 36362–5105.

Description of Request: The Chapel Center at Fort Rucker earmark request is for $6,800,000. The funding is for the construction of a standard-design chapel complex featuring a sanctuary (400 seat capacity) and an activity center that is capable of seating an additional 239 people in a separate or combined service. The sanctuary will include a raised pulpit area and a baptismal suite. The facility also will include 15 religious education classrooms, two multi-purpose rooms, a blessed sacrament room, sacrisity/robing room, choir room, resource center, nursery, restrooms, kitchen, storage, and administrative space for two Chaplains, Education Director and Assistant.

Additionally, some of the funding will be used for connection to the energy monitoring and control system (EMCS) and interior communications/building information systems and supporting utilities and other expenses in building of the Chapel Center.

Request No. 2:

Requesting Member: Congressman TERRY EVERETT.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction/ U.S. Air Force.

Legal Name of Requesting Entity: U.S. Air Force/Congressman TERRY EVERETT.

Address of Requesting Entity: Maxwell-Gunter Air Force Base, Montgomery, Alabama 36112–5000.

Description of Request: This funding will be used for the Air and Space Basic Course Combat Arms Training Facility at Maxwell-Gunter Air Force Base. The funding will be used to construct a 56-position, 50-meter small arms firing range with automated range target system, and a 639 SM support facility constructed with reinforced concrete foundation and floor slab, structural steel frame, masonry walls and sloped architecturally compatible roof. The $15,556,000 for this project was also included in the Administration's Fiscal Year 2009 budget.

TRIBUTE TO IRENE NELSON

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MCGOVERN. Madam Speaker, I rise today to pay tribute to Irene Norman Nelson on the occasion of her 90th birthday.

Irene Nelson is one of the most extraordinary people I have ever met. She has been a longtime and treasured friend to my family and me. She is a woman of impeccable class, grace and integrity. She has a love and appreciation of life that is inspiring. And she has a wonderful sense of humor.

I cherish my memories of being with Irene at family events, vacations and trips to the theater. I enjoy our conversations. I admire her commitment to the arts and all things beautiful.

Madam Speaker, as a U.S. Congressman, I am privileged to meet many fascinating and incredible people. Irene, without a doubt, is at the top of that list.

I ask that my colleagues join me in wishing Irene Nelson a happy and healthy birthday.

STATEMENT IN SUPPORT OF H.R. 5170, H.R. 5983, H.R. 5531, H.R. 2490, H.R. 6193, H.R. 4806, H.R. 3815, and H.R. 6098

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise today in support of these Homeland Security bipartisan measures. I would like to commend Chairman THOMPSON and Ranking Member KING for their efforts to bring these bills to the floor today. I would also like to congratulate the authors of these bills Congresswoman HARMAN and Congressmen CARNEY, LANGEVIN, KING, BILIRAKIS, REICHERT, and PERLMUTTER.

Individually, the bills presented today improve operations within the Department of Homeland Security, including issues related to privacy, information sharing and enhanced security. Collectively, they improve on the provisions of H.R. 1, the Implementing 9/11 Commission Recommendations Act.

Protecting the privacy of our citizens is an important but very difficult issue to balance in our Nation's war against terrorism. Under H.R. 1570, the presence of a full-time Component Privacy Officer would ensure that privacy considerations remain at the forefront and are integrated into the decisionmaking process at all of the DHS Components.

Through our oversight work, it is clear that DHS's information systems have been penetrated and remain vulnerable to cyber attacks. H.R. 5983, the Homeland Security Network Defense and Accountability Act of 2008, represents a critical step toward improving the cybersecurity network at DHS by ensuring a robust defense of its information systems, and holding individuals at all levels accountable for mitigating vulnerabilities.

While protecting DHS information systems is critical to our Nation's security, we also need to be mindful of the importance and need for information sharing. H.R. 6193, H.R. 4806 and H.R. 3815 address the need for information sharing in a secure manner. H.R. 6193—Improving Public Access to Documents Act of 2008—dovetails with H.R. 4086's effort to remove obstacles to more and better information sharing in the unclassified category.

Our offshore territories are the first point of entry to the U.S. for many foreigners and our shores are extremely vulnerable to illegal and possibly terrorist activities. I am pleased that H.R. 5531 will put in motion a plan to deploy next-generation radiological detection technology at our ports of entry to more effectively and more efficiently scan persons and cargo as they enter the United States. I fully support the ''Biometric Identification At Sea Pilot Project'' which has allowed the Coast Guard to collect biometrics from individuals interdicted in the Caribbean to run them against terrorist and criminal databases. H.R. 5531 and H.R. 2490 address the vulnerabilities of our Caribbean shores.

Madam Speaker, the implementation of these bills would not be possible without our State, local and tribal entities. Fusion Centers provide much needed support to these entities in the implementation of Homeland Security programs. H.R. 6098 requires DHS to allow State and local governments to use Homeland Security grant funding to hire and keep analysts in fusion centers—for however long State and local officials see fit.

I urge my colleagues to support these bills and their passage.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to thank Chairman FRANK for his hard work on this housing package.

What began with a housing bubble, predatory and subprime lending, and loose regulatory enforcement has resulted in a record number of foreclosures across the country, the failure of financial institutions, a reduction in tax revenue for states and local government, a credit crunch, and a lack of confidence in our market that is affecting millions of individuals and families both directly and indirectly.

Families reliant on the continuously increasing housing market entered into loans they could never afford or adjustable-rate mortgages with the assumption they could refinance at a later date.

Loose regulatory enforcement allowed mortgage lenders and originators to engage in predatory lending practices and the housing bubble provided an incentive for lenders to reduce underwriting standards to encourage the creation of new loans.

Furthermore, the failure on the part of the regulators allowed financial institutions to package and sell these risky new loans on the secondary market with the highest ratings from the rating agencies.

All these events contributed to what we are now facing: increased foreclosure rates, large write-downs by financial institutions that hold a large number of mortgage-backed securities, vacant, foreclosed homes across the country, reduced tax revenue for states and local governments, and a lack of confidence in our financial and housing markets.

This bill, H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act, will address the causes of our current crisis through reform and attempt to assist communities dealing with the current crisis.

Although there are many provisions in this package that are worth noting, I would like to highlight several provisions that are absolutely necessary to ensure the success of this package.

This bill increases the high-cost loan limits for the Federal Housing Administration, FHA, and conforming loan limits for Fannie Mae and Freddie Mac. These increases will allow those in high-cost areas such as my district, the Fourth Congressional District of New York, to take advantage of the FHA home loans program. Although many of us would prefer a larger increase in these limits, I believe the limits in this bill reflect a compromise that will make eligible middle-income families in high-cost areas who are currently precluded from taking advantage of the FHA home loan program. I thank Chairman FRANK and would like to recognize him for working with those of us who represent high-cost areas to ensure that our constituents are not left out.

This bill also allows Fannie Mae and Freddie Mac the flexibility to hold or sell jumbo loans on the secondary market. This flexibility will ensure Fannie and Freddie are not unnecessarily restricted in how they choose to deal with jumbo loans, and will ensure that loans will continue to be available to moderate-income families in high-cost areas.

Although reform is necessary to prevent another subprime crisis, we must also act to limit the effect that this crisis is having on our communities. Over half of the people who lose their homes stop communicating with their lenders within 30–60 days of missing a payment. This may happen for a number of reasons, including the fact that many homeowners are embarrassed or do not know their rights when they are unable to make their mortgage payments.

For these reasons, it is so important that organizations willing to reach out to borrowers at risk of foreclosure utilize in-person counseling and outreach. This is the only way to guarantee that families who need assistance are aware that assistance is available. Consequently, it only makes sense to provide organizations engaging in practices, such as in-person counseling, that are proven to be effective the resources they need to continue to provide these services.

I thank Mr. BACA and Mr. MAHONEY for working with me to ensure that language to this effect is included in this bill.

I also strongly support the almost $4 billion in this bill for state and local governments for the purchase and re-development of vacant, foreclosed homes.

It has been estimated that a home decreases in value by almost one percent if a home within one city block has been foreclosed. This figure is even higher when more than one home in the area has been foreclosed. In my home district, a home price would result in more than a $4,000 decrease in value if one home is foreclosed.

Additionally, tax revenue is severely affected when homes are left vacant or there is a decrease in their assessed value. The vacancy or home value decrease results in a decrease in tax revenue which burdens the budgets of state and local governments. In many cases, this shortfall then results in cuts in services to those most in need, including our children and seniors.

Again, I would like to thank the Chairman of the Financial Services Committee and the many individuals who have worked to ensure that this bill reforms FHA and the GSEs, and tackles the increase in the rate of foreclosures and the devastating effects that vacant, foreclosed homes have on our communities.

MEDICAL EVIDENCE OF TORTURE BY U.S. PERSONNEL

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. HASTINGS of Florida. Madam Speaker, last week the Helsinki Commission, which I Chair, held a briefing at which representatives from Physicians for Human Rights presented the findings of their recently published report, ''Broken Laws, Broken Lives.'' In it, they documented the medical evidence of torture by U.S. personnel in 11 specific cases. I believe this briefing was the first opportunity on Capitol Hill for the public to hear specifically about the medical consequences of the administration's detention policies and to consider some of the ethical questions related to the medical treatment of detainees, including forced feeding and the possible role of medical professionals during interrogations.

We were fortunate to have with us as panelists Leonard Rubenstein, J.D., President of Physicians for Human Rights; Dr. Allen Keller, Advisor to Physicians for Human Rights and Director of the Bellevue/NYU Program for Survivors of Torture; and Dr. Scott Allen, also an Advisor to Physicians for Human Rights.

For many years, members of the Helsinki Commission have been actively engaged on issues related to torture and cruel, inhuman, and degrading treatment or punishment. Over the years, we have raised concern about the nearly constant reports of torture and abuse in Chechnya. We have pressed Turkey to provide detainees with prompt access to lawyers and medical personnel, because we know that when people are held incommunicado, they are more likely to experience torture. We have expressed alarm regarding the number of people who walk into Uzbekistan jails on their own two feet—and who have been returned to their families in boxes.

Last week, it was my sad duty to hear representatives from Physicians for Human Rights describe the torture and ill-treatment some detainees have experienced at the hands of U.S. personnel. As I noted then, I certainly expected to hear about the medical and psychological impact of this torture on the individuals whose cases were investigated by Physicians for Human Rights. But, coincidently, there was a different kind of impact on display last week, when the U.S. also opened its first war crimes trial since World War II.

In the trial of Salim Hamdan, alleged to be Osama bin Laden's driver, the military judge overseeing the case found it necessary to exclude from evidence several statements of the defendant because they were obtained under what the military judge deemed ''highly coercive'' conditions. Another one of the government's efforts to bring a defendant before a military tribunal had already been put indefinitely on hold, reportedly because the evidence in the case cannot be disentangled from the impermissible methods that were used to extract it. In other words, the use of abusive interrogation methods has undermined the government's ability to prosecute people suspected of terrorism or terrorism-related crimes.

Let me repeat: the ill-conceived policy of ''enhanced interrogations'' has undermined our country's ability to prosecute people for the most serious crimes committed against this nation.

As it happened, on the day of our briefing last week, the ACLU released three new ''torture memos'' it had obtained through the Freedom of Information Act. Although highly redacted—indeed, one of them has ten pages that are entirely blacked out—these documents nevertheless provide some additional insight into the development of the policies that set the stage for what Major General Antonio Taguba, in his preface for the Physicians for Human Rights report, called ''a systematic regime of torture.'' (You may recall that General Taguba led the U.S. Army's official investigations into the Abu Ghraib prisoner abuse scandal.)

Here's just one bit of information we now have from a memo prepared by the Department of Justice's Office of Legal Counsel on August 1, 2002 and released last week. This memo, prepared for the CIA, advises that the crime of torture, as defined by U.S. statute, requires a showing of specific intent to cause severe pain or suffering. That specific intent, in turn, will be negated if a defendant acts with a good faith belief that his actions will not cause severe pain or suffering. That good faith belief can be demonstrated by showing that an official acted in reliance on the advice of experts. And guess what? The Office of Legal Counsel is a bunch of experts. And they go on to say that the objective of the interrogation techniques under discussion—we don't know precisely what they are because they're blacked out—is not to cause severe physical pain. Just like magic, you have your expert advice, which gives you your good-faith belief, which negates the specific intent required under the statute which criminalizes torture. So you guys can go ahead and waterboard and God knows what else because the Office of Legal Counsel has told you that it does not cause severe pain or suffering, so you have legal license to ignore your own eyes and ears, which tell you that waterboarding will break a person in minutes.

Madam Speaker, the report by Physicians for Human Rights makes several recommendations that deserve study and consideration. But in light of the release of these most recent torture memos, I would like to highlight today one particular recommendation of the report: ''The U.S. Department of Justice should publicly release all legal opinions and other memoranda concerning standards regarding interrogation and detention policy and practices.''

The Department of Justice is the arbiter of what is the law of the land for this country. And I think the American people have a right to know if their government has sought to redefine ''torture'' as ''not torture.'' Accordingly, I urge the Attorney General to release the full texts of all the memos relating to interrogation and detention policies and practices.

HONORING WILLIAM J. KOWALSKI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in honoring William J. Kowalski as he retires from the Federal Bureau of Investigation on August 1st.

William ''Bill'' Kowalski became a Special Agent in May 1983 after receiving his Bachelor of Science degree from the University of Detroit in 1979 and his Juris Doctor from the University of Detroit School of Law in 1982. After taking the oath of office he trained at the FBI Academy in Quantico, Virginia and began his Bureau career by returning to his hometown of Detroit.

After serving tours of duty in Memphis and New York City, Bill was promoted to a supervisory position at FBI Headquarters in 1989. In this capacity he was responsible for counterintelligence and espionage investigations throughout the United States. He was one of the first FBI Agents to travel to Eastern Europe after the collapse of the Berlin Wall.

Returning to Detroit, Bill became a Field Supervisor in the Detroit Division in August, 1992. He assumed supervisory responsibilities in Flint and Ann Arbor. In September 2004 he was promoted to Assistant Special Agent in Charge, Detroit Division, overseeing the FBI Detroit's Joint Terrorism Task Force, with counter-terrorism investigation jurisdiction in the state of Michigan.

Madam Speaker, I ask the House of Representatives to rise and join me in applauding the exemplary work of William J. Kowalski. He has been a dedicated public servant, working to ensure the safety of the United States and its citizens for many, many years. I have appreciated his insight, his thoughtfulness and his commitment to performing his work and I wish him the best as he enters the next phase of his life.

RECOGNIZING STOP CHILD ABUSE NOW OF VIRGINIA ON ITS 20TH ANNIVERSARY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to commend the work of SCAN Virginia—Stop Child Abuse Now—and congratulate this fine organization for 20 years of change in children's lives.

Twenty years ago, in 1988, a group of Alexandria citizens concerned about abused and neglected children in Northern Virginia came together to plan ways to prevent child abuse. As a result, David Cleary founded Stop Child Abuse Now (SCAN) of Northern Virginia, a nonprofit organization to prevent child abuse and neglect and became affiliated with the State organization now called Prevent Child Abuse Virginia.

The first program offered at SCAN was the Court Appointed Special Advocate (CASA) Program that now is the Alexandria/Arlington CASA Program. CASA now serves more children and engages up to 75 volunteers at a time to give voice to the needs and priorities of abused or neglected children, one child at a time.

SCAN works collaboratively with the Arlington and Alexandria Juvenile & Domestic Relations Courts to mold a CASA Program that provides helpful information to the Juvenile Judges who make determinations on the futures of abused and neglected children, while SCAN's CASA volunteers provide an independent voice that focuses solely on the best interest of the children.

SCAN's Parent Education Program has a continuum of services that range from intensive parenting classes, weekly educational parent support groups and developmental playgroups—all offered in English and Spanish. SCAN also offers a tri-annual Parent Connection Resource Guide, a publication that gives critical information about region-wide parenting classes, support groups, playgroups and other resources available to parents in Northern Virginia.

The Allies in Prevention Coalition, which is made up of child welfare professionals from the five major Northern Virginia jurisdictions, is a central part of SCAN's Public Education Program, as is SCAN's website: www.scanva.org. SCAN's Allies in Prevention Coalition engages child and family advocates in communicating regional messages to prevent child abuse and promote children's well-being in Virginia.

Madam Speaker, I can think of no higher calling than to help children in need. Please join me in commending SCAN of Northern Virginia as it celebrates twenty years of serving children and families in Northern Virginia through programs and services that keep children safe, strengthen parenting skills and provide advocacy in the courts, legislature and the community.

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 2008

Ms. Roybal-Allard. Mr. Speaker, I rise in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. I thank Chairman FRANK and Chairwoman WATERS for bringing this important legislation to the House floor today.

I am certain that all of my colleagues have heard from constituents about the devastating effect the foreclosure crisis has had on their families and communities. The problem is particularly acute in my home state of California, which has the second-highest foreclosure rate in the Nation. Recent data has shown that the problem is getting worse. In the last three months, foreclosures in California have jumped 33.5 percent from the previous period.

To help my constituents confront this crisis, I recently held a foreclosure prevention workshop in my district. The turnout was enormous—nearly 500 members of our community attended the workshop, where national banks, HUD, and other intermediaries provided one-on-one housing counseling, and information on viable options for preventing foreclosure.

We know that the overwhelming turnout at the event was not an anomaly—I have heard from many of my colleagues that they too have experienced record turnouts at events they have hosted to help their own constituents.

At the workshop I heard from numerous participants who were concerned that Congress was not doing enough to address the crisis.

I am gratified that today we can go back to our constituents and assure them that Congress has taken action to help address this crisis by passing the American Housing Rescue and Foreclosure Prevention Act. H.R. 3221 represents a solid step forward in our efforts to confront the mortgage crisis.

The measure will expand the FHA program so that many homeowners at risk of facing foreclosure can refinance into viable mortgages that are government-insured. This will help many families facing ballooning mortgage payments to get their finances back on track and keep their homes.

I am particularly pleased that this legislation will increase the conforming loan limit for Fannie Mae and Freddie Mac backed loans to $625,000 in high-cost areas such as California. The current limit is far too low to make a meaningful impact in the Los Angeles area, where the average cost of a home is far above the national average.

The $4 billion in Community Development Block Grant funds made available to states and localities to purchase foreclosed properties is also a critical component of the package. Vacant, foreclosed properties exacerbate the crisis by lowering the values of surrounding homes and neighborhoods.

I urge my colleagues to vote in support of this legislation to help families keep their homes and protect their communities.

REMEMBERING THE U.N. SAFE HAVEN OF ZEPA, BOSNIA AND HERZEGOVINA

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. BRALEY of Iowa. Madam Speaker, last Friday, July 25, marked the 13th anniversary of the 1995 fall of Zepa, a United Nations-declared ''safe haven'' in eastern Bosnia, to the Army of Republika Srpska. I rise to commemorate the fall of Zepa today on behalf of the thousands of Bosnian Americans who live in my District, the First District of Iowa.

Zepa was a village in eastern Bosnia declared a ''safe haven'' in a May 1993 U.N. Security Council Resolution. This declaration was supposed to guarantee the safety of its population, but the siege of Zepa began in the summer of 1992 and lasted until the fall of the enclave in July 1995. Throughout this period, the population suffered from continuous shelling and starvation, and many Zepa residents and refugees from surrounding areas perished

during the siege. After the fall of Zepa, an unknown number of Bosniak males were taken away never to be seen again, including the commander of the defense of Zepa, Avdo Palic. Thousands of others were victims of ''ethnic cleansing.''

This 13th anniversary took place during the same week as the arrest of Radovan Karadzic, indicted on charges of genocide and other crimes by the U.N. war crimes tribunal in The Hague. I believe that at this time it's very important to remember the tragedy that befell Zepa, and the lives that were lost there. It's also important that we support the efforts of the families of the missing to learn the fate of their loved ones, and the families of those missing and killed in their search for justice. It is only with truth, justice, reconciliation, and democratic governance that a stable and prosperous Bosnia can be built.

HONORING RICHARD BURTON MURPHY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize Sergeant Richard Burton Murphy.

It is with the deepest appreciation that I pay tribute to retired Sergeant Richard Burton Murphy. May 16, 2008 marked the day Sergeant Murphy retired from the Toledo Police Department.

Sergeant Murphy began his career in law enforcement for the City of Oregon, Ohio Police Department, in January 1967. Two years later, he was appointed to the Lucas County Sheriff Office as a road deputy. In 1971, Sergeant Murphy traversed to Ft. Lauderdale, Florida to obtain a new position; however, he returned to Toledo, Ohio in 1973. In March of that year, he was appointed to the Toledo Police Department where he served for 35 years. After hard work and dedication to the Toledo Police Department, he was promoted to Sergeant in 1979. Among other achievements, Sergeant Murphy served as the official and unofficial public information officers for 12 years. Additionally he performed duties in patrol, communication, and in the chief of police's office during these years. While I have the honor to acknowledge his years of public service, the citizens of Toledo, OH have given Sergeant Murphy many exceptional reports. From the Toledo/Lucas County Safety Council, he obtained the Citizen Policeman Award in 1975, Certificate of Appreciation in 1976, Good Samaritan Award in 1992, and Heroism Reward in 1996. He was presented a proclamation from the Mayor's office of the City of Toledo in 1998 and 1999. Sergeant Murphy is a U. S. Navy Veteran who fulfilled active duty from 1962 to 1964, completing four years of reserve duty to follow. He is married to Patricia Ann Murphy, has two daughters Robin and Jill and 6 grandchildren. He is a member of Ottawa River Yacht Club, and plays in 3 golf leagues.

All of Toledo thanks Sergeant Murphy for his commitment to public service and helping keep safe the community of Toledo. When an officer in blue goes to work in the morning, that officer never knows if they will return home at night. Our community values and recognizes the valor, patriotism, and community-mindedness of Sergeant Murphy and his colleagues, who protect and serve a broader community beyond their family. May he find happiness and satisfaction as he enters into a new milestone of his life.

BOXING GREAT AND HEAVYWEIGHT CHAMPION GEORGE FOREMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. POE. Madam Speaker, today I am proud to recognize one of boxing's most feared fighters, Mr. George Foreman. We are near the same age, and I have been a fan since I was a kid.

A product of a less fortunate family, Houstonian George Foreman was in constant trouble with the law. He vowed to make a better life for himself and later joined the Job Corp. While stationed in Oregon, Foreman became infamous for picking fights with fellow trainees. It was then that his fighting skills were noticed and he was introduced to the sport of boxing, which he grew to love. Foreman got his start as an amateur from the AAU in San Francisco.

At the age of 19, Foreman won a gold medal at the 1968 Mexico City Olympic Games. He won his first fight on points and then three fights by stoppage—including the final title bout against the favored Soviet fighter. After winning the gold, Forman walked around the ring, holding high a small American flag following his victory. Some people chastised him for his display; others, however, lauded him for being a patriotic American during a time of political upheaval and strife. Madam Speaker, this was the most patriotic moment I had ever seen.

Foreman, after an amazing amateur record of 27–0, turned professional in 1969 with a three-round knockout of Donald Walheim in New York. He had 12 fights that year, winning all of them, 11 by knockout. Among the fighters he defeated was Cookie Wallace, who lasted only 23 seconds.

In 1970, Foreman continued his journey toward the undisputed heavyweight title. In 1971, he won seven more fights. After amassing a record of 32–0, Foreman ranked as the number one challenger by the World Boxing Association and Council. In 1972, his string of wins continued with a series of five consecutive bouts in which he defeated each opponent within three rounds.

Still undefeated, and with an impressive knockout record, Foreman was set to challenge undefeated and undisputed world heavyweight champion Joe Frazier. Foreman knocked down Frazier six times in two rounds to win the championship by knockout in one of boxing's biggest upsets. In what was HBO Boxing's first broadcast, the call made by Howard Cosell became one of the most memorable in all of sports: ''Down goes Frazier! Down goes Frazier! Down goes Frazier!'' Before the fight, Frazier was 29–0, with 25 knockouts, and Foreman was 37–0, with 34 knockouts. Equally memorable was Foreman's final punch, an uppercut, landed with such force that it lifted Frazier off his feet before sending him to the canvas for the sixth and final time. As he had done following the previous knockdowns, Frazier managed to get to his feet, but the referee called an end to the bout.

Nevertheless, Foreman went on to defend his title successfully twice during his initial reign as champion. His first defense, in Tokyo, pitted him against Puerto Rican heavyweight champion Jose Roman. Roman was not regarded as a top contender, and it took Foreman only 55 seconds to end the fight, the fastest-ever knockout for a heavyweight championship bout. Foreman's next defense was against a much tougher opponent. In 1974, he faced the highly regarded Ken Norton who was 30–2, a boxer notorious for his awkward boxing style. Norton's ability to ''take a punch'' was suspect, and Foreman put him to the test. In an astonishing display of aggression and punching power, Foreman knocked out Norton in just two rounds. The win made Foreman 40–0 with 37 knockouts.

After losing his title to Muhammad Ali in 1974, Foreman remained inactive during 1975. In 1976, he returned to boxing in Las Vegas against Ron Lyle. After a very intense and extensive struggle by both fighters, the fight was stopped and Foreman was declared the winner. For his next bout, Foreman chose to face Joe Frazier in a rematch. Frazier at this point was 32–3 and Foreman was 41–1, but people doubted Foreman's ability. Unable to mount a significant offense, Frazier was eventually floored twice by Foreman in the fifth round and the fight was stopped. Next, Foreman knocked out Scott Ledoux in three and Dino Dennis in four to finish the year.

Foreman fought five men in one night in a 1975 exhibition. He won five straight knockouts on the comeback trail before being decked and decision-ed by Jimmy Young in Puerto Rico in 1977. Foreman stated that he saw God in his dressing room following the defeat and announced he was going to become a preacher and retire from boxing. He became a born-again Christian, dedicating his life for the next decade to Christianity. Although he did not formally retire from boxing, he did stop fighting, became an ordained minister of a church in Houston, Texas, and devoted himself to his family and his parishioners. He also opened a youth center that bears his name. Foreman continues to share his conversion experience on Christian television broadcasts such as The 700 Club and the Trinity Broadcasting Network, and has joked that Young ''knocked the devil out of him''.

When Foreman decided to return to the ring to raise money for his church; experts laughed, but he racked up 18 straight knockout victories. He was defeated in a title bid by Evander Holyfield. In 1994, Foreman again shocked the world by knocking out undefeated World Heavyweight Champion Michael Moorer, 39–0, to become champion again at age 45.

Shortly after the Moorer fight, Foreman faced mid-level prospect Axel Schulz of Germany in defense of his remaining International Boxing Federation title. Foreman finished the fight with an unsightly swelling over one eye, but was awarded a highly controversial majority decision. The IBF ordered an immediate rematch to be held in Germany, but Foreman refused the terms and found himself stripped of his remaining title.

In 1996, Foreman returned to Tokyo, scoring an easy win over the unrated Crawford Grimsley by a 12-round decision. In 1997, he faced fringe contender Lou Savarese, winning a close decision in a grueling, competitive encounter. Yet another opportunity came Foreman's way as the World Boxing Council decided to match him against Shannon Briggs in a 1998 ''eliminator bout'' for the right to face World Boxing Council champion Lennox Lewis. After 12 rounds, there was once again a controversial majority decision, but this time the victory went to Briggs. Foreman had fought for the last time, at the age of 48.

In January 2003, Foreman was elected to the International Boxing Hall of Fame, where he was inducted in June. That same year, he was named boxing's ninth greatest puncher of all time by Ring Magazine.

Foreman said he had no plans to resume his career as a boxer, but then announced in February 2004 that he was training for one more comeback fight to demonstrate that the age of 60, like 40, is not a ''death sentence.'' The bout, against an unspecified opponent, never materialized. Having severed his relationship with HBO to pursue other opportunities, George Foreman and the sport of boxing finally went their separate ways.

Life has definitely gone on after boxing for ''Big George Foreman.'' In addition to becoming the Heavyweight Champion of the World and an Olympic Medal Winner, Olympic Hall of Famer, he wears the titles of pastor, nationally recognized spokesperson, entrepreneur, author, reality television star, mentor and role model. He has been the face of Meineke Mufflers, and countless homes in the country have the George Foreman Lean Mean Fat Reducing Grilling Machine.

In 2004, Foreman began marketing the George Foreman brand of ''Big and Tall'' clothes through the retailer Casual Male. He has even appeared as a judge on the second season of the ABC reality television series American Inventor. Foreman has four books: The Autobiography of George Foreman; God in My Corner: A Spiritual Memoir; Going the Extra Smile; and Fatherhood by George: Hard-Won Advice on Being a Dad.

On May 22, 2007, it was announced that Foreman had become a partner in the Panther Racing Indy Car team, in the Indianapolis 500; and on July 16, 2008, TV Land premiered Family Foreman, a reality TV show, starring George and his family.

Big George Foreman continues to be extremely active in the community. He encourages young people through his George Foreman Youth Center in Houston, and he built The George Foreman Youth & Community Center in 1984 with money saved from his 8-year retirement. Foreman wanted to create a haven for kids to hang out.

I am proud to recognize my friend whom I admire greatly, Mr. George Foreman, for his accomplishments in and out of the boxing ring. He has repeatedly shown us all that you can overcome all odds and obstacles. He is a shining testament of hard work and determination, and I applaud all of his accomplishments and service to the community.

And that's just the way it is.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, the Fiscal Year 2009 Military Construction and Veterans Affairs Appropriations bill.

Requesting Member: Representative LINCOLN DIAZ-BALART (FL–21).

Bill Number: H.R. 6599, Report 110–775.

Account: Military Construction, Army.

Legal Name of Requesting Entity: United States Southern Command.

Address of Requesting Entity: 3511 NW 91st Ave., Miami, FL 33172–1217.

Description of Request: I received an earmark of $81,600,000 for the second increment of funding for the construction of a new headquarters for the United States Southern Command (SOUTHCOM) in Doral, FL. The funding will continue the work of the first installment in which SOUTHCOM received $100,000,000 in the FY08 Military Construction and Veterans Affairs Appropriations bill. The authorization for this funding was included in the H.R. 5658, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, which passed the House of Representatives May 22, 2008. The total cost of the headquarters construction is estimated to be $237,000,000.

Through the Department of Defense, this project has been undergone an open bid process and the planning, engineering and design phase is well underway. The funds would be used by the Department of Defense to build the new SOUTHCOM headquarters adjacent to the current SOUTHCOM facility in Doral, FL. The land for this facility is under long-term lease from the State of Florida.

RECOGNIZING VARALLO'S RESTAURANT AS IT CELEBRATES 101 YEARS IN BUSINESS

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. COOPER. Madam Speaker, today I rise to recognize Varallo's, Nashville's oldest continuously operated restaurant, and offer my heartfelt congratulations on its 101st anniversary.

Founded in 1907 by Frank Varallo, Sr., a former traveling musician who played for the likes of President Theodore Roosevelt, Varallo's Restaurant has been a gathering place for Tennessee's governors and legislators, Nashville's mayors and politicians, musicians and movie stars, athletes and artists, business leaders and students, and anyone who was hungry.

Four generations of the Varallo family have served their world famous ''chile''—a special recipe acquired by Frank Varallo, Sr., during his travels in South America. At the age of 14, Frank Varallo, Jr., took over the business upon the death of his father. For more than 70 years, Frank, Jr., served the restaurant's unique three-way ''chile'' combination to generations of Tennesseans and made a reputation for himself by providing inspirational messages that came to be known as ''Thoughts from The Bottom of a Chili Bowl.''

Today, great-grandson Todd Varallo, who joined the business shortly after he graduated from high school, operates the restaurant and continues to serve up the ''chile'' that launched the restaurant's ''century of success.'' The restaurant also continues to be the scene of many negotiations, meetings, conferences and consultations that shape the course of Nashville and Tennessee history.

Madam Speaker, I join everyone in Tennessee's Fifth District in applauding Varallo's Restaurant, and I commend the entire Varallo family for their century-long service to the citizens of Nashville and middle Tennessee.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: Congressman HENRY E. BROWN, Jr.

Bill Number: H.R. 6599—Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill, 2009.

Account: Military Construction, Air Force.

Legal Name of Requesting Entity: Charleston Air Force Base, United States Air Force.

Address of Requesting Entity: Charleston Air Force Base, South Carolina, 29404.

Description of Project: Provide $4.5 million for construction of an addition to C–17 flight simulator complex at Charleston AFB. This addition, which was included in the Administration's Fiscal Year 2009 Budget Request, will allow the facility to accommodate a new six-axis flight simulator and loadmaster trainer with space for computers, briefing rooms, component and facility storage and other needed space. Training needs of the aircrews have exceeded the capabilities of the existing three simulators. If this new simulator space is not provided, established training goals will not be achieved at an airbase that currently houses two wings of C–17s currently meeting the needs of our troops deployed abroad.

HONORING SAM BOVA FOR HIS LONGTIME CIVIC EFFORTS IN SUNSET BAY, NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. HIGGINS. Madam Speaker, today I rise to honor a longtime businessman and civic leader in the great community of Sunset Bay, New York. Sam Bova has owned and operated the Sunset Bay Beach since the mid 1990s, consisting of two prime waterfront attractions: the Sunset Bay Beach Club, and Cabana Sam's Sunset Bay Grill.

As a businessman, Sam's business provides seasonal work to more than 150 people, and is the source of a tremendous amount of

seasonal fun in the area of northwestern Chautauqua County. His management of the Beach provides a tremendously enjoyable atmosphere for local residents as well as those who choose Sunset Bay as their summertime vacation destination.

More than just as a businessman, however, Sam Bova has been a dedicated member of the community in northern Chautauqua County, tirelessly dedicating his time and resources to dozens of local and regional charities. Of particular note is an issue very close to my own heart, Sam has a particular affinity for charities associated with the fight against cancer, and has devoted tremendous efforts in support of the Susan G. Komen Breast Cancer Foundation, Carly's Crossing for Childhood Cancer, the Roswell Park Cancer Institute and the Leukemia Society. Moreover, Sam's support of our men and women in uniform is well known throughout the community; he has been a consistent supporter of local, regional and state police efforts, local fire and emergency services personnel, and is particularly interested in helping returning veterans to find jobs and opportunities back home in Western New York.

While summertime is always a special time in Sunset Bay, the summer of 2008 is a special time for Sam Bova. Sam celebrated his 50th birthday recently, once again in the company of his faithful employees, close friends, and uniformed members of our local police, fire and emergency services agencies. As I said before, Sam holds a very close connection to men and women in uniform, and he seeks to honor their service to our country every day. That is why I have requested that a United States Flag will fly over the United States Capitol in Sam's honor, and I plan to present that flag to him, to be flown at Sunset Bay, so that he and all those who visit Sunset Bay may continue to honor the brave men and women who serve our community and our nation so well.

Madam Speaker, I hope that you will join me in honoring a great Western New Yorker and a great friend of the community in northern Chautauqua County. Here is hoping that Sam Bova will put another 50 great years into his business and supporting the many charities he helps each day.

TRIBUTE TO DR. RON DUNHAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Dr. Ron Dunham, a chiropractor at Dunham-Fritz Chiropractic in Marshalltown, Iowa.

For 40 years, Dr. Dunham has served Central Iowa as a chiropractor. He became interested in being a chiropractor when he hurt his back doing construction work after he returned from serving in the Army. His attraction to the profession led him to chiropractic college and back to Marshalltown where he has worked ever since. Dr. Dunham is known for being highly dedicated to his patients while having a sense of humor that lifts the spirits in the office each day. Dr. Dunham's practice successfully quadrupled in size during his time as a chiropractor, and the many years of exceptional service to his customers and the town of Marshalltown will be missed.

I know that my colleagues in the United States Congress join me in commending Dr. Ron Dunham for his service to Central Iowa. I consider it an honor to represent Dr. Dunham in Congress, and I wish him and his wife Sue, a long, happy and healthy retirement.

HONORING JOSE AND FELICE ZAMORA FOR THEIR 50TH WEDDING ANNIVERSARY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. BACA. Madam Speaker, I rise today in honor of two great Americans, Jose and Felice Zamora, beloved parents, grandparents, and friends on the occasion of their fiftieth wedding anniversary.

Jose and Felice—known to all as Tony and Phyllis—first met in the spring of 1958. They met at a Los Amigos dance at Barstow High School. After dating for only four months, they were married on August 29, 1958. Tony proposed to Phyllis in between innings of a baseball game he was playing in. She happily accepted. The two were married in a small private ceremony attended by close friends and family.

After renting a house for a year, Tony and Phyllis bought a house in Barstow, the same house they still reside in today. Tony started work as a bus boy at the Bun Boy restaurant in Barstow. He eventually worked his way up to chef, while Phyllis was a homemaker. In 1967, Tony started working as a warehouseman at the Marine Corps Logistics Base and stayed there until retiring in 1996. Phyllis began working as a housekeeper at a local hotel, and would continue for 20 years.

On July 16, 1959, the Zamoras were blessed with their son, Victor Anthony. On October 10, 1967, the Zamoras celebrated the birth of their daughter Donna Lynn. On October 19, 1981, Tony and Phyllis had their second daughter, Crystal Ann.

Family has always been the focus of the Zamora's life. And they have been blessed with six grandchildren. They have four granddaughters—Kristina Victoria Zamora, Heather Marie Zamora, Ciera Ariel Taylor, and Cienna Faith Davis. They also have two grandsons, Sebastian Antonio Taylor and Simon Antonio Taylor. In addition, they now have three great-grandsons and a fourth on the way. Children have always been a big part of Tony and Phyllis' lives, and since 1959, the sound of kids at play has filled their house in Barstow.

Growing up with Tony, we played fastpitch softball together for many years. He was a great second baseman and I feel fortunate to have such wonderful memories of our days together, all of the great tournaments we used to play in as part of the same team and our young days spent in the sun.

Having known the Zamoras nearly all of my life, I would like to extend my heartiest congratulations on their fiftieth wedding anniversary. On behalf of my wife Barbara, my family and I, felicidades, and may you have many more years of happiness. God bless you.

HONORING THE CITY OF ELKHART ON ITS 150TH ANNIVERSARY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor the City of Elkhart, which is celebrating its 150th anniversary.

The Second District of Indiana is proud to have cities like Elkhart with its Hoosier values and entrepreneurial spirit. From RVs to musical instruments, Elkhart manufactures goods that reach across the country. This entrepreneurial spirit started early and helped Elkhart become the strong city it is today, a city of 52,000 residents that has been named as one of the nation's most livable.

Founded in 1831 by Dr. Havilah Beardsley, the city was incorporated in 1858. It grew quickly and created the first hydroelectric dam on the St. Joseph River; a dam still in use today. Elkhart was also the second city in the world to use an electric streetcar system. However, today Elkhart is probably best known for being the largest producer of recreational vehicles, earning it the nickname ''RV Capital of the World.''

Elkhart has a rich cultural life as well. The Elkhart Jazz Festival is considered one of America's premiere jazz festivals. Several museums and theaters also contribute to the Elkhart community. And Elkhart is planning ahead in order to maintain its vibrancy. It is building a wi-fi system that will be accessible to people along River Way.

I am proud today to pay tribute to the City of Elkhart, Indiana and its residents for 150 years of impressive history and wish them an equally prosperous future.

CONGRATULATING HEISMAN TROPHY WINNER TIM TEBOW

SPEECH OF

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Ms. CASTOR. Madam Speaker, I rise today to pay tribute to not only a great athlete but an excellent student and role model for today's youth.

Tim Tebow exploits on the field are well documented. In addition to being the first sophomore to win the prestigious Heisman Trophy in 2007, he also received the Davey O'Brien and Maxwell Awards for his athletic achievements.

However, his off the field accomplishments warrant praise as well. Tim Tebow is a member of the Southeastern Conference Academic Honor Roll as well being an ESPN the Magazine's Academic All-American first team selection. Tim is just the fourth sophomore to ever receive first team Academic All-American honors at the University of Florida.

While majoring in Family, Youth, and Community Services, Tim Tebow has shown his dedication not only to his local community but to the entire world. He is a SEC Community Service Team Honoree as well as a member of the Goodwill Gators. Through the Goodwill Gators, he has worked to improve lives in his

community at the Children's Miracle Network at Shands Hospital in Gainesville, Florida. He has spent several summers volunteering overseas building housing and hospitals in the Philippines. As a result of his charitable work and leadership skills, Tim Tebow was awarded with the James E. Sullivan Memorial Award. The Sullivan Award recognizes leadership, character, sportsmanship, and strong moral character. He is only the second University of Florida student to ever achieve this award. Notwithstanding all of his athletic and community service activities, Tim Tebow has maintained a 3.77 grade point average.

Madam Speaker, with his achievements in the classroom, his charity in the community, and his dedication to his teammates, I honor Tim Tebow as he is not only a model for today's student-athlete but a role model for children across this Nation.

APOLOGIZING FOR THE ENSLAVEMENT AND RACIAL SEGREGATION OF AFRICAN AMERICANS

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Ms. LEE. Mr. Speaker, I rise today in strong support of H. Res. 194, a resolution apologizing for the enslavement and racial segregation of African Americans. I thank Speaker PELOSI, Chairman CONYERS, and Congressman COHEN for their efforts to bring this resolution to the floor and affording the House of Representatives the opportunity to apologize for America's Original Sin.

Mr. Speaker, slavery in America resembled no other form of involuntary servitude known in history, as millions of Africans were captured and sold at auction like inanimate objects or animals during the 246 years between 1619 and 1865. The Africans forced into slavery were brutalized, humiliated, dehumanized, and stripped of their names, heritage, and dignity. Enslaved families were torn apart at the whim of their owners and sold as chattel.

Mr. Speaker, slavery was officially abolished with the passage of the 13th Amendment in 1865 and for the next 12 years African-Americans made fleeting political, social, and economic gains during Reconstruction, nearly all of which vanished under the system of de jure racial segregation known as 'Jim Crow,' which thrived in certain parts of the Nation for nearly the next hundred years.

Under the system of de jure segregation, African Americans could not vote, could not give evidence in court against a white person, were prohibited from marrying outside of their race, could not enter certain professions, could not serve on juries, and enjoyed few, if any, rights that whites were bound to respect. That is what the Supreme Court had decreed 27 years before in the Dred Scott decision in 1850.

Mr. Speaker, the end of Reconstruction in 1877 ushered in a period of oppression and terror for African Americans. The withdrawal of the Federal Government's protection, the rise of the Ku Klux Klan, the proliferation of the ''Black Codes,'' and the Supreme Court's infamous decision in *Plessy* v. *Ferguson* combined to ensure that African Americans would treated as second-class citizens forced to lead separate and unequal lives for four more generations.

Mr. Speaker, it is difficult for many today to understand just how oppressive it was for African Americans to live under the regime of Jim Crow. For those who couldn't understand why African Americans were so impatient to overcome segregation, Dr. King explained why ''we can't wait'' in his Letter from Birmingham Jail:

> ''[W]hen you are humiliated day in and day out by nagging signs reading ''white'' and ''colored''; when your first name becomes ''nigger,'' your middle name becomes ''boy'' (however old you are) and your last name becomes ''John,'' and your wife and mother are never given the respected title ''Mrs.''; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of ''nobodiness'' then you will understand why we find it difficult to wait.''

America has made great strides in overcoming its Original Sin thanks to the modern Civil Rights Movement, which ushered in the Second American Revolution led by giants like Thurgood Marshall and the Rev. Dr. Martin Luther King, Jr.

But we still have some distance to go before we will have fully perfected our Union. Even today there remain the badges and vestiges of slavery. African-Americans continue to suffer the consequences of the damage they suffered, both tangible and intangible, to human dignity, including the loss of life, the deprivations of liberty, the long-term loss of income, and denial of opportunity.

Mr. Speaker, just because we can never fully repay the debt owed to those enslaved and their descendants does not mean that we cannot acknowledge this tragic period in our nation's history and try to atone for it. That is the least we can do.

The resolution before us is an excellent start and I strongly support it.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 24, 2008

Mr. HOLT. Mr. Speaker, I rise today to support the Tom Lantos and Henry J. Hyde United States Global Leadership against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

The bill, which would reauthorize and expand the President's Emergency Plan for AIDS Relief, would provide $48 billion over five years for programs to combat these three lethal diseases around the world. President Bush is expected to sign the bill into law.

President Bush deserves credit for his work on this issue. I have long supported this bold initiative that has made the U.S. a leader in this critical health and moral issue of our time. By expanding its scope, we would reach far more people around the world and save them from these terrible diseases.

While the first five years of the initiative operated on an emergency response policy, the bill's new provisions would allow for the transition to long-term sustainability programs that can be maintained by the host countries. It would increase HIV/AIDS programs focusing on women and girls, work to better integrate the tuberculosis and malaria programs with the HIV/AIDS programs, double the U.S. contributions to the Global Fund, and strengthen language on countering HIV/AIDS for victims of sex trafficking.

Since its inception in 2003, the United States has invested more than $19 billion to combat HIV/AIDS, tuberculosis, and malaria and helped provide anti-retroviral drug treatments to approximately 1.5 million people with AIDS. It has also supported care for 6.6 million people—including 2.7 million orphans and vulnerable children—and helped to prevent more than 157,000 infant infections.

Upon passage, over the next five years, the bill would greatly expand funding for the initiative, authorizing $39 billion for HIV/AIDS programs, $5 billion for malaria programs, and $4 billion for tuberculosis programs. By 2013, U.S. support provided through PEPFAR could help prevent 12 million new HIV infections, provide medical and non medical care for 12 million people (including 5 million orphans), and train 140,000 new health care workers.

I have heard from numerous Central New Jersey residents who are concerned about the growing AIDS epidemic. This legislation demonstrates the immense compassion Americans hold for the struggles we share as a global community. When 6,000 people become infected with HIV everyday, we must offer a full commitment to fighting the disease.

CONDEMNING JULY 27, 2008 BOMBINGS IN ISTANBUL, TURKEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe and the former President of the OSCE Parliamentary Assembly, I condemn in the strongest possible terms the bombings that shook the Gungoren neighborhood of Istanbul, Turkey on Sunday.

This was the deadliest attack to take place in Istanbul in five years, which killed 17 men, women and children and wounded more than one hundred others. I express my most sincere condolences to the families who lost loved ones and to the individuals injured in this terrorist attack.

Madam Speaker, I stand with the Turkish government and the people of Turkey in condemning these cowardly acts and hope to see those responsible brought to justice very soon.

The United States and Turkey have shared a historic partnership for the past fifty-plus years and it is during these difficult times that we must stand together.

Madam Speaker, the United States remains committed to working with Turkey in fighting terrorism in Turkey, in the United States, and around the world. I urge my colleagues to stand with me in condemning these heinous attacks.

IN HONOR OF THE OBSERVER-REPORTER'S 200TH ANNIVERSARY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. MURTHA. Madam Speaker, on August 15 of this year, the Observer-Reporter will celebrate its 200th anniversary of providing accurate and reliable news to the people of Southwestern Pennsylvania.

In 1808, printers William Sample and William B. Brown were on their way to Kentucky when they stopped in The Sign of the Swan Tavern in the small village of Washington, Pennsylvania. There, they were convinced to set up shop, and on August 15, 1808, The Reporter, a weekly newspaper, was born. Ownership of the paper, as well as its name, changed hands over the next century, until John L. (Jack) Stewart and George E. Acheson formed the Observer Publishing Company on July 24, 1902.

Acheson retired in 1912, turning over ownership and the presidency to Stewart. When Stewart died in 1940, the company was turned over to his wife, Margaretta. Her grandsons John L.S. and William B. Northrop became coowners and president and vice president, respectively, following her death in May 1966.

In 1967, the Observer Publishing Company merged its morning paper, The Washington Observer, and its afternoon paper, The Washington Reporter, into the Observer-Reporter.

Over the last three decades, the Observer Publishing Company acquired additional newspapers throughout Washington and Greene Counties. On April 17, 2000, John and Bill Northrop's sons, Tom and Bill Jr., became copublishers of the company. Tom became sole publisher and president of the Observer Publishing Company in 2004.

Madam Speaker, today the Observer Publishing Company is one of the largest employers in Washington County. Their talented and hardworking staff produces a daily paper that reaches tens-of-thousands of subscribers in Southwestern Pennsylvania. The company is active in both the local community and the newspaper industry. I would like to acknowledge and congratulate the award-winning Observer-Reporter for printing a quality news product that has been part of Southwestern Pennsylvania since 1808.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. GRAVES. Madam Speaker, due to personal reasons on Tuesday July 29, 2008 I missed rollcall votes 534, 535, and 536. Had I been present, I would have voted ''aye'' on all three votes.

TRIBUTE TO ROBERT ANDERSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize the American Culinary Federation 2008 Central Region Educator of the Year, Robert Anderson of Des Moines Area Community College.

Robert is the program chair of the Culinary Arts and Hospitality Careers program and Executive Chef at DMACC. He is a certified executive chef and certified culinary educator. Robert is a member of the Honorary Order of the Golden Toque, one of only 99 such chefs in the United States. Robert trained at the Culinary Institute of America (CIA) and worked in several quality restaurants across the country before joining DMACC to develop the culinary program in 1974. Robert was also selected as DMACC's Distinguished Teacher of the Year in 2000 and is a two-time recipient of the ACF Greater Des Moines Culinary Association Chef of the Year Award.

I consider it a great honor to represent Robert Anderson in the United States Congress. The expertise he brings to Central Iowa is certainly valued and I wish Robert the best as he continues serving Iowa and DMACC in the culinary profession.

HONORING THE CHRIST CHILD SOCIETY OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor the Christ Child Society of South Bend, an all-volunteer organization that has served the community for over 60 years. In 1947, a group of women gathered in the home of founder Puddy Crowley to make baby clothes for a few needy families. Since then, the Christ Child Society has grown to a membership of over 500 and a client list of over 4,000 at-risk children and is one of the largest and most active of the 41 chapters in the United States.

The South Bend chapter is an affiliate of the National Christ Child Society, founded in 1887 by Mary Virginia Merrick in Washington, DC. An invalid, Miss Merrick turned her attention from her disability to helping the poor children of Washington. For her selfless work she received the Laetare Medal from the University of Notre Dame and the Papal Cross, among other honors, and has been declared a ''Servant of God,'' the first step toward canonization.

Following the model of Miss Merrick, the South Bend Chapter gives infants, born to needy mothers who are often just children themselves, a bountiful layette containing items such as blankets, clothing and baby items. Children, ages one through twelve, are referred by local agencies, churches, or schools to receive new winter clothing. Each child receives a wardrobe which includes a winter coat, hat, mittens, underwear, socks and shoes, and two outfits.

The Christ Child Society expanded its services to include a project that provides backpacks containing necessities and comfort items for children removed from homes due to abuse and neglect. Volunteers from the Christ Child Society are tutors and mentors and act as classroom helpers at one of the neediest schools in South Bend.

The increased need for clothing and the expansion of services led the Christ Child Society to move to its new location, a former school which has been filled to capacity with children's clothing. The dedication of the new clothing center marks a new chapter in the history of this vital and compassionate organization.

The Christ Child motto is ''Challenging poverty, one child at a time.'' The dedicated members work tirelessly at purchasing, sorting, and distributing clothes and fundraising while demonstrating genuine love and concern for the children they serve. The self-esteem and joy brought to the children is one step out of the cycle of poverty.

So, today, on behalf of the citizens of Indiana's Second District, I honor the members of the Christ Child Society of South Bend and extend my hope for a better life to the children they serve.

CONGRATULATING THE PARTICIPANTS OF THE HOUSE FELLOWS PROGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. TOWNS. Madam Speaker, I rise today to congratulate the participants of the House Fellows Program. As an initiative of the Office of the Historian, this program is a unique opportunity for a select group of secondary education teachers of American history and government to experience firsthand how Congress really works. They were chosen because they are educators with demonstrated excellence in the classroom.

One of the goals of the program is to develop curricular materials on the history and practice of the House for use in schools. Each Fellow will prepare his or her brief lesson plan on a Congressional topic of their choosing, and these plans will become part of a teaching resource database on the House. During the school year following their participation in the House Fellows Program, each Fellow will have the responsibility to present their experiences and lesson plans to at least one in-service institute for teachers of history and government.

Since the House Fellows Program beginning in 2006, 49 teachers from around the country have participated in this innovative program. With plans to select a teacher from every congressional district over the next several years, the House Fellows Program will be able to impact thousands of high school teachers and their students, providing an inside account of how the House of Representatives functions, energizing thousands of students to become informed and active citizens. As a former teacher, I know that civic education is essential. We must continue our efforts to get our young people involved in the political process, not only in my congressional district but in districts across the country. Educating teachers about the ''People's House'' is one of the best ways to do that.

Among the teachers who are participating this week, I am pleased to welcome Ms. Lyntonia Coston of the Brooklyn Arts and Media High School. I know that all Members will join me in congratulating Ms. Coston and all the teachers who are participating in the 5th session of the House Fellows Program.

Ms. Lynda Good, William A. Shine Great Neck South High School, Great Neck, New York (Ackerman, NY05); Ms. Brooke Goldstein, Francis Marion Military Academy, Ocala, Florida (Stearns, FL06); Ms. Cari Gray, New Braunfels High School, New Braunfels, Texas (Smith, TX21); Ms. Monica Hiranandani, St. Bonaventure High School, Ventura, California (Gallegly, CA24); Ms. Heather Ihde, Riverdale High School, Murfreesboro, Tennessee (Gordon, TN06); Ms. Alma Ortiz, Homer Hana High School, Brownsville, Texas (Ortiz, TX27); Michael Tucker, Ewing High School, Ewing, New Jersey (Smith, NJ04).

Madam Speaker, I would like to urge all of my colleagues to join me in thanking the Office of the Historian for sponsoring this program. Under the leadership of Dr. Remini and Dr. Fred Beuttler, along with their staff; Michael Cronin, Anthony Wallis, Andrew Dodge, and Dr. Charles Flanagan; interns George Dise, Parker Williams, and Mike Ferrin; the Office of the Historian is dedicated to conserving and presenting the history of the House of Representatives, the ''People's House.''

HONORING THE SERVICE OF PASQUALE N. ''PAT'' SALVE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant who is retiring after a 21-year career as a letter carrier with the Chester Springs Post Office in Chester County, Pennsylvania.

Pasquale N. Salve was known to those on his daily route as ''Pat.'' Co-workers described Pat as a gregarious individual who would stop to chat with residents and check in on senior citizens while making his rounds.

On Christmas Day, co-workers said Pat would stop by the Chester Springs Post Office to see if any last-minute packages needed to be delivered in time for holiday celebrations. In another example of his selfless dedication to the residents along his route, Pat would often volunteer to deliver parcels on his way home after his regular shift ended.

It often has been said of letter carriers that neither rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds. Pat Salve exemplified this work ethic each day while serving the public with pride. Colleagues will acknowledge Pat's contributions to the community during a small celebration on July 31, 2008 at the Chester Springs Post Office.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service of Pasquale N. ''Pat'' Salve and all public servants who go beyond what is expected to serve their communities.

CONGRATULATING WKRG–TV 5 REPORTER TIFFANY CRAIGON RECEIVING A 2008 EDWARD R. MURROW AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. BONNER. Madam Speaker, it is with both pride and pleasure that I rise today to honor Tiffany Craig, a WKRG–TV5 special assignment reporter, for receiving a 2008 Edward R. Murrow award.

A native of Scotland, Tiffany finished high school in Houston, Texas, and went on to study radio, television, and film at Sam Houston State University. Her celebrated career began at KTRK in Houston, Texas. From there, she went to work for KVII in Amarillo, Texas, and then to WBMA in Birmingham, Alabama, before joining Mobile's WKRG–TV5 in 2002.

Last year, Alabama landed one of the largest private industrial development projects in the United States, ThyssenKrupp's new $3.7 billion state-of-the-art steel manufacturing and processing facility, and Tiffany traveled to Germany to report from the company's headquarters. She traveled across the Atlantic once again to cover the Air Force tanker competition from the Paris Air Show.

Alabama's First Congressional District and indeed the state of Alabama have been blessed with one good news economic announcement after another over the past 18 months. Tiffany and WKRG have provided widespread coverage of each of the recent economic developments for the city of Mobile. This documentary, ''Mobile's Makeover,'' earned reporter Tiffany Craig, editor Ed Smith, photographer Jud Holson, and producer Jennifer Dale a national 2008 Edward R. Murrow Award.

Honoring outstanding achievements and excellence in electronic journalism, the Murrow Awards are give by the Radio-Television News Directors each year. This year, the Murrow Award was given to 54 news organizations representing networks, cable channels, and television stations.

Madam Speaker, Tiffany Craig's career has already been filled with much achievement, and I rise today to honor yet another of these achievements—a national 2008 Edward R. Murrow Award. May she continue to inform and inspire the people of south Alabama. I know her colleagues, her family, and her many friends join with me in praising her significant accomplishments and a job well done.

HAPPY BIRTHDAY COE HAMLING

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor a dear friend and a special American on the occasion of his 90th birthday.

Worthy Coe Hamling was born on August 2, 1918 on the plains of South Dakota. Armed with nothing more than the dogged determination, rugged individualism and unbending family loyalty forged by a birth attended only by his mother and God, Coe embodies the greatest qualities of America.

It was at Hamlyn University in Minnesota that he met his loving wife of 66 years, Betty. His embrace of freedom, family, and the sanctity of every human being is balanced by his unyielding sense of responsibility and self-reliance. Living in Roswell, GA, Coe proudly anchors a family of five children, ten grandchildren and eight great-grandchildren.

Madam Speaker, I know the entire House of Representatives joins me in extending a hearty, happy 90th birthday to Coe Hamling—an American treasure!

HONORING ANTHONY RICCIO FOR HIS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. DELAURO. Madam Speaker, today, as the Societa' Santa Maria Maddalena marks its 110th Anniversary, New Haven's Italian-American community also gathers to honor one of its most outstanding citizens, celebrated author and community leader, Anthony Riccio. It is my privilege to rise today to join them in recognizing Anthony for his many outstanding contributions to our community.

Since I was a child, Societa' Santa Maria Maddalena—and all of the Italian societies—have been a part of my life. People across the country struggle to create a sense of community, a sense of belonging. The Italian societies have played an important role in forging strong bonds in our community and have been charged with both preserving and celebrating our rich heritage and strong traditions. Perhaps most important was the support that they provided to families and those newly immigrating to America. Society members helped them to find employment and housing, educate themselves and their children, to become productive and active members of the community, giving them a voice and the opportunity to realize the American Dream. It has been through that sense of community—that extended family—that Italian-Americans have flourished and generation after generation share a special pride in their Italian roots.

Each year, the Societa' Santa Maria Maddalena honors an individual whose contributions to the community have furthered this mission. Anthony Riccio has most certainly done much to capture and record the history of the Italian-American experience, particularly in New Haven. His passion for culture and tradition began as a child. As so many of us did, Anthony would spend many hours with his grandmother and she would often receive letters from her family still in Italy. Anthony vividly recounts his memories of their walks through the neighborhood to find someone who could translate them. His enthusiasm and desire to understand Italian culture and history only grew as he got older.

As an undergraduate Anthony was given an opportunity that would later provide inspiration for his work as an author. Anthony spent two summers studying art history in Italy and traveled to southern Italy to find his family. As he traveled to the village of his ancestors, he marveled at the similarities between the villages and towns of Italy and that of his own

hometown neighborhood. After studying in Italy for several years, Anthony returned to the United States and began working with senior citizens in Boston's North End, many of whom were immigrants from Italy. His passion for Italian history only strengthened as he spent more time with them and he began to record their conversations to be sure that the stories were captured accurately. Anthony's first book, Boston's North End: Images and Recollections of an Italian American Neighborhood, was a compilation of those stories and its success led to his second book, The Italian American Experience in New Haven. Collections of photographs and oral histories, each brings a unique perspective of the Italian American experience in these two cities and his hometown of New Haven could not be more proud.

Today, as he is recognized by the Societa' Santa Maria Maddalena, I am honored to join all of those who have gathered this evening in extending my sincere thanks and appreciation to Anthony Riccio for his many invaluable contributions to our community. I would also like to extend my best wishes to him, his wife Dorothy, and his daughter, Annalisa, on this very special occasion.

TRIBUTE TO REVEREND DR. CAESAR ARTHUR WALTER CLARK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to Reverend Dr. Caesar Arthur Walter Clark, a remarkable and compassionate leader whose legacy has touched so many North Texans. Reverend Clarke passed on July 27, 2008. His is a deep loss felt by his family, his church congregation, the North Texas community, the State of Texas, and most assuredly, our nation. Reverend Clarke will long be remembered for his social activism and advocacy on behalf of those individuals suffering from poverty, homelessness, and injustice. He fought for the common person and his influence was far reaching, both inside and outside the African American community.

Reverend Clark was born in Shreveport, Louisiana and attended the public schools in his native state. He was converted to Christianity in 1928 at age 14. Pastor Clark began preaching in April 1929, and was ordained four years later in 1933. His first pastorate at age 19 was the Israelite Baptist Church in Longstreet, Louisiana.

Dr. Clark has served as the venerated pastor of Good Street Baptist Church in Dallas for over 58 years. He has delivered his vibrant sermons all over the world during his extraordinary career in the clergy. In addition, he has served as president of the Missionary Baptist Association of Texas and as vice president of the National Baptist Convention.

While his professional focus has always been squarely on the valued worshippers at Good Street Baptist, Dr. Clark is also an involved community leader who continues to enjoy membership on the Boy Scouts of America Advisory Committee and the Dallas Black Chamber of Commerce. In addition, Dr. Clark played an active role in our Nation's civil rights struggle. Perhaps most notably he was responsible for drawing Dr. Martin Luther King to his church in 1958 for his first of many speeches in Dallas.

Madam Speaker, Dr. Caesar A.W. Clark's life is one of dedicated service, compassion, faith and devotion. For all these reasons, please join me in expressing our heartfelt sympathy to his wife, Carolyn Elaine Clark; his son, Dr. Caesar Arthur Walter Clark, Jr.; daughter-in-law, Dr. Slyvia Clark; granddaughter, Chelsi Om'Nira Clark; step daughter, Tonya Bunche; step son, Maurice Bunche and his many relatives and friends.

I urge my colleagues to please join me in conveying our gratitude to his family for sharing this great man with us, and to accept our condolences for their tremendous loss. He was an inspiration to us all.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmark in H.R. 6599.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02).

Bill Number: H.R. 6599.

Account: Air Force, Military Construction, Air National Guard.

Legal Name of Requesting Entity: 177th Fighter Wing.

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234.

Description of Request: Provide an earmark of $8.4 million for the construction of Phase I of a two phase Operations and Training Facility for the 177th Fighter Wing at the Atlantic City International Airport in Egg Harbor Township, NJ. The facility will house key wing administrative functions to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland.

CONGRATULATIONS TO DR. JOHN GEORGE, SUPERVISORY RESEARCH ENTOMOLOGIST AND LABORATORY DIRECTOR/RESEARCH LEADER, UNITED STATES DEPARTMENT OF AGRICULTURE, AGRICULTURAL RESEARCH SERVICE, KERRVILLE, TX

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. SMITH of Texas. Madam Speaker, today I want to congratulate Dr. John George on the occasion of his retirement after 28 years of Federal service with the United States Department of Agriculture.

Through his continued effort and diligence, Dr. George has established a distinguished career in both academia and research. In 1979, Dr. George joined the Agricultural Research Service (ARS) as Research Leader of the Tick Research Unit of the Knipling-Bushland U.S. Livestock Insects Research Laboratory, KBUSLIRL, Kerrville, TX. Dr. George is currently the Research Leader of all Current Research Information System projects at the KBUSLIRL, and in addition was designated Laboratory Director in 1999. Dr. George's work with the Cattle Fever Tick Eradication Program has been instrumental in protecting the U.S. cattle industry from Texas Cattle Fever Ticks.

In addition to the many contributions that Dr. George has made to the ARS, KBUSLIRL, Animal and Plant Health Inspection Service, APHIS, Veterinary Services, and international tick control organizations, he has been an active leader of various professional organizations. He has served as President of the Acarological Society of America, President of the Southwestern Branch of the Entomological Society of America, the Southwestern Branch Representative to the Governing Board of the ESA, and Vice-chairmanship to the Parasitic Diseases Committee of the U.S. Animal Health Association. In addition, to numerous societal committee assignments he has served on the editorial boards of three ESA Journals. In 2003, his peers in livestock entomology recognized his devotion and contributions to his profession when he was presented with the Life-Time Achievement Award, sponsored by Bayer Animal Health, at the 47th Annual Livestock Insect Workers Conference, Atlantic Beach, NC.

PAYING TRIBUTE TO WILLIAM K. KOWALSKI, ASSISTANT SPECIAL AGENT IN CHARGE, DETROIT DIVISION, FEDERAL BUREAU OF INVESTIGATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise today to honor the accomplishments of William J. Kowalski, who is retiring after 25 years of service in the Federal Bureau of Investigation. Throughout his career with the FBI he has served his country with honor and distinction.

Following his training at the FBI Academy in Quantico, Virginia, Mr. Kowalski began his career with the Bureau in Detroit. During his time with the Bureau, Mr. Kowalski moved quickly through the ranks, a testament to his dedication and commitment to his job. He served tours of duty in Memphis, Tennessee, and New York City.

After his exceptional work in the field he was promoted to a supervisory position at FBI Headquarters in Washington, DC. During his service Special Agent Kowalski was responsible for managing counterintelligence and espionage investigations. After the Berlin Wall fell Mr. Kowalski was one of the first agents to travel to Eastern Europe.

Mr. Kowalski eventually returned home to serve in Michigan, this time in a supervisory role for the Flint and Ann Arbor Resident Agencies of the FBI. In 2004, Mr. Kowalski was promoted to his current position of Assistant Special Agent in Charge in Detroit. While in this position Mr. Kowalski led Detroit's counterterrorism efforts which are so crucial to our nation's security today.

Mr. Kowalski's relentless hard work and dedication was recognized numerous times as

evidenced by his outstanding law enforcement record and repeated promotions within the Bureau. Throughout his career he has exemplified the FBI's motto of Fidelity, Bravery, and Integrity by serving and protecting the people of Michigan and citizens across United States.

Madam Speaker, I ask my colleagues to join me in honoring William J. Kowalski for his model service to United States law enforcement and his commitment to his country. He is truly deserving of our respect and admiration.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. CARTER. Madam Speaker, I rise today to submit documentation consistent with the new Republican earmark standards.

Requesting Member: Congressman JOHN R. CARTER.

Bill Number: H.R. 6599—The Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Army.

Legal Name of Receiving Entity: Fort Hood, TX.

Address of Receiving Entity: U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm. W321, Fort Hood, TX 75544.

Description of Request: I have secured $32,000,000 in funding in H.R. 6599 in the Military Construction, Army account for Unit Maintenance Facilities at Fort Hood, TX.

This funding will construct standard design unit maintenance facilities. Primary facilities to include vehicle maintenance shops, company operations facilities with covered hardstand, oil storage buildings, organizational unit storage buildings, Unmanned Aerial Systems (UAS) Maintenance Hangar, UAS taxiways and bridge, and organizational vehicle parking. Install intrusion detection systems (IDS) for arms rooms. Connect Energy Management Control System (EMCS) to base-wide network. Special foundations are required due to expansive soils. Sustainable Design and Development (SDD) and Energy Policy Act of 2005 (EPAct05) features will be provided. Supporting facilities include electrical, water, sanitary sewer, and natural gas utilities; fire protection and alarm systems; security lighting; fencing, paving, walks, curbs and gutters; storm drainage; access roads; information systems; landscaping; and site improvements. Access for persons with disabilities will be provided in public areas. Heating and air-conditioning will be provided by self-contained units. Anti-Terrorism/Force Protection (AT/FP) measures will be provided by structural reinforcement, mass notification system, special windows and doors, high curbing, and other site improvements to secure perimeter and maintain stand-off distances. Comprehensive building and furnishings related interior design services are required. Air-conditioning (estimated 300 tons).

Fort Hood, Texas, is a strategic installation for the Army. This project was programmed to receive funding in Fiscal Year 2009. This project is necessary to support the troop increase requested by the Secretary of Defense as part of the "Grow the Force" initiative for the Army.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman JOHN R. CARTER.

Bill Number: H.R. 6599—The Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Air Force.

Legal Name of Receiving Entity: Fort Hood, TX.

Address of Receiving Entity: U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm. W321, Fort Hood, TX 75544.

Description of Request: I have secured $10,800,000 in authorization funding in H.R. 6599 in the Military Construction, Air Force account for a TACP Joint Air Ground Center at Fort Hood, TX.

This project will construct a Joint Air Ground Center to support the administrative, training, vehicle and equipment maintenance and storage requirements for the 3rd Air Support Operations Group and the 9th Air Support Operations Squadron at Fort Hood, TX. The construction will include reinforced concrete foundation and floor slabs, metal frame work, masonry walls, roof system, fire detection/protection system, utilities, pavements, site improvements, special foundations, communication support, and demolition and asbestos abatement of five facilities (3,611 SM). This project will comply with DoD antiterrorism/force protection requirements per Unified Facilities Criteria.

Fort Hood, Texas is a strategic installation for the Army. This project was programmed to receive funding in Fiscal Year 2009. The project is necessary to support the mission of the 3rd Air Support Operations Group and the 9th Air Support Operations Squadron at Fort Hood, Texas.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

Requesting Member: Congressman JOHN R. CARTER.

Bill Number: H.R. 6599—The Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Army.

Legal Name of Receiving Entity: Fort Hood, TX.

Address of Receiving Entity: U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm. W321, Fort Hood, TX 75544.

Description of Request: I have secured $17,500,000 in funding in H.R. 6599 in the Military Construction, Army account for a Chapel with Religious Education Center project at Fort Hood, TX.

This project will construct a standard design chapel complex and religious education center. Primary facilities include a chapel complex, religious education center, administrative area, conference rooms, library, multipurpose activity area, kitchen and storage areas, fire alarm and fire suppression systems, connection to Installation Energy Management Control System (ECMS), and building information systems. Special foundations are required due to the expansive soils. Supporting facilities include electrical, water, sanitary sewer, and natural gas utilities; storm drainage; chilled water distribution; paving, walks, curbs and gutters; security lighting, information systems; landscaping and site improvements. Heating will be provided by self-contained natural gas units. Access for the handicapped will be provided. Comprehensive Interior Design package is required. Anti-Terrorism/Force Protection (AT/FP) measures include mass notification system, structural reinforcement, special doors and windows, high curbing, and other measures to maintain stand-off distance.

Fort Hood, Texas is a strategic installation for the Army. This project was programmed to receive funding in Fiscal Year 2012, but was identified by the garrison commander as the highest unfunded priority in Fiscal Year 2009. The project is necessary to improve psychological and spiritual care for the soldiers and their families.

Military Construction projects are always 100 percent funded by the U.S. Federal Government so there is no opportunity for matching funds.

HONORING THE CITY OF MISHAWAKA ON ITS 175TH ANNIVERSARY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. DONNELLY. Madam Speaker, today I rise to honor the City of Mishawaka, which is celebrating its 175th anniversary.

The Second District of Indiana is proud to have cities like Mishawaka that exemplify Hoosier values and emphasize the importance of community. Built along the St. Joseph River and named after Princess Mishawaka, daughter of Shawnee Chief Elkhart, Mishawaka has been an evolving city reflecting the needs of the world while maintaining its own culture.

Founded in 1831 and incorporated in 1833, Mishawaka grew from a mining town to the "Peppermint Capital" to a thriving city which is now home to the only Hummer H1 and H2 assembly plants in the United States. Mishawaka is also home to the Grape Road Commercial Corridor, the second largest retail market in the State of Indiana. Mishawaka's picturesque downtown area is undergoing a revitalization with the addition of retail, restaurants and homes that maintain the small town character that defines the city.

Mishawaka has a rich cultural life as well. It is home to the Nation's largest and oldest wiffleball tournament, the World Wiffleball Championship. Mishawaka also believes in the value of neighbors and neighborhoods, demonstrated in neighborhoods intentionally built to maintain a "hometown" feel as well as a total of 27 community parks. One park contains a Japanese style garden created in honor of Mishawaka's sister city, Shiojiri, Japan.

I am proud to rise today to congratulate Mishawaka, Indiana and its 47,000 residents on 175 years of rich history and wish them a bright future.

RECOGNIZING MOBILE COUNTY DISTRICT ATTORNEY JOHN TYSON AND HIS WORK IN CREATING THE ALABAMA SECRET SAFE PLACE PROGRAM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. BONNER. Madam Speaker, I rise today to pay tribute to Mobile County District Attorney John Tyson for his leadership and support in creating the Nation's first Secret Safe Place for Newborns program in Mobile, Alabama. As Mobile's Press-Register recently editorialized, "'Saving newborns' lives is a legacy of which Mobile can be proud."

The brainchild of former WPMI–TV reporter Jodi Brooks, the Alabama Secret Safe Place program was created in 1998 through the hard work and support of John Tyson. Due to his leadership, every State has established a program similar to Alabama's as an option for mothers who are unable and unprepared to provide for their newborn baby.

These programs allow mothers to turn over their newborns to a local hospital, fire station, police station, or other public entity without being charged with a crime. Within the time limit set by each State's law, the mothers are able to remain anonymous and will not be accused of child neglect. The mothers also continue to have the opportunity, if they wish to change their minds, to return and reclaim their child.

When the Secret Safe Place for Newborns program began, it was all too common for distraught mothers, in most cases teenagers, to abandon their newborns in trash cans or in public places hoping someone would discover them. Some even went so far as to murder their unwanted babies. Due in large part to John's efforts, an estimated 500 newborns across the country have been saved over the past 10 years because of infant safe haven programs.

John often serves as the spokesman for infant safe haven programs speaking to media outlets throughout the country and around the world on efforts to combat the unsafe abandonment of newborns.

Madam Speaker, I ask my colleagues to join with me in commending District Attorney John Tyson and so many others for their efforts on behalf of newborns in Alabama and across the country. The success of the Alabama Secret Safe Place for Newborns program is a tribute to their efforts to save infants' lives—they are true heroes.

GREATER HOUSTON CONCERNS OF POLICE SURVIVORS (C.O.P.S.)

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. POE. Madam Speaker, the Greater Houston Concerns of Police Survivors (C.O.P.S.) was created to help provide resources to assist surviving families of law enforcement officers killed in the line of duty. This noble organization helps rebuild the lives of those they help, and provides training to law enforcement agencies on survivor victimization issues. They also educate the public on ways to show support for law enforcement professions and their survivors.

The Greater Houston C.O.P.S. instituted two programs that the public can join to show support for the fallen officers and their families. Project Blue Light gets residents to place a blue light in a window of a home or business. By keeping the blue lights burning, it is a constant reminder to everyone that law enforcement officers serve and protect the public "every day, every minute, and every second of the year."

The Blue Ribbon Program encourages the public and law enforcement personnel to tie blue ribbons to their car antennas during National Police Week. C.O.P.S. hopes the blue ribbons are a reminder to the public that many law enforcement officers have already paid the ultimate price and given their lives in the line of duty. They also encourage the public to display their blue ribbons outside of National Police Week, to honor those officers who are in our communities each day, putting their lives on the line to keep the public safe.

The Greater Houston C.O.P.S. is an active chapter of the national organization of Concerns of Police Survivors, Inc. and continues to advocate for citizens in the Greater Houston area to support the law enforcement officers lost, still serving, and the families of these officers.

I applaud C.O.P.S. and Greater Houston C.O.P.S. for their dedication and commitment to law enforcement and their families.

Senior Police Officer Gary A. Gryder assigned to the Southeast Division, Paroled Offender's Unit, while directing traffic was struck and killed at Katy Freeway West service road at Highway 6 on Sunday, June 29, 2008. Officer Gryder was a twenty-three (23) year veteran of the Department joining on January 7, 1985, entering Police Academy Class No. 126. He is survived by his wife, Retired Senior Police Officer Debra L. Gryder, who served the Department for over twenty-seven (27) years, his son, Austin A. Gryder and a daughter, Jennifer Streeter. He is also survived by his Father-in-law, Retired Police Officer Alfred B. Lewis, who retired from the Department after serving over thirty-one (31) years, on March 2, 1981.

Madam Speaker, I attended the funeral of Officer Gryder along with hundreds of other citizens. His wife, Debbie, and his family now join the ranks of C.O.P.S. Our communities need to constantly remember our fallen police and their families that will need to continue on without their loved ones.

And that's just the way it is.

ON THE BIRTH OF MADELYN CLAIRE KAPLAN AND AINSLEY ELIZABETH KAPLAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate my friend Andrew Kaplan and his wife Danleigh Kaplan of Washington on the birth of their new twin girls. Madelyn Claire Kaplan and Ainsley Elizabeth Kaplan were born on July 27, 2008, weighing 5 pounds 2 ounces and 5 pounds 8 ounces respectively. Madelyn and Ainsley have been born into a loving home where they will be raised by parents who are devoted to their well-being and bright future.

I am so excited for this new addition to the Kaplan family. On behalf of my wife Roxanne and our entire family, we want to wish Andrew, Danleigh, Madelyn, and Ainsley all the best.

HONORING WANDA WILSON, CRNA, PhD, MSN PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. SCHAKOWSKY. Madam Speaker, today I pay tribute to Wanda Wilson, CRNA, PhD, MSN, of the University of Cincinnati and president of the American Association of Nurse Anesthetists, located in my congressional district. Ms. Wilson will soon complete her year as the 2007–2008 national president of the AANA, the professional organization representing more than 39,000 Certified Registered Nurse Anesthetists, CRNAs, and student nurse anesthetists in the United States. She has provided strong leadership in advocating for the practice of nurse anesthesia and the patients who CRNAs serve every day.

Founded in 1931, the AANA celebrates its 77th anniversary as the professional association representing CRNAs, advanced practice nurses who administer approximately 30 million anesthetics in the U.S. every year. CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; critical access hospitals; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, plastic surgeons, and pain management specialists; and U.S. military, Public Health Service, and Department of Veterans Affairs health care facilities.

CRNAs provide anesthesia for all types of surgical cases and, in some states, are the sole anesthesia providers in the vast majority of rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization services.

A resident of Cincinnati, Ohio, Ms. Wilson earned her doctorate in nursing science and physiology, a master's degree in nursing, a bachelor's degree in nursing and a bachelor's degree in science from the University of Cincinnati. She also received her nurse anesthesia diploma from Cincinnati General Hospital and her nursing diploma from Holzer Medical Center in Gallipolis, Ohio. A longtime member of the AANA, Ms. Wilson has held numerous leadership positions and served as regional director, treasurer, vice-president, and president-elect before becoming the national president of the AANA in 2007. In addition, Ms. Wilson has served terms as president and president-elect and as a member of the board of directors for the Ohio State Association of Nurse Anesthetists.

She is also the program director at the University of Cincinnati's College of Nursing, Nurse Anesthesia Major, which has been ranked one of the top nurse anesthesia educational programs nationally by U.S. News and World Report.

Adding to her professional accomplishments, Ms. Wilson has been recognized for speaking on anesthesia-related topics over the years. She has taken her experience and knowledge from the workplace and her AANA leadership role to lecture on political and academic anesthesia-related topics for different professional groups. During her AANA presidency, Ms. Wilson has advocated for CRNAs and patients before the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other Federal agencies. In addition, Ms. Wilson worked to bring the AANA's perspective to the national debate on how to improve veterans health care, ensuring that AANA was represented in Congressional hearings to testify about the contributions of CRNAs in the Veterans Affairs health system and the dedication with which CRNAs provide safe anesthesia care to members of the U.S. Armed Forces at home and abroad. Finally, Ms. Wilson has been an invaluable advocate in advancing reform and equity in Medicare anesthesia reimbursement in educational settings so that seniors and persons with disabilities will have access to safe anesthesia care. Legislation recently enacted by Congress to reverse Medicare payment cuts also reformed Medicare anesthesia payment teaching rules for CRNAs and anesthesiologists, a longstanding policy objective of the AANA.

Madam Speaker, I hope my colleagues will join me today in recognizing the outgoing president of the American Association of Nurse Anesthetists, Ms. Wanda Wilson, CRNA, PhD, MSN, for her notable career and outstanding achievements.

H. RES. 1288 NATIONAL CAMPUS SAFETY AWARENESS MONTH

SPEECH OF

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Mr. POE. Mr. Speaker, each fall, students arrive on college campuses and universities across the Nation to further their education. There is a general excitement about campus life and the opportunity to live away from home for the first time with little to no rules. However, the harsh reality soon becomes evident—that campuses are not immune from the threat of crime.

Recognizing the very real presence of crime on college campuses and universities across America, I am a cosponsor of H. Res. 1288, Supporting the goals and ideals of National Campus Safety Awareness Month. This resolution designates the month of September as the National Campus Safety Awareness Month in partnership with hundreds of colleges and universities in the Nation.

As the co-chair and founder of the Congressional Victim's Rights Caucus, I strongly believe that we need to raise awareness about crime issues present on campuses, such as sexual assault, stalking, hazing, and alcohol and drug abuse.

This resolution encourages our Nation's colleges and universities to promote campus safety and crime awareness prevention programs. I am proud to know that several colleges and universities from my home state of Texas participated in the National Campus Safety Awareness Month last year, and my hope is that even more campuses and universities participate this year.

The facts are before us—from 2004–2006 there were 8,114 forcible-sex offenses, 8,923 aggravated assaults, and 37 homicides on college and university campuses. Although we would like to think that these higher education institutions are immune from such heinous acts of crime, sadly they are not.

I join with Rep. SESTAK in support of H. Res. 1288, the National Campus Safety Awareness Month, because although there is a lot of work to be done to make our campuses a safer place, this resolution is a step in the right direction.

TRIBUTE TO MS. LEE STURTEVANT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to recognize the accomplishments of Ms. Lee Sturtevant and wish her the very best upon her 85th birthday.

Over her years of service to the County of Santa Clara, Ms. Sturtevant has continually worked within the democratic process to help raise the standard of living for those who have the least.

Ms. Sturtevant has sought to get women involved in politics and to run for office. She successfully managed the 1974 campaign of Assemblywoman Leona Egeland, who was at that time the only woman serving in the Assembly. She continues to be a highly influential and informed leader within the Santa Clara County Democratic Central Committee and of DAWN, Democratic Activists for Women Now.

As a high school student, she was introduced to politics and its ability to benefit society by her mother, who took her to Los Angeles County Democratic Central Committee meetings. And, as a young girl, Sturtevant once dined over lunch with Eleanor Roosevelt.

Although many vibrant and youthful people of her age are enjoying retirement and relaxation, Ms. Sturtevant continues to employ her skills and dedication as a policy advisor for the office of Santa Clara County Supervisor Ken Yeager. In 1981, Lee served as my Chief of Staff when I was first elected to the Santa Clara County Board of Supervisors. She has also worked on the staffs of other prominent Santa Clara County area elected officials.

Her career also includes working as a teacher and librarian for the Cupertino School District in addition to serving on the San Jose Unified School District Board of Education.

I would like to thank Lee Sturtevant for her service to my office and to the community of the County of Santa Clara. Best wishes upon your 85th birthday and may you celebrate many more in the years to come.

25 PINELLAS COUNTY HIGH SCHOOL STUDENTS HONORED WITH ANNE FRANK HUMANITARIAN AWARDS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. YOUNG of Florida. Madam Speaker, the Florida Holocaust Museum in St. Petersburg, Florida, which I have the privilege to represent, has honored 25 Pinellas County High School students with the Anne Frank Humanitarian Award for their work to improve our community and our world.

These students are being recognized for their volunteer efforts in a wide variety of areas including Special Olympics, Toys for Tots, community food drives, environmental awareness campaigns, mentoring programs for the less fortunate, hurricane and disaster relief projects, supporting our troops overseas, and raising funds to support an African orphanage.

The award was established just after the attacks on our Nation that took place September 11, 2001. Irene Weiss, who is now Chairman of the Museum's Board of Directors, decided that our Nation needed to step up and honor selfless acts of kindness by young people, particularly at a time of such violence and horror. As a result, the museum has honored high school juniors from the five county Tampa area every year since 2002.

The Museum pays tribute to juniors in hope that they will become role models in their schools as seniors to let their fellow classmates know that it is never too early to become community leaders. As the award's namesake Anne Frank once said, ''How wonderful it is that nobody need wait a single moment before starting to improve the world.''

Madam Speaker, join me in congratulating the Pinellas County students that were honored this year. They are: Zachary Northcutt, Admiral Farragut Academy; Lady Nash, Bayside High School; Heather McShane, Boca Ciega High School; Dominic Delgado, Clearwater Central Catholic High School; Leigh Jester, Clearwater High School; Danielle Rodnizki, Countryside High School; Megan Dockerty, Dixie Hollins High School; Bo Everett, Dunedin High School; Jennifer Dipietro, East Lake High School; India Welch, Gibbs High School; Caitlan Welsh, Indian Rocks Christian School; Alyssa Boddie, Keswick Christian School; Christine McLarty, Lakewood High School; Maxwell Brickel, Largo High School; Alexanndrea Wert, Northeast High School; Kathryn Keller, Northside Christian School; Jacquelean Watson, Osceola High School; Danielle Simpson, Palm Harbor University High School; Alicia Griggs, Pinellas Park High School; Caitlin DeMull, Seminole High School; Helen Kline, Shorecrest Preparatory School; Mikel Bryant, St. Petersburg Catholic High School; Amanda Emery, St. Petersburg Collegiate High School; Danielle Rossbach, St. Petersburg High School; Jessica Primiani, Tarpon Springs High School.

These youth, who are our future leaders, should remind us that our Nation is in good and capable hands. It is that volunteer spirit that has allowed our country to grow and prosper and to remain free and strong. Through their leadership, these students will become

our next generation of government, community, business, and civic leaders and I want to commend Irene Weiss and the members of the Board of Directors of the Florida Holocaust Museum for their exceptional work to recognize the talent that we have developing at such an early age.

DECRYING THE SHOOTING OF SOUTH KOREAN TOURIST WANG-JA PARK BY COMMUNIST NORTH KOREA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. McCOTTER. Madam Speaker, this week we commemorate the 55th anniversary of the armistice which theoretically ended the armed hostilities in the Korean War. I say ''theoretically'' because it appears communist North Korea periodically forgets it is the party to the permanent ceasefire. For instance, in July 2003, soldiers in the DMZ exchanged machine-gun fire, with the first shots coming from communist North Korea. This particular attack was not timed arbitrarily. It occurred on the 55th anniversary of the enactment of South Korea's constitution. Fortunately, no one was hurt. Similarly, less than a year ago last August, there was an unprovoked gunfire shot from a communist North Korean guard post toward a South Korean guard post in the Demilitarized Zone (DMZ) which separates the free Republic of Korea from the Democratic People's Republic of Korea. Again, fortunately, in that incident, nobody was injured.

Most recently, on July 11, 2008, a South Korean citizen, Mrs. Wang-Ja Park, was shot dead by a communist North Korean soldier while visiting a beach at Mount Keumgang, a resort that is popular with South Korean tourists who visit communist North Korea. The killing of Mrs. Park is a serious matter that deserves worldwide scrutiny. Even without the context of previous exchanges of military gunfire between North and South Korea, this event should not be considered in isolation from larger policy questions. The unfortunate and regrettable killing of Wang-Ja Park offers illumination to my view, which is shared by others, that the current administration's decision and notification to Congress to remove communist North Korea from the list of state sponsors of terrorism was premature and ill-considered. This incident lays bare the brutality of the communist North Korean regime and suggests we should continue to be vigilant. Madam Speaker, in the wake of Mrs. Park's death, we should all be concerned about the lack of cooperation by communist North Korean authorities in the investigation of the incident. South Korean investigators have been refused access to the scene of the crime by communist North Korean authorities, and there are serious discrepancies in accounts made by eyewitnesses and by the communist North Korean government.

I strongly urge communist North Korea to cooperate fully with South Korea on a joint investigation into this terrible tragedy. The South Korean government has rightly suspended tours to Mount Keumgang and the suspension should continue until a joint investigation has been completed and North Korea's communist government assures this will not happen again. To do otherwise would simply whitewash the incident.

Apart from the very serious foreign policy ramifications of this tragic event, I wish to convey my sincere condolences to the family of Mrs. Park and to all South Korean citizens who have been shocked and dismayed by her death, and I urge my colleagues to do the same.

The people of South Korea should know Americans are thinking about them, about their safety and security, and we remain committed to the shared verities of ordered liberty and democracy which make our nations—the Republic of Korea and the United States of America—prosperous, free, and compassionate.

HONORING THE MEMORY OF U.S. DISTRICT JUDGE THOMAS G. HULL

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 30, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of U.S. District Judge Thomas G. Hull, who passed away Tuesday, July 29, 2008.

Judge Hull lived a life of public service and truly embodied the Tennessee Volunteer spirit. He was known by all for his compassion, integrity and dedication to public service throughout his 82 years of life.

Judge Hull served in the Pacific Theatre during World War II, was a Tennessee State Representative, and a state and federal judge. Judge Hull's passion was evidenced in everything he did whether it was serving as Chief Clerk of the Tennessee General Assembly or as campaign manager for James H. Quillen's first campaign for U.S. Congress.

Judge Hull was appointed as U.S. District Judge by President Ronald Reagan and at times handled the entire caseload for the Eastern District of Tennessee because of judgeship vacancies. He served 23 years with the federal branch of government including 7 years as Chief Judge of the Eastern District of Tennessee.

Judge Hull played a major role in the construction of the James H. Quillen United States District Courthouse to replace the old and overcrowded courthouse in Greeneville, Tennessee.

Judge Hull was active in the business and banking communities and was active in the Republican Party of Tennessee.

Madam Speaker, I ask that the House join me today in offering our sympathies to the family and friends of U.S. District Judge Thomas G. Hull. He was a family man, a compassionate public servant and true friend of the First District of Tennessee.

His service is greatly treasured, and he will be deeply missed.

HAPPY 90TH BIRTHDAY WAYSIDE RESTAURANT AND BAKERY

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. WELCH of Vermont. Madam Speaker, I come to the floor today in celebration of the 90th birthday of a well-known Vermont establishment, the Wayside Restaurant and Bakery.

Located on the town line of Berlin and the city of Montpelier, the Wayside was built and opened in the summer of 1918 by the Ballou family. Located on Route 302, the Wayside has offered a convenient stopping place for travelers and locals alike for generations.

When the Wayside was first opened, it did not offer a dine-in service, but rather functioned as a take-out restaurant. The size of the Wayside has grown considerably since 1918, and the restaurant now boasts a 160-seat dining room and a kitchen of equal size.

Nearly all of the Wayside's food—including its renowned breads and desserts—are homemade, and produce from local farms is frequently used. The menu features traditional Vermont dishes like salt pork and chicken pie, and a wide-range of other country favorites.

Serving an average of 1,000 customers each day, the Wayside caters to a diverse clientele. Primarily a place for local Vermonters to enjoy good company and food at affordable prices, the Wayside also attracts legislators, state employees, and tourists. The parking lot is always full, and for weekend brunch, the line runs out the door. Yet despite its incredible popularity, the restaurant maintains a relaxed and authentic atmosphere.

Though recognized nationally by publications such as the New York Times and Gourmet Magazine, the Wayside remains a locally-oriented restaurant, embracing the surrounding community. When the Red Sox won the 2004 World Series, the Wayside's current owners, Karen and Brian Zecchinelli, joined in the local celebration by hosting a rally and rolling back prices to 1918. More than 3,000 customers visited the Wayside for the festivities. It is a true fixture in Central Vermont.

I would like to thank Karen and Brian Zecchinelli for continuing to provide the Vermont community with exceptional food, service, and atmosphere. The Wayside is a wonderful Vermont institution. Congratulations to the Wayside on its 90th birthday. May it continue to serve our community for another 90 years.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding an earmark I received as part of H.R. 6599, The Military Construction and Veterans Affairs FY09 Appropriations bill.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 6599
Account: Army Reserve
Legal Name of Requesting Entity: U.S. Army Reserve, 89th Regional Readiness Command
Address of Requesting Entity: 2120 G. Washington Blvd., Wichita, KS 67210
Description of Request: Provide an earmark of $8,100,000 to support the Department of Defense's request to construct a U.S. Army Reserve Center at Dodge City, KS. This project will provide land and facilities with adequate administrative, training, assembly, and supply/storage areas to support the assigned units' requirements and operations. A new organizational maintenance shop (OMS) will provide space for training and to conduct vehicle maintenance activities and operations. A military equipment park (MEP) is included to accommodate vehicles and equipment for the assigned units. A privately owned vehicle (POV) parking area is also included to accommodate the drilling population.

EARMARK DECLARATION

HON. ROBIN HAYES

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. HAYES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding requests I received as part of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act of Fiscal Year 2009:

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009

Account: Military Construction, Additional Defense Access Roads funding for Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road).

Legal Name of Requesting Entity: BRAC Regional Task Force, Inc. Fort Bragg, NC and the President's FY09 Budget Request.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

Description of Request: This request supports the President's FY09 Budget request level of $13.24 million for additional Defense Access Roads Funding for Fort Bragg, Phase I (Bragg Boulevard/Murchison Road). The increase is due to revisions to the original project necessitated by BRAC and other mission growth at Fort Bragg. This is a high priority security project to close Bragg Boulevard to public traffic through Fort Bragg. This action is necessary to ensure the safety of the new FORSCOM HQ which is being built in close proximity to Bragg Boulevard. The project will widen Murchison Road to flow traffic around Fort Bragg and includes two new interchanges to access control points at Fort Bragg. The project is currently being planned and designed by North Carolina Department of Transportation (NCDOT) in two phases. This increase is needed for Phase I which will widen NC 210 (Murchison Road) to six lanes beginning at the new I–295 Fayetteville Outer Loop interchange and continue north to include a new interchange at Honeycutt Rd. The new interchange, rather than an at-grade crossing is the reason for the additional funds.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Additional Defense Access Roads funding for Fort Bragg Access Roads, Phase I (Bragg Boulevard/Murchison Road).

Legal Name of Requesting Entity: BRAC Regional Task Force, Inc. Fort Bragg, NC and the President's FY09 Budget Request.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

Description of Request: This request increases the Department of Defense funding authorization from the President's FY09 Budget level of $13.24 million by an additional authorization for $8.56 million. The increase is due to revisions to the original project necessitated by BRAC and other mission growth at Fort Bragg. This is a high priority security project to close Bragg Boulevard to public traffic through Fort Bragg. This action is necessary to ensure the safety of the new FORSCOM HQ which is being built in close proximity to Bragg Boulevard. The project will widen Murchison Road to flow traffic around Fort Bragg and includes two new interchanges to access control points at Fort Bragg. The project is currently being planned and designed by North Carolina Department of Transportation (NCDOT) in two phases. This increase is needed for Phase I which will widen NC 210 (Murchison Road) to six lanes beginning at the new I–295 Fayetteville Outer Loop interchange and continue north to include a new interchange at Honeycutt Rd. The new interchange, rather than an at-grade crossing is the reason for the additional funds.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009

Account: New Elementary School (DoDEA)

Legal Name of Requesting Entity: Fort Bragg and the Department of the Army.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

Description of Request: This request supports the $28.17 million requested in the President's FY09 Budget for a new elementary school on Fort Bragg. This funding is required to accommodate enrollment increases due to new housing being built for the Army's Residential Communities Initiative program. The Family Housing Construction program will construct 446 new housing units at Ft. Bragg, resulting in an influx of approximately 714 students (PK through 5th grade) above present capacity. The community schools at Fort Bragg have a current enrollment of 4,517 students. As a result of new housing being added to the main cantonment area, the schools are projected to be filled to capacity. The additional 446 family housing units being constructed in the Northern Training Area will require a 714 student elementary school to be constructed to serve the housing area. Existing schools in the main cantonment area were constructed based on outdated Department of Education and state standards, resulting in undersized classrooms, administrative, and other areas. Adding additional students beyond maximum capacity will adversely affect the quality of the educational programs and greatly limit the number of educational programs offered to students. The influx of students resulting from the Army's Residential Communities Initiative program cannot be supported within current district capacity. New construction is the only method of obtaining the space needed to accommodate the enrollment projected to arrive within the next 3 years. Without this additional capacity, the Army's Residential Communities Initiative program and student education at Fort Bragg would be adversely affected.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Utilities Upgrade for Camp MACKALL (Fort Bragg).

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA This request is in support of the FY09 President's Budget Request for $3.2 million for a Utilities Upgrade at Camp MACKALL (Fort Bragg) and this project is necessary to support the expansion of Camp Mackall, Fort Bragg, North Carolina. The Rowe Training Facility (RTF) at Camp Mackall is being expanded to support an increase in its mission of providing Special Forces (SF) qualified soldiers from a current level of 350 per year to 950 per year. The number of all students passing throgh the Rowe Training Facility annually will increase from 1,000 trainees to 2,700 annually. The Survival, Evasion, Resistance, and Escape (SERE) training course at Camp Mackall will increase from 350 per year to 950 per year. New water, sewage, storm drainage, gas, electric and communications lines will have to be run to support the rapidly expanding training activities at the base.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, New Intermediate School (Irwin) (DoDEA) Fort Bragg, NC

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

This request is in support of the FY09 President's Budget Request for $27.945 million for a new DoDEA intermediate school at Fort Bragg, NC. This school is needed to accommodate 725 students and support present curriculums selected for that age group. Most of the current school facility was constructed in 1962 with seven additions built in various years starting in 1964. The Extended Facilities Condition Index (EFCI—current facility maintenance or repair requirement/replacement cost) is 72%. An EFCI of this value indicates replacement is more cost effective than continuing to address facility maintenance and repair needs. Many of the school's programs are conducted in twelve re-locatable, temporary buildings which are all old, undersized and not suitable for the programs. Space limitations also require many programs to share the same classrooms. The school has force protection issues that will be resolved by this project. Significant health and safety issues exist to include non-fire rated transom windows in all corridors, no fire sprinkler system

in the facility, non-fire rated interior doors and many roof leaks. These deficiencies are costly to rectify.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, New Middle School (DoDEA) Fort Bragg, NC

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

This request is in support of the FY09 President's Budget Request for $22.356 million to construct a new middle school in the Northern Training Area at Fort Bragg, North Carolina. A new middle school is required to accommodate enrollment increases due to new housing being built for the Army's Residential Communities Initiative program. The Family Housing Construction program will construct additional new housing units and upsize most of the existing units to 4 or 5 bedrooms at Ft. Bragg, resulting in an influx of approximately 550 students (6th through 8th grade) above present capacity. The community schools at Fort Bragg have a current enrollment of 4,517 students. As a result of new housing being added to the main cantonment area, the schools are projected to be filled to capacity. The additional 1,524 family housing units being constructed in the Northern Training Area will require a 550 student middle school to be constructed to serve the housing area. Existing schools in the main cantonment area were constructed based on outdated Department of Education and state standards, resulting in undersized classrooms, administrative, and other areas. Adding additional students beyond maximum capacity will adversely affect the quality of the educational programs and greatly limit the number of educational programs offered to students. With the NTA being separated from the main cantonment area this new school is also needed to cut down on student bussing and associated costs to both the school district and parents. The influx of students resulting from the Army's Residential Communities Initiative program cannot be supported within current district capacity. New construction is the only method of obtaining the space needed to accommodate the enrollment projected to arrive within the next 3 years. Without this additional capacity, the Army's Residential Communities Initiative program and student education at Fort Bragg would be adversely affected.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Training Support Center, Fort Bragg.

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

This request is in support of the FY09 President's Budget Request for $20.5 million to Construct a Standard Training Support Center (TSC). Existing substandard warehouse buildings do not have additional capacity to support increased training aids and devices. This project is needed to ensure Fort Bragg can protect its training devices from the environment and the weather. Otherwise they are facing drastically reduced useful life.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, SOF Expand Training Compound—USSOCOM Fort Bragg.

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

This request is in support of the FY09 President's Budget Request for $14.2 million for a Special Operations Forces (SOF) Training Compound Expansion in support of USSOCOM at Fort Bragg. This funding will serve to renovate and expand MacRidge Training Compound to support close quarters and urban combat training.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, SOF Headquarters Facility, USSOCOM Fort Bragg.

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA. This request is in support of the FY09 President's Budget Request for $14.6 million for a Special Operations Forces (SOF) Headquarters Facility at Fort Bragg, NC. This funding will be used to construct a Battalion Headquarters for the 112th Special Operations Signal Battalion (112th SOSB) so that they can accommodate their Department of the Army ordered personnel expansion and meet their requirements.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, SOF Expand Training Compound—USSOCOM Fort Bragg.

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA. This request is in support of the FY09 President's Budget Request for $14.2 million for a Special Operations Forces (SOF) Training Compound Expansion in support of USSOCOM at Fort Bragg. This funding will serve to renovate and expand MacRidge Training Compound to support close quarters and urban combat training.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, SOF Security Force Protection, Pope AFB/ Fort Bragg, NC.

Legal Name of Requesting Entity: Fort Bragg Address of Requesting.

Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA. This request is in support of the FY09 President's Budget Request for $4.15 million to be used for SOF Security/Force Protection (ACC–14th ASOS) at Pope Air Force Base/Fort Bragg. This request supports Joint Special Operations Command.

Requesting Member: Congressman ROBIN HAYES.

Bill Number: H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Account: Military Construction, Fort Bragg, NC.

Legal Name of Requesting Entity: Fort Bragg.

Address of Requesting Entity: P.O. Box 70999 Fort Bragg, NC 28307, USA.

This request is in support of the FY09 President's Budget Request for $5.3 million for a SOF Training Facility at Fort Bragg. This will construct a two story training facility to support USSOCOM joint operations.

A PROCLAMATION HONORING CONNIE FINTON FOR BEING NAMED THE LUCILLE NUSSDORFER TUSCARAWAS COUNTY WOMAN OF THE YEAR

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. SPACE. Madam Speaker:

Whereas, Ms. Finton has made a lasting impact on the quality of life in Tuscarawas County; and

Whereas, she is an innovator for local youth programs such as "Got Milk? Got Cookies? Got Books?" and the Fit Youth Initiative; and

Whereas, Ms. Finton is a driving force in the Tuscarawas County for the education of the dairy and agriculture industry; and

Whereas, Ms. Finton has been an active member of the Union Hospital Auxiliary for thirty years; and

Whereas, she has selflessly served the needs of her community and encourages those around her to do the same: Now, therefore, be it

Resolved That along with her friends, family, and the residents of the 18th Congressional District, I commend and thank Connie Finton for her service to the State of Ohio. Congratulations to Connie Finton on her selection as the Lucille Nussdorfer Tuscarawas County Woman of the Year.

HONORING MOON KHAN

SPEECH OF

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 22, 2008

Mr. ROSKAM. Madam Speaker, I rise today to honor Moon Khan for his devoted service to DuPage County and the State of Illinois.

Moon started serving the community as an anchor on the Indian community's cable television program Bharat Darshan, also working as Community Editor of the India Tribune and Chief Editor of Spotlight Weekly. After earning M.A. and M.B.A. degrees from Northern Illinois University, he founded the Asian American Caucus of DuPage, serving as its first President. From his early dedication to scholarship and community service, Moon has become heavily involved in local government and commerce, serving as a vocal advocate for the Asian American community.

As a member of the Illinois Ethnic Coalition, Moon has advocated for the rights of new immigrants and various ethnic groups, assisting them in the transition to American culture and

helping with the preservation of their heritage. His commitment to unity resulted in Moon being presented the Americanism Award by the Society of Daughters of the American Revolution in 2005.

In April of 2005, Moon was elected as a Trustee for York Township, becoming the first Asian American to be elected to that office and the first Muslim elected to government office in the State of Illinois. As a result of his commitment to serving the Asian American community, Moon was appointed as the Asian American Liaison of the DuPage County Republican Party.

Moon Khan has been an advocate for the rights of immigrants, Muslims, and other ethnic groups. His committed service to empowering all ethnicities has affected countless lives throughout the State of Illinois.

Madam Speaker and Distinguished Colleagues, Moon Khan is a remarkable man who has dedicated his life to serving the people of DuPage County and the State of Illinois. Please join me in honoring him for his public service and recognizing the important work he is doing to build a stronger, better America.

EARMARK DECLARATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. STEARNS. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding a district funding request as part of H.R. 6599, the Military Construction and Veterans Affairs Appropriations Act, 2009.

1. Florida Army National Guard, Regional Training Institute (RTI) Phase IV at Camp Blanding, FL (Department of Defense, Army National Guard) Project ID: 04ee1.

This project is to complete construction of the RTI at the Camp Blanding Training Site, FL. The readiness of the Florida Army National Guard and Air National Guard in general will be affected if the school cannot adequately accomplish its mission to train soldiers. The student quota continues to grow with the need for new training requirements.

The new campus will serve the full-time mission of the RTI. The completion of the new campus will allow the school to accept all projected students and to provide the support needed to run the regional school. The new campus will provide the school with the area required to adequately perform its essential mission. It will house, feed, teach, and train all students attending the institute; students are from all fifty states and territories. The school averages 800 students per cycle.

DON PITTMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. POE. Madam Speaker, today I am proud to honor long-time restaurateur Don Pittman, as he was inducted into the Texas Restaurant Association Hall of Honor in June 2008. From Bar-B-Q to fresh seafood to Cajun delights, Texans take their food very seriously. For Don to receive this honor, he must have done some significant work.

Pittman has been in the restaurant business for almost forty years. His career began in 1970 in Fredericksburg, Texas. He spent some time in Austin before deciding that he should branch out and carve a place for himself. He searched for a location with a community with a positive attitude and decided that Southeast Texas was the best place to start.

Don moved to Beaumont in 1985 and opened eight Short Stop Burger locations across Southeast Texas. He operated these restaurants in Beaumont, Port Arthur, and Orange until the late 1990s. In 1998, he opened a Schlotzky's Deli in Beaumont and another in Port Arthur in 2002. Pittman will serve as President of the Sabine Area Restaurant Association beginning this August. This will be his second term, as he previously served from 1991–1993.

The Texas Restaurant Association Hall of Honor is the highest recognition that a member of the Association can receive. Winners are selected by a committee made up of past TRA presidents and Hall of Honor members. Individuals are honored for their commitment to the foodservice industry, the Association and their communities. This year, they chose to honor Don Pittman for his continuing excellence in serving Southeast Texas.

On behalf of the Second Congressional District of Texas, I applaud Don Pittman for his dedication to serving some of the best food in the entire State of Texas.

SPECIAL MEMORIAL DAY WORDS OF INSPIRATION FROM FALLUJAH, IRAQ

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. YOUNG of Florida. Madam Speaker, Americans all over our Nation honored our fallen heroes for Memorial Day. We gathered in our national cemeteries, at veterans posts, and at town halls to say thank you to those who paid the ultimate price for freedom and to their families who suffered the greatest of losses.

Many forget that today's heroes also celebrated Memorial Day in the far corners of the world, including the deserts of Iraq and the mountains of Afghanistan. One such Memorial Day ceremony took place in Fallujah, Iraq, the site of some of the fiercest fighting and where many of our troops gave their lives.

Marine Corps Major General John F. Kelly led the service for our troops in Fallujah saying, ''There is something about looking out at real Americans who know the price paid for our protection, and the world's freedoms. Soldiers, sailors, airmen, Coast Guardsmen and Marines—heroes all.''

General Kelly knows personally of service and sacrifice, as he is on his third tour of duty commanding Marines in Iraq, his third tour away from his family. He also has two sons serving as Marines in Iraq.

General Kelly told his Marines, ''Our countrymen at home should be on their knees every day thanking God we still have enough young people in America today willing to take up the fight as our veterans did from the earliest days of our Nation. They should know that they are protected today by men and women as good as have ever served; as good today as their fathers were in Vietnam, and their grandfathers were in Korea and World War II. In this, my third tour in Iraq, I have never seen an American hesitate, or do anything other than lean into the danger and, with no apparent fear of death or injury, take the fight to the enemies of our way of life.''

Those who serve make many sacrifices including having to endure the horror of war. As General Kelly told his troops, ''You are all heroes and like many veterans throughout our history, many of us have endured things—sights, sounds and horrors—that will haunt us for the rest of our lives. I know I find great comfort that because I am here those I love and have sworn to protect will never have to deal with memories so terrible. I hope you who have seen these things have the same sense of purpose and balance when you relive the scenes of violence, and of decisions made. America's Armed Forces today know the price of being the finest men and women this nation has to offer, and pay it we do every day in Iraq and Afghanistan.''

Madam Speaker, following my remarks, I would like to include for the benefit of my colleagues the full text of General Kelly's letter to his Marines. It is from the heart and it is to the point of what every American service member and their families give to our Nation in the defense of freedom and liberty. General Kelly concludes his message by reading a letter no officer wants to write, that to the mother or father, husband or wife, brother or child of a fallen warrior. In this case it is to the mother of Jonathan Yale, a Marine who died protecting an Entry Control Point in Ramadi, Iraq from a suicide bomber driving a truck loaded with explosives. He and fellow Marine Jordan Haerter fired upon the truck until it exploded before breaching their security point. They both died during their job that day and in so doing saved the lives of 50 other Marines and countless Iraqi policemen.

General Kelly wrote to Jonathan's mother, ''I have 25,000 Marines under my care here in Iraq, and I fear for their lives every minute of every day as if they were my own. They are out there every day and every night patrolling the most dangerous places on earth for millions of people at home they do not even know. In times of weakness I wonder why they come, young men like Jonathan, why they come when no one makes them. When everything in our society seems to say ''what's in it for me,'' those like your son think of others—not themselves.''

Madam Speaker, it is my hope that every member of this House will read General Kelly's powerful and poignant words and take them to heart as we thank him and every American who goes into harm's way on a daily basis to protect us and our way of life.

MAY 25, 2008.

WORDS FROM A MEMORIAL DAY CEREMONY IN FALLUJAH, IRAQ

FALLUJAH, IRAQ.—Major General John F. Kelly dispatched a letter from Iraq stating that they held their Memorial Day ceremony in Fallujah today and it was inspiring.

''Something about looking out at real Americans who know the price paid for our protection, and the world's freedoms. Soldiers, Sailors, Airmen, Coast Guardsmen and Marines—heroes all,'' Kelly said.

The General continued: ''First, a few statistics to ponder. There are twenty-five million living American Veterans. Since General George Washington commanded the Continental Army, forty-two million Americans have served the colors.

A million have been killed in its defense. Another million and a half wounded. When most of us think about military cemeteries the first thought that comes to mind is Arlington National in Washington, but there are many, many more in the U.S.

Most Americans also don't know there are 24 American cemeteries maintained overseas with 125,000 graves of our fallen—61,000 in France alone—the result of two wars that saved Europe and the world from horrors unimaginable to Americans today; unimaginable, that is, unless you are a Veteran who has seen the terrible face of war so those who remained safe in America, and those yet unborn, would never have to.

There are also memorials overseas to an additional 94,000 Americans who were lost at sea, or their remains never recovered from battlefields around the globe. With all this service and loss, we as Americans can be proud of the kind of people we are as we have never retained a square foot of any country we have defeated, we possess no empire, nor have we enslaved a single human being.

On the contrary, billions across the planet are today—and billions yet unborn—live free because our Veterans have fought and died, and, once peace achieved, we've rebuilt destroyed cities, economies, and societies.

Memorial Day was established three years after our terrible Civil War that finally established what kind of nation we would be. A war in which 600,000 young Americans—North and South—perished. For a century the day continued to mean visiting and decorating graves or town-square memorials to those who died serving our great nation, and celebrating with parades and civic events.

Americans kept the day quiet, pausing to remember, at least for a little while, the kind of men and women they were who gave the last full measure, and the immensity of the sacrifice they made for those who remained protected at home.

Americans should not forget this weekend or any weekend as they relax with a few days off that the country is at war, and a new Greatest Generation is fighting a merciless enemy on their behalf in the terrible heat of Iraq, and in the mountains of Afghanistan. Like it or not America is engaged in a war today against an enemy that is savage, offers no quarter, whose only objectives are to either kill every one of our families in our homeland, or enslave us with a sick form of extremism that serves no God or purpose that rational men and women can understand.

Given the opportunity to do another 9/11, our vicious enemy would do it today, tomorrow and every day thereafter. I don't know why they hate us, and I frankly don't care and they can all go to hell, but they do hate us and are driven irrationally to our destruction. The best way to fight them is somewhere else and that is why we are here. For whatever reason they want to destroy our way of life, our countrymen at home should be on their knees every day thanking God we still have enough young people in America today willing to take up the fight as our Veterans did from the earliest days of our nation.

They should know that they are protected today by men and women as good as have ever served; as good today as their fathers were in Vietnam, and their grandfathers were in Korea and World War II. In this my third tour in Iraq I have never seen an American hesitate, or do anything other than lean into the danger and, with no apparent fear of death or injury, take the fight to the enemies of our way of life.

As anyone who has ever experienced combat knows, and many of you do, when it starts, when the explosions and tracers are everywhere and the calls for the Corpsman or medic are screamed from the throats of men who know they are dying—when seconds seem like hours and it all becomes slow motion and fast forward at the same time—everything in one's survival instinct says stop, get down, save yourself—yet you don't.

When no one would call you coward for cowering behind a wall or in a hole looking to your own self preservation, none of you do. It doesn't matter if it's an IED, a suicide bomber, mortar attack, fighting in the upstairs room of a house, or all of it at once—America should know you fight today in the same way our warriors have since the Revolution.

The wonderful thing about America's Armed Forces is that none of us are born killers. On the contrary we are good and decent Americans mostly from the neighborhoods of America's cities, and small towns. Almost all come from ''salt of the earth'' working class homes, and more often than not are the sons and daughters of cops and firemen, factory and service workers, and farmers.

Most of us delivered papers, stocked shelves in the grocery store, played Little League baseball and pickup hockey in the local rink, and served Mass on Sunday morning. Some are former athletes, and many ''couch potatoes'' who drove our cars and motorcycles too fast, and blasted our music louder than perhaps we should have.

We are all ordinary people performing remarkable acts of bravery and selfless acts of devotion to a cause bigger than ourselves—and for millions who will never know our names. Any one of us could have all stayed in school or gone another way, but yet we chose to serve knowing full well Iraq and Afghanistan was in our future. You did not avoid the most basic and cherished responsibility of a citizen—to defend the nation and its people—on the contrary, you went after it.

You did not fail in life, which the chattering class back home likes to believe is why you chose to serve and risk dying for the nation, but, rather, are the best our nation produces and have consciously put every American at home above your own self interest. You are all heroes and like many Veterans throughout our history many of us have endured things—sights, sounds and horrors—that will haunt us for the rest of our lives.

I know I find comfort that because I am here those I love and have sworn to protect will never have to deal with memories so terrible. I hope you who have seen these things have the same sense of purpose and balance when you relive the scenes of violence, and of decisions made. America's Armed Forces today know the price of being the finest men and women this nation has to offer, and pay it we do every day in Iraq and Afghanistan.

More than four thousand of us have died in this war, and ten-times this number have been wounded. And the sacrifice continues as young Americans have gone to God since we all went to bed last night and slept free and protected.

Their mothers and fathers, brothers and sisters, wives, husbands, and fiancés are sitting in their living rooms right now with casualty officers learning the true price of freedom, and are only just beginning a lifelong struggle of dealing with the pain and loss of someone so dear, but they are not victims as they knew what they were about and were doing what they wanted to do.

Many of today's self-proclaimed experts and media commentators endeavor to make them out to be victims but they are wrong, and this only detracts from the decision these patriots made to step forward and protect the country that has given so much to all of us. We who are serving, and have served, demand not to be categorized as victims—we are not.

Those with less of a sense of service to the nation never understand it when strong and committed men and women stand tall and firm against our enemies, just as they can't begin to understand the price paid so they and their families can sleep safe and free at night—the protected never do.

What the experts, commentators, and elites are missing, what they will also never understand, is the sense of commitment, joy, and honor, of serving the nation in its uniform, but every American Veteran, and their loved ones who support them and fear for them every day, do understand.

We should all be confident that this experiment in democracy we call America will forever remain the ''land of the free and home of the brave'' so long as we never run out of tough young Americans willing to look beyond their own self interest and comfortable lives, and go into the darkest and most dangerous places on earth to hunt down, and kill, those who would do us harm.

In closing I wanted to share a story that you may not be aware of that took place only a few miles from here in Ramadi. On 22 April 2nd Battalion 8th Marines and 1st Battalion, 9th Marines were in the process of turning over a Joint Security Station Nasser.

It's in the Sophia district of Ramadi, and was once the center of the insurgency in that city. Two Marines who barely knew each other as one was coming and the other going were standing guard at the Entry Control Point (ECP): their names were Jonathan Yale and Jordan Haerter.

At 0745, and without warning, a large truck accelerated towards the ECP, careening off the protective serpentine. Both must have understood on instinct what was happening as in less then a second they went to the guns and opened fire until the massive 2,000 lb blast took their lives—but the suicide bomber never passed the post they protected, and 50 other Marines and perhaps as many police didn't die that day inside the JSS.

I spoke to several Iraqi police eyewitnesses and they all told the same story, but one more emotionally than the others.

He said no sane man would have stood there directly in the path of a speeding truck firing their weapons—yet two did. His officers, some as close as ten feet initially from the Marines, fired and ran when it was obvious the truck could not be stopped—and they survived. The Marines stood their ground and stopped the truck before it detonated, and saved the lives of their buddies.

A sacred duty of every commander in combat, yet the one we dread the most, is writing letters home to families who have lost a son or a daughter. I wanted to close by reading you a letter I wrote that night to the mother of one of those two heroes that for me sums up who and what we are as warriors and Veterans, why we serve, and how we will remember each other.''

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22 APRIL 2008.

I know there is nothing I can write tonight that will help you deal with the loss of your son Jonathan. I do hope you can find some comfort as I try to help you understand what he was doing for every American when he was taken from us all. He was standing watch on a nameless side street in Ramadi at the entrance of a compound that housed a large number of Marines, Iraqi Police, and civilians. In the early morning a truck turned down towards the entrance and ignored the visual warnings he gave to stop.

Jonathan and the Marine he was with must have sensed immediately what was taking place as they went to the guns quickly and fired a very high volume of automatic weapons fire, undoubtedly killing the suicide driver, but not before he detonated the massive blast that took their lives. His fellow Marines did what Marines have done from the beginning of our history, something they do almost without thinking and always without hesitation—they risked their own lives to save his, but he was already gone to God. Mrs. Pride, because of your son and that other Marine, nearly fifty other American families are not mourning tonight; their sons' lives were saved by two Marines who would not abandon their post even to the point of death.

I did not know your son, Mrs. Pride, but I am sure he was just like every Marine I have known in the three decades and more that I have served. Like my own two sons who are Marines and have served here in this war, I bet he was a good looking young man, fun loving, into sports and a good son—but not perfect—boys never are. He was also different, Mrs. Pride, because he chose to leave the comfortable and safe confines of his home and walk a different path than all the rest. The path he chose led him to be one of the nation's finest, to be a Marine. When he did not have to raise his right hand and swear before his God to serve and protect this nation and its people, he did just that. We all owe him an eternal debt of gratitude that can never be repaid. We also owe you, Tammy, and all who loved him a debt—one that can never be settled.

I have 25,000 Marines under my care here in Iraq, and I fear for their lives every minute of every day as if they were my own. They are out there every day and every night patrolling the most dangerous places on earth for millions of people at home they do not even know. In times of weakness I wonder why they come, young men like Jonathan, why they come when no one makes them. When everything in our society seems to say ''what's in it for me,'' those like your son think of others—not themselves. I did not know your son, Mrs. Pride, but I will never forget him. I will keep him in my thoughts and prayers for the rest of my life.

With deepest sympathy,

Major General John F. Kelly, U.S. Marine Corps, Commanding General, I Marine Expeditionary Force (Forward).

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. GINGREY. Madam Speaker, in accordance with House Republican Conference standards, and clause 9 of rule XXI, I submit the following member request for the RECORD. Funding for this request was contained in the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman PHIL GINGREY.

Bill Number: H.R. 6599.

Account: Army National Guard.

Legal Name of Requesting Entity: Georgia National Guard.

Address of Requesting Entity: Georgia Department of Defense, P.O. Box 1970, Marietta, GA 30061.

Description of Request: This request is in support of President Bush's FY '09 budget submission and provides $45,000,000 for a National Guard Joint Forces Headquarters and Readiness Center to be constructed at Naval Air Station (NAS) Atlanta. This project is contained in the Army National Guard's Future Years Defense Program, and funding for it is critical to ensure a smooth transition for the Georgia National Guard to NAS Atlanta by 2011.

This facility is required to house all elements of the Headquarters, Headquarters Detachment, and the 118th Personnel Service Detachment of the Georgia Army National Guard. It will also house the headquarters of the Georgia Air National Guard and the multiple departments of the Georgia Department of Defense. The readiness center will provide the necessary administrative, training, and storage areas required to achieve proficiency in required training tasks.

HONORING DR. WILLIAM STIFTER FOR HIS DEDICATION AND SERVICE TO THE CITIZENS OF WASHINGTON STATE

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to join with the Eastern Washington community to celebrate and honor the life of Dr. William Stifter whose work with cardiac patients across our State has saved countless lives.

Dr. Stifter made significant contributions to cardiac care in our State. He personally provided local access to medical care for heart patients in rural communities across Eastern Washington and was a vital force in establishing higher standards for the care of cardiac patients. Bill risked his life for over 17 years driving through dangerous weather and road conditions to bring essential medical care to his patients living in remote parts of Eastern Washington. This dedication to his patients was also demonstrated by his efforts to continually improve the care he provided as a cardiologist.

Dr. Stifter was the first to achieve certification in using computed tomography, CT, in diagnosing and treating heart patients in our region. Without his leadership in this, the diagnostic attributes of the cardiac CT would not have been as readily available to patients in Eastern Washington. He was a leader in advancing cardiac care throughout his career; most recently leading the partnership of Lincoln Hospital, Sacred Heart Medical Center and MedStar towards adoption and implementation of the Level 1 AMI Emergency Program. This program has been recognized as the new standard for emergency treatment of cardiac patients across our State and is being broadly adopted. Because of his passion and leadership, the collaboration recently received a prestigious award from Qualis Health for Excellence in Healthcare Quality.

Bill's remarkable compassion and dedication to his fellow human beings continued through to the end of his life. In a tragic airplane accident in the frigid waters of Lake Chelan, Bill helped others get to safety at the price of his own life. His heroism and personal sacrifice at Lake Chelan are a testament to his integrity and limitless commitment to helping his fellow human beings in need. He lived and breathed his passion of helping pioneer new standards of care for his patients and finding new ways to save lives up and until, tragically, his own death.

Madam Speaker, I invite my colleagues to join me in honoring the life of Dr. William Stifter for the tremendous care he showed for all of the people of Eastern Washington. He will be missed.

AMERICORPS NCCC WESTERN REGIONAL CAMPUS GRADUATION 2008

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. MATSUI. Madam Speaker, I rise today to congratulate and acknowledge 440 amazing young men and women that exemplify hope, dedication, and patriotism. Today, Class XIV graduates from the Western Regional Campus of the AmeriCorps NCCC program in Sacramento, California.

The National Civilian Community Corps (NCCC) is a full time residential national service program conducting national service efforts across the country. This program is truly one of a kind and is an incredibly valuable asset to our nation. These volunteers support the foundation of our country's infrastructure: our educational system, homeland security defenses, and disaster recovery efforts. Their compassion and hope is essential to our civil society.

In a year that saw devastating tornados, catastrophic floods, dangerous wildfires, and continued recovery efforts in the Gulf of Mexico, the Sacramento NCCC campus graduates contributed their hearts and hard work to helping their fellow citizens when those individuals needed it most.

NCCC participants learn invaluable life skills, but even more important, they learn the intangible value of service. How to pass that value along to others as engaging and organizing local volunteers is an essential part of the program's effectiveness.

In the past ten months, the 440 inspiring men and women of the Western Regional Campus have completed more than 350,000 hours of service nationwide. They have shaped lives by spending 30,000 hours tutoring nearly 10,000 elementary school students. They have given hope to those who need it most by assisting more than 46,000 families in the Gulf Coast, Tennessee, Arkansas, and Oregon, and by constructing 193 new homes with Habitat for Humanity. They have been on the front lines of disaster relief by responding to 12 wildfires in California, Arizona, and New Mexico. But perhaps most important, they have taught others the tools and value of service, leveraging more than 63,000 volunteers, nearly 150 for each program participant.

Madam Speaker, these young men and women from all across the country are a shining example of the benefits of National Service. I ask that my colleagues join me in recognizing the 440 graduates of the Sacramento Western Regional NCCC Campus for their hard work and invaluable service to their country. Congratulations Class XIV!

It is my sincere hope that our country's national service infrastructure will continue to

grow and engage thousands more in the experience of serving their communities and serving their country.

DR. MARK KUBALA

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. POE. Madam Speaker, today I am pleased to honor Dr. Mark Kubala, M.D., for being named Outstanding Neurosurgeon of the Year by the Texas Association of Neurological Surgeons, the latest in a long line of awards given to this extraordinary physician. The award was given to a man that has spent his life displaying excellence in his field and commitment to his community.

Dr. Kubala graduated from the University of Texas in 1955 as a member of the Phi Beta Kappa Honorary Society, considered one of the most prestigious American college honor societies. He received his medical degree from the University of Texas Medical Branch—Galveston and served residencies at the Baylor College of Medicine and the Mayo Clinic. He has engaged in private practice in neurological surgery since 1966 and is Chief of Surgery at all three Beaumont hospitals.

Dr. Kubala has a long history of leadership. He has been a member of the Texas Medical Association since 1969 and has served as the Association's President, Speaker of the House of Delegates, and has served on numerous committees. He helped create the TMA Foundation, their philanthropic association, and served two terms as President. He served as President of the Texas Head & Spinal Cord Injury Prevention Foundation for 7 years. He also has the unique distinction of serving simultaneously on three different school boards in the 1970s. Dr. Kubala is a very busy man.

His honors are numerous, including the Texas Medical Association's 2006 Distinguished Service Award, their highest honor, for his tireless advocacy for patients and physicians at the local, state, and national level. His peers at the University of Texas Medical Branch—Galveston awarded him the Ashbel Smith Distinguished Alumnus Award. He was presented the Distinguished Service Award from the American Association of Neurological Surgeons in 1998 as well as the Dr. J.C. Crager Award for community service from the American Heart Association.

On behalf of the entire Second Congressional District of Texas I would like to congratulate Dr. Kubala on his latest award and thank him for his many years of service to the Southeast Texas Community.

IN HONOR OF KATHLEEN A. REILLY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Aviation Electronics Technician First Class (AT1) Kathleen A. Reilly USN, upon her selection as Navy Reserve Sailor of the Year for 2007.

In these halls, Kathleen Reilly is better known as a professional staff member for the Permanent Select Committee on Intelligence. Kathleen has been the professional staffer on several committee CODELS on which I have participated. I have come to greatly respect and rely on her expertise, and have come to consider her a friend. Those of us who know her are not surprised Kathleen was chosen for this honor.

The Navy Reserve Sailor of the Year candidate is typified by sustained superior performance, proven leadership, a proven dedication to self improvement, outstanding professionalism and superior personal appearance. That sums up Kathleen pretty well.

Petty Officer Reilly is a native of Lexington, Massachusetts, and enlisted in the Navy on active duty in November 1988. She attended advanced electronics schools and reported to her first duty station as part of the Fleet Air Reconnaissance Squadron Two (VQ–2) at Rota, Spain. She was one of the first three women selected for airborne combat operations in support of Desert Shield/Storm. Her squadron's mission was to conduct airborne electronic reconnaissance to obtain information on areas and targets of naval and national interest. This tour gave Petty Officer Reilly her first experience with the ways our intelligence community supports our National Command Structure and she developed a reputation as someone who always gave the extra effort.

Following her tour in Spain, Petty Officer Reilly deployed onboard the USS *Abraham Lincoln* and later the USS *Nimitz.* She was the first female Navy Tactical Operations Instructor in her squadron. Kathleen was also selected as the first female Special Intelligence and Radar Operator in a Patrol Squadron supporting the Joint Chiefs of Staff and the Special Operations Command.

These highly classified missions provided intelligence instrumental to maintaining our National Security. Kathleen has continued to prove her leadership skills during her current tour as one of the senior enlisted responsible for the safe load out and operations of cargo aircraft.

On the Intelligence Committee, Kathleen is responsible for overseeing budgets, programs, legislation and preparing funding for members assigned to the Intelligence Committee. Kathleen has been the monitor of the Military Intelligence Program and other intelligence community programs. Her military experience allows her to understand the dual nature of the nation's intelligence apparatus supporting military operations and policy decisions. Her oversight has been instrumental in providing the information necessary to establish, terminate and in some cases preserve military intelligence community programs vital to a balanced portfolio of intelligence capability.

Kathleen has earned numerous military awards, including two Air Medals, three Navy and Marine Corps Achievements, Enlisted Air Warfare Wings and, as a result of her selection as the Navy Reserve Sailor of the Year, is being meritoriously advanced to Chief Petty Officer. Mr. Speaker, we in the Congress are fortunate to have someone with Kathleen's abilities and professionalism as part of our professional staff. I know my colleagues join me in congratulating Chief Petty Officer Kathleen A. Reilly on her achievements and in thanking her for extraordinary service to her country.

INTRODUCTION OF THE ''SELECT AGENT PROGRAM AND BIOSAFETY IMPROVEMENT ACT OF 2008''

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Ms. HARMAN. Madam Speaker, today my colleague MIKE ROGERS of Michigan and I are introducing the House companion to a bill introduced by Senators BURR and KENNEDY—the Select Agent Program and Biosafety Improvement Act.

The bill will provide an important link in the chain of defenses needed to fight the potential threat of bioterrorism.

The bill reauthorizes and updates the Select Agent Program, which limits access to and controls the transfer of dangerous biological agents and toxins.

It requires the National Academy of Sciences to conduct a comprehensive evaluation of the program, and recommend ways in which it can be restructured to enhance biosecurity and international scientific collaboration.

It requires that the program consider newly discovered agents—such as genetically modified organisms, synthetic compounds, and other agents identified in Homeland Security risk assessments—to ensure that the list of agents is current and comprehensive.

It encourages the sharing of information with state emergency planning officials, which is vital to ensuring that our first responders have the tools they need to prevent or respond to an attack.

And it ensures minimum biosecurity and biosafety standards for the training of workers in the laboratories that deal with the most dangerous substances.

These measures are of vital importance. Over the past several decades we have seen revolutions in technology, economics, and politics that are fundamentally changing the world we live in.

The upside of these developments is obvious. The world is more prosperous, healthy, and interconnected than it has ever been before. But with these revolutions also come challenges.

The same advances in biotechnology that help save lives, can also be used to develop dangerous biological agents and toxins that can take lives.

The new global information infrastructure that is now the backbone of our economy can be used to spread knowledge of how to create and disperse biological weapons.

It is more important than ever that the U.S. government be able to track and control the dangerous materials that can be used to construct these weapons. This bill will help that effort.

In closing, I'd like to say a special word about Senator KENNEDY. He has been a legislative hero of mine since my days working as a staffer on the Senate Judiciary Committee. He and Vicki are good friends, and are in my prayers.

Rep. ROGERS has amassed an impressive amount of knowledge on this subject, and will play a major role in securing its passage.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. ALLEN. Madam Speaker, on July 29, 2008, I was unavoidably absent from the House.

If I had been present, I would have voted ''yes'' on rollcall vote No. 534, a motion by Mr. THOMPSON of Mississippi to suspend the rules and pass H.R. 2490, a bill to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States, as amended.

I would have also voted ''yes'' on rollcall vote No. 535, a motion by Mr. DAVIS of Illinois to suspend the rules and pass H.R. 6113, a bill to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information in order to assist people with filling out government forms.

Finally, I would have voted ''yes'' on rollcall vote No. 536, a motion by Mr. HARE of Illinois to suspend the rules and pass H.R. 2192, a bill to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs.

I ask unanimous consent that this statement be inserted in the appropriate place in the RECORD.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. MCINTYRE. Mr. Speaker, during rollcall vote No. 531 on H.R. 5501, I mistakenly recorded my vote as ''no'' when I should have voted ''yes.'' I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote No. 531.

MIDDLE CLASS TAX FAIRNESS ACT

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 30, 2008

Mr. WALZ of Minnesota. Madam Speaker last week, I introduced legislation that will allow tens of millions of middle class taxpayers to keep more of their hard earned dollars. My Middle Class Tax Fairness Act will help Americans who are being squeezed by high gas prices, high grocery prices, the high cost of health care, and the high cost of college tuition.

It is unfair that hard-working Americans go to work every day and pay their taxes while corporations and the wealthy exploit loopholes in our tax code to avoid paying their fair share. That's not right—our tax system should be fair all around.

People's paychecks are not keeping pace with rising costs. In fact, the average household income is about $800 less than it was just 5 years ago, while the price of gas has doubled in that same amount of time. All across southern Minnesota, people tell me of the challenges that they face in our weakening economy: choosing between medication or basic groceries because their paycheck doesn't accommodate both, or dipping into their savings accounts just to help pay for a tank of gas.

Meanwhile, our tax code is full of government waste and unnecessary give-aways to big corporations. Oil companies will receive an estimated $13 billion in subsidies over the next 10 years, despite the fact that they are posting record-breaking profits. Foreign corporations that operate in the United States set up dummy headquarters in tax haven countries to avoid paying their fair share of taxes. But middle class Americans sure aren't getting those kinds of breaks.

It's time for a change. It's time to put hard-working families first. My Middle Class Tax Fairness Act will repeal these unnecessary and wasteful subsidies and close these tax loopholes. It provides a real tax break for middle class families by doubling the standard deduction for taxpayers for the next two years. This will provide an average tax cut of $750 for 61 million taxpayers this year alone.

My legislation will also expand access to the Child Tax Credit, helping an estimated 13 million children who will either become newly eligible or receive increased benefits from the tax credit.

The Middle Class Tax Fairness Act will also help offset the rising cost of property taxes for millions of Americans by allowing taxpayers who take the standard deduction to lower their taxable income by taking their property taxes into account. This will benefit more than 32 million homeowners in the United States who did not receive a property tax deduction on their taxes.

Finally, my legislation will help pay down nearly $60 billion of our national debt, to help address the fiscal mismanagement that has contributed to our stagnating economy.

A few days ago, I talked to a young woman in Rochester, Minnesota named Nicole. She's 29 years old and commutes twenty miles to work every day to her job as a legal assistant. Nicole and I estimated that under my proposed legislation, she would save $832 on her 2008 taxes.

I also met with another couple, Diane and John. They have a six year-old daughter and recently purchased their own home. We figured that my Middle Class Tax Fairness Act would allow them to take advantage of the new property tax standard deduction and save them more than $1,280 on their 2008 taxes.

These numbers may not be the billions of dollars that oil companies and foreign multinationals are used to saving on their taxes, but they represent real help for tens of millions of middle class Americans who are struggling to get by.

It's the easiest thing in the world for a politician to promise someone a tax cut. But it's much harder to do it in a fiscally responsible way that is paid for. My legislation does just that, and I urge my colleagues to help me in the effort by cosponsoring my Middle Class Tax Fairness Act.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 31, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 1

9 a.m.
Finance
Business meeting to consider S. 3038, to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, S. 1070, to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and S. 1577, to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.
SD–215

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for July 2008.
SD–562

SEPTEMBER 18

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold an oversight hearing to examine bus safety.
SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7709–S7804

Measures Introduced: Seven bills and four resolutions were introduced, as follows: S. 3363–3369, and S. Res. 632–635. **Page S7780**

Measures Reported:

H.R. 4210, to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''.

H.R. 5477, to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

H.R. 5483, to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

H.R. 5631, to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

H.R. 6061, to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

H.R. 6085, to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

H.R. 6150, to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

S. 3241, to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''. **Pages S7779–80**

Measures Passed:

Veterans' Compensation Cost-of-Living Adjustment Act: Senate passed S. 2617, to increase, effective as of December 1, 2008, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, after agreeing to the committee amendment in the nature of a substitute. **Pages S7795–97**

Former Vice President Protection Act: Committee on the Judiciary was discharged from further consideration of H.R. 5938, to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S7797–98**

Pryor (for Leahy/Specter) Amendment No. 5257, to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft. **Pages S7797–98**

Minority Party Appointments: Senate agreed to S. Res. 635, making minority party appointments for the 110th Congress. **Page S7798**

Measures Considered:

Free Flow of Information Act: Senate continued consideration of the motion to proceed to consideration of S. 2035, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

Pages S7710–22, S7722–59

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 43 nays (Vote No. 191), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7721**

Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill.

Page S7721

Subsequently, the motion to proceed was withdrawn. **Page S7759**

Jobs, Energy, Families, and Disaster Relief Act: Senate continued consideration of the motion to proceed to consideration of S. 3335, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions. **Page S7722**

During consideration of this measure today, Senate also took the following action:

By 51 yeas to 43 nays (Vote No. 192), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S7722**

Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S7722**

National Defense Authorization Act: Senate began consideration of S. 3001, to authorize appropriations for fiscal year 2009 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. **Pages S7759–68**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, August 1, 2008. **Page S7759**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:30 a.m., on Thursday, July 31, 2008; provided further, that the time from 10:30 a.m. until 12:30 p.m. be controlled in alternating 30-minute blocks of time between the Majority and Republican sides, with the Republican side controlling the first 30 minutes. **Page S7798**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to the actions of certain persons to undermine the sovereignty of Lebanon or its democratic processes and institutions; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–61) **Pages S7774–75**

Nominations Received: Senate received the following nominations:

James A. Slutz, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy).

Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Routine lists in the Air Force, Army, Navy. **Pages S7799–S7804**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

1 Navy nomination in the rank of admiral. **Page S7804**

Messages from the House: **Page S7775**

Measures Referred: **Page S7776**

Measures Placed on the Calendar: **Page S7776**

Enrolled Bills Presented: **Page S7776**

Petitions and Memorials: **Pages S7776–79**

Executive Reports of Committees: **Page S7780**

Additional Cosponsors: **Pages S7780–82**

Statements on Introduced Bills/Resolutions: **Pages S7782–91**

Additional Statements: **Pages S7772–74**

Amendments Submitted: **Pages S7791–94**

Authorities for Committees to Meet: **Pages S7794–95**

Privileges of the Floor: **Page S7795**

Record Votes: Two record votes were taken today. (Total—192) **Pages S7721, S7722**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:58 p.m., until 9:30 a.m. on Thursday, July 31, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7798.)

Committee Meetings

(Committees not listed did not meet)

ORGANIZATIONAL MEETING

Committee on Appropriations: Committee announced the following subcommittee changes:

Subcommittee on Defense: Senators Inouye (Chairman), Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran, Stevens, Specter, Domenici, Bond, McConnell, Shelby, Gregg, and Hutchison.

Senator Byrd, as chairman of the Committee, and Senator Cochran, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

EXECUTIVE SESSION

Committee on Armed Services: Committee met in closed session to consider pending intelligence matters, receiving testimony from General Norton A. Schwartz, USAF, Commander, United States Transportation Command, Department of Defense.

LAND BILLS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 1816, 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, S. 2093, to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War, S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, S. 3113, to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service, S. 3148, to modify the boundary of the Oregon Caves National Monument, S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission, S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the ''Abraham Lincoln Birthplace National Historical Park'', S. 3247, to provide for the designation of the River Raisin National Battlefield Park in the State of Michigan, and H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River, after receiving testimony from Senators Levin, Clinton, and Dole; Daniel N. Wenk, Deputy Director, National Park Service, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, U.S. Forest Service, Department of Agriculture; Warren Judge, North Carolina Board of Commissioners, Dare County; Derb S. Carter, Jr., Southern Environmental Law Center, Chapel Hill, North Carolina, on behalf of sundry organizations; Coline Jenkins, Elizabeth Cady Stanton Trust, Greenwich, Connecticut; and William H. Braunlich, Monroe County Historical Society, Monroe County, Michigan.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of Thomas J. Madison, of New York, to be Administrator of the Federal Highway Administration, Department of Transportation, after the nominee, who was introduced by Senator Schumer, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following:

S. 2583, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, with an amendment in the nature of a substitute;

S. 3341, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999;

H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, with an amendment in the nature of a substitute;

H.R. 404, to require the establishment of customer service standards for Federal agencies, with an amendment in the nature of a substitute;

S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority;

S. 3241, to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building'';

H.R. 6150, to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building'';

H.R. 6085, to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building'';

H.R. 5477, to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building'';

H.R. 5631, to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building'';

H.R. 5483, to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building'';

H.R. 6061, to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building'';

H.R. 4210, to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the ''Dock M. Brown Post Office Building''; and

The nominations of Gus P. Coldebella, of Massachusetts, to be General Counsel, Department of Homeland Security, James A. Williams, of Virginia, to be Administrator of General Services, Carol A. Dalton, Anthony C. Epstein, and Heidi M. Pasichow, all to be an Associate Judge of the Superior Court of the District of Columbia.

FEMA

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine planning for post-catastrophe housing needs, focusing on whether the Federal Emergency Management Agency (FEMA) has developed an effective strategy for housing large numbers of citizens displaced by a disaster, after receiving testimony from Harvey E. Johnson, Jr., Deputy Administrator, and David Garratt, Deputy Assistant Administrator for Disaster Assistance, both of the Federal Emergency Management Agency (FEMA), Department of Homeland Security; and Jan C. Opper, Associate Deputy Assistant Secretary for Disaster Policy and Management, Department of Housing and Urban Development.

SUBCOMMITTEE ASSIGNMENTS

Committee on Homeland Security and Governmental Affairs: Committee announced the following subcommittee assignments:

Ad Hoc Subcommittee on Disaster Recovery: Senators Landrieu (Chairman), Carper, Pryor, Domenici, and Stevens.

DEPARTMENT OF JUSTICE

Committee on the Judiciary: Committee concluded a hearing to examine hiring at the Department of Justice, focusing on an investigation into the hiring of attorneys for key career positions throughout the Department, after receiving testimony from Glenn A. Fine, Inspector General, Department of Justice.

GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

Committee on the Judiciary: Committee concluded a hearing to examine S.J. Res. 45, expressing the consent and approval of Congress to an inter-state compact regarding water resources in the Great Lakes-St. Lawrence River Basin, after receiving testimony from Senator Voinovich; Wisconsin Governor Jim Doyle, Madison, on behalf of the Council of Great Lakes Governors; Mayor George Heartwell, Grand Rapids, Michigan, on behalf of the Great Lakes and Saint Lawrence Cities Initiative; Kay L. Nelson, Northwest Indiana Forum, Portage, on behalf of the Business and Environmental Stakeholders of the State of Indiana; and Cameron Davis, Alliance for the Great Lakes, Chicago, Illinois.

HELP AMERICA VOTE ACT

Committee on Rules and Administration: Committee concluded a hearing to examine S. 3212, to amend the Help America Vote Act of 2002 to provide for auditable, independent verification of ballots, to ensure the security of voting systems, after receiving testimony from Todd Rokita, Indiana Secretary of State, Indianapolis, on behalf of the National Association of Secretaries of State; Barbara R. Arnwine, Lawyers' Committee for Civil Rights Under Law, and Jim Dickson, American Association of People with Disabilities, both of Washington, D.C.; Juan E. Gilbert, Auburn University Department of Computer Science and Software Engineering, Auburn, Alabama; and Doug Lewis, National Association of Election Officials—The Election Center, Houston, Texas.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported S. 3362, to reauthorize and improve the SBIR and STTR programs.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 33 public bills, H.R. 6651–6683; and 6 resolutions, H. Con. Res. 398–399; and H. Res. 1390–1393, were introduced. **Pages H7627–29**

Additional Cosponsors: **Pages H7629–30**

Reports Filed: Reports were filed today as follows:

H.R. 2339, to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, with an amendment (H. Rept. 110–801);

H.R. 3957, to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency, with an amendment (H. Rept. 110–802);

Conference report on H.R. 4137, to amend and extend the Higher Education Act of 1965 (H. Rept. 110–803);

H.R. 6432, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, with an amendment (H. Rept. 110–804);

H.R. 6433, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to generic new animal drugs, with an amendment (H. Rept. 110–805);

H.R. 2851, to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, with an amendment (H. Rept. 110–806, Pt. 1);

H. Res. 1388, providing for consideration of the bill (H.R. 1338) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex (H. Rept. 110–807);

H. Res. 1389, providing for consideration of the conference report to accompany the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965 (H. Rept. 110–808);

H.R. 6575, to require the Archivist of the United States to promulgate regulations to prevent the overclassification of information (H. Rept. 110–809); and

H.R. 6576, to require the Archivist of the United States to promulgate regulations regarding the use of information control designations (H. Rept. 110–810). **Pages H7353–H7517, H7626–27**

Chaplain: The prayer was offered by the guest Chaplain, Rabbi Peter E. Hyman, Temple Sholom, Broomall, Pennsylvania. **Page H7331**

Discharge Petition: Representative Bachmann moved to discharge the Committee on Natural Resources, the Committee on Energy and Commerce, and the Committee on Science and Technology from the consideration of H.R. 6107, to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes (Discharge Petition No. 15).

Discharge Petition: Representative Porter moved to discharge the Committee on Natural Resources, the Committee on Science and Technology, and the Committee on the Judiciary from the consideration of H.R. 6108, to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes (Discharge Petition No. 16).

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for extensions of certain authorities of the Department of State: H.R. 6456, amended, to provide for extensions of certain authorities of the Department of State; **Page H7336**

Commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope: H. Con. Res. 361, to commemorate Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; **Pages H7336–38**

Congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance: H. Res. 1266, amended, to congratulate Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance; **Pages H7338–40**

Recognizing the Special Olympics' 40th anniversary: H. Res. 1279, to recognize the Special Olympics' 40th anniversary; **Pages H7340–42**

Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness: H. Res. 1370, amended, to call on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness, by a ⅔ yea-and-nay vote of

419 yeas to 1 nay with 1 voting "present", Roll No. 539; **Pages H7342–47, H7518–19**

Agreed to amend the title so as to read: "Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur people, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness.". **Page H7519**

Expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID: H. Res. 1351, amended, to express support for the United Nations African Union Mission in Darfur (UNAMID) and to call upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID; **Pages H7347–50**

Agreed to amend the title so as to read: "Expressing support for the United Nations/African Union Hybrid operation in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID, including troops and essential tactical and utility helicopters.". **Page H7350**

Temporarily extending the programs under the Higher Education Act of 1965: S. 3352, to temporarily extend the programs under the Higher Education Act of 1965—clearing the measure for the President; **Pages H7352–53**

Expressing support for the designation of August 2008 as "National Heat Stroke Awareness Month" to raise awareness and encourage prevention of heat stroke: H. Con. Res. 296, amended, to express support for the designation of August 2008 as "National Heat Stroke Awareness Month" to raise awareness and encourage prevention of heat stroke; **Pages H7531–33**

Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of the Hardy Brown Primary Lateral Sclerosis Awareness Month: H. Res. 896, amended, to recognize the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of the Hardy Brown Primary Lateral Sclerosis Awareness Month; **Pages H7533–34**

Agreed to amend the title so as to read: "Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of Primary Lateral Sclerosis Awareness Month, and for other purposes.". **Page H7534**

Animal Drug User Fee Amendments of 2008: H.R. 6432, amended, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program; **Pages H7534–41**

Agreed to amend the title so as to read: "To amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, to establish a program of fees relating to generic new animal drugs, to make certain technical corrections to the Food and Drug Administration Amendments Act of 2007, and for other purposes.". **Page H7541**

Michelle's Law: H.R. 2851, amended, to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage; **Pages H7541–46**

Family Smoking Prevention and Tobacco Control Act: H.R. 1108, amended, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, by a ⅔ yea-and-nay vote of 326 yeas to 102 nays, Roll No. 542; **Pages H7546–77, H7587**

Consumer Product Safety Improvement Act of 2008: Conference report to accompany H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, by a ⅔ yea-and-nay vote of 424 yeas to 1 nay, Roll No. 543. **Pages H7577–86, H7587–88**

Agreed by unanimous consent that debate on the motion to suspend the rules and agree to the conference report to accompany H.R. 4040 be extended by 20 minutes, equally divided and controlled.

Commending the members of the Nevada Army National Guard and Air National Guard for their service to the State of Nevada and the United States: H. Con. Res. 358, amended, to commend the members of the Nevada Army National Guard and Air National Guard for their service to the State of Nevada and the United States; **Pages H7596–99**

Agreed to amend the title so as to read: "Commending the members of the Nevada Army and Air National Guard and the Nevada Reserve members of the Armed Forces for their dedicated, unselfish, and professional service, commitment, and sacrifices to the State of Nevada and the United States during

more than five years of deployments to and in support of Operation Iraqi Freedom and Operation Enduring Freedom.". **Pages H7598–99**

Honoring Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian and Pacific Islander descent who fought in the United States Civil War: H. Res. 415, amended, to honor Edward Day Cohota, Joseph L. Pierce, and other veterans of Asian and Pacific Islander descent who fought in the United States Civil War; **Pages H7599–H7600**

Recognizing the service of the USS **Farenholt** ***and her men who served our Nation with valor and bravery in the South Pacific during World War II:*** H. Res. 1248, amended, to recognize the service of the USS *Farenholt* and her men who served our Nation with valor and bravery in the South Pacific during World War II; **Pages H7600–01**

Agreed to amend the title so as to read: "Recognizing the service of the USS *Farenholt* and her crew who served the United States with valor and bravery in the South Pacific during World War II.". **Page H7601**

Water Use Efficiency and Conservation Research Act: H.R. 3957, amended, to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; and **Pages H7604–06**

Produced Water Utilization Act of 2008: H.R. 2339, amended, to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources. **Pages H7606–08**

Adjournment Resolution: The House agreed to H. Con. Res. 398, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 213 yeas to 212 nays, Roll No. 537. **Pages H7517–18**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Commodity Markets Transparency and Accountability Act of 2008: H.R. 6604, amended, to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, by a ⅔ yea-and-nay vote of 276 yeas to 151 nays, Roll No. 540. **Pages H7519–30**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 29th:

Veterans Disability Benefits Claims Modernization Act of 2008: H.R. 5892, amended, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, by a ⅔ recorded vote of 429 ayes with none voting "no", Roll No. 538; **Page H7518**

Amending title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled: H.R. 6445, amended, to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 541; **Page H7531**

Agreed to amend the title so as to read: "To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled, and for other purposes.". **Page H7531**

Department of Homeland Security Component Privacy Officer Act of 2008: H.R. 5170, amended, to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security; **Page H7596**

Homeland Security Network Defense and Accountability Act of 2008: H.R. 5983, amended, to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security; **Page H7596**

Next Generation Radiation Screening Act of 2008: H.R. 5531, amended, to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors; **Page H7596**

Agreed to amend the title so as to read: "To amend the Homeland Security Act of 2002 to clarify criteria for certification relating to Advanced Spectroscopic Portal monitors, and for other purposes.". **Page H7596**

Improving Public Access to Documents Act of 2008: H.R. 6193, amended, to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established

under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); **Page H7596**

Reducing Over-Classification Act of 2008: H.R. 4806, amended, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information; **Page H7596**

Homeland Security Open Source Information Enhancement Act of 2008: H.R. 3815, amended, to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products; **Page H7596**

Reducing Information Control Designations Act: H.R. 6576, amended, to require the Archivist of the United States to promulgate regulations regarding the use of information control designations; and **Page H7596**

Providing that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically: H.R. 6073, to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically. **Page H7596**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Condemning the persecution of Baha'is in Iran: H. Res. 1008, amended, to condemn the persecution of Baha'is in Iran; **Pages H7350–52**

Employee Verification Amendment Act of 2008: H.R. 6633, to evaluate and extend the basic pilot program for employment eligibility confirmation and to ensure the protection of Social Security beneficiaries; and **Pages H7588–96**

Honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002 and recognizing the essential role played by LST amphibious craft during these conflicts: H. Res. 1316, to honor the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002 and to recognize the essential role played by LST amphibious craft during these conflicts. **Pages H7601–04**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency and related measures declared with respect to Lebanon are to continue in effect beyond August 1, 2008—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–140). **Page H7608**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7630–31.

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H7517–18, H7518, H7518–19, H7530, H7531, H7587, and H7587–88. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:15 p.m.

Committee Meetings

RURAL ELECTRICITY RELIABILITY

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy, and Research held a hearing to review electricity reliability in rural America. Testimony was heard from Jim Andrew, Administrator, Rural Development Electric Programs, USDA; Cynthia A. Marlette, General Counsel, Federal Energy Regulatory Commission, Department of Energy; Former Representative Glenn English of Oklahoma; Jim Nichols, former Minnesota State Senator and former Secretary of Agriculture, State of Minnesota; and public witnesses.

FRESH PRODUCE TRACEABILITY

Committee on Agriculture: Subcommittee on Horticulture and Organic Agriculture held a hearing to review legal and technological capacity for full traceability in fresh produce. Testimony was heard from Representatives DeGette and Putnam; the following officials of the Department of Health and Human Services: David W.K. Acheson, M.D., Associate Commissioner, Food Protection, FDA; and Lonnie J. King, Director, D.V.M., National Center for Zoonotic, Vector-Borne, and Enteric Diseases, Center for Disease Control; and public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session and approved for full Committee action the Defense Appropriations for Fiscal Year 2009.

SUPREME COURT—GUANTANAMO DECISION

Committee on Armed Services: Held a hearing on Implications of the Supreme Court's Boumediene Decision for Detainees at Guantanamo Bay, Cuba: Non-governmental Perspective. Testimony was heard from public witnesses.

Hearings continue tomorrow.

RISING FOOD PRICES

Committee on the Budget: Held a hearing on Rising Food Prices: Budget Challenges. Testimony was heard from public witnesses.

LABOR IMPACT PROPOSED DELTA/ NORTHWEST AIRLINE MERGER

Committee on Education and Labor: Subcommittee on Health, Employment and Pensions held a hearing on the Proposed Delta/Northwest Airline Merger: The Impact on Workers. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 6308, Municipal Bond Fairness Act; H.R. 5772, Frank Melville Supportive Housing Investment Act of 2008.

TACTILELY DISTINGUISHABLE CURRENCY

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade and Technology held a hearing entitled ''Examining Issues Related to Tactilely Distinguishable Currency.'' Testimony was heard from Larry R. Felix, Director, Bureau of Engraving and Printing, Department of the Treasury; and public witnesses.

FUTURE OF AL-QAIDA

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled ''Reassessing the Threat: The Future of Al Qaeda and Its Implications for Homeland Security.'' Testimony was heard from public witnesses.

HOMELAND SECURITY REVIEW

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight held a hearing entitled ''The Quadrennial Homeland Security Review.'' Testimony was heard from Alan Cohn, Deputy Assistant Secretary, Policy Strategic Plans, Department of Homeland Security; and a public witness.

MISCELLANEOUS MEASURES; COMMITTEE RESOLUTIONS

Committee on House Administration: Ordered reported the following bills: H.R. 6339, amended, Federal Employees Deserve to Volunteer on the Elections Act of 2008; H.R. 6474, To authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; H.R. 6475, Daniel Webster Congressional Clerkship Act of 2008; H.R. 6589, amended, Charles H.W. Meehann Law Library Improvement and Modernization Act; H.R. 998, amended, Civil Rights History Project Act of 2007; H.R. 6625, amended, Veterans Voting Support Act; H.R. 6627, Smithsonian Institution Facilities Authorization Act of 2008; H.R. 6608, House Reservists Pay Adjustment Act of 2008; and H. Res. 1207, amended, Directing the Chief Administrative Officer of the House to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically.

The Committee also approved the following Committee Resolutions: an amendment to Regulations of the Committee on House Administration pertaining to shared employees; and a resolution adopting amendments to the Committee's implementing Regulations for Student Loan Repayment.

CONTEMPT OF CONGRESS RESOLUTION KARL ROVE; MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported a resolution and report finding Karl Rove in contempt for failure to appear pursuant to subpoena and recommending to the House of Representatives that Mr. Rove be cited for contempt of Congress.

The Committee also ordered reported the following bills: H.R. 6577, Great Lakes-St. Lawrence River Basin Water Resources Compact; H.R. 6126, Fairness in Nursing Home Arbitration Act of 2008; H.R. 6064, amended, National Silver Act; H.R. 6503, Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008; H.R. 5167, amended, Justice for Victims of Torture and Terrorism Act; and H.R. 4479, To enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts;'' and private relief bills.

The Committee also approved private relief bills.

U.S. FACILITIES IN IRAQ—DEFICIENT ELECTRICAL SYSTEMS

Committee on Oversight and Government Reform: Held a hearing on Deficient Electrical Systems at U.S. Facilities in Iraq. Testimony was heard from Senator Casey; the following officials of the Department of Defense: Charlie E. Williams, Jr., Director, Defense Contract Management Agency; Jeffrey P. Parsons, Executive Director, Army Contracting Command,

U.S. Army; and Gordon S. Heddell, Acting Inspector General; Keith Ernst, former Director, Defense Contract Management Agency, Department of Defense; and a public witness.

CENSUS BUDGET ISSUES

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing entitled "Critical Budget Issues Affecting the 2010 Census—Part 2." Testimony was heard from Steven H. Murdock, Director, U.S. Bureau of the Census, Department of Commerce; Kenneth Prewitt, former Director, U.S. Bureau of the Census, and Marvin Raines, former Associate Director, Field Operations, U.S. Bureau of the Census, Department of Commerce; and a public witness.

PAYCHECK FAIRNESS ACT

Committee on Rules: Granted, by voice vote, a structured rule providing for consideration of H.R. 1338, the "Paycheck Fairness Act." The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Miller of California, Representatives DeLauro, Bean, and McKeon.

HIGHER EDUCATION OPPORTUNITY ACT CONFERENCE REPORT

Committee on Rules: Granted, by voice vote, a rule that waives all points of order against the conference report on H.R. 4137, the Higher Education Opportunity Act and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Miller of California and Representative McKeon.

NASA'S PAST AND FUTURE

Committee on Science and Technology: Held a hearing on NASA at 50: Past Accomplishments and Future Opportunities and Challenges. Testimony was heard from former Senator John Glenn of Ohio; and public witnesses.

REDUCING REGULATORY BURDENS

Committee on Small Business: Subcommittee on Regulations, Health Care and Trade held a hearing entitled "Burdens on Small Firms: What Rules Need Reform?" Testimony was heard from Susan E. Dudley, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas M. Sullivan, Chief Counsel for Advocacy, SBA; Chris Wagner, Deputy Commissioner, Small Business/Self Employed Division, Internal Revenue Service, Department of the Treasury; and public witnesses.

CREDIT CRUNCH: EFFECTS ON FEDERAL LEASING/CONSTRUCTION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Credit Crunch: A Hearing on the Effects on Federal Leasing and Construction. Testimony was heard from David Winstead, Commissioner, Public Buildings Service, GSA, and public witnesses.

RESTORING AMERICA'S GREAT WATERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Protecting and Restoring America's Great Waters—Part II: Chesapeake Bay. Testimony was heard from Representatives Sarbanes and Wittman of Virginia; from the following officials of the EPA: Benjamin H. Grumbles, Assistant Administrator, Office of Water; and Wade Najjum, Assistant Inspector General; Anu K. Mittal, Director, Natural Resources and Environment Team, GAO; William Matuszeski, former Director, Chesapeake Bay Program Office, EPA; W. Tayloe Murphy, Jr., former Secretary of Natural Resources, State of Virginia; and public witnesses.

BRIEFING—CONGRESSIONAL NOTIFICATIONS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Congressional Notifications. The Committee was briefed by departmental witnesses.

SECURITY CLEARANCE REFORM

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management held a hearing on Security Clearance Reform. Testimony was heard from Brenda S. Farrell, Director, Defense Capabilities and Management, GAO.

ENERGY INDEPENDENCE—ROLE OF NATURAL GAS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''What's Cooking with Gas: the Role of Natural Gas in Energy Independence and Global Warming Solutions.'' Testimony was heard from public witnesses.

Joint Meetings

ENERGY CRISIS

Joint Economic Committee: Committee concluded a hearing to examine ways to solve the energy crisis, focusing on reducing dependence on foreign oil, creating new energy resources, and strengthening the nation's economy, after receiving testimony from Ian Bowles, Executive Office of Energy and Environmental Affairs, Boston, Massachusetts; Dan W. Reicher, Google.org, Mountain View, California; Jonathan Koomey, Stanford University, Stanford, California; and Mark P. Mills, Digital Power Capital, Arlington, Virginia.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D938)*

H.R. 1553, to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer. Signed on July 29, 2008. (Public Law 110–285)

H.R. 3890, to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma. Signed on July 29, 2008. (Public Law 110–286)

H.J. Res. 93, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. Signed on July 29, 2008. (Public Law 110–287)

S. 2766, to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel. Signed on July 29, 2008. (Public Law 110–288)

H.R. 3221, to provide needed housing reform. Signed on July 30, 2008. (Public Law 110–289)

COMMITTEE MEETINGS FOR THURSDAY, JULY 31, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the North Korean Six-Party Talks and implementation activities; to be immediately followed by closed session to examine certain intelligence matters in S–407, 9:30 a.m., SR–325.

Committee on Energy and Natural Resources: to hold hearings to examine the state of the nation's transmission grid, focusing on the implementation of the transmission provisions of the Energy Policy Act (Public Law 109–58), including reliability, siting, and infrastructure investment, 9:30 a.m., SD–366.

Committee on Environment and Public Works: business meeting to consider S. 906, to prohibit the sale, distribution, transfer, and export of elemental mercury, S. 3109, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, S. 24, to amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate, S. 150, to amend the Safe Drinking Water Act to protect the health of pregnant women, fetuses, infants, and children by requiring a health advisory and drinking water standard for perchlorate, S. 1911, to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, S. 1933, to amend the Safe Drinking Water Act to provide grants to small public drinking water systems, S. 2549, to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, S. 642, to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, S. 199, to amend the Safe Drinking Water Amendments of 1996 to modify the grant program to improve sanitation in

rural and Native villages in the State of Alaska, S. 2994, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern; and certain pending General Services Administration resolutions, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine health benefits in the tax code, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine ways to define the military's role towards foreign policy, 2 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the state of information technology planning in the federal government, 9:30 a.m., SD–342.

Ad Hoc Subcommittee on Disaster Recovery, to hold joint hearings with the House Committee on Homeland Security Subcommittee on Emergency Communications, Preparedness to examine ways to ensure the delivery of donated goods to survivors of catastrophes, 1 p.m., 311 Cannon Building.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine reliance on smart power, focusing on reforming the foreign assistance bureaucracy, 2 p.m., SD–342.

Committee on Indian Affairs: business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine Indian health service management, focusing on lost property, wasteful spending and document fabrication, 9:30 a.m., SD–562.

Committee on the Judiciary: business meeting to consider S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 2746, to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 3061, to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, S. 3136, to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition, S. 1276, to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, S. 3197, to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, S. 3325, to enhance remedies for violations of intellectual property laws, S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice, S. 2052, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces, H.R. 5235, to establish the Ronald Reagan Centennial Commission, S. 3166, to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States, S. Res. 620, designating the week of September 14–20, 2008, as National Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease, and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families, S. Res. 622, designating the week beginning September 7, 2008, as ''National Historically Black Colleges and Universities Week'', and S. Res. 624, designating August 2008 as ''National Truancy Prevention Month'', 10 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine consolidation in the Pennsylvania health insurance industry, 2:15 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine aging in rural America, focusing on preserving elderly citizens access to health care, 10:30 a.m., SD–106.

House

Committee on Armed Services, to continue hearings on Implications of the Supreme Court's Boumediene Decision for Detainees at Guantanamo Bay, Cuba: Administration Perspectives, 2 p.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings on A New U.S. Grand Strategy (Part 2), 10 a.m., 2212 Rayburn.

Subcommittee on Seapower and Expeditionary Forces, hearing on Navy Destroyer Acquisition Programs, 10 a.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Workforce Projects, hearing on The Growing Income Gap in the American Middle Class, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing on H.R. 6594, James Zadroga 9/11 Health and Compensation Act of 2008, 10 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''The Recent Salmonella Outbreak: Lessons Learned and Consequences to Industry and Public Health,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, to continue markup of H.R. 6078, Green Resources for Energy Efficient Neighborhoods Act of 2008; and to mark up the following bills: H.R. 5244, Credit Cardholders' Bill of Rights Act of 2008; and H.R. 840, Homeless Emergency Assistance and Rapid Transition to Housing Act of 2007, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Foreign Aid and the Fight Against Terrorism and Proliferation: Leveraging Foreign Aid to Achieve U.S. Policy Goals, 10:30 a.m., 2200 Rayburn.

Subcommittee on Western Hemisphere, hearing on Energy in the Americas, 10:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 5884, Sunshine in Litigation Act of 2008, 10:30 a.m., 2237 Rayburn.

Subcommittee on the Constitution, Civil Rights, and Civil Liberties, to consider a resolution authorizing the Chairman to issue a subpoena to compel the testimony of Christopher Coates, 12 p.m., followed by a hearing on H.R. 5607, State Secret Protection Act of 2008, 12:30 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the following bills: H.R. 6598, Prevention of Equine Cruelty Act of 2008; and H.R. 6597, Animal Cruelty Statistics Act of 2008, 9:30 a.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to mark up the following bills: H.R. 6020, To amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; H.R. 5882, To recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; and H.R. 5924, Emergency Nursing Supply Relief Act; and to request information on a private relief measure, 2:30 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, oversight hearing on Sexual Assault in the Military, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, hearing on Oversight of the Federal Networking and Information Technology Research and Development (NITRD) Program, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Cost and Confidentiality: The Unforeseen Challenges of Electronic Health Records in Small Specialty Practices, 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, to mark up the following; the Disaster Response, Recovery, and Mitigation Enhancement Act of 2008; H.R. 6460, Great Lakes Legacy Reauthorization Act of 2008; H.R. 6364, Puget Sound Recovery Act of 2008; a measure to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress; H.R. 5788, Halting Airplane Noise to Give Us Peace Act of 2008; H.R. 6627, Smithsonian Institution Facilities Authorization Act of 2008; S.J. Res 35, a Joint resolution to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; H.R. 6524, to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes; H.R. 6370, Oregon Surplus Federal Land Act of 2008; S. 2837, to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United Sates Courthouse;" S. 3009. To designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the " J. James Exon Federal Bureau of Investigation Building;" S. 2403, to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse;" H.R. 4131, To designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway;" a resolution honoring the heritage of the United States Coast Guard; H. Res. 1224, Commending the Tennessee Valley Authority on its 75th anniversary; H. Res. 1376, Commemorating the 80th anniversary of the Okeechobee Hurricane of September 1928 and its associated tragic loss of life; and other pending business, 11 a.m., 2167 Rayburn.

Committee on Veterans Affairs, Subcommittee on Oversight and Investigations, hearing on Billions Spent on "Miscellaneous" Expenditures: Inadequate Controls at the VA, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on Racial Disproportionality in Foster Care, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Revisions to Executive Order 12333, 10 a.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 8:45 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled "Renewing America's Future: Energy Visions of Tomorrow, Today," 1:30 a.m., 2325 Rayburn.

Joint Meetings

Joint Hearing: Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, to hold joint hearings with the House Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness to examine ways to ensure the delivery of donated goods to survivors of catastrophes, 1 p.m., 311, Cannon Building.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, July 31

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of the motion to proceed to consideration of S. 3001, National Defense Authorization Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, July 31

House Chamber

Program for Thursday: Consideration of H.R. 6599—Military Construction and Veterans Affairs Appropriations Act, 2009 (Subject to a Rule) and H.R. 1338—Paycheck Fairness Act (Subject to a Rule). Consideration of the conference report to accompany H.R. 4137—College Opportunity and Affordability Act of 2008 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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