amendment No. 339 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 342

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 342 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 343

At the request of Ms. CANTWELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 343 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 345

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 345 proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

AMENDMENT NO. 348

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 348 intended to be proposed to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. BINGAMAN):

S. 765. A bill to establish a grant program to improve high school graduation rates and prepare students for college and work; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I wish to talk about education, something many in this body take very seriously. I rise today to address the Nation's dropout crisis. Each day that our schools are open, approximately 7,000 students drop out of high school. That is 1.2 million students annually who do not complete their high school education. Almost a third of American students who enter high school in the ninth grade drop out of school and never receive their high school diploma.

I know our students, our schools, our communities can do better. To ensure that these young people have a better future and that America maintains its competitiveness in a global economy, I suggest to all my colleagues that we must do better.

According to a Manhattan Institute study, the high school graduation rate for the class of 2003 nationwide was only 70 percent. Thirty percent of our students in this country do not cross the goal line of graduation. Even more alarming, however, is that high school graduation rates for subgroups of students in 2003 were for White students, 78 percent; African Americans, 55 percent; Hispanics, 53 percent.

Graduating from high school is a 50–50 proposition in 930 of our high schools in our country. Fifty percent of the students in 930 schools do not get their high school diplomas. In 2,000 high schools, it is a 60–40 proposition. Sixty percent are going to get their diploma, 40 percent will not get their diploma.

Just last week, my home State of North Carolina released its most current data on our State's dropout crisis. Our statistics, likewise, point to an urgent need to pay attention to our public high schools and these students.

North Carolina's statewide graduation rate was 68 percent. Yet for Black students, that rate falls to 60 percent; for low-income students, 55 percent; and for Hispanic students, 52 percent. Nearly 80 percent of the Nation's high schools that produce the highest number of dropouts are in 15 States, and I am embarrassed at the fact that North Carolina is one of them.

To retain our competitive edge in the world economy, America's youths must be prepared for the jobs of today and the jobs of the future, jobs which increasingly require a postsecondary education. Unfortunately, in 2003, 3.5 million Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

Individuals without a high school diploma experience higher rates of unemployment, incarceration, and are more likely to live in poverty and receive public assistance than individuals with at least a high school diploma.

We know the statistics, but they are worth repeating. Mr. President, 4 out of every 10 people ages 16 to 24 without a high school diploma receive some type of government assistance. A high school dropout is eight times more likely to be incarcerated than a person with a high school diploma.

I am fortunate to represent a State with a rich history in its commitment to higher education. The State of North Carolina is the home of the Nation's first State university, the University of North Carolina at Chapel Hill, which welcomed students for the first time to its campus on January 15, 1795. All total, North Carolina has 127 degree-granting institutions of higher education—75 public and 52 private. However, North Carolina and the rest of the country cannot rest on their laurels with their higher education systems. We should be and are proud of our high college-going rate in North Carolina. Yet while 64 percent of recent North Carolina high school graduates go on to college, that number is far too low.

There is no silver bullet that will fix our educational system, including high school reform which many have talked about. I hope more and better research will give us a better direction and maybe better answers, but until then, there are a number of things that we can and we should be doing to improve what is a problem that must be addressed.

In particular, we know the three Rs to making our public high schools work better for today's students are rigor, relevance, and relationships. Today, Senator JEFF BINGAMAN from New Mexico and I are introducing bipartisan legislation, the Graduate for a Better Future Act. This is to help turn the tide of our Nation's dropout crisis.

Senator BINGAMAN has been a stalwart leader in the Senate on issues relating to dropout prevention. I am proud to join him in an effort to lower high school dropout rates and to raise high school graduation and college-going rates.

This legislation will create a competitive grant program targeted at school districts and high schools with the lowest graduation rates, focused on those three Rs of high school reform: rigor, relevance, and relationships.

Funds under this act would be used for models of excellence for academically challenging high schools to prepare all students for college and for work; to offer academic catchup programs for those students who enter high school and do not meet proficient levels in mathematics, reading, language arts, or science that enable such students to meet proficient levels and remain on track to graduate from high school with a regular high school degree; to implement early warning systems to quickly identify students at risk of dropping out, especially systems that track student absenteeism, one of the greatest predictors that a student may drop out of high school; to implement comprehensive college guidance programs that ensure all students and their parents are regularly notified of high school graduation requirements, college requirements for entry, and provide guidance and assistance to students in applying for postsecondary education and in applying for Federal financial assistance and other State, local, and private financial aid and scholarships; to implement a program that offers all students opportunities for work-based and experiential learning experiences, such as job shadowing, internships, and community service so that students make the connection between what they are learning in school and how that applies to the workplace that we want them to be in; and to implement a student advisement program

in which all students are assigned to and have regular meetings with an academic teacher adviser.

A recent survey of high school dropouts by Civic Enterprises presents a picture of the American high school dropout that is surprising to many. I know it surprised me. Eighty-eight percent of those students who dropped out of high school had passing grades when they dropped out. Let me say that again. Eighty-eight percent of the students who dropped out of high school had passing grades which would have enabled them to complete their high school diploma. But they dropped out. Fifty-eight percent dropped out with 2 or fewer years to complete high school; 66 percent said they would have worked harder if expectations had been higher; 81 percent recognized that a high school diploma was absolutely vital to their success in life; and 74 percent said they would have stayed in school if they had it to do all over again.

Mr. President, this is the point where we get a redo. We get an opportunity to make sure students get an opportunity in the next generation so they don't make the same mistakes the last ones did.

Over the past 25 years, the difference in earnings between workers with lower and higher levels of education has grown. As my home State of North Carolina has experienced, gone are the days when an individual with only a high school diploma or GED can find a high-paying job in industries such as manufacturing, textiles, or furniture.

The global economy has changed the marketplace, and the competition is no longer the person who sits next to us. It is the person who graduates from the school we will never hear about or have an opportunity to visit.

We know more education pays off. Over his or her lifetime, an individual without a high school diploma will earn approximately $1.1 million less than an individual with a bachelor's degree, $1.5 million less than an individual with a master's degree, and $2.4 million less than an individual with a doctoral degree.

What is the message to our children and our grandchildren? Is it that the future is more competitive than the past, that to be competitive in the job market means we have to raise our educational skills, and as parents and grandparents, we have to make it happen? The answer is yes.

The Senate can no longer sit by and accept rates of 30 percent of our students who don't cross the goal line of high school and accept that without a fight. We can do better, and we should do better.

I look forward to working with my colleagues on the Health, Education, Labor, and Pensions Committee, and with my cosponsor, Senator BINGAMAN, to face our Nation's dropout crisis head on. This is a first start. This is the ability to educate parents and students about not only how we engage them in the proficiencies they need to be competitive but, more importantly, how we teach them that our expectations are greater than what they felt in the past.

It is time that the Senate lead by example to begin to pass legislation that has a real impact on the high school graduation rates in this country; that we can look back and say it was this legislation that started the process, and it was quickly followed up with additional legislation that helps our youth compete, regardless of where that job is and regardless of who their competition is.

As this legislation comes before the committee and comes to this floor, I urge my colleagues to pay particular attention to the impact it has on our children and our grandchildren but, more importantly, on our competitiveness in the future.

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. 765

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 ''Graduate for a Better Future Act''.

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

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The high school graduation rate for the class of 2003 was only 70 percent nationwide. Thus, almost ⅓ of American students who enter high school in 9th grade drop out of school and never receive a high school diploma.

(2) Large disparities exist in the high school graduation rates among various subgroups of students. Although the high school graduation rate for white students was 78 percent in 2003, the rate for African American students was only 55 percent, and the rate for Hispanic students was only 53 percent.

(3) For students in approximately 2,000 high schools across the United States, the chance of graduating from high school is less than 60 percent.

(4) In 2003, 3,500,000 Americans ages 16 to 25 did not have a high school diploma and were not enrolled in school.

(5) To retain its competitive edge in the world economy, it is essential that America's youth be prepared for the jobs of today and for the jobs of the future. Such jobs increasingly require a post-secondary education.

(6) Individuals without a high school diploma experience higher rates of unemployment, incarceration, living in poverty, and receiving public assistance than individuals with at least a high school diploma.

(7) Over his or her lifetime, an individual without a high school diploma will earn approximately $1,100,000 less than an individual with a bachelor's degree, $1,500,000 less than an individual with a master's degree, and $2,400,000 less than an individual with a doctoral degree.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to create models of excellence for academically rigorous high schools, including early college high schools, in order to prepare all students for college and work;

(2) to raise high school graduation rates and college-going rates;

(3) to reduce college remediation rates;

(4) to create a seamless curriculum between high school and college;

(5) to improve teaching and curricula to make high school more rigorous and relevant;

(6) to improve instruction and access to supports for struggling high school students;

(7) to improve communication between parents, students, and schools; and

(8) to create, implement, and utilize early warning systems to help identify students at risk of dropping out of high school, especially systems that monitor student absenteeism.

SEC. 4. DEFINITIONS.

(1) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term ''Advanced Placement or International Baccalaureate course'' means a course of college-level instruction provided to middle school or secondary school students, terminating in an examination administered by the College Board or the International Baccalaureate Organization.

(2) COLLEGE-GOING RATE.—The term ''college-going rate'' means the percentage of high school graduates who enroll at an institution of higher education in the school year immediately following graduation from high school.

(3) DUAL CREDIT COURSES.—The term ''dual credit course'' means a college course that—

(A) may be taken at a high school or at an institution of higher education;

(B) is taught by—

(i) college faculty; or

(ii) high school faculty with credentials that the eligible entity determines are appropriate; and

(C) the successful completion of which can earn high school academic credit as well as college academic credit.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State educational agency;

(B) a national, regional, or statewide nonprofit organization with expertise and experience in working with local educational agencies and high schools to raise high school academic achievement, high school graduation rates, and college-going rates; or

(C) a partnership consisting of a State educational agency and an entity described in subparagraph (B).

(5) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency with a high school graduation rate of 60 percent or less—

(A) in the aggregate; or

(B) applicable to 2 or more of the following subgroups of high school students served by the local educational agency:

(i) Economically disadvantaged students.

(ii) Students from major racial or ethnic groups.

(6) HIGH SCHOOL.—The term ''high school'' means a nonprofit institutional day or residential school, including a public charter high school, that provides high school education, as determined under State law.

(7) HIGH SCHOOL GRADUATION RATE.—The term ''high school graduation rate'' means the percentage of students who graduate from high school with a regular diploma in the standard number of years as measured by

a valid and reliable measure of high school graduation rates, such as the averaged freshman graduation rate.

(8) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) 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).

(10) PARENT.—The term ''parent'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

(11) RIGOROUS SECONDARY SCHOOL PROGRAM OF STUDY.—The term ''rigorous secondary school program of study'' means a rigorous secondary school program of study recognized as such by the Secretary for purposes of subparagraph (A)(i) or (B)(i) of section 401A(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a–1(c)(3)).

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(13) 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.

(14) STUDENT WITH A DISABILITY.—The term ''student with a disability'' means a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

SEC. 5. PROGRAM AUTHORIZED.

(a) IN GENERAL.—From amounts appropriated under section 8 for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable eligible entities to award subgrants to eligible local educational agencies for the authorized activities described in subsection (d).

(b) DURATION.—

(1) GRANTS.—The Secretary may award grants under this Act (other than a planning grant under subsection (c)(3)) for a period of not more than 6 years.

(2) SUBGRANTS.—An eligible entity may award subgrants under this Act for a period of not more than 5 years.

(c) ELIGIBLE ENTITY AUTHORIZED ACTIVITIES.—

(1) DISTRIBUTION.—An eligible entity that receives a grant under this Act—

(A) shall reserve not more than 15 percent of the grant funds to carry out the activities described in paragraphs (2) through (5); and

(B) shall use not less than 85 percent of the grant funds to award subgrants, on a competitive basis, to eligible local educational agencies to enable the eligible local educational agencies to carry out the authorized activities described in subsection (d).

(2) STATE LEVEL PLANNING AND ADMINISTRATION.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for planning and administration, including—

(A) evaluating applications from eligible local educational agencies;

(B) administering the distribution of subgrants to eligible local educational agencies; and

(C) assessing and evaluating, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(3) LOCAL EDUCATIONAL AGENCY PLANNING GRANTS.—

(A) IN GENERAL.—From amounts reserved under paragraph (1)(A), an eligible entity may award a planning grant to an eligible local educational agency.

(B) AMOUNT.—An eligible entity shall award each planning grant under this paragraph in the amount of $10,000.

(C) DURATION AND USE OF PLANNING GRANT FUNDS.—Each planning grant shall be—

(i) awarded for a period of 1 year;

(ii) nonrenewable; and

(iii) used to plan and apply for a subgrant awarded under paragraph (1)(B).

(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for technical assistance, including—

(A) assisting eligible local educational agencies in accomplishing the tasks required to implement a program under this Act;

(B) implementing a program of professional development for teachers and administrators, in high schools that receive funding under this Act, that prepares teachers and administrators to implement the authorized activities described in subsection (d); and

(C) assisting eligible local educational agencies in designing a program to be assisted under this Act.

(5) REPORTING.—An eligible entity that receives a grant under this Act may use the grant funds reserved under paragraph (1)(A) for annually providing the Secretary with a report on the implementation of this section as required under section 6.

(d) ELIGIBLE LOCAL EDUCATIONAL AGENCY AUTHORIZED ACTIVITIES.—Each eligible local educational agency receiving a subgrant under this Act, shall use the subgrant funds to carry out each of the following activities:

(1) To implement a college-preparatory curriculum for all students in a high school served by the eligible local educational agency under this Act (and for students with disabilities in accordance with the individualized education program of the student) that is, at a minimum, aligned with a rigorous secondary school program of study.

(2) To implement accelerated academic catch-up programs, for students who enter high school not meeting proficient levels of academic achievement in mathematics, reading or language arts, or science, that enable such students to meet the proficient levels of achievement and remain on track to graduate from high school on time with a regular high school diploma.

(3) To implement an early warning system to quickly identify students at risk of dropping out of high school, including systems that track student absenteeism.

(4) To implement a system of student and classroom progress monitoring, which may include the adoption and use of diagnostic or formative assessments that—

(A) measure student academic progress in the core academic areas; and

(B) may identify areas in which students need additional academic assistance and support.

(5) To implement a comprehensive college guidance program that—

(A) will ensure that all students in a high school served by the eligible local educational agency under this Act, and their parents, are regularly notified throughout the students' time in high school, of high school graduation requirements and college entrance requirements; and

(B) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial aid assistance and other State, local, and private financial aid assistance and scholarships.

(6) To implement a program that offers, all students in a high school served by the eligible local educational agency under this Act, opportunities for work-based and experiential learning experiences, such as job-shadowing, internships, and community service.

(7) To implement a program that ensures that all students in a high school served by the eligible local educational agency under this Act, have access to and enroll in courses in which the students may earn college credit for courses taken while in high school, such as a dual credit course, or an Advanced Placement or International Baccalaureate course.

(8) To implement a program of student advisement in which all students in a high school served by the eligible local educational agency under this Act are assigned and have regular meetings with an academic teacher advisor.

(9) To implement a program of teacher professional development and institutional leadership that includes use of diagnostic and formative assessments to identify student and teacher needs, to assess classroom practice, and to improve classroom instruction.

(e) APPLICATIONS.—

(1) ELIGIBLE ENTITY.—Each eligible entity desiring a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall—

(A) include a description of how subgrants made by the eligible entity under this Act will meet the requirements described in subsection (d);

(B) include a description of the peer review process the eligible entity shall use to evaluate applications from eligible local educational agencies;

(C) contain an assurance that the eligible entity, and any eligible local educational agencies receiving a subgrant from that eligible entity, will, if requested, participate in the independent evaluation under section 7(1);

(D) describe how the eligible entity will use grant funds received under this section;

(E) describe how the eligible entity will assist eligible local educational agencies that receive planning grant funds or subgrant funds under this Act in securing any necessary waivers from the State educational agency that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time; and

(F) describe how the eligible entity will assess and evaluate, on a regular basis, eligible local educational agency activities carried out under this Act, including regularly evaluating the academic rigor of courses at high schools in the State that receive funding under this Act.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring a subgrant under this section shall submit an application to the eligible entity at such time and in such manner as the eligible entity may require. Each application shall—

(A) include a description of each high school that will receive funding from the eligible local educational agency under this Act, including such high school graduation, academic achievement, demographic, and socioeconomic data as the eligible entity may request;

(B) contain an assurance that academic merit tests will not be used to determine student enrollment in each such high school;

(C) contain a description of specific outreach and recruitment efforts at each such high school that will be undertaken for student populations historically underrepresented at institutions of higher education;

(D) contain an assurance that a college-preparatory curriculum will be offered to all students at each such high school (and to students with disabilities in accordance with the individualized education program of the

student), that is, at a minimum, aligned with a rigorous secondary school program of study;

(E) include a comprehensive description of how curriculum at each such high school will be developed, structured, and delivered;

(F) include clearly delineated benchmarks for improved student academic achievement, high school graduation rates, and college-going rates at each such high school;

(G) include a description of assessments that will be used at each such high school, including assessments for school accountability purposes and student progress monitoring purposes;

(H) contain a comprehensive plan for professional development at each such high school that includes intended changes in teaching practices that will result in improved student academic achievement, high school graduation rates, and college-going rates;

(I) include a detailed description of work-based and experiential learning experiences that will be offered for all students at each such high school, such as job shadowing, internships, and community service;

(J) contain an assurance that all students at each such high school will be assigned and have regular access to an academic teacher advisor;

(K) contain an assurance that the eligible local educational agency will grant each such high school any necessary waivers from local educational agency policies and rules that may be required to carry out the requirements of this Act, such as waivers with respect to budgeting, school structure, staffing, and flexible use of resources and time;

(L) include a plan that details how programs assisted under this Act will be sustained after the end of subgrant funding under this Act;

(M) in the case of dual credit courses and early college high schools, contain formal agreements between the eligible local educational agency and institutions of higher education that detail shared responsibility for each such high school and students at the high school;

(N) include a description of school staffing considerations and how teachers will be selected for each such high school;

(O) include a detailed plan of the college awareness program at each such high school that addresses applying for admission to an institution of higher education and applying for financial aid; and

(P) contain an assurance that the eligible local educational agency will report to the eligible entity all data necessary for the eligible entity's report under section 6.

(f) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to paragraph (2), each eligible entity that receives a grant under this section shall provide, toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of 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 entity if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (c).

(3) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this Act shall be used to supplement, not supplant, other Federal and State funds available to carry out the activities described in subsection (d).

SEC. 6. REPORTING AND ACCOUNTABILITY.

(a) COLLECTION OF DATA.—Each eligible entity receiving a grant under this Act shall collect and report annually to the Secretary such information on the results of the activities assisted under the grant as the Secretary may reasonably require, including information on—

(1) the number and percentage of students in the State who are assisted under this Act and graduate from high school on time with a regular high school diploma;

(2) the number and percentage of students, at each grade level, in the State who are assisted under this Act and meet or exceed State reading or language arts, mathematics, or science standards, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3));

(3) the number and percentage of students, at each grade level, in the State who are assisted under this Act and are on track to graduate from high school on time and with a regular high school diploma;

(4) the number and percentage of students in the State who are assisted under this Act and participate in work-based and experiential learning experiences, such as job shadowing, internships, community service, and descriptive information on the types of experiences in which such students participated;

(5) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and enrolled in not less than 2 of the following:

(A) a dual credit course; or

(B) an Advanced Placement or International Baccalaureate course;

(6) the number and percentage of students in the State who are assisted under this Act and receive a passing grade or higher for a dual credit course, or an Advanced Placement or International Baccalaureate course;

(7) the number and percentage of students in the State who are assisted under this Act and apply to an institution of higher education while still in high school;

(8) the number and percentage of students in the State who are assisted under this Act and are accepted to an institution of higher education while still in high school;

(9) the number and percentage of students in the State who are assisted under this Act and enroll in an institution of higher education in the school year immediately following the students' high school graduation;

(10) the number and percentage of students in the State who are assisted under this Act and enrolled in remedial mathematics or English courses during their freshman year at an institution of higher education;

(11) the number and percentage of students, in grade 10, in the State who are assisted under this Act and take the PSAT; and

(12) the number and percentage of students, in grades 11 and 12, in the State who are assisted under this Act and take the SAT or ACT, and the students' mean scores on such assessments.

(b) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall report the information required under subsection (a) disaggregated in the same manner as information is disaggregated under section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1111(b)(1)(C)(i)).

SEC. 7. EVALUATION AND REPORT.

From the amount appropriated for any fiscal year under section 8, the Secretary shall reserve such sums as may be necessary—

(1) to conduct an independent evaluation, by grant or by contract, of the program carried out under this Act, which shall include an assessment of the impact of the program on high school graduation rates, college-going rates, and student academic achievement; and

(2) to prepare and submit a report on the results of the evaluation described in paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $500,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, and Mr. SCHUMER):

S. 766. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Paycheck Fairness Act in recognition of Women's History Month. I'd like to thank my colleagues Senators KENNEDY, HARKIN, BOXER, CANTWELL, DODD, FEINGOLD, KLOBUCHAR, LEAHY, MENENDEZ, MIKULSKI, MURRAY, REED, REID and SCHUMER for joining me in reintroducing this legislation to prevent, regulate and reduce pay discrimination for women across the country. I also want to acknowledge Congresswoman DELAURO for being the champion of this legislation in the House of Representatives.

As America celebrates Women's History Month, it's important that we not only take pride in how far women have come in our lifetime, but also recognize the work we must continue to achieve true pay equity in this country. Over the past four decades, we have made tremendous strides in closing the wage gap between women and men. But research still shows us that pay discrimination continues to result in women earning less than men for performing the same job.

Today, women working full time, year-round, still make only 77 cents for every dollar that a man makes—meaning that for every $100 she earns, a typical woman has $23 less to spend on groceries, housing, child care, or other expenses. Women of color fare even worse: African-American women earn only 67¢, and Latinas only 56¢, for every $1.00 earned by white men.

Just two weeks ago, the Wall Street Journal published an article entitled ''Women Post Job Gains, Data Show.'' The article showcased proof of progress over the past decade. From the year 2000 through 2005, women posted a net increase of 1.7 million jobs paying above the median salary, while men gained a net increase of just over 220,000 of such positions, according to the Bureau of Labor Statistics. The issue of the wage gap, however, continues to affect women workers. In 2005, the median weekly pay for women

was $486, or 73 percent of that for men—$663.

While we often associate the pay wage with low-paying jobs, this inequity is not exclusive to the lower class. The New York Times recently reported that Wimbledon has finally agreed to pay its women tennis champions the same amount of prize money as their male counterparts. Last year's men's champion received $1.170 million, while the tournament's women's winner got $1.117 million.

That is why I am pleased to be introducing the Paycheck Fairness Act—a bill that will build on the promise of the Equal Pay Act and help close the pay gap.

The Paycheck Fairness Act has three main components.

First, it prevents pay discrimination before it starts. By helping women strengthen their negotiation skills and providing outreach and technical assistance to employers to ensure they fairly evaluate and pay their employees, the Paycheck Fairness Act gives employers the tools they need to level the playing field between men and women.

Second, the Paycheck Fairness Act creates strong penalties to punish those who do violate the act. By strengthening the penalties for employers who violate the Equal Pay Act, this bill sends a strong message—Equal Pay is a matter to be taken seriously.

And finally, the Paycheck Fairness Act ensures that the Federal Government, which should be a model employer when it comes to enforcing Federal employment laws, uses every tool in its toolbox to ensure that women are paid the same amount as men for doing the same jobs.

There is no question that we have come a long way since the Equal Pay Act became law 44 years ago. But we still have a lot of work to do.

According to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their career because of unequal pay practices—a difference in pay that cannot be fully explained by experience, education, or other qualifications. And the pay gap follows women into retirement: unmarried women in the workforce today will receive, on average, about $8,000 per year less in retirement income than their male counterparts. As a result, millions of American families lose out because equal pay is still not a reality.

It is my hope that many more of my colleagues will join me in recognizing this is more than a women's issue—it is a family issue. It is in all of our interests to allow women to support their families and to live with the dignity and respect accorded to fully engaged members of the workforce.

Mr. KENNEDY. Mr. President, one of the most profound economic shifts of the past century has been the entry of women into the workforce in tremendous numbers. In 1900, women made up only 18.4 percent of the working population. Today, more than 46 percent of the workers who claim a paycheck each week are women.

Unfortunately, while America's women are working harder than ever, they are not being fairly compensated for their contributions to our economy.

Discrimination against women continues to be prevalent in the workplace. Women earn about 77 cents for each dollar earned by men, and the gap is even greater for women of color. In 2004, African-American women earned only 67 percent of the earnings of White men, and Hispanic women earned only 56 percent.

Unfortunately, the problem is not getting better. The current wage gap of 23 cents is the same gap that existed in 2002. Since 1963, when the Equal Pay Act was passed, the wage gap has narrowed by less than half of a penny a year.

While many argue that this persistent pay gap is a consequence of women's choosing to take time out of the workforce, the evidence shows that other factors, including discrimination, are a significant cause. In 2004, the Census Bureau concluded that the substantial gap in earnings between men and women could not completely be explained by differences in education, tenure in the workforce, or occupation. Similarly, a recent General Accounting Office report concluded that the difference in men and women's working patterns does not explain the entire disparity in their wages. Discrimination plays a significant role as well.

It is appalling and unacceptable that such discrimination still exists in America, and we need to combat it with Federal legislation. The issue is simple fairness, and Congress needs to act.

I am proud to join with Senator CLINTON and Senator HARKIN in introducing the Paycheck Fairness Act today. This important legislation will give America's working women the tools they need to fight for fair pay. It will make sure our fair pay laws apply to everyone, and it will strengthen the penalties for employers that are not playing by the rules.

These important reforms are long overdue. I urge my colleagues to stand up for working women and end wage discrimination by passing the Paycheck Fairness Act.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 767. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. COLEMAN, and Mr. SPECTER):

S. 768. A bill to increase fuel economy standards for automobiles and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, 33 years ago, this Nation faced a crisis that touched every American. In 1973, in the shadow of a war against Israel, the Arab nations of OPEC decided to embargo shipments of crude oil to the West.

The economic effects were devastating. For American drivers, the price at the gas pump rose from a national average of 38.5 cents per gallon in May 1973 to 55.1 cents per gallon in June 1974. The stock market fell, and countries across the world faced terrible cycles of inflation and recession that lasted well into the 1980s.

Lawmakers in Washington reacted by calling for a nationwide daylight savings time and a national speed limit. They established a new Department of Energy that eventually created a strategic petroleum reserve. Perhaps most important, Congress enacted the Corporate Average Fuel Economy standards, or CAFE, the first-ever requirements for automakers to improve gas mileage on the vehicles we drive.

At the time, auto executives protested, saying there was no way to increase fuel economy without making cars smaller. One company predicted that Americans would all be driving sub-compacts as a result of CAFE. But CAFE did work, and under the direction of Congress, the National Highway Traffic Safety Administration, NHSTA, nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 mpg for cars in 1985. Today, CAFE standards save us about 3 million barrels of oil per day, making it the most successful energy-saving measure ever adopted.

Now 30 years later, Americans again are feeling the pain at the pump. The price of oil has reached up to $78 a barrel, and Americans have paid more than $3.00 a gallon for gas. America's 20–million-barrel-a-day habit costs our economy $800 million a day, or $300 billion annually. Because we import 60 percent of our oil, much of it from the Middle East, our dependence on oil is also a national security issue as well. Al-Qaida knows that oil is America's Achilles heel. Osama bin Laden has urged his supporters to ''Focus your operations on oil, especially in Iraq and the gulf area, since this will cause them to die off.''

At a time when the energy and security stakes couldn't be higher, CAFE standards have been stagnant. In fact, because of a long-standing deadlock in Washington, CAFE standards that initially increased so quickly have remained stagnant for the last 20 years.

Since 1985, efforts to raise the CAFE standard have been stymied by opponents who have argued that Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in the production of less safe cars and a loss of American jobs. This has been a bureaucratic logjam that

has ignored technological innovations in the auto industry and crippled our ability to increase fuel efficiency.

To attempt to break this two-decade-long deadlock and start the U.S. on the path towards energy independence, I have joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, COLEMAN, and SPECTER to introduce the Fuel Economy Reform Act of 2007. This bill would set a new course by establishing regular, continual, and incremental progress in miles per gallon, targeting 4 percent annually, but preserving NHTSA expertise and flexibility on how to meet those targets.

Over the past 20 years, NHTSA's efforts to improve fuel economy have been encumbered with loopholes and resistance. With this bill, CAFE standards would increase by 4 percent every year unless NHTSA can justify a deviation in that rate by proving that the increase is technologically unachievable, does not materially reduce the safety of automobiles manufactured or sold in the U.S., or can prove it is not cost-effective when comparing with the economic and geopolitical value of a gallon of gasoline saved. We specifically define the grounds upon which NHTSA can determine cost-effectiveness. By flipping the presumption that has served as a barrier to action, we replace the status quo of continued stagnation with steady, measured progress.

Under this system, if the 4 percent annualized improvement occurs over ten years, this bill would save 1.3 million barrels of oil per day—or 20 billion gallons of gasoline per year. If gasoline is just $2.50 per gallon, consumers will save $50 billion at the pump in 2018. By 2018, we would be cutting global warming pollution by 220 million metric tons of carbon dioxide equivalent gases.

The Fuel Economy Reform Act also would provide fairness and flexibility to domestic automakers by establishing different standards for different types of cars. Currently, manufacturers have to meet broad standards over their whole fleet of cars. This disadvantages companies like Ford and General Motors that produce full lines of small and large cars and trucks rather than manufacturers that only sell small cars.

In order to enable domestic manufacturers to develop advanced-technology vehicles, this legislation provides tax incentives to retool parts and assembly plants. This will strengthen the U.S. auto industry by allowing it to compete with foreign hybrid and other fuel efficient vehicles. It is our expectation that NHTSA will use its enhanced authority to bring greater market-based flexibility into CAFE compliance by allowing the banking and trading of credits among certain vehicle types and between manufacturers.

Finally, the bill also would expand the tax incentives that encourage consumers to buy advanced technology vehicles. The bill would lift the current 60,000-per-manufacturer cap on buyer tax credits to allow more Americans to buy ultra-efficient vehicles like hybrids.

By ending a 20-year stalemate on CAFE, the Fuel Economy Reform Act will recapture the innovation that Congress and the auto industry launched in response to the OPEC crisis. In the process, we will safeguard our national security, protect our economy, reduce consumer pain at the pump, and protect our climate, environment, and public health. I urge my colleagues to join our bipartisan coalition and support the Fuel Economy Reform Act.

I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the text of the bills were ordered to be printed in the RECORD, as follows:

S. 767

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 ''Fuel Economy Reform Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the ''risk premium'' paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 3. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) DEFINITION OF AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(2) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (16) of section 32901(a) of such title is amended by striking '', but does not include'' and all that follows through the end and inserting a period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 4. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''NON-PASSENGER AUTOMOBILES''; and

(B) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2012.'';

(2) in subsection (b)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''PASSENGER AUTOMOBILES'';

(B) by inserting ''and before model year 2010'' after ''1984''; and

(C) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)'';

(3) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

''(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(ii) based on 1 or more vehicle attributes that relate to fuel economy—

''(I) separate average fuel economy standards for different classes of automobiles; or

''(II) average fuel economy standards expressed in the form of a mathematical function.

''(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

''(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

''(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

''(i) are technologically not achievable;

''(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

''(iii) is shown not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

''(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on OPEC strategic behavior and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.''; and

(4) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking ''passenger'' each place it appears;

(ii) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking ''passenger'' each place it appears; and

(II) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subject to subsection (c) or (d) of section 32902''; and

(ii) in subsection (b)(1)(B), by striking ''under this chapter'' and inserting ''under section 32902(c)(2)''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 5. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii).'' after ''earns credits.'';

(2) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting ''for purposes of compliance with section 32902(c)(2)'' after ''except that''.

(b) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting ''(1)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

(c) JUDICIAL REVIEW OF REGULATIONS.—Section 32909(a)(1) of such title is amended by striking out ''adversely affected by'' and inserting ''aggrieved or adversely affected by, or suffering a legal wrong because of,''.

S. 768

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 ''Fuel Economy Reform Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States dependence on oil imports imposes tremendous burdens on the economy, foreign policy, and military of the United States.

(2) According to the Energy Information Administration, 60 percent of the crude oil and petroleum products consumed in the United States between April 2005 and March 2006 (12,400,000 barrels per day) were imported. At a cost of $75 per barrel of oil, people in the United States remit more than $600,000 per minute to other countries for petroleum.

(3) A significant percentage of these petroleum imports originate in countries controlled by regimes that are unstable or openly hostile to the interests of the United States. Dependence on production from these countries contributes to the volatility of domestic and global markets and the ''risk premium'' paid by consumers in the United States.

(4) The Energy Information Administration projects that the total petroleum demand in the United States will increase by 23 percent between 2006 and 2026, while domestic crude production is expected to decrease by 11 percent, resulting in an anticipated 28 percent increase in petroleum imports. Absent significant action, the United States will become more vulnerable to oil price increases, more dependent upon foreign oil, and less able to pursue national interests.

(5) Two-thirds of all domestic oil use occurs in the transportation sector, which is 97 percent reliant upon petroleum-based fuels. Passenger vehicles, including light trucks under 10,000 pounds gross vehicle weight, represent over 60 percent of the oil used in the transportation sector.

(6) Corporate average fuel economy of all cars and trucks improved by 70 percent between 1975 and 1987. Between 1987 and 2006, fuel economy improvements have stagnated and the fuel economy of the United States is lower than many developed countries and some developing countries.

(7) Significant improvements in engine technology occurred between 1986 and 2006. These advances have been used to make vehicles larger and more powerful, and have not focused solely on increasing fuel economy.

(8) According to a 2002 fuel economy report by the National Academies of Science, fuel economy can be increased without negatively impacting the safety of cars and trucks in the United States. Some new technologies can increase both safety and fuel economy (such as high strength materials, unibody design, lower bumpers). Design changes related to fuel economy also present opportunities to reduce the incompatibility of tall, stiff, heavy vehicles with the majority of vehicles on the road.

(9) Significant change must occur to strengthen the economic competitiveness of the domestic auto industry. According to a recent study by the University of Michigan, a sustained gasoline price of $2.86 per gallon would lead Detroit's Big 3 automakers' profits to shrink by $7,000,000,000 as they absorb 75 percent of the lost vehicle sales. This would put nearly 300,000 people in the United States out of work.

(10) Opportunities exist to strengthen the domestic vehicle industry while improving fuel economy. A 2004 study performed by the University of Michigan concludes that providing $1,500,000,000 in tax incentives over a 10-year period to encourage domestic manufacturers and parts facilities to produce clean cars will lead to a gain of nearly 60,000 domestic jobs and pay for itself through the resulting increase in domestic tax receipts.

SEC. 3. DEFINITION OF AUTOMOBILE AND PASSENGER AUTOMOBILE.

(a) DEFINITION OF AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (3) of section 32901(a) of title 49, United States Code, is amended by striking ''rated at—'' and all that follows through the period at the end and inserting ''rated at not more than 10,000 pounds gross vehicle weight.''.

(2) FUEL ECONOMY INFORMATION.—Section 32908(a) of such title is amended, by striking ''section—'' and all that follows through ''(2)'' and inserting ''section, the term''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to model year 2010 and each subsequent model year.

(b) DEFINITION OF PASSENGER AUTOMOBILE.—

(1) IN GENERAL.—Paragraph (16) of section 32901(a) of such title is amended by striking '', but does not include'' and all that follows through the end and inserting a period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to model year 2012 and each subsequent model year.

SEC. 4. AVERAGE FUEL ECONOMY STANDARDS.

(a) STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''NON-PASSENGER AUTOMOBILES''; and

(B) by adding at the end the following: ''This subsection shall not apply to automobiles manufactured after model year 2012.'';

(2) in subsection (b)—

(A) in the heading, by inserting ''MANUFACTURED BEFORE MODEL YEAR 2013'' after ''PASSENGER AUTOMOBILES'';

(B) by inserting ''and before model year 2010'' after ''1984''; and

(C) by adding at the end the following: ''Such standard shall be increased by 4 percent per year for model years 2010 through 2012 (rounded to the nearest 1/10 mile per gallon)'';

(3) by amending subsection (c) to read as follows:

''(c) AUTOMOBILES MANUFACTURED AFTER MODEL YEAR 2012.—(1)(A) Not later than 18 months before the beginning of each model year after model year 2012, the Secretary of Transportation shall prescribe, by regulation—

''(i) an average fuel economy standard for automobiles manufactured by a manufacturer in that model year; or

''(ii) based on 1 or more vehicle attributes that relate to fuel economy—

''(I) separate average fuel economy standards for different classes of automobiles; or

''(II) average fuel economy standards expressed in the form of a mathematical function.

''(B)(i) Except as provided under paragraphs (3) and (4) and subsection (d), average fuel economy standards under subparagraph (A) shall attain a projected aggregate level of average fuel economy of 27.5 miles per gallon for all automobiles manufactured by all manufacturers for model year 2013.

''(ii) The projected aggregate level of average fuel economy for model year 2014 and each model year thereafter shall be increased by 4 percent over the level of the prior model year (rounded to the nearest 1/10 mile per gallon).

''(2) In addition to the average fuel economy standards under paragraph (1), each manufacturer of passenger automobiles shall be subject to an average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year that shall be equal to 92 percent of the average fuel economy projected by the Secretary for all passenger automobiles manufactured by all manufacturers in that model year. An average fuel economy standard under this subparagraph for a model year shall be promulgated at the same time as the standard under paragraph (1) for such model year.

''(3) If the actual aggregate level of average fuel economy achieved by manufacturers for each of 3 consecutive model years is 5 percent or more less than the projected aggregate level of average fuel economy for such model year, the Secretary may make appropriate adjustments to the standards prescribed under this subsection.

''(4)(A) Notwithstanding paragraphs (1) through (3) and subsection (b), the Secretary of Transportation may prescribe a lower average fuel economy standard for 1 or more model years if the Secretary of Transportation, in consultation with the Secretary of Energy, finds, by clear and convincing evidence, that the minimum standards prescribed under paragraph (1)(B) or (3) or subsection (b) for each model year—

''(i) are technologically not achievable;

''(ii) cannot be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States and no offsetting safety improvements can be practicably implemented for that model year; or

''(iii) is shown not to be cost effective.

''(B) If a lower standard is prescribed for a model year under subparagraph (A), such standard shall be the maximum standard that—

''(i) is technologically achievable;

''(ii) can be achieved without materially reducing the overall safety of automobiles manufactured or sold in the United States; and

''(iii) is cost effective.

''(5) In determining cost effectiveness under paragraph (4)(A)(iii), the Secretary of Transportation shall take into account the total value to the United States of reduced petroleum use, including the value of reducing external costs of petroleum use, using a value for such costs equal to 50 percent of the value of a gallon of gasoline saved or the amount determined in an analysis of the external costs of petroleum use that considers—

''(A) value to consumers;

''(B) economic security;

''(C) national security;

''(D) foreign policy;

''(E) the impact of oil use—

''(i) on sustained cartel rents paid to foreign suppliers;

''(ii) on long-run potential gross domestic product due to higher normal-market oil price levels, including inflationary impacts;

''(iii) on import costs, wealth transfers, and potential gross domestic product due to increased trade imbalances;

''(iv) on import costs and wealth transfers during oil shocks;

''(v) on macroeconomic dislocation and adjustment costs during oil shocks;

''(vi) on the cost of existing energy security policies, including the management of the Strategic Petroleum Reserve;

''(vii) on the timing and severity of the oil peaking problem;

''(viii) on the risk, probability, size, and duration of oil supply disruptions;

''(ix) on OPEC strategic behavior and long-run oil pricing;

''(x) on the short term elasticity of energy demand and the magnitude of price increases resulting from a supply shock;

''(xi) on oil imports, military costs, and related security costs, including intelligence, homeland security, sea lane security and infrastructure, and other military activities;

''(xii) on oil imports, diplomatic and foreign policy flexibility, and connections to geopolitical strife, terrorism, and international development activities;

''(xiii) on all relevant environmental hazards under the jurisdiction of the Environmental Protection Agency; and

''(xiv) on well-to-wheels urban and local air emissions of 'pollutants' and their uninternalized costs;

''(F) the impact of the oil or energy intensity of the United States economy on the sensitivity of the economy to oil price changes, including the magnitude of gross domestic product losses in response to short term price shocks or long term price increases;

''(G) the impact of United States payments for oil imports on political, economic, and military developments in unstable or unfriendly oil exporting countries;

''(H) the uninternalized costs of pipeline and storage oil seepage, and for risk of oil spills from production, handling, and transport, and related landscape damage; and

''(I) additional relevant factors, as determined by the Secretary.

''(6) When considering the value to consumers of a gallon of gasoline saved, the Secretary of Transportation may not use a value that is less than the greatest of—

''(A) the average national cost of a gallon of gasoline sold in the United States during the 12-month period ending on the date on which the new fuel economy standard is proposed;

''(B) the most recent weekly estimate by the Energy Information Administration of the Department of Energy of the average national cost of a gallon of gasoline (all grades) sold in the United States; or

''(C) the gasoline prices projected by the Energy Information Administration for the 20-year period beginning in the year following the year in which the standards are established.

''(7) In prescribing standards under this subsection, the Secretary may prescribe standards for 1 or more model years.

''(8)(A) Not later than December 31, 2016, the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall submit a joint report to Congress on the state of global automotive efficiency technology development, and on the accuracy of tests used to measure fuel economy of automobiles under section 32904(c), utilizing the study and assessment of the National Academy of Sciences referred to in subparagraph (B).

''(B) The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study of the technological opportunities to enhance fuel economy and an analysis and assessment of the accuracy of fuel economy tests used by the Administrator of the Environmental Protection Agency to measure fuel economy for each model under section 32904(c). Such analysis and assessment shall identify any additional factors or methods that should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles. The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall furnish, at the request of the Academy, any information that the Academy determines to be necessary to conduct the study, analysis, and assessment under this subparagraph.

''(C) The report submitted under subparagraph (A) shall include—

''(i) the study of the National Academy of Sciences referred to in subparagraph (B); and

''(ii) an assessment by the Secretary of Transportation of technological opportunities to enhance fuel economy and opportunities to increase overall fleet safety.

''(D) The report submitted under subparagraph (A) shall identify and examine additional opportunities to reform the regulatory structure under this chapter, including approaches that seek to merge vehicle and fuel requirements into a single system that achieves equal or greater reduction in petroleum use and environmental benefits than the amount of petroleum use and environmental benefits that have been achieved as of the date of the enactment of this Act.

''(E) The report submitted under subparagraph (A) shall—

''(i) include conclusions reached by the Administrator of the Environmental Protection Agency, as a result of detailed analysis and public comment, on the accuracy of fuel economy tests as in use during the period beginning on the date that is 5 years before the completion of the report and ends on the date of such completion;

''(ii) identify any additional factors that the Administrator determines should be included in tests to measure fuel economy for each model to more accurately reflect actual fuel economy of automobiles; and

''(iii) include a description of options, formulated by the Secretary of Transportation and the Administrator, to incorporate such additional factors in fuel economy tests in a manner that will not effectively increase or decrease average fuel economy for any automobile manufacturer.''; and

(4) in subsection (g)(2), by striking ''(and submit the amendment to Congress when required under subsection (c)(2) of this section)''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended—

(A) in section 32903—

(i) by striking ''passenger'' each place it appears;

(ii) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (c) or (d) of section 32902'';

(iii) by striking subsection (e); and

(iv) by redesignating subsection (f) as subsection (e); and

(B) in section 32904—

(i) in subsection (a)—

(I) by striking ''passenger'' each place it appears; and

(II) in paragraph (1), by striking ''subject to'' and all that follows through ''section 32902(b)–(d) of this title'' and inserting ''subject to subsection (c) or (d) of section 32902''; and

(ii) in subsection (b)(1)(B), by striking ''under this chapter'' and inserting ''under section 32902(c)(2)''.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to automobiles manufactured after model year 2012.

SEC. 5. CREDIT TRADING, COMPLIANCE, AND JUDICIAL REVIEW.

(a) CREDIT TRADING.—Section 32903(a) of title 49, United States Code, is amended—

(1) by inserting ''Credits earned by a manufacturer under this section may be sold to any other manufacturer and used as if earned by that manufacturer, except that credits earned by a manufacturer described in clause (i) of section 32904(b)(1)(A) may only be sold to a manufacturer described such clause (i) and credits earned by a manufacturer described in clause (ii) of such section may only be sold to a manufacturer described in such clause (ii).'' after ''earns credits.'';

(2) by striking ''3 consecutive model years immediately'' each place it appears and inserting ''model years''; and

(3) effective for model years after 2012, the sentence added by paragraph (1) of this subsection is amended by inserting ''for purposes of compliance with section 32902(c)(2)'' after ''except that''.

(b) MULTI-YEAR COMPLIANCE PERIOD.—Section 32904(c) of such title is amended—

(1) by inserting ''(1)'' before ''The Administrator''; and

(2) by adding at the end the following:

''(2) The Secretary, by rule, may allow a manufacturer to elect a multi-year compliance period of not more than 4 consecutive model years in lieu of the single model year compliance period otherwise applicable under this chapter.''.

(c) JUDICIAL REVIEW OF REGULATIONS.—Section 32909(a)(1) of such title is amended by striking out ''adversely affected by'' and inserting ''aggrieved or adversely affected by, or suffering a legal wrong because of,''.

SEC. 6. CONSUMER TAX CREDIT.

(a) ELIMINATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES ELIGIBLE FOR ALTERNATIVE MOTOR VEHICLE CREDIT.—

(1) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (4) and (6) of section 30B(h) of such Code are each amended by striking ''(determined without regard to subsection (g))'' and inserting ''determined without regard to subsection (f))''.

(B) Section 38(b)(25) of such Code is amended by striking ''section 30B(g)(1)'' and inserting ''section 30B(f)(1)''.

(C) Section 55(c)(2) of such Code is amended by striking ''section 30B(g)(2)'' and inserting ''section 30B(f)(2)''.

(D) Section 1016(a)(36) of such Code is amended by striking ''section 30B(h)(4)'' and inserting ''section 30B(g)(4)''.

(E) Section 6501(m) of such Code is amended by striking ''section 30B(h)(9)'' and inserting ''section 30B(g)(9)''.

(b) EXTENSION OF ALTERNATIVE VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (3) of section 30B(i) of such Code (as redesignated by subsection (a)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) COMPUTATION OF CREDIT.—Section 30B of such Code is amended by striking ''city'' each place it appears and inserting ''combined''.

(d) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) of this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date. The amendments made by subsection (c) shall apply to vehicles acquired after the date of the enactment of this Act.

SEC. 7. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

''SEC. 30D. ADVANCED TECHNOLOGY MOTOR VEHICLES MANUFACTURING CREDIT.

''(a) CREDIT ALLOWED.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 35 percent of the qualified investment of an eligible taxpayer for such taxable year.

''(b) QUALIFIED INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The qualified investment for any taxable year is equal to the incremental costs incurred during such taxable year—

''(A) to re-equip, expand, or establish any manufacturing facility in the United States of the eligible taxpayer to produce advanced technology motor vehicles or to produce eligible components,

''(B) for engineering integration performed in the United States of such vehicles and components as described in subsection (d),

''(C) for research and development performed in the United States related to advanced technology motor vehicles and eligible components, and

''(D) for employee retraining with respect to the manufacturing of such vehicles or components (determined without regard to wages or salaries of such retrained employees).

''(2) ATTRIBUTION RULES.—In the event a facility of the eligible taxpayer produces both advanced technology motor vehicles and conventional motor vehicles, or eligible and non-eligible components, only the qualified investment attributable to production of advanced technology motor vehicles and eligible components shall be taken into account.

''(c) DEFINITIONS.—In this section:

''(1) ADVANCED TECHNOLOGY MOTOR VEHICLE.—The term 'advanced technology motor vehicle' means—

''(A) any qualified electric vehicle (as defined in section 30(c)(1)),

''(B) any new qualified fuel cell motor vehicle (as defined in section 30B(b)(3)),

''(C) any new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3)),

''(D) any new qualified hybrid motor vehicle (as defined in section 30B(d)(2)(A) and determined without regard to any gross vehicle weight rating),

''(E) any new qualified alternative fuel motor vehicle (as defined in section 30B(e)(4), including any mixed-fuel vehicle (as defined in section 30B(e)(5)(B)), and

''(F) any other motor vehicle using electric drive transportation technology (as defined in paragraph (3)).

''(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term 'electric drive transportation technology' means technology used by vehicles that use an electric motor for all or part of their motive power and that may or may not use off-board electricity, such as battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, and plug-in hybrid fuel cell vehicles.

''(3) ELIGIBLE COMPONENTS.—The term 'eligible component' means any component inherent to any advanced technology motor vehicle, including—

''(A) with respect to any gasoline or diesel-electric new qualified hybrid motor vehicle—

''(i) electric motor or generator;

''(ii) power split device;

''(iii) power control unit;

''(iv) power controls;

''(v) integrated starter generator; or

''(vi) battery;

''(B) with respect to any hydraulic new qualified hybrid motor vehicle—

''(i) accumulator or other energy storage device;

''(ii) hydraulic pump;

''(iii) hydraulic pump-motor assembly;

''(iv) power control unit; and

''(v) power controls;

''(C) with respect to any new advanced lean burn technology motor vehicle—

''(i) diesel engine;

''(ii) turbo charger;

''(iii) fuel injection system; or

''(iv) after-treatment system, such as a particle filter or NOx absorber; and

''(D) with respect to any advanced technology motor vehicle, any other component submitted for approval by the Secretary.

''(4) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means any taxpayer if more than 20 percent of the taxpayer's gross receipts for the taxable year is derived from the manufacture of motor vehicles or any component parts of such vehicles.

''(d) ENGINEERING INTEGRATION COSTS.—For purposes of subsection (b)(1)(B), costs for engineering integration are costs incurred prior to the market introduction of advanced technology vehicles for engineering tasks related to—

''(1) establishing functional, structural, and performance requirements for component and subsystems to meet overall vehicle objectives for a specific application,

''(2) designing interfaces for components and subsystems with mating systems within a specific vehicle application,

''(3) designing cost effective, efficient, and reliable manufacturing processes to produce components and subsystems for a specific vehicle application, and

''(4) validating functionality and performance of components and subsystems for a specific vehicle application.

''(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of—

''(A) the regular tax liability (as defined in section 26(b)) for such taxable year, plus

''(B) the tax imposed by section 55 for such taxable year and any prior taxable year beginning after 1986 and not taken into account under section 53 for any prior taxable year, over

''(2) the sum of the credits allowable under subpart A and sections 27, 30, and 30B for the taxable year.

''(f) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(g) NO DOUBLE BENEFIT.—

''(1) COORDINATION WITH OTHER DEDUCTIONS AND CREDITS.—Except as provided in paragraph (2), the amount of any deduction or other credit allowable under this chapter for any cost taken into account in determining the amount of the credit under subsection (a) shall be reduced by the amount of such credit attributable to such cost.

''(2) RESEARCH AND DEVELOPMENT COSTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any amount described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year shall not be taken into account for purposes of determining the credit under section 41 for such taxable year.

''(B) COSTS TAKEN INTO ACCOUNT IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any amounts described in subsection (b)(1)(C) taken into account in determining the amount of the credit under subsection (a) for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(h) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (e) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback to each of the 15 taxable years immediately preceding the unused credit year and as a carryforward to each of the 20 taxable years immediately following the unused credit year.

''(i) SPECIAL RULES.—For purposes of this section, rules similar to the rules of section 179A(e)(4) and paragraphs (1) and (2) of section 41(f) shall apply.

''(j) ALLOCATION OF CREDIT TO PURCHASERS.—

''(1) ELECTION TO ALLOCATE.—

''(A) IN GENERAL.—In the case of an eligible taxpayer, any portion of the credit determined under subsection (a) for the taxable year may, at the election of such taxpayer, be apportioned among purchasers of qualifying vehicles from the taxpayer in the taxable year (or in any year in which the credit may be carried over).

''(B) QUALIFYING VEHICLES.—For purposes of this subsection, the term 'qualifying vehicle' means an advanced technology vehicle manufactured at a facility described in subsection (b)(1)(A).

''(C) FORM AND EFFECT OF ELECTION.—An election under subparagraph (A) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

''(2) TREATMENT OF TAXPAYER AND PURCHASERS.—The amount of the credit apportioned to any purchaser under paragraph (1)—

''(A) shall not be included in the amount determined under subsection (a) with respect to the eligible taxpayer for the taxable year; and

''(B) shall be treated as an amount determined under subsection (a) for the taxable year of the purchaser which ends in the calendar year of purchase.

''(3) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the

credit of an eligible taxpayer determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the taxpayer for such year, an amount equal to the excess of—

''(A) such reduction, over

''(B) the amount not apportioned to such purchasers under paragraph (1) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the eligible taxpayer.

''(4) WRITTEN NOTICE TO PURCHASERS.—If any portion of the credit available under subsection (a) is allocated to purchasers under paragraph (1), the eligible taxpayer shall provide any purchaser receiving an allocation written notice of the amount of the allocation. Such notice may be provided either at the time of purchase or at any time not later than 60 days after the close of the calendar year in which the vehicle is purchased.''

''(k) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any property if the taxpayer elects not to have this section apply to such property.

''(l) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out the provisions of this section.

''(m) TERMINATION.—This section shall not apply to any qualified investment after December 31, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 30D(g).''.

(2) Section 6501(m) of such Code is amended by inserting ''30D(k),'' after ''30C(e)(5),''.

(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

''Sec. 30D. Advanced technology motor vehicles manufacturing credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts incurred in taxable years beginning after December 31, 1999.

By Mr. SALAZAR (for himself, Mr. CHAMBLISS, Ms. COLLINS, and Mr. ALLARD):

S. 769. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. SALAZAR. Mr. President, today I am introducing the Troops to Teachers Improvement Act of 2007, which will help more of our veterans and service members find second careers in our classrooms. This bill will expand the accessibility of this program, so that more military personnel will be able to enroll, receive $5,000 toward their teaching certification, and teach in a school near their home. I am proud to be joined by Senator CHAMBLISS, Senator COLLINS, and Senator ALLARD in introducing this legislation. On the House side, Congressman PETRI and Congresswoman MATSUI have introduced a companion to this bill.

Since it was created in 1994, the Troops to Teachers program has helped place over 10,000 new teachers in classrooms around the country. The program provides guidance, teacher certification assistance, and bonuses for military personnel who give at least three years of service in the classroom.

When Congress established the Troops to Teachers program, it created two levels of bonuses for military personnel and veterans who participate. An individual was eligible for a $5,000 stipend so long as he or she taught in any school in a district that received Title I funding under the Elementary and Secondary Education Act. This meant that an individual could teach three years in any of a vast majority of schools in the country and still be eligible for the $5,000 bonus.

Congress allowed a person to receive an additional $5,000 if he or she taught three years in a school that served a high percentage of disadvantaged students. The total bonus of $10,000 was meant to draw these talented new teachers into schools that needed them most.

For over a decade, this bonus structure was highly successful. In Colorado alone, the program has provided around 80 new hires a year to schools where new teachers are desperately needed.

But in 2005, the Department of Education limited the number of schools that were eligible to participate and therefore made it more difficult for individuals to receive the baseline $5,000 bonus. The Department of Education was able to do this because when the Troops to Teachers program was reauthorized under the No Child Left Behind Act, there was a mistake in the reauthorization language that created confusion about which schools an individual may teach in order to be eligible for the $5,000 bonus. As I pointed out a moment ago, when Congress created the Troops to Teachers program, it said that an individual could receive the bonus if he or she taught in a ''high-need'' school, that is, in any school in a district that received Title 1 funding. In Colorado, that meant that around 98 percent of school districts qualified. But, because Troops to Teachers was mistakenly placed in a section of NCLB with a different definition of ''high need,'' an individual can now only receive the $5,000 bonus if he or she teaches in a school that has more than 10,000 students or has more than 20 percent of its students from families below the poverty line.

As a result of this change, enrollments in the Troops to Teachers program have dwindled over the past two years. Western and rural States, in particular, have been negatively impacted. In Colorado, new hires out of Troops to Teachers have dropped from 79 for the 2003–2004 school year to 43 for the 2006–2007 school year.

This drop-off in new hires from Troops to Teachers is problematic for several reasons. First, we should be finding ways of attracting new teachers to our classrooms, not devising bureaucratic barriers that keep them out. Experts predict that we will need approximately 2 million new teachers in the next decade, and we need teachers who will give more than a year or two of service. Today, half of newcomers to the teaching profession last less than five years. The good news is that Troops to Teachers has an 83 percent retention rate for its teachers. A full 223 of the 343 original participants are still teaching today, more than a decade after the program's creation.

Troops to Teachers also helps fill a need for diversity in the classroom—83 percent of program participants are male, compared to 18 percent of teachers nationally, and 37 percent are ethnic minorities, compared to 15 percent of teachers nationally.

The second problem with the new eligibility criteria is that it disproportionately hurts rural veterans and rural school districts. It's hard to find a school district in western Colorado or on the eastern plains that has 10,000 students. Are we expecting a Troops to Teacher participant living in Yuma County, population 9,789 to drive to Denver to teach in an eligible school there so they can receive the $5,000 stipend?

The third problem with the new criteria is that it hurts retiring service members who want to pursue a second career in education. This country has a long history of providing educational benefits to our men and women in uniform through the 1944 GI Bill and successive legislation. Troops to Teachers furthers this great cause by helping our men and women in uniform extend their education and earn a teaching certificate. With over 1.3 million veterans from Iraq and Afghanistan, many of whom are currently transitioning back to civilian life, we have an opportunity to bring the best and the brightest who are now serving in the military straight into the classrooms, where they can continue to extend their service to their country.

The bill I'm introducing today provides a simple fix to the problems that arose for the Troops to Teachers program under the No Child Left Behind Act. The bill simply says that if there is no school within 50 miles of the home of a Troops to Teachers participant, the individual may teach in any school in a district that receives Title 1 funding and receive the initial $5,000 bonus. This bill will allow thousands of retiring service members in rural communities to take advantage of the Troops to Teachers incentives and transition to a second career in the classroom. I also want to point out that this bill still prioritizes schools that fit the current definition of ''high need''—that is, schools with over 10,000 students or with 20 percent of its students from families below the poverty line—but it also provides an outlet if there are no schools in the area that fit those criteria. This bill does not affect the additional bonus that Troops to Teachers participants have always

been able to receive if they teach in a school with a high percentage of disadvantaged students.

I am hopeful that when we reauthorize the No Child Left Behind Act, we take another look at Troops to Teachers to help make it more accessible to veterans from Iraq and Afghanistan, National Guard members, and reservists. Troops to Teachers is a good program that should be strengthened and supported when it is reauthorized. Yet, we shouldn't wait until then to fix this needless problem that is hampering the program's effectiveness today. I urge my colleagues to support this problem, today, by supporting the quick, straightforward solution that this bill provides.

I ask unanimous consent that the text of this 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. 769

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 ''Troops to Teachers Improvement Act of 2007''.

SEC. 2. PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE UNDER TROOPS TO TEACHERS PROGRAM.

Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended in subsection (a)(1)(B) by striking ''for not less than 3 school years'' and all that follows through the period at the end and inserting the following: ''for not less than 3 school years, to begin the school year after obtaining that certification or licensing, with a high-need local educational agency or public charter school, as such terms are defined in section 2101 or, if there is no high-need local educational agency or public charter school for which the member is qualified to teach within a 50-mile radius of the member's residence, then under circumstances covered by section 2302(b)(2).''.

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mr. VOINOVICH, Mr. MENENDEZ, Ms. CANTWELL, Mr. LIEBERMAN, Mr. CARPER, and Mr. SCHUMER):

S. 771. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, our Nation faces a public health crisis of the first order. Poor diet and physical inactivity are contributing to growing rates of chronic disease in the U.S. These problems do not just affect adults, but increasingly affect the health of our children as well. Research suggests that one-third of American children born today will develop type II diabetes at some point. For some minority children, the numbers are even more shocking, as high as 50 percent. At the same time, since 1963, rates of obesity have quadrupled among children ages 6 to 11 and tripled among children ages 12 to 19. Even our youngest children are not immune. Since 1971, among children ages 2 to 5, obesity rates have tripled.

There are many reasons for this public health crisis, and accordingly, addressing the crisis will require multiple solutions as well. One place where we can start is with our schools, which have been inundated with foods and drinks having little or no positive nutritional value. A recent study from the Government Accountability office found that 99 percent of high schools, 97 percent of middle schools, and 83 percent of elementary schools sell foods from vending machines, school stores, or a-la-carte lines in the cafeteria. And it is not fresh fruits and vegetables and other healthy foods that are being sold. No, the vast majority of the foods being sold in our schools outside of Federal meal programs are foods that contribute nothing to the health and development of our children and are actually detrimental to them.

Not only does the overconsumption of these foods take a toll on the health of our children, but they also have a negative impact of the investment of taxpayer dollars in the health of our kids. Every year the Federal Government spends nearly $10 billion to reimburse schools for the provision of meals through the National School Lunch Program and School Breakfast Program. In order to receive reimbursement, these meals must meet nutrition standards based upon the Dietary Guidelines for All Americans, the official dietary advice of the U.S. government. However, sales of food elsewhere in our schools do not fall under these guidelines. Therefore, as children consume more and more of the foods typically sold through school vending machines and snack bars, it undermines the nearly $10 billion in federal reimbursements that we spend on nutritionally balanced school meals.

Finally, the heavy selling of candy, soft drinks and other junk food in our schools undermines the guidance, and even the instruction and authority of parents who want to help their children consume sound and balanced diets. The American public agrees. A Robert Wood Johnson Foundation poll from several years ago found that 90 percent of parents would like to see schools remove the typical junk food from vending machines and replace it with healthier alternatives. My bill seeks to restore the role and authority of parents by ensuring that schools provide the healthy, balanced nutrition that contributes to health and development.

What really hurts children and undermines parents is the junk food free-for-all that currently exists in so many of our schools. How does it help kids if the school sells them a 20-ounce soda and a candy bar for lunch when their parents have sent them to school with the expectation that they will have balanced meals from the school lunch program?

Today, along with my colleague Senator MURKOWSKI of Alaska, I will introduce bipartisan legislation to address this problem—and to do what is right for the health of our kids. This bill has broad support in both the education and the public health communities and is supported by the National PTA, the National Education Association, the American Federation of Teachers, the American Medical Association, the Center for Science in the Public Interest, the School Nutrition Association, the Food Research and Action Center, the American Heart Association, the American Dietetic Association, the American Diabetes Association, and the American Academy of Pediatrics, among others.

The Child Nutrition Promotion and School Lunch Protection Act of 2007 does two very simple but important things:

First, it requires the Secretary of Agriculture to initiate a rulemaking process to update nutritional standards for foods sold in schools. Currently, USDA relies upon a very narrow nutritional standard that is nearly 30 years old. Since that definition was formulated, children's diets and dietary risk have changed dramatically. In that time, we have also learned a great deal about the relationship between poor diet and chronic disease. It is time for public policy to catch up with the science.

Second, the bill requires the Secretary of Agriculture to apply the updated definition everywhere on school grounds and throughout the school day. Currently, the Secretary can only issue rules limiting a very narrow class of foods, and then only stop their sales in the actual school cafeteria during the meal period. As a result, a child only needs to walk into the hall outside the cafeteria to buy a lunch consisting of soda, a bag of chips and a candy bar. This is a loophole that is big enough to drive a soft drink delivery truck through—literally. It is time to close it.

The bill is supported in the Senate by a bipartisan group of Senators. Joining me in introducing the bill are Senator MURKOWSKI of Alaska, Senator DURBIN of Illinois, Senator VOINOVICH of Ohio, Senator MENENDEZ of New Jersey, Senator LIEBERMAN of Connecticut, Senator SCHUMER of New York, Senator CANTWELL of Washington, and Senator CARPER of Delaware. The diverse group of supporters of this bill cuts across ideological lines and shows that when the health of our children is at stake, we can put aside our differences in the interest of our children.

This bill, by itself, will not solve the problem of poor diet and rising rates of chronic disease among our children and adults. But it is a start. Scientists predict that—because of obesity and preventable chronic diseases—the current

generation of children could very well be the first in American history to live shorter lives than their parents. If this isn't a wake up call, I don't know what is.

Our children are at risk. The time to act is now. And that's why I am pleased to introduce the Child Nutrition Promotion and School Lunch Protection Act of 2007.

By Mr. KOHL (for himself, Mr. COLEMAN, Mr. FEINGOLD, Mr. VITTER, and Mr. ROCKEFELLER):

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, as Chairman of the Senate Antitrust Subcommittee, I believe it is my role to investigate and help end—monopolistic practices that exploit American consumers. In that spirit, I rise today to introduce along with my colleagues, Senators COLEMAN, FEINGOLD, VITTER and ROCKEFELLER, the Railroad Antitrust Enforcement Act of 2007. This legislation will eliminate obsolete antitrust exemptions that protect freight railroads from competition.

Consolidation in the railroad industry, allowed under the exemptions my legislation would repeal, has resulted in only four Class I railroads providing over 90 percent of the nation's freight rail transportation. The lack of competition was recently documented in a Government Accountability Office October 2006 report. That report found that, ''concerns about competition and captivity, in the rail industry, remain as traffic is concentrated in fewer railroads.'' The report also stated that the Surface Transportation Board, the entity charged with ensuring that the industry remains competitive, has failed to do so. In August 2006, the Attorneys General of 17 states and the District sent a letter to Congress citing problems due to a lack of competition and asked that the antitrust exemptions be removed.

The ill-effects of this consolidation are exemplified in the case of ''captive shippers''—industries served by only one railroad. Over the past several years, these captive shippers faced spiking rail rates. They are the victims of the monopolistic practices and price gouging by the single railroad that serves them, price increases which they are forced to pass along into the price of their products, and ultimately, to consumers. And in many cases, the ordinary protections of antitrust law are unavailable to these captive shippers—instead, the railroads are protected by a series of exemptions from the normal rules of antitrust law to which all other industries must abide.

These exemptions have put the American consumer at risk, and in Wisconsin, victims of a lack of railroad competition abound. A coalition has formed, consisting of about 40 affected organizations—Badger CURE. From Dairyland Power Cooperative in La Crosse to Wolf River Lumber in New London, companies in my State are feeling the crunch of years of railroad consolidation. To help offset a 93 percent increase in shipping rates in 2006, Dairyland Power Cooperative had to raise electricity rates by 20 percent. The reliability, efficiency, and affordability of freight rail have all declined, and Wisconsin consumers feel the pinch.

And similar stories exist across the country. That is why I'm joining with my colleagues to introduce the Railroad Antitrust Enforcement Act of 2007. This legislation will force railroads to play by the rules of free competition like all other businesses.

The current antitrust exemptions protect a wide range of railroad industry conduct from scrutiny by governmental antirust enforcers. Railroad mergers and acquisitions are exempt from antitrust law and are reviewed solely by the Surface Transportation Board. Railroads that engage in collective ratemaking are also exempt from antitrust law. Railroads subject to the regulation of the Surface Transportation Board are also exempt from private antitrust lawsuits seeking the termination of anti-competitive practices via injunctive relief. Our bill will eliminate these exemptions.

No good reason exists for them. While railroad legislation in recent decades—including most notably the Staggers Rail Act of 1980—deregulated much railroad rate setting from the oversight of the Surface Transportation Board, these obsolete antitrust exemptions remained in place, insulating a consolidating industry from obeying the rules of fair competition.

Our bill will bring railroad mergers and acquisitions under the purview of the Clayton Act, allowing the Federal Government, State attorneys general and private parties to file suit to enjoin anti-competitive mergers and acquisitions. It will restore the review of these mergers to the agencies where they belong—the Justice Department's Antitrust Division and the Federal Trade Commission. It will eliminate the exemption that prevents FTC's scrutiny of railroad common carriers. It will eliminate the antitrust exemption for railroad collective ratemaking. It will allow State attorneys general and other private parties to sue railroads for treble damages and injunctive relief for violations of the antitrust laws, including collusion that leads to excessive and unreasonable rates.

In sum, by clearing out this thicket of outmoded antitrust exemptions, railroads will be subject to the same laws as the rest of the economy. Government antitrust enforcers will finally have the tools to prevent anticompetitive transactions and practices by railroads. Likewise, private parties will be able to utilize the antitrust laws to deter anti-competitive conduct and to seek redress for their injuries.

It is time to put an end to the abusive practices of the Nation's freight railroads. On the Antitrust Subcommittee, we have seen that in industry after industry, vigorous application of our Nation's antitrust laws is the best way to eliminate barriers to competition, to end monopolistic behavior, to keep prices low and quality of service high. The railroad industry is no different. All those who rely on railroads to ship their products—whether it is an electric utility for its coal, a farmer to ship grain, or a factory to acquire its raw materials or ship out its finished product—deserve the full application of the antitrust laws to end the anti-competitive abuses all too prevalent in this industry today. I urge my colleagues to support the Railroad Antitrust Enforcement Act of 2007.

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. 772

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 ''Railroad Antitrust Enforcement Act of 2007''.

SEC. 2. INJUNCTIONS AGAINST RAILROAD COMMON CARRIERS.

The proviso in section 16 of the Clayton Act (15 U.S.C. 26) ending with ''Code.'' is amended to read as follows: ''*Provided,* That nothing herein contained shall be construed to entitle any person, firm, corporation, or association, except the United States, to bring suit for injunctive relief against any common carrier that is not a railroad subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code.''.

SEC. 3. MERGERS AND ACQUISITIONS OF RAILROADS.

The sixth undesignated paragraph of section 7 of the Clayton Act (15 U.S.C. 18) is amended to read as follows:

''Nothing contained in this section shall apply to transactions duly consummated pursuant to authority given by the Secretary of Transportation, Federal Power Commission, Surface Transportation Board (except for agreements described in section 10706 of title 49, United States Code, and transactions described in section 11321 of that title), the Securities and Exchange Commission in the exercise of its jurisdiction under section 10 (of the Public Utility Holding Company Act of 1935), the United States Maritime Commission, or the Secretary of Agriculture under any statutory provision vesting such power in the Commission, Board, or Secretary.''.

SEC. 4. LIMITATION OF PRIMARY JURISDICTION.

The Clayton Act is amended by adding at the end thereof the following:

''SEC. 29. In any civil action against a common carrier railroad under section 4, 4C, 15, or 16 of this Act, the district court shall not be required to defer to the primary jurisdiction of the Surface Transportation Board.''.

SEC. 5. FEDERAL TRADE COMMISSION ENFORCEMENT.

(a) CLAYTON ACT.—Section 11(a) of the Clayton Act (15 U.S.C. 21(a)) is amended by striking ''subject to jurisdiction'' and all that follows through the first semicolon and inserting ''subject to jurisdiction under subtitle IV of title 49, United States Code (except for agreements described in section

10706 of that title and transactions described in section 11321 of that title);''.

(b) FTC ACT.—Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 44(a)(1)) is amended by striking ''common carriers subject'' and inserting ''common carriers, except for railroads, subject''.

SEC. 6. EXPANSION OF TREBLE DAMAGES TO RAIL COMMON CARRIERS.

Section 4 of the Clayton Act (15 U.S.C. 15) is amended by—

(1) redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) inserting after subsection (a) the following:

''(b) Subsection (a) shall apply to common carriers by rail subject to the jurisdiction of the Surface Transportation Board under subtitle IV of title 49, United States Code, without regard to whether such railroads have filed rates or whether a complaint challenging a rate has been filed.''.

SEC. 7. TERMINATION OF EXEMPTIONS IN TITLE 49.

(a) IN GENERAL.—Section 10706 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking '', and the Sherman Act (15 U.S.C. 1 et seq.),'' and all that follows through ''or carrying out the agreement'' in the third sentence;

(B) in paragraph (4)—

(i) by striking the second sentence; and

(ii) by striking ''However, the'' in the third sentence and inserting ''The''; and

(C) in paragraph (5)(A), by striking '', and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement''; and

(2) by striking subsection (e) and inserting the following:

''(e) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Nothing in this section exempts a proposed agreement described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

''(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such proposed agreement for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the proposed agreement on shippers, on consumers, and on affected communities.''.

(b) COMBINATIONS.—Section 11321 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The authority'' in the first sentence and inserting ''Except as provided in sections 4 (15 U.S.C. 15), 4C (15 U.S.C. 15c), section 15 (15 U.S.C. 25), and section 16 (15 U.S.C. 26) of the Clayton Act (15 U.S.C. 21(a)), the authority''; and

(B) by striking ''is exempt from the antitrust laws and from all other law,'' in the third sentence and inserting ''is exempt from all other law (except the antitrust laws referred to in subsection (c)),''; and

(2) by adding at the end the following:

''(c) APPLICATION OF ANTITRUST LAWS.—

''(1) IN GENERAL.—Nothing in this section exempts a transaction described in subsection (a) from the application of the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12, 14 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), section 73 or 74 of the Wilson Tariff Act (15 U.S.C. 8–9), or the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a).

''(2) ANTITRUST ANALYSIS TO CONSIDER IMPACT.—In reviewing any such transaction for the purpose of any provision of law described in paragraph (1), the Board and any other reviewing agency shall take into account, among any other considerations, the impact of the transaction on shippers and on affected communities.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 10706 of title 49, United States Code, is amended to read as follows: ''**RATE AGREEMENTS**''.

(2) The item relating to such section in the chapter analysis at the beginning of chapter 107 of such title is amended to read as follows:

''10706. Rate agreements.''.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to the provisions of subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) CONDITIONS.—

(1) PREVIOUS CONDUCT.—A civil action under section 4, 15, or 16 of the Clayton Act (15 U.S.C. 15, 25, 26) or complaint under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) may not be filed with respect to any conduct or activity that occurred prior to the date of enactment of this Act that was previously exempted from the antitrust laws as defined in section 1 of the Clayton Act (15 U.S.C. 12) by orders of the Interstate Commerce Commission or the Surface Transportation Board issued pursuant to law.

(2) GRACE PERIOD.—A civil action or complaint described in paragraph (1) may not be filed earlier than 180 days after the date of enactment of this Act with respect to any previously exempted conduct or activity or previously exempted agreement that is continued subsequent to the date of enactment of this Act.

Mr. ROCKEFELLER. Mr. President, I am proud today to join with my colleagues, Senator Kohl, Senator Coleman, Senator Feingold, and Senator Vitter, to introduce the Railroad Antitrust Enforcement Act of 2007. If enacted, this bill would close an incomprehensible legal loophole that has allowed our Nation's freight railroads the unfettered ability to act in anticompetitive ways for too many years. Since before I came to the United States Senate I have been quite stunned at the ability of railroad companies, by virtue of an exemption from our antitrust laws, to ignore the legitimate complaints of their customers, to sidestep the appropriate concerns of elected officials and leaders in the private sector alike, and to consolidate operations and power to the detriment of the consumer.

The Railroad Antitrust Enforcement Act would benefit businesses, employees, and consumers by providing meaningful government oversight where none exists currently. It will give our Nation's shippers—long captive to monopoly abuses courts were powerless to check, the Surface Transportation Board was unwilling to acknowledge—remedies that will make for a more open and competitive freight rail marketplace.

In my home State of West Virginia and in towns all across the country, companies and consumers are negatively impacted by lack of competitive rail transportation options—a phenomenon often referred as a shipper being ''captive'' to one railroad. Because the antitrust exemptions in place allowed railroads to ignore the rules by which virtually all other American corporations are required to operate, railroads have refused to negotiate in good faith with their customers over the costs of shipping important rail-dependent commodities such as coal, bulk chemicals, and grains and other agricultural products. Manufacturers have been left at the mercy of the railroads and are forced to pay exorbitant transportation rates to ship their goods. Many manufacturers struggle to be competitive with competitors here and abroad because they simply do not have real transportation choices. The bottom line, which should come as no surprise to my colleagues, is that if industrial inputs and the fuel used to produce half of our electricity are artificially high in price, consumers are left paying higher prices for just about everything they buy. This continues to have an overwhelmingly negative affect on West Virginia's economy, as industries served by only one carrier face pressures to cut production in the state, or to leave it altogether.

How has this been allowed to come to pass? It will probably come as a shock to members of the Senate, but the railroad industry is exempt from the Nation's antitrust laws related to mergers, acquisitions, and pooling arrangements approved by the Surface Transportation Board (STB). They are also exempt from antitrust laws that would otherwise influence ratemaking. Under the current exemptions, private parties cannot file antitrust suits against railroad companies to halt what in would be for every other industry illegal practices. Under current law, railroads are allowed to continue a wide range of anti-competitive practices that severely inhibit the ability of our Nation's businesses from shipping their goods at reasonable rates. What this Nation has experienced in the more than 25 years since the Staggers Act partially deregulated the freight rail market are not efforts by railroads to modernize their systems, improve efficiency, and upgrade service. Rather, rail carriers have manipulated the system to charge their so-called ''captive'' customers as much as they chose to charge, not what the market would normally bear.

Specifically, the Railroad Antitrust Enforcement Act will alter exemptions in current law to allow for the following: Permit the Justice Department and the Federal Trade Commission (FTC) to review mergers under the Clayton and Sherman Acts, and allow them to bring legal action to block anti-anticompetitive railroad mergers. Remove antitrust exemptions that have allowed railroads to merge, acquire new properties, set rates collectively, and otherwise coordinate policies across the entire freight rail market. Allow State Attorneys-General and other private parties to sue for treble damages for violations of antitrust laws, including for collusive activity leading to excessive and unreasonable

rates. Allow State Attorneys General and private parties to sue for court orders to halt anticompetitive conduct. Expand the jurisdiction of the FTC to allow it to enforce antitrust law in the railroad industry.

By granting consumers and shippers long-denied access to the protections of our antitrust laws with regard to the freight rail industry, the Railroad Antitrust Enforcement Act may make strides toward creating the competitive freight rail marketplace envisioned by Congress when it passed the Staggers Act in 1980. I hope so. However, because I believe rail customers and retail consumers need greater protection still, along with some of my cosponsors today and others, later this month I will be introducing additional, broader rail policy legislation to declare the rights shippers were meant to have, and the responsibilities railroads were meant to have, when Congress passed the Staggers Act.

For the system to work, there must be a meaningful way to seek redress of grievances and punish wrongdoing. The Railroad Antitrust Enforcement Act will go a long way toward correcting some of the glaring problems those of us who pay attention to the rail marketplace have known about for a long time. It will not fix all the problems in the system, but perhaps its provisions will encourage railroads to negotiate with their customers in good faith. The lack of fairness in the current system is devastating to businesses in my state of West Virginia, and to companies and consumers in every part of the country.

I again express my support for the Railroad Antitrust Enforcement Act of 2007, and I urge my colleagues to do the same. This is a problem that affects rural America and urban America, the Grain Belt and the Coalfields, and all points on the compass. Indeed, no American consumer is unaffected by this problem, and all American consumers should take heart: If we enact this bill, help will be on the way.

By Mr. WARNER (for himself, Mr. ROCKEFELLER, Ms. SNOWE, Ms. COLLINS, Mr. LOTT, and Mr. SUNUNU):

S. 773. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce legislation to provide some relief for our Nation's retired Federal employees from the severe increases in Federal Employee Health Benefit program (FEHBP) premiums. This measure extends premium conversion to Federal and military retirees, allowing them to pay their health insurance premiums with pretax dollars.

Access to affordable health care is a critical issue for everyone. While Federal employees enjoy the ability to choose among a wide variety of health plans to best suit their needs, substantial increases in FEHBP premiums threaten to make health insurance coverage cost prohibitive for many Federal employees, their dependents, and Federal retirees.

In response to these cost increases, a Presidential directive issued in 2000 extended premium conversion to current Federal employees who participate in the Federal Employees Health Benefits Program. Premium conversion allows individuals to pay their health insurance premiums with pre-tax dollars. It is a benefit already available to many private sector employees and State and local government employees. While premium conversion does not directly affect the amount of the FEHBP premium, it helps to offset some of the cost by reducing an individual's Federal tax liability. Regrettably, our retired civil servants, who pay the same premiums as Federal employees, do not have this same opportunity.

Extending this benefit to Federal retirees requires a change in the tax law, specifically Section 125 of the Internal Revenue Code. This legislation makes the necessary change in the tax code.

Under the legislation, the benefit is concurrently afforded to our Nation's military retirees to assist them with increasing health care costs.

A number of organizations representing Federal and military retirees, including the National Association of Retired Federal Employees and the Military Coalition, have come out strongly in support of this bill.

My support for this legislation spans four Congresses. In the 109th Congress, my premium conversion bill received considerable bipartisan support with 64 cosponsors. It is my sincere hope that this legislation will be passed by Congress this session. I encourage my colleagues to join me in supporting this critical legislation and to show their support for our Nation's dedicated Federal civilian and military retirees. 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. 773

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

SECTION 1. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

''(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

''(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to in such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

''(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits programs established by chapter 55 of title 10, United States Code.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

''SEC. 224. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

''(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).''.

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by redesignating paragraph (19) (as added by section 703(a) of the American Jobs Creation Act of 2004) as paragraph (20) and by inserting after paragraph (20) (as so redesignated) the following new paragraph:

''(21) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 224.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 224. TRICARE supplemental premiums or enrollment fees.
''Sec. 225. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. IMPLEMENTATION.

(a) FEHBP PREMIUM CONVERSION OPTION FOR FEDERAL CIVILIAN RETIREES.—The Director of the Office of Personnel Management shall take such actions as the Director considers necessary so that the option made possible by section 125(g)(5)(A) of the Internal Revenue Code of 1986 shall be offered beginning with the first open enrollment period, afforded under section 8905(g)(1) of title 5, United States Code, which begins not less than 90 days after the date of the enactment of this Act.

(b) TRICARE PREMIUM CONVERSION OPTION FOR MILITARY RETIREES.—The Secretary of Defense, after consulting with the other administering Secretaries (as specified in section 1073 of title 10, United States Code), shall take such actions as the Secretary considers necessary so that the option made possible by section 125(g)(5)(B) of the Internal Revenue Code of 1986 shall be offered beginning with the first open enrollment period

afforded under health benefits programs established under chapter 55 of such title, which begins not less than 90 days after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. CRAIG, Mr. LEAHY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. CRAPO, Mr. OBAMA, and Mr. FEINGOLD):

S. 774. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. 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. 774

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 ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, and Mr. COLEMAN):

S. 775. A bill to establish a National Commission on the Infrastructure of the United States; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, today I join my good friend, Sen. GEORGE VOINOVICH, in introducing a bill to study the current state and future needs of our national infrastructure, including rail, airports, wastewater

treatment facilities, waterways and levees.

The American Society of Civil Engineers estimates that $1.6 trillion is needed over a five-year period to bring the Nation's infrastructure to a good condition. Clearly, we need to look at our needs and find a better way to maintain the infrastructure we have, while meeting new demand—all in a way that is fiscally sustainable.

Last Congress, during the debate about the surface transportation reauthorization, we discussed the problems facing our roadways. Poor road conditions cost U.S. motorists $54 billion per year in repairs and operating costs and 3.5 billion hours a year in traffic. Over 27 percent of the Nation's bridges are structurally deficient or functionally obsolete. While transit use increased faster than any other mode of transportation—up 21 percent—between 1993 and 2002, the Federal Transit Administration estimates $14.8 billion is needed annually to maintain conditions.

In Delaware, while population growth grew a robust 23 percent from 1990 to 2003, vehicle travel on our highways increased 38 percent. And driving on roads in need of repair cost Delaware motorists $160 million a year in extra vehicle repairs and operating costs. To take a look at what must be done to maintain our highways and transit as well as address future needs, and ways to pay for all of that, Congress created a commission to study these issues in SAFETEA–LU and report back to Congress with recommendations.

But there are more types of infrastructure in need of attention than just highways and transit. Air travel has reportedly surpassed pre-September 11, 2001, levels and is projected to grow 4.3 percent annually through 2015. Aging wastewater management systems discharge billions of gallons of untreated sewage into U.S. surface waters each year. And the EPA estimates that $390 billion over the next 20 years will be needed to replace existing systems and build new ones to meet increasing demands.

Further, limited rail capacity has created significant chokepoints and delays, as freight rail tonnage is expected to increase at least 50 percent by 2020 and intercity passenger rail ridership has increased to approximately 25 million a year. To accommodate both freight and passenger rail demand, $12–13 billion a year in investments will be needed.

After Hurricane Katrina led to the failure of floodwalls in New Orleans, Congress asked the Corps of Engineers to inspect other flood control structures to identify other repair needs. The Corps found that 146 levees in 28 States, Puerto Rico and the District of Columbia are in danger of failing.

In Delaware, vehicle travel on our highways has increased 38 percent from 1990 to 2003, costing Delaware motorists $160 million a year in extra vehicle repairs and operating costs—$273 per motorist. Delaware also has $304 million in drinking water infrastructure needs over the next 20 years and $288 million in wastewater infrastructure needs.

Understanding the problem and plotting a plan of attack are essential for attracting and maintaining business and investment in our economy and communities. The legislation we are proposing today would give the National Commission on the Infrastructure of the United States until February 15, 2009, to complete a study of the Nation's infrastructure, in consultation with the appropriate Federal, State and local agencies as well as private sector stakeholders. The Commission would study the age and condition of public infrastructure, the capacity to sustain current and anticipated economic development, the methods used to finance public infrastructure, and the return to the economy from public works investment.

Many times, when we debate infrastructure needs, people simply call for additional funds. Unfortunately, the taxpayer is losing confidence in the way we invest their tax dollars. Failures, like the floodwalls in New Orleans, harm confidence in the government's ability to protect communities from natural disasters. The fact that we've made no changes to the Corps' flood control program in the wake of that catastrophic failure has further damaged government credibility.

Increasing traffic in spite of the investment of billions of dollars every year in highways and bridges reduces confidence in government's ability to address traffic congestion. Failure to invest in rail while both freight usage and passenger ridership is at all time highs makes the taxpayer doubt that government is spending their tax dollars according to the needs of the people.

Part of the solution is, likely, greater funding. But the American people need to be confident in the products we provide before they are going to sign a check for more funding. That is why the Commission will study innovative financing, such as tax-credit bonds and private investment. But also, the Commission will study the impact of State and local governments' land use and economic development decisions on Federal infrastructure costs, and provide Congress with some insight as to how the various levels of government can better coordinate to gain greater efficiencies from our infrastructure investment.

Stronger coordination, greater investment and creativity are the keys to maintaining our infrastructure and investing in future needs—as well as a healthy and robust economy. I look forward to guidance from this Commission as to how Congress can better do just that.

By Mr. CRAIG:

S. 777. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am reintroducing the Withholding Tax Relief Act of 2007, which would repeal Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005.

Last year, Congress answered Americans' calls for tax relief when it passed the Tax Increase Prevention and Reconciliation Act of 2005. The lower taxes on capital gains and dividends—and the higher alternative minimum tax exemption amounts—contained in the legislation assisted small businesses, encouraged the kind of investment that creates jobs and makes our economy grow, and ensured fairer tax treatment for middle-income families who would otherwise be left picking up the bill for a tax intended for the wealthy.

Alongside these essential tax relief provisions, however, conferees quietly inserted Section 511, a last-minute $7 billion tax penalty on government contractors, into the bill. Thus, the bill, whose aim was ''tax increase prevention,'' actually raised taxes. On the same day the President signed the Tax Increase Prevention and Reconciliation Act into law, I introduced the Withholding Tax Relief Act of 2006 and made good on my promise to work to repeal Section 511. Today, I am renewing that promise.

Section 511—the largest revenue-raiser by far in the Tax Increase Prevention and Reconciliation Act—imposes a sweeping new 3 percent tax withholding on all government payments for products and services made by the Federal Government, State governments, and local governments with expenditures of $100 million or more. It affects payments for goods and services under government contracts and payments to any person for a service or product provided to a government entity—for example, Medicare and certain grants—beginning in 2011.

Section 511 will not close the tax gap—or the difference between what American taxpayers owe and what they actually pay—as proponents of the provision argue. Section 511 is estimated to ''increase'' revenue by $7 billion from 2011 to 2015, but raises $6 billion of that amount due solely to accelerated tax receipts and not an actual revenue increase from tax compliance. It generates only $215 million in 2012 and increases slightly in each of the three years thereafter hardly the $290 billion annual tax gap the IRS estimates. Further, Section 511 is based on revenues from government payments with no relationship to a company's taxable income or tax liability. Section 511 hurts honest taxpaying businesses without providing any additional enforcement mechanisms for tax delinquents.

Section 511's costs to businesses are substantial. Although proponents of Section 511 call the 3 percent withholding rate ''low'' and ''conservative,'' in most cases, businesses make substantially less than 3 percent profit on their contracts and sometimes, turn no profit at all. Section 511 will effectively withhold entire paychecks—interest free—thereby impeding the cash

flow of small businesses, eliminating funds that can be used for reinvestment in the business, and forcing companies to pass on the added costs to customers or finance the additional amount.

Section 511 will also impose significant administrative costs on the Federal, State, and local governments—costs so high, in fact, that the Congressional Budget Office (CBO) said the provision constitutes an unfunded mandate on the state and local governments. The projected costs of Section 511, says CBO, will far exceed the allowable $50 million annual threshold.

More than the costs to government, though, Section 511 stands to negatively impact nearly every sector of the economy—from health care and technology to building and transportation—and there is already talk of expanding the provision's reach and accelerating its effective date. What there wasn't talk of, though—at the inception of Section 511—was the provision itself. Congress never debated the merits of an expanded withholding requirement—as a revenue-raiser or as a way to narrow the tax gap—in a committee or on either chamber's floor. If it had, Congress would have realized that it does neither of these things well. Section 511 is the start of years of bad tax policy. We can do better than this, and I urge my colleagues to join me in working to repeal this unfair tax penalty.

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. 777

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 ''Withholding Tax Relief Act of 2007''.

SEC. 2. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

By Mr. KENNEDY (for himself, Mr. BURR, Mr. KERRY, and Mr. SANDERS):

S. 778. A bill to amend title IV of the Elementary and Secondary Education Act of 1965 in order to authorize the Secretary of Education to award competitive grants to eligible entities to recruit, select, train, and support Expanded Learning and After-School Fellows that will strengthen expanded learning initiatives, 21st century community learning center programs, and after-school programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing the Teaching Fellows for Expanded Learning and After-School Act to tap the idealism, energy, and talent of 2-year and 4-year college graduates to serve as teaching fellows in our Nation's highest need schools.

The Act will establish a new cadre of talented leaders to establish, expand or improve expanded learning initiatives, 21st century community learning center programs and after-school programs. These programs will build essential academic and youth development skills for all students in targeted grade levels in expanded-day programs. They will also assist teachers during the school day in linking the school curriculum more closely with after school programming.

As we know most Olympic athletes train harder when a gold medal is in sight. Employees work overtime when a business launches a breakthrough product. Communities rally to provide material relief and comfort when natural disasters strike. When success matters most, increased effort is essential for achieving a worthy goal, and that fundamental principle can work in education too.

The time has come for the Nation to go the extra mile to meet our education goals and ensure that all children develop the skills they need to participate fully in our economy and in the civic life of their communities. If students are to learn more—the core premise of the No Child Left Behind Act—they must have more time to meet these expectations.

Teaching Fellows recruited under this bill will receive intensive training by experienced high-quality after-school programs and will serve for two years. The Act will also enable Teaching Fellows to pursue a bachelor's or graduate degree in education, in order to give communities a pipeline of leaders ready for future involvement in education and youth development.

For the most part, reform efforts to date have equated education reform with school reform. As a result our attention has been focused on the 1,000 hours a year children are in school, while largely overlooking the 4,000 hours a year when children are awake and out of school.

Teachers must, of course, remain at the heart of our strategy to improve education. But they need help. We need to expand learning time, involve caring adults in the lives of children, and make learning more relevant and engaging, especially for students who are struggling.

The school calendar today is largely a relic of the agrarian age. It fails to respond to the realities that students must develop new skills for modem needs, and that in most families, parents are working during many of the after-school hours. Fourteen million children come back to empty homes after school. Voters across party lines, demographic groups, and geographic areas have said for 5 consecutive years that they overwhelmingly support after-school programs for all. Police chiefs, sheriffs and prosecutors overwhelmingly agree that investing in after-school programs is more effective in reducing youth violence and crime than hiring more police officers or stiff penalties. Diverting less than one percent of at-risk youth from a life of crime would save society several times the cost of the after-school programs. It is time for a new learning day to dawn in our country. Our communities and our citizens need to waken to clear call for involvement and investment in this aspect of public education.

The Teaching Fellows for Expanded Learning and After-School Act draws on the impressive experience of after-school programs and schools that have developed, and tested these ideas and shown they can work. The Act is inspired by the Teaching Fellowship Program created by Citizen Schools, a national network of after-school programs with a track record of significant impact on academic achievement. A rigorous, long-term evaluation has shown that such students outperform their peers on six out of seven measures of school success.

The Act also draws on the superb work of LA's BEST and After-School All-Stars, as well as the experience and innovations of other schools and programs across the country.

Under the Act, the Department of Education will make grants to partnerships between local education agencies and strong community organizations, institutions of higher education, and community learning centers. These partnerships will recruit and place Teaching Fellows to work full-time in high-need schools that serve low-income students. Grants from the Department of Education will be at least $15,000 per Fellow annually, so that recipients can recruit, select, train, and support the Fellows. Fellows will also be able to earn a national service education award for each term of service. Partnerships will be required to obtain non-federal matching funds to leverage the federal government's investment and to involve the private sector in expanding these educational opportunities.

Expanded learning time and after-school programs are the new frontier of education reform in America. Teaching Fellows recruited under the Act will complement the outstanding efforts of classroom teachers and infuse new energy, talent, and idealism in the after-school sector. They will also be an essential resource for the nation's parents, encouraging students to understand their potential and helping them to see the true promise of the American Dream.

This bill is supported by thirty-seven groups representing education and after-school communities. I ask unanimous consent that their letters of support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COLLABORATION FOR YOUTH,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Hon. RICHARD BURR,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The National Collaboration for Youth is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will establish a new service teacher corps and expands learning and enrichment opportunities targeted towards the hours after the school day ends. As a group that focuses on youth, and particularly at-risk youth, we know the need for expanded learning and positive youth development experiences in the hours after school. We also know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career, and this bill will strive to do just that.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T-FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to working with your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Thank you for your leadership, and public service.

Sincerely,

America's Promise—The Alliance for Youth, Marguerite Kondracke, President and CEO, American Humanics Inc., Kala M. Stroup Ph.D, President, Big Brothers Big Sisters of America, Judy Vredenburgh, President and CEO, Camp Fire USA, Jill Pasewalk, President and CEO, Communities In Schools, Inc., Daniel Cardinali, President, First Focus, Bruce Lesley, President, Leadership & Renewal Outfitters, Janet R. Wakefield, President and CEO, MENTOR/National Mentoring Partnership, Gail Manza, Executive Director, National 4–H Council, Donald T. Floyd, Jr., President and CEO, National Collaboration for Youth, Irv Katz, President and CEO, National Network For Youth, Victoria Wagner, President and CEO, Search Institute, Peter M. Benson, Ph.D President and CEO, Youth Service America, Steven A. Culbertson, President and CEO.

NATIONAL AFTERSCHOOL ASSOCIATION,
March 5, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions,
Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: On behalf of the National AfterSchool Association, I am pleased to offer our support for the Teaching Fellows for Expanded Learning and After-School (T-FELAS) Act of 2007. We appreciate your attention to, and support for, the need for quality afterschool programs and for attracting young professionals to the field.

By creating a cadre of talented young people to serve as Fellows in expanded-day and afterschool programs, the T–FELAS Act will help ensure that such programs are infused with well-educated front-line staff who can support students in activities that will enhance their development and success in school. The Fellowships and opportunities to pursue additional education should help attract graduates interested in afterschool work, but who might not be able to enter the field without such supports.

Research shows that more highly-educated and well-trained staff who understand how children develop are the key to high quality afterschool programs. As the leading voice of the afterschool profession, representing over 9,000 afterschool practitioners, administrators, and policymakers, we at the National AfterSchool Association applaud this creative approach to bringing talented new workers into the field. We look forward to working with you both on this initiative and on approaches to address the larger issues of overall compensation and training levels in the field that make long-term retention of staff difficult for afterschool programs.

Thank you again for your leadership in ensuring that well-trained and supportive adults are available to enhance the lives of our young people.

Sincerely yours,

JUDITH N. NEE,
President and CEO.

VOICES FOR NATIONAL SERVICE,
February 23, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of Voices for National Service, we are writing to thank you for sponsoring the Teaching Fellows for Expanded Learning and After School Act of 2007. This legislation addresses a critical need in communities across our country and offers an exciting opportunity to expand national service.

The T–FELAS Act will recruit outstanding college graduates to become Teaching Fellows and to serve in schools and after-school programs that serve low-income students. Through their service, Teaching Fellows will take their first steps along a pathway of service and educational leadership. These dynamic, aspiring educators will earn Segal AmeriCorps Education Awards which will support them as they go on to careers as classroom teachers and after-school leaders. Their experience in linking in-school and after-school learning will play a critical role in advancing academic achievement and expanding educational opportunity.

Voices for National Service is a coalition of national service organizations and state commissions from across the country that provide direct services to communities in need, matching the talents of committed citizens with service opportunities in schools, community centers, senior homes, health clinics, and national parks and recreation areas. Collectively, we reach thousands of Americans in need every day. We are excited to support this important initiative and look forward to contributing to its success. The T–FELAS Act will strengthen public education, create a powerful pipeline of future educational leaders, and move students in schools across the country toward the American Dream of college and career opportunity.

Sincerely,

Karen Baker, Executive Director, California Volunteers; Michael Brown, CEO, City Year, Nelda Brown, Executive Director, National Service-Learning Partnership; Kyle Caldwell, President & CEO, ConnectMichigan Alliance; AnnMaura Connolly, Senior Vice President, City Year; Calvin George, National Director, National Association of Community Health Centers; Jacqueline Johnson, Executive Director, Connecticut Commission for Volunteer Services; Marsha Meeks Kelly, Executive Director, Mississippi Commission for Volunteer Service; Marguerite Kondracke, President & CEO, America's Promise; Michelle Nunn, CEO, Hands On Network; Sally Prouty, President, The Corps Network, Eric Schwarz, President, Citizen Schools; Dorothy Stoneman, President, YouthBuild USA; Marty Weinstein, Chairperson, California AmeriCorps Alliance.

ILLINOIS CENTER FOR VIOLENCE PREVENTION,
February 15, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: We are writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T-FELAS) Act, which will establish a new service teacher corps and expands learning and enrichment opportunities targeted towards the hours after the school day ends.

The Illinois Center for Violence Prevention (ICVP) is a leader on the issue of out-of-school time programs in the state of Illinois. We have long supported strategies to enhance the quality of out-of-school time services, since high quality programs are able to provide extended learning opportunities and positive youth development experiences for our youth. ICVP coordinates the Illinois After-school Partnership, co-chaired by our state's Department of Human Services and our State Board of Education. The Partnership is working on policy and program enhancements to increase the quality and availability of out-of-school-time opportunities. The Partnership has been examining the professional development needs of the current and future workforce for this field, and is participating in a state-wide effort to increase career pathways for youth workers.

The T-FELAS Act will be a valuable and needed tool that will help develop the next generation of youth workers, versed in essential youth development skills, and who view public service and youth work as a career. We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development.

Thank you for your public service and leadership on this issue. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

DEBBIE BRETAG,
Executive Director.

AFTERSCHOOL ALLIANCE,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.
Hon. RICHARD BURR,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The Afterschool Alliance is very pleased to have the opportunity to express our support for the Teaching Fellows for Expanded Learning and After-School Act of 2007 (T-FELAS). This legislation will expand the federal government's interest in and support for afterschool programs that keep kids safe, improve academic achievement, and

support working families by investing in quality initiatives. On behalf of the advocates, afterschool providers, researchers and parents that make up the Alliance network, thank you for your longstanding support for our goal of Afterschool for All.

Just as having a highly qualified teacher in the classroom leads to student success, having well trained, skilled leadership in afterschool programs ensures that the programs provided contribute to children's academic and social development and give young people the opportunities that will assure their college and workplace readiness in the future. The T-FELAS program will provide partnerships that offer afterschool programs, including the 21st Century Community Learning Centers, the chance to expand the quality and capacity of services offered in targeted communities. It will give individuals the financial support they need to pursue careers in the afterschool field and to put their training and talents to use serving children and families that need their help most.

The Alliance endorses this legislation and looks forward to working with you in the future to translate our common vision of high quality afterschool and expanded learning opportunities for all into reality.

Sincerely,

JODI GRANT,
Executive Director.

FIRST FOCUS,
February 16, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: First Focus is pleased to endorse the Teaching Fellows for Expanded Learning and After-School Act of 2007 (T-FELAS).

Quality after-school programs are critical for the nation's young people. After-school programs keep children safe and productive while their parents are at work; however, less than half of parents of 6- to 17-year-olds say there are enough affordable afterschool programs according to a recent study conducted for America's Promise—The Alliance for Youth.

T-FELAS will help to not only expand after-school opportunities for young people, but it will also help to ensure that new and existing after-school opportunities are of high quality. We appreciate the emphasis placed on positive youth development in your legislation, as well as your inclusion of an independent evaluation and the dissemination of best practices through the Federal Youth Development Council. These measures will strengthen outcomes for children and help to ensure that after-school programs throughout the country benefit from the lessons learned by the Expanded Learning and After-School Fellows.

First Focus is a new bipartisan advocacy organization that seeks to make children and their families the first focus of federal budget and policy decisions. T-FELAS is an important way to do so. We are pleased to support your efforts and look forward to working with you.

Sincerely,

BRUCE LESLEY,
President.

NEXT GENERATION YOUTH WORK COALITION,
February 16, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: The Next Generation Youth Work Coalition is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act

T–FELAS will establish a new service teacher corps and expand learning and enrichment opportunities targeted towards the hours after the school day ends. Both of these are much needed improvements that will help ensure that children and youth have the supports they need to succeed.

The Next Generation Youth Work Coalition is a group of individuals and organizations dedicated to developing a strong, diverse after-school and youth development workforce that is stable, prepared, supported and committed to the well-being and empowerment of children and youth, and particularly at-risk youth. We know the need for expanded learning and positive youth development experiences in the hours after school. We know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career. Our research shows that those who chose to work come from varied backgrounds but share a common belief—that they can make a difference.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T–FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to supporting your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact Pam Garza if we can be of any assistance: pam@nassembly.org or (202) 347–2080 x15.

Thank you for your leadership on behalf of the youth in our nation.

Sincerely,

KAREN PITTMAN,
Co-Chair.
PAM GARZA,
Co-Chair.
DEB CRAI,
Co-Chair.

FEBRUARY 19, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.
Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR BURR: On behalf of the board and staff of the Johns Hopkins University Center for Summer Learning, it is my pleasure to express our support for the Teaching Fellows for Expanded Learning and After-School (T–FELAS) bill.

This important legislation would enhance out-of-school time learning opportunities for young people, and provide a new mechanism for recruiting and retaining teachers and staff for such programs. By offering fellowships to recent college graduates who work in after-school and summer programs serving Title I students, the bill would dramatically enhance the quality and amount of learning opportunities available for disadvantaged students. The program would result in a 25–30% increase in the time students spend engaged in learning and improve a wide range of developmental outcomes for youth.

In addition, the legislation would create a talented new group of educators who specialize in motivating young people to learn outside the traditional classroom. The fellows who participate in the program will provide critical linkages between the school day and after-school programs and become dynamic future leaders in the field of education and youth development.

Thank you so much for supporting this legislation and please feel free to contact me directly at (410) 516–6221 if we can provide any assistance to this effort.

Sincerely,

RON FAIRCHILD,
Executive Director,
Center for Summer Learning.

FEBRUARY 15, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of the Teaching Fellows for Expanded Learning and After School Act of 2007. The T–FELAS Act addresses a critical need for schools, communities, and working families.

It will dramatically strengthen afterschool and expanded learning time programs and make them full partners in restoring the promise of educational opportunity for all children.

Teachers in our schools are doing their best, but America's traditional 6–hour school day is obsolete. Our students need more learning time, more caring adults involved in their learning, and more relevant, hands-on learning activities that inspire and motivate them.

At Citizen Schools, we have seen firsthand the impact that Teaching Fellows can make. Citizen Schools operates a national network of after-school programs that advance student achievement and mobilize adult volunteers to teach hands-on apprenticeship courses. Our programs blend real-world learning projects with rigorous academic and leadership development activities, preparing students in the middle grades for success in high school, college, the workforce, and civic life. Citizen Schools currently serves 3,000 students and engages 2,400 volunteers in California, Massachusetts, New Jersey, North Carolina and Texas. In Massachusetts our programs operate in Boston, Lowell, Malden, New Bedford, Worcester, and Springfield.

Citizen Schools works intensively with low-income students, most of whom are struggling academically. A rigorous independent evaluation has reported that Citizen Schools' students significantly out-performed a matched comparison group on key metrics of school success and advancement, including grades and standardized test scores.

The Teaching Fellowship program that Citizen Schools has piloted attracts dynamic, aspiring educators and community builders to careers in education. In the morning our Fellows support classroom teachers and in the afternoon they serve as front-line teachers and team leaders at our after-school programs. Teaching Fellows also have the opportunity to earn a Master's Degree in Education, preparing them for careers as teachers and educational leaders.

Teaching Fellows have been the crucial factor in delivering powerful results for our students.

The T–FELAS Act will advance the achievement of our neediest students and open new horizons of opportunity to them. Thank you so much for your leadership in introducing the T–FELAS Act.

Sincerely,

ERIC SCHWARZ,
President and CEO.

SAVE THE CHILDREN,
Washington, DC, February 13, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR BURR: I am writing to express Save the Children's support of the Teaching Fellow for Expanded Learning and AfterSchool (T-FELAS) Act, which will expand learning opportunities outside of the school day and establish a new service teacher corps.

Save the Children provides literacy and obesity prevention programs after school and during the summer to children living in poor, often isolated, rural areas. We know the difference these activities make in their lives. Students in our programs are not only safe during the critical hours from 3 to 6 p.m.; they are also doing better in school. Evaluation results from the past three school years found that our literacy program is improving the reading levels of regular participants. Fifty-four percent of the children participating made gains in reading proficiency greater than would be expected if they were just attending school.

We also know first-hand the difficulties of recruiting and retaining trained, dynamic staff. The T-FELAS Act will assist the caring individuals working with high-need children in rural communities improve their qualifications by enabling them to pursue an undergraduate or graduate level degree in education, expanding their opportunities to in public education and youth development programs.

We look forward to working with you and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

MARK K. SHRIVER,
Vice President and Managing Director.

FEBRUARY 15, 2007.

DEAR BRENDA WRIGHT: I am writing in support of the T-Felas bill that Senators Kennedy and Burr are sponsoring. As a provider of high quality after school enrichment I would love to see more awareness of the opportunity for extended learning time and the strides that organizations such as ours have made in the field. We have an incredible opportunity to truly make a positive impact on the lives of these students both academically and behaviorally.

Thank you for your support of this bill.

JERRI FATTICCI,
North Carolina State Director,
Citizen Schools.

WELLESLEY CENTERS FOR WOMEN,
Wellesley, MA, Feb. 16, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.
Hon. RICHARD BURR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR BURR: The National Institute on Out-of-School Time is writing to express its support of the Teaching Fellow for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will help ease the difficulty of recruiting and paying new educators and leaders for high need schools and afterschool programs. NIOST is actively involved in developing increased educational opportunities for people who choose afterschool as their profession and is excited about how T–FELAS will also increase the viability of afterschool as a professional career. Talented front-line educators are needed to serve in expanded learning and after-school environments to help students meet the ever-increasing challenges of the real world.

T–FELAS will encourage and enable qualified people interested in teaching and afterschool to spend time learning in the field while completing their own education. The funding of dynamic Teaching Fellows to administer and improve expanded-day programs and to also assist teachers during the school day is a great plan. Research indicates that relationships between school and afterschool staff can contribute to positive academic and developmental outcomes for youth. The Teaching Fellows have the potential of playing an important role in supporting those relationships.

The National Institute on Out-of-School Time looks forward to watching this bill as it progresses towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Sincerely,

ELLEN GANNETT,
Director, The National Institute on Out-of-School Time.

SEARCH INSTITUTE,
February 14, 2007.

Senator EDWARD KENNEDY,
317 Russell Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY: I am writing to express my strong support for the Teaching Fellows for Expanded Learning and After-School Act. This bill, fondly known as T-FELAS, is an exciting proposal that will recruit, train and place Fellows in expanded learning and after-school environments.

I am particularly gratified to see that the bill ensures that each Fellow will be provided with training on the power of positive relationships and the value of developmental assets. This is so important! Research has consistently shown that increased developmental assets promote academic success, divert youth from risky behavior and give young people the strengths they need to make positive choices in life.

I assure you that providing the Fellows with training in positive youth development and the 40 Developmental Assets will have a dramatic and profound impact on their ability to serve the youth under their care. When Fellows develop sustained, strength-based relationships with children and adolescents, these after-school and summer hours will produce all the positive outcomes we hope to see from our students.

Again, thank you for your service and your efforts to ensure that all youth have an opportunity to thrive!

Best regards,

PETER BENSON, PH.D.,
President.

POLICY STUDIES ASSOCIATES, INC.,
Washington, DC, February 15, 2007.

Senator EDWARD M. KENNEDY,
Chairman, HELP Committee, Hart Senate Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of your bill to amend ESEA Title II to create the Expanded Learning and After-School Fellows program.

I direct evaluations of large-scale after-school programs in many locations, including Boston, New York City, statewide in New Jersey, and rural America (as sponsored by Save the Children). Our studies have consistently shown the value to youth of staffing these programs with well-educated individuals who have four-year college degrees. Such individuals bring an understanding of the learning process plus an enriched store of background knowledge. Because they have completed a college education, they understand its value and can communicate high standards and the value of hard work to the youth with whom they work.

In one example, from a 2004 multi-year evaluation of programs in New York City sponsored by The After-School Corporation (TASC), I wrote: In sites where at least 25 percent of project staff had a four-year college degree, participants had more positive changes in test scores than in TASC sites with a lower proportion of staff members with such degrees (effect size of 0.14 in math and 0.13 in reading). Staff with college degrees may be better able to see and to exploit the varied learning opportunities embedded within themes and topics adopted by after-school projects.

You or your staff should call on me at any time if I can be helpful with regard to this bill. I can be reached at (202) 939–5323 and at ereisner@policystudies.com.

Sincerely,

ELIZABETH R. REISNER,
Principal.

THE FORUM FOR YOUTH INVESTMENT,
February 19, 2007.

Hon. EDWARD M. KENNEDY,
317 Russell Senate Office Building
Washington, DC.

DEAR SENATOR KENNEDY: The Forum for Youth Investment is writing to express its support of the Teaching Fellows for Expanded Learning and After-School (T–FELAS) Act.

T–FELAS will establish a new service teacher corps and expand learning and enrichment opportunities targeted towards the hours after the school day ends. Both of these are much needed improvements that will help ensure that children and youth have the supports they need to succeed.

The Forum for Youth Investment is committed to ensuring all young people are Ready by 21™—ready for college, work and life. We know the need for expanded learning and positive youth development experiences in the hours after school. We know the importance of developing the next generation of youth workers, skilled in youth development practices and viewing public service and youth work as a career. Our research shows that those who chose to work come from varied backgrounds but share a common belief—that they can make a difference.

We applaud the inclusion of youth development language, especially the training in youth development for the Fellows, and acknowledgment of the education youth workers receive through both two- and four-year institutions of higher education that provide accredited coursework in youth development. Furthermore, as part of the evaluation of T–FELAS programs, implementing the interagency reach of the Federal Youth Development Council as a place to disseminate best practices will continue to move the field forward.

We look forward to supporting your office and the staff of the Health, Education, Labor and Pensions Committee as this bill progresses towards enactment. Please do not hesitate to contact Nicole Yohalem if we can be of any assistance—at nicole@forumfyi.org or (202) 207–3341.

Thank you for your leadership on behalf of the youth in our nation.

Sincerely,

KAREN PITTMAN,
Executive Director,
Forum for Youth Investment.

By Mr. CRAIG:

S. 779. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to introduce a one year only reauthorization of the Secure Rural Schools and Community Self-Determination Act.

For the last six years, this Act has provided critical funding to our rural schools and counties and has built collaboration on the ground through the accomplishments of the Resource Advisory Committees.

Unfortunately Congress has not been able to reauthorize P.L. 106–393 and I do not feel the schools and counties should become victims while we in Congress negotiate a path forward.

Thus, I am introducing this bill today and will work to include it in any legislation that is being considered by the Senate.

The Act has been an enormous success in achieving and even surpassing the goals of Congress. This Act has restored programs for students in rural schools and prevented the closure of numerous isolated rural schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to suburban and urban students. Over 4,400 rural schools receive funds because of this Act.

Next, the Act has allowed rural county road districts and county road departments to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs have been formed. These RAC's cover our largest 150 forest counties. Nationally these 15-person diverse RAC stakeholder committees have studied and approved over 2,500 projects on Federal forestlands and adjacent public and private lands. These projects have addressed a wide variety of improvements drastically needed on our National Forests. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

The accomplishments of this Act over the last few years are positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our National Forests.

If we do not work to reauthorize this Act, all of the progress of the last six years will be lost. Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children. Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

By Ms. LANDRIEU:

S. 783. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I come before the Senate today to re-introduce—with some changes—a bill that I first introduced on April 6, 2004, in the 108th Congress and which I reintroduced in the 109th Congress. This bill will transfer 3,083 acres of Federal land to the Barataria Preserve Unit of the Jean Lafitte National Historical Park, and authorize the Park to purchase up to 821 acres of neighboring private lands from willing sellers. The lands in question contain important freshwater wetlands, and would allow the park boundary to conform to existing waterways and levee corridors.

As of today, the Senate has twice passed—once in the 108th Congress and once in the 109th Congress—a form of this bill by unanimous consent. I trust that few will find anything too objectionable about these provisions in the 110th Congress either. After all, it simply places lands that are already under Federal control under the management authority of the National Park Service, which already manages neighboring lands and helps protect their environmental, cultural and historic integrity.

The first major tract in question is the Bayou aux Carpes wetlands, which were acquired by the Justice Department in 1996 as a result of the settlement of a lawsuit. Although the National Park Service has constructive possession of the deeds, it lacks legal management authority. The area has exemplary natural resource values and has been designated by the Environmental Protection Agency as a wetland of significant value. Most importantly, because of the hydrologic connection between the two areas, the environmental health of the Jean Lafitte Park's Barataria Preserve is dependent on the continued health of the Bayou aux Carpes.

The second major tract is the Bayou Segnette wetlands, which are presently managed by the Army Corps of Engineers. The inclusion of this area in the Barataria Unit will allow for better control over water entering the park from outside sources.

My bill also authorizes the acquisition, from willing sellers, of approximately 821 acres of privately owned lands which are adjacent to the park. Approximately half of this area is designated as jurisdictional wetlands, with limited access and no potential for development. All of this land has been included within the boundary at the request of the owners. This provision was also included in the earlier versions of this bill that were passed in the 108th and 109th Congresses.

Lastly, allow me to explain what is new about this bill: this bill also authorizes the Jean Lafitte National Historic Park and Preserve to acquire the Fleming-Berthoud Plantation—previously known as the Mavis Grove Plantation. This plantation is one of the southernmost early sugar plantations and surrounds a prehistoric Indian mound and historic cemetery on the edge of the bayou, which is one of the most scenic and most photographed cemeteries around New Orleans. Recently, it was highlighted in the recent Cabildo exhibition and book on historic cemeteries of New Orleans.

The original plantation contained more than 10,000 acres and was a large sugar plantation. After floods destroyed area sugar plantations in the 19th century, this was turned into one of the larger cypress tree lumbering plantations. The Berthoud family bought it in the late 19th century and the Fleming family bought it in the early 20th century.

The 1,000-year-old prehistoric Indian mound and historic above-ground tombstone cemetery are relatively well preserved and have been twice declared eligible for the National Register of Historic Places by state officials; though no action has yet been taken on that designation.

Currently, many of the historic plantation structures are unrestored, vacant and in poor condition. But the main plantation house remains in good condition. I have been told that it was photographed for the cover of National Geographic Magazine in the 1930s and has been the setting for close to 10 Hollywood movies.

The other buildings include a 75-foot, 175-year-old brick sugar refining chimney, in relatively good condition; an overseer's Creole style cottage from the mid 1800s cited by historians as a fine early example of island architecture; a 19th Century annex building connected to the original plantation house, now in poor condition; a 1920s house built on the original sugar refinery foundations; an early blacksmith shop and several other barns and buildings, most in poor condition.

My bill will authorize the National Park Service to acquire this land from the family, who I am told support the transaction and the restoration of the land and buildings. I am also told that historic preservation organizations may step forward to provide private funding in support of the National Park Service's acquisition of the land.

In all, I think that this bill marks an important day for Louisiana. We are authorizing the management and preservation of several ecological, cultural and historic gems. I hope that my colleagues will fully support this endeavor as they have in the past.

I ask unanimous consent that the text of the legislation 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. 783

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 ''Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2007''.

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered _____, and dated _____,''.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the area, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Any private land located in the area, as depicted on the map described in section 901, may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary, under subparagraph (A), completes the acquisition of a parcel of private land located in the area, as depicted on the map described in section 901, the boundary of the historical park and preserve shall be adjusted to reflect the acquisition.

''(iii) JURISDICTION OF NATIONAL PARK SERVICE.—Any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service.

''(iv) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land in the area identified on the map that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.'';

(B) in the second sentence, by striking ''The Secretary may also'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

''(3) the integrity of ecological and biological systems; and

''(4) water and air quality.''; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking '', except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he'' and inserting ''on land, and interests in land and water managed by the Secretary, except that the Secretary''.

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(2) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 784. A bill to amend the Nuclear Waste Policy Act of 1982 to require commercial nuclear power plant operators to transfer spent nuclear fuel from the nuclear fuel pools of the operators into spent nuclear fuel dry casks at independent spent fuel storage installations of the operators that are licensed by the Nuclear Regulatory Commission, to convey to the Secretary of Energy title to all such transferred spent nuclear fuel, to provide for the transfer to the Secretary of the independent spent fuel storage installation operating responsibility of each plant together with the license granted by the Commission for the installation, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. 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. 784

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 ''Federal Accountability for Nuclear Waste Storage Act of 2007''.

SEC. 2. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

(a) IN GENERAL.—Title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) is amended by adding at the end the following:

''Subtitle I—Dry Cask Storage of Spent Nuclear Fuel

''SEC. 185. DRY CASK STORAGE OF SPENT NUCLEAR FUEL.

''(a) DEFINITIONS.—In this section:

''(1) CONTRACTOR.—The term 'contractor' means a person that holds a contract under section 302(a) and is licensed by the Commission to possess spent nuclear power reactor fuel.

''(2) SPENT NUCLEAR FUEL DRY CASK.—The term 'spent nuclear fuel dry cask' means the container (and all the components and systems associated with the container)—

''(A) in which spent nuclear fuel is stored and naturally cooled at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site; and

''(B) with a design that is approved by the Commission by license or rule.

''(3) SPENT NUCLEAR FUEL POOL.—The term 'spent nuclear fuel pool' means a water-filled container on a nuclear power reactor site in which spent nuclear fuel rods are stored.

''(b) TRANSFER OF SPENT NUCLEAR FUEL.—

''(1) IN GENERAL.—A contractor shall transfer spent nuclear fuel from spent nuclear fuel pools to spent nuclear fuel dry casks at an independent spent fuel storage installation that is licensed by the Commission and located at the power reactor site in accordance with this section.

''(2) SPENT NUCLEAR FUEL STORED AS OF DATE OF ENACTMENT.—Not later than 6 years after the date of enactment of this section, a contractor shall complete the transfer of all spent nuclear fuel that is stored in spent nuclear fuel pools as of the date of enactment of this section.

''(3) SPENT NUCLEAR FUEL STORED AFTER DATE OF ENACTMENT.—Not later than 6 years after the date on which spent nuclear fuel is discharged from a reactor, a contractor shall complete the transfer of any spent nuclear fuel that is stored in a spent nuclear fuel pool after the date of enactment of this section.

''(4) INADEQUATE FUNDS OR AVAILABILITY.—If funds are not available to complete a transfer under paragraph (2) or (3), or if spent nuclear fuel dry casks suitable for the particular fuel are not available on reasonable terms and conditions, the contractor may apply to the Commission to extend the deadline for the transfer to be completed.

''(5) COMMISSION LICENSING.—

''(A) IN GENERAL.—The transfer under paragraph (2) or (3) shall be to spent nuclear fuel dry casks generally licensed by the Commission.

''(B) GENERALLY LICENSED SPENT NUCLEAR FUEL DRY CASKS UNAVAILABLE.—If generally licensed spent nuclear fuel dry casks described in subparagraph (A) are not available, the deadlines established in paragraphs (2) and (3) may be met by the good faith filing of an application to the Commission for a specific independent spent fuel storage installation license.

''(C) EXPEDITED REVIEW.—The Commission shall expedite the review and decision of the Commission on an application received

under subparagraph (B) in a manner that is consistent with public health and safety, common defense and security, and the right of an interested person to a hearing under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

''(c) FUNDING.—The Secretary shall make grants to compensate a contractor for expenses incurred in carrying out subsection (b), including costs associated with—

''(1) licensing and construction of an independent spent fuel storage installation located at the power reactor site;

''(2) fabrication and delivery of spent nuclear fuel dry casks;

''(3) transfers of spent nuclear fuel;

''(4) documentation relating to the transfers;

''(5) security; and

''(6) hardening and other safety or security improvements.

''(d) CONVEYANCE OF TITLE.—

''(1) CERTIFICATION AND CONVEYANCE OF TITLE.—

''(A) CERTIFICATION.—The Commission shall certify to the Secretary when safe and secure transfer of spent nuclear fuel has been carried out under paragraph (2) or (3) of subsection (b).

''(B) ACCEPTANCE OF TITLE.—On receipt of the certification, the Secretary shall accept the conveyance of title to the spent nuclear fuel dry cask (including the contents of the spent nuclear fuel dry cask) from the contractor.

''(2) RESPONSIBILITY.—

''(A) IN GENERAL.—A conveyance of title under paragraph (1)(B) shall confer on the Secretary full responsibility (including safety, security, and financial responsibility) for the subsequent possession, stewardship, maintenance, monitoring, and ultimate disposition of all spent nuclear fuel transferred to the Secretary.

''(B) LICENSES.—On conveyance of title—

''(i) the general or specific Commission license held by the contractor for the spent nuclear fuel dry cask shall be terminated; and

''(ii) a general license for the spent nuclear fuel dry cask under sections 53 and 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2111) shall be issued to the Secretary.

''(C) REGULATIONS.—Not later than 5 years after the date of enactment of this section, the Commission shall promulgate regulations that establish the terms and conditions for licenses described in subparagraph (B)(ii).

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, the Secretary shall establish the capability to carry out subsection (d)(2) in a manner that protects the public health and safety and common defense and security, and complies with all applicable laws.

''(2) CONTRACTS WITH LICENSEES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may contract with a holder of the operating license issued by the Commission for 1 or more of the power reactors located on or adjacent to the spent nuclear fuel dry cask for the performance of all or part of the tasks required to carry out subsection (d)(2).

''(B) EFFECT OF CONTRACT.—A contract described in subparagraph (A) shall not relieve the Secretary of the ultimate responsibility of the Secretary under subsection (d)(2) and as a licensee of the Commission.''.

(b) USE OF WASTE FUND.—Section 302(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(d)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the costs incurred in carrying out subsections (c) and (e) of section 185.''.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 785. A bill to amend title 4 of the United States Code to limit the extent to which States may tax the compensation earned by nonresident telecommuters; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today, together with my colleague Senator LIEBERMAN, to introduce the Telecommuter Tax Fairness Act of 2007.

The Telecommuter Tax Fairness Act of 2007 will end an outdated legal doctrine that unfairly penalizes thousands of workers in Connecticut and across the country whose only offense is that they sometimes work from home.

Technology continues to transform the way business is conducted in America and all over the world. Telecommunications advances such as cell phones, email, the Internet, and mobile networking have not only made Americans more productive, they have also given people greater flexibility in where they can work without compromising productivity. As a result, more Americans now have the freedom to work from home or other alternative offices when their physical presence is not required at their primary place of work.

This option to telecommute offers tremendous benefits for businesses, families, and communities. It helps employers lower costs and raise worker productivity, and individuals better manage the demands of work and family. It also reduces congestion on our roads and rails, and in so doing, lowers pollution.

Despite the many benefits of telecommuting, some states continue to maintain and enforce outdated laws that unfairly penalize people who choose to work from home. New York, in particular, has been among the most aggressive.

Under its so-called ''convenience of the employer'' rule, New York requires out-of-State residents who work for an employer in New York to pay New York taxes on income earned outside the State, even if the State in which the employee is physically present also applies tax to the same income. New York only allows exceptions for cases of ''necessity,'' as opposed to ''convenience,'' and the State has determined that telecommuting falls into the latter, taxable category. While there are several States that have ''convenience of the employer'' rules, no other State applies it with the same rigor as New York.

Under this rule, if a Connecticut resident who normally works in New York—as thousands of Connecticut residents do—chooses to work from home some days, New York forces her to pay taxes for income earned on those days not only to Connecticut, the state in which she is physically present, but also to New York. This rule unfairly subjects the many workers who telecommute from their homes or other sites outside of New York to a double tax on the part of their income earned from home.

According to Connecticut's attorney general, thousands of Connecticut residents alone are affected by this unfair double taxation. However, it isn't only Connecticut residents who are at risk.

Thomas Huckaby is a Tennessee-based computer programmer that telecommuted for a firm in Queens, New York. In 1994 and 1995, Mr. Huckaby spent 75 percent of his time working in Tennessee and the remaining 25 percent working in the Queens office and attempted to apportion his income accordingly. New York, however, sought to tax 100 percent of his income and was successful due to its ''convenience of employer'' rule. On March 29, 2005, the New York Court of Appeals upheld New York's rule in a 4 to 3 decision. The Supreme Court declined to hear his appeal.

A similar story involves Arthur Gray, a New Hampshire resident who worked for the New York office of Cowen & Co. as an investment counselor from 1976 through 1996 and paid New York state income taxes during that time. In 1997, Arthur Gray, per his employer's request, opened and managed an office from his home in New Hampshire. Several times during the year, Mr. Gray worked in New York, but most of his days were spent in New Hampshire. When paying his taxes during this time, he paid New York state income taxes for the days he was in New York, but not for the days he worked in New Hampshire. New York, however, sought to tax 100 percent of his income and was successful due to its ''convenience of the employer'' rule.

These are only two examples of the far-reaching consequences of this ''convenience of employer'' rule. There are thousands of individuals across the country who are adversely impacted by this rule. Most, however, lack the time, money, or energy to take their case to court.

This potential for double taxation is not only unfair, it also discourages people from telecommuting when we should be doing the opposite.

Legislation is needed to protect these honest workers who deserve fair and equitable treatment under the law. The Telecommuter Tax Fairness Act of 2005 accomplishes this by specifically preventing a State from engaging in the current fiction of deeming a nonresident to be in the taxing state when the nonresident is actually working in another state. In doing so, it will eliminate the possibility that citizens will be double-taxed when telecommuting.

Establishing a ''physical presence'' test—as this legislation does—is the most logical basis for determining tax status. If a worker is in a State, and taking advantage of that State's infrastructure, the worker should pay taxes in that State.

Some suggest that the double-taxation quandary can easily be fixed by

having other States provide a tax credit to those telecommuters. However, why should Connecticut, or any other State, be required to allow a credit on income actually earned in the State? If a worker is working in Connecticut, he or she is benefiting from a range of services paid for and maintained by Connecticut, including roads, water, police, fire protection, and communications services. It's only fair that Connecticut ask that worker to help support the services that he or she uses.

This is not just an issue that deals with a small group of citizens from one small state.

Rather, this is an issue that affects workers all over the country. It will only grow more pressing as people and businesses continue to seek to take advantage of new technologies that influence the way we live and work.

I hope our colleagues will favorably consider this legislation.

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. 785

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 ''Telecommuter Tax Fairness Act of 2007''.

SEC. 2. LIMITATION ON STATE TAXATION OF COMPENSATION EARNED BY NONRESIDENT TELECOMMUTERS.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following new section:

''§ 127. Limitation on State taxation of compensation earned by nonresident telecommuters

''(a) IN GENERAL.—In applying its income tax laws to the compensation of a nonresident individual, a State may deem such nonresident individual to be present in or working in such State for any period of time only if such nonresident individual is physically present in such State for such period and such State may not impose nonresident income taxes on such compensation with respect to any period of time when such nonresident individual is physically present in another State.

''(b) DETERMINATION OF PHYSICAL PRESENCE.—For purposes of determining physical presence, no State may deem a nonresident individual to be present in or working in such State on the grounds that—

''(1) such nonresident individual is present at or working at home for convenience, or

''(2) such nonresident individual's work at home or office at home fails any convenience of the employer test or any similar test.

''(c) DETERMINATION OF PERIODS OF TIME WITH RESPECT TO WHICH COMPENSATION IS PAID.—For purposes of determining the periods of time with respect to which compensation is paid, no State may deem a period of time during which a nonresident individual is physically present in another State and performing certain tasks in such other State to be—

''(1) time that is not normal work time unless such individual's employer deems such period to be time that is not normal work time,

''(2) nonworking time unless such individual's employer deems such period to be nonworking time, or

''(3) time with respect to which no compensation is paid unless such individual's employer deems such period to be time with respect to which no compensation is paid.

''(d) DEFINITIONS.—As used in this section—

''(1) STATE.—The term 'State' means each of the several States (or any subdivision thereof), the District of Columbia, and any territory or possession of the United States.

''(2) INCOME TAX.—The term 'income tax' has the meaning given such term by section 110(c).

''(3) INCOME TAX LAWS.—The term 'income tax laws' includes any statutes, regulations, administrative practices, administrative interpretations, and judicial decisions.

''(4) NONRESIDENT INDIVIDUAL.—The term 'nonresident individual' means an individual who is not a resident of the State applying its income tax laws to such individual.

''(5) EMPLOYEE.—The term 'employee' means an employee as defined by the State in which the nonresident individual is physically present and performing personal services for compensation.

''(6) EMPLOYER.—The term 'employer' means the person having control of the payment of an individual's compensation.

''(7) COMPENSATION.—The term 'compensation' means the salary, wages, or other remuneration earned by an individual for personal services performed as an employee or as an independent contractor.

''(e) NO INFERENCE.—Nothing in this section shall be construed as bearing on—

''(1) any tax laws other than income tax laws,

''(2) the taxation of corporations, partnerships, trusts, estates, limited liability companies, or other entities, organizations, or persons other than nonresident individuals in their capacities as employees or independent contractors,

''(3) the taxation of individuals in their capacities as shareholders, partners, trust and estate beneficiaries, members or managers of limited liability companies, or in any similar capacities, and

''(4) the income taxation of dividends, interest, annuities, rents, royalties, or other forms of unearned income.''.

(b) CLERICAL AMENDMENT.—The table of sections of such chapter 4 is amended by adding at the end the following new item:

''127. Limitation on State taxation of compensation earned by nonresident telecommuters.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 786. A bill to amend the Agricultural Marketing Act of 1946 to foster efficient markets and increase competition and transparency among packers that purchased livestock from producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, Senator FEINGOLD and I have in the past sponsored the Transparency for Independent Livestock Producers Act, or what we have generally referred to as the ''Transparency Act.'' Today we are once again working together in a bipartisan fashion to reintroduce this important legislation.

My sponsorship of the packer ban this Congress is based on the belief that independent producers should have the opportunity to receive a fair price for their livestock. Over the years we have seen widespread consolidation and concentration in the packing industry. Add on the trend toward vertical integration among packers and there is no question why independent producers are losing the opportunity to market their own livestock during profitable cycles in the live meat markets.

The past CEO of a major packer in 1994 explained that the reason packers own livestock is that when the price is high the packers use their own livestock for the lines and when the price is low the packers buy livestock. This means that independent producers are most likely being limited from participating in the most profitable ranges of the live market. This is not good for the survival of the independent producer.

This bipartisan legislation would guarantee that independent producers have a share in the marketplace while assisting the Mandatory Price Reporting system. The proposal would require that 25 percent of a packer's daily kill comes from the spot market.

By requiring a 25 percent spot market purchase daily, the mandatory price reporting system, which has been criticized due to reporting and accuracy problems, would have consistent, reliable numbers being purchased from the spot market, improving the accuracy and transparency of daily prices. In addition, independent livestock producers would be guaranteed a competitive position due to the packers need to fill the daily 25 percent spot/cash market requirement.

The packers required to comply would be the same packers required to report under the Mandatory Price Reporting system. Those are packs that kill either 125,000 head of cattle, 100,000 head of hogs, or 75,000 lambs annually, over a 5 year average.

Packers are arguing that this will hurt their ability to offer contracts to producers, but the fact of the matter is that the majority of livestock contracts pay out on a calculation incorporating Mandatory Price Reporting data. If the Mandatory Price Reporting data is not accurate, or open to possible manipulation because of low numbers on the spot market, contracts are not beneficial tools for producers to manage their risk. This legislative proposal will hopefully give confidence to independent livestock producers by improving the accuracy and viability of the Mandatory Price reporting system and secure fair prices for contracts based on that data.

It's just common sense, when there aren't a lot of cattle and pigs being purchased on the cash market, it's easier for the Mandatory Price reporting data to be inaccurate or manipulated. The majority of livestock production contracts are based on that data, so if that information is wrong, the contract producers suffer.

This legislation will guarantee independent livestock producers market access and a fair price. It will accomplish these goals by making it more

difficult for the Mandatory Price Reporting System to be manipulated because of low numbers being reported by the packs. The Transparency Act is crucial legislation to guarantee livestock producers receive a fair shake at the farm gate and I am looking forward to working on this legislation in a bipartisan fashion.

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. 786

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

SECTION 1. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

Chapter 5 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.) is amended by adding at the end the following:

''SEC. 260. SPOT MARKET PURCHASES OF LIVESTOCK BY PACKERS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED PACKER.—

''(A) IN GENERAL.—The term 'covered packer' means a packer that is required under this subtitle to report to the Secretary each reporting day information on the price and quantity of livestock purchased by the packer.

''(B) EXCLUSION.—The term 'covered packer' does not include a packer that owns only 1 livestock processing plant.

''(2) NONAFFILIATED PRODUCER.—The term 'nonaffiliated producer' means a producer of livestock—

''(A) that sells livestock to a packer;

''(B) that has less than 1 percent equity interest in the packer, which packer has less than 1 percent equity interest in the producer;

''(C) that has no officers, directors, employees, or owners that are officers, directors, employees, or owners of the packer;

''(D) that has no fiduciary responsibility to the packer; and

''(E) in which the packer has no equity interest.

''(3) SPOT MARKET SALE.—

''(A) IN GENERAL.—The term 'spot market sale' means a purchase and sale of livestock by a packer from a producer—

''(i) under an agreement that specifies a firm base price that may be equated with a fixed dollar amount on the date the agreement is entered into;

''(ii) under which the livestock are slaughtered not more than 7 days after the date on which the agreement is entered into; and

''(iii) under circumstances in which a reasonable competitive bidding opportunity exists on the date on which the agreement is entered into.

''(B) REASONABLE COMPETITIVE BIDDING OPPORTUNITY.—For the purposes of subparagraph (A)(iii), circumstances in which a reasonable competitive bidding opportunity shall be considered to exist if—

''(i) no written or oral agreement precludes the producer from soliciting or receiving bids from other packers; and

''(ii) no circumstance, custom, or practice exists that—

''(I) establishes the existence of an implied contract (as determined in accordance with the Uniform Commercial Code); and

''(II) precludes the producer from soliciting or receiving bids from other packers.

''(b) GENERAL RULE.—Of the quantity of livestock that is slaughtered by a covered packer during each reporting day in each plant, the covered packer shall slaughter not less than the applicable percentage specified in subsection (c) of the quantity through spot market sales from nonaffiliated producers.

''(c) APPLICABLE PERCENTAGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage shall be 25 percent.

''(2) EXCEPTIONS.—In the case of a covered packer that reported to the Secretary in the 2006 annual report that more than 75 percent of the livestock of the covered packer were captive supply livestock, the applicable percentage shall be the greater of—

''(A) the difference between the percentage of captive supply so reported and 100 percent; and

''(B)(i) during each of calendar years 2008 and 2009, 10 percent;

''(ii) during each of calendar years 20010 and 2011, 15 percent; and

''(iii) during calendar year 2012 and each calendar year thereafter, 25 percent.

''(d) NONPREEMPTION.—Notwithstanding section 259, this section does not preempt any requirement of a State or political subdivision of a State that requires a covered packer to purchase on the spot market a greater percentage of the livestock purchased by the covered packer than is required under this section.

''(e) RELATIONSHIP TO OTHER PROVISIONS.—Nothing in this section affects the interpretation of any other provision of this Act, including section 202.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 95—DESIGNATING MARCH 25, 2006, AS ''GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY''

Mr. SPECTER (for himself, Mr. ALLARD, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG,, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, beyond the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, ''Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $10,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2,000,000 spectators and journalists, which it did so efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;