

when we wanted to lift that moratorium—we tried to in the Appropriations Committee—we were denied on a straight party-line vote. The Republican leader tried to lift that moratorium here. We were denied in a unanimous consent request.

So let's ask ourselves: What are those rules? The best analogy to help people understand what those rules are is to talk about a fishing license. If you want to catch fish, you have to get a fishing license. You go in and you pay for it and it is for a specified period of time. Now, there is no guarantee the fish will respond to your efforts to catch them. There is only an opportunity to go forward with it.

Mr. President, I ask unanimous consent that I be allowed 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. All we are talking about, with respect to the rules of the Department of the Interior, is let's give companies a fishing license. If the technology is not ready, the companies will know that. They will find that out very rapidly. If the technology doesn't work, the marketplace will prove that it doesn't work, and companies won't invest in it.

This is not a government subsidy for oil shale. This is not even a government support of oil shale. This is simply a fishing license to say: Go see if you can find some fish or, in this case, go see if you can find some oil. If you can, and you can produce it at an economically acceptable price and in an environmentally friendly manner, then go ahead.

But in this body we are saying: No, we won't even let you look for it. We won't even let you move forward to try to find out if it will work.

The Senator from Colorado said: We are not ready. I would say to him: We are in Utah. We have a program going forward in Utah on State land that shows every indication of producing oil by the end of this year. The reason they can't produce large amounts of oil is that we don't have enough State land to produce on a larger scale. If you are going to produce large quantities, you have to allow development on public lands, but there is a moratorium in place that says: We won't even let you look at these lands.

The easiest thing we could have done this week in Congress would have been to lift the moratorium. The least we could have done would have been to let the Department of the Interior implement the rules and give companies an opportunity to look at the Federal lands to see if they want to get a fishing license to catch some fish or, in this case, oil. That is all we are asking for, but it has been objected to repeatedly and repeatedly.

If I march in a parade again, I am going to have a hard time explaining to anybody why the Senate won't allow us to do that.

HIGHER EDUCATION OPPORTUNITY ACT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the conference report on H.R. 4137, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137), to amend and extend the Higher Education Act of 1965, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of July 30, 2008.)

The PRESIDING OFFICER. Under the previous order, there will be 130 minutes of debate: 50 minutes under the control of the Senator from Maryland, 30 minutes each under the control of Senator ENZI of Wyoming and Senator ALEXANDER of Tennessee, and 20 minutes under the control of Senator COBURN of Oklahoma.

The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you very much, Mr. President.

It is a great honor for me to be able to bring to the floor of the Senate the higher education conference report for the Health, Education, and Labor Committee. I bring this bill to the Senate on behalf of Senator KENNEDY.

What I wish colleagues to know is that this bill is truly a bipartisan agreement. It was led by Senator KENNEDY and Senator ENZI, the ranking member, our colleague from Wyoming, who worked tirelessly. This bill has been a work in progress for more than 5 years.

Early this summer, as Senator KENNEDY advanced this bill, we are all aware that he received some pretty surprising news. As he went into his own treatment regime, he called me and asked me to take over the conference report. I viewed it as an honor, I viewed it as a privilege, and I view it as an honor and privilege today.

Before I go into describing the bill and presenting it, I again wish to thank Senator ENZI for his work with Senator KENNEDY and his collegial and civil attitude in working with me to move this bill.

As I get ready to present this to the Senate, however, I have a letter from Senator KENNEDY. I have been in touch with Senator KENNEDY on a regular basis, receiving his advice, his guidance, his caution, and his jocular wit. I know he is watching us as we begin this debate today. This is a short statement he asked me to read to his colleagues:

I'm pleased to express my strong support for final passage of the Higher Education Op-

portunity Act of 2008. This legislation builds on key measures we've approved this Congress to increase college aid and make loans more available for students. This bill goes even further to assure that a college education is affordable and accessible to our citizens.

This legislation comes at a time when students and families need more help than ever to deal with the rising cost of college. Average costs at public colleges are more than \$13,000 today, and \$32,000 at private colleges. Each year 780,000 qualified students don't attend a four-year college because they can't afford it.

Our bill takes major steps to expand college access and affordability. It holds colleges accountable for rising costs requiring the top five percent of colleges with the greatest cost increases to submit detailed reports to the Secretary of Education on why their costs have risen, and what they will do to hold costs down. It simplifies the complex student aid application process by replacing the seven-page Free Application for Federal Student Aid with a two-page "EZ-FAFSA." It also expands aid for our neediest students by enabling them to receive Pell Grants year-round for the first time.

The legislation also responds to the ethical scandals in the student loan industry, which the Committee documented in investigations last year. It bans lenders from offering gifts to college officials, and requires college to adopt strict codes of conduct on student loans.

I'm particularly proud of provisions that help students with disabilities and veterans.

It enables students with intellectual disabilities who attend postsecondary transition programs to receive Pell Grants for the first time, and provides support for colleges to expand these programs.

The bill helps service members by enabling them to defer payments on their student loans—interest-free—while they're on active duty. It also allows service members and their families to receive in-state tuition rates for college when they move to a new state, and enables them to re-enroll in college without delay when their service is complete.

This bill creates a lasting legacy for students and families, and it wouldn't have been possible without the bipartisan cooperation of the members of the HELP Committee and the House Committee on Education and Labor. I commend our Ranking Member, Senator Enzi, and Chairman Miller and Ranking Member McKeon in the House for their strong support. I'm especially grateful to my friend, Senator Mikulski, for her impressive work in resolving some of the most difficult issues in this bill.

We can be proud that with passage of the Higher Education Opportunity Act, we're meeting our responsibility to help all our citizens obtain a higher education. By improving their lives, we also strengthen our nation and our future. I urge all my colleagues to support this needed legislation.

I ask unanimous consent that a longer statement by Senator KENNEDY be printed in the RECORD.

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

SENATOR EDWARD M. KENNEDY, HIGHER EDUCATION OPPORTUNITY ACT OF 2008

From our earliest days as a nation, education has been the mainstay of our democracy and the engine of the American dream. Our Founders knew that an educated citizenry would strengthen the nation and build the values and character that make us Americans. They believed in the power of

education and its ability to create an even greater America over the horizon.

In our own day and generation, we've seen an excellent example of the fulfillment of the promise of that new horizon, after Congress passed the GI Bill of Rights in 1944, which enabled service members returning from World War II to receive a college education. Hundreds of thousands did so, and they went on to become the Greatest Generation. The GI bill produced 67,000 doctors, 91,000 scientists, 238,000 teachers, and 450,000 engineers. It funded the education of three Presidents, three Supreme Court Justices and many Senators who served in this very chamber.

Over the course of the past year, we've revitalized that vision once again with the passage of two important higher education bills. When Congress passed the College Cost Reduction and Access Act last fall, we renewed our commitment to the idea that no qualified student should be denied the opportunity to go to college because of the cost. It included the largest increase in student aid since the GI Bill—more than \$20 billion. We also increased the maximum Pell Grant—the lifeline to college for low-income students—from \$4310 to \$5400 over the next five years.

In addition, the Act provided new relief for students struggling under the weight of their student loans, by allowing loan repayments to be capped at 15 percent of monthly discretionary income. We also included new incentives for students to enter key professions such as teaching, law enforcement, and social work, by providing loan forgiveness to those who commit to public service jobs for 10 years.

This past spring, we passed a second bill to underscore our commitment. When the crisis in the credit markets appeared to be threatening the ability of students and families to obtain loans for this school year, we approved emergency legislation—the Ensuring Continued Access to Student Loans Act—to make sure that loan funds will be available this fall.

That bill increased the amount of federally-subsidized loans for college students, in order to reduce their reliance on higher cost private loans. We gave parents greater access to low-cost federal PLUS loans, to provide an alternative to private loans and home equity lines of credit. We also gave the Secretary of Education new tools to ensure that lenders have the funds they need to make loans to students.

The bill before us today—the Higher Education Opportunity Act of 2008—takes even more steps to ensure that a college education is affordable and accessible to our citizens.

A college education has never been more important than it is now. Today, 60 percent of new jobs require some post-secondary education, compared to just 15 percent half a century ago. Yet the United States ranks only 14th in the college graduation rates of all industrialized nations.

At the same time, college has never been more difficult to afford. The cost of college has more than tripled over the last twenty years. Today, average tuition, fees and room and board at public colleges is more than \$13,000, and it's more than \$32,000 at private colleges.

Each year an estimated 780,000 talented, qualified students don't attend a four-year college because they can't afford it.

In last year's student aid bill, we made a commitment to American students and families to invest billions more in student aid—especially for those who need help the most. Now, with the Higher Education Opportunity Act, we're asking colleges to do their part to keep costs under control. Our bill requires the Department of Education, for the first

time, to make detailed information about college costs available to students and families on its website. It also requires the Department to highlight, on national lists, those colleges that are doing a good job of keeping their costs down, and those that are not.

By providing greater transparency and enabling students and families to compare the costs of various colleges more easily, we hope to promote an environment where colleges think carefully before they raise their prices. But our bill requires even more. If, over three years, a college raises its prices so much that it ranks among the top five percent of institutions of its type with the highest cost increases, we require the college to submit a comprehensive report to the Secretary of Education, detailing the steps the college will take to bring its costs back under control.

We're also taking overdue action to rein in the high cost of college textbooks. According to the U.S. Public Interest Research Group, the average college student spends about \$900 a year on textbooks. Since 1994, textbook prices have risen at four times the rate of inflation, and they continue to increase. Often, students are forced to waste money buying textbooks because they can only be purchased in "bundles" with workbooks and other materials that their professors don't use.

Our bill will reverse this trend by requiring textbook publishers to "unbundle" textbooks and supplementary materials, so students can buy only the materials they really need. It will also give faculty members better information about textbook costs, by requiring publishers to provide more detailed pricing information. And it will require colleges to include information about required textbooks in their course catalogs and on their websites, so that students can shop for the best prices.

In addition to holding the cost of college down, we're doing more to ensure that students receive all the aid they're entitled to by reforming the application process for federal student aid. Today, the process is needlessly complex. The Free Application for Federal Student Aid (FAFSA)—the basic form that all students must complete to determine their eligibility for federal aid—is currently seven pages long. That's longer than the standard federal income tax form.

Such complexity has unfortunate consequences for students. Each year, an estimated 1.5 million students eligible for Pell Grants don't receive them, either because they aren't aware of federal aid or because they find the process too complicated to navigate. It's time to make the process simpler.

The Higher Education Opportunity Act will replace the 7-page FAFSA with a 2-page "EZFAFSA" for low-income students. Within five years, the longer FAFSA will be phased out for all applicants. The bill also includes pilot programs to simplify the federal aid applications even further. To help more of our neediest students understand that college aid is available for them, a pilot program will give low-income students a federal aid determination in their junior year of high school, rather than their senior year. We also encourage the Secretary of Education to work with the IRS to share income tax data, so the federal aid form can include the data needed to determine a student's eligibility for college aid.

In addition, to ensure that this aid is directed to students, we must keep them informed about their choices and hold colleges and lenders accountable for giving students the best loan deal possible.

Investigations by our Committee found that many lenders are entering into sweet-

heart deals with colleges, offering gifts to college and university employees in order to obtain their students' loan business.

Lenders who participate in the federal student loan program have offered "educational conferences" at luxury hotels and offer free entertainment and free tickets to sporting events to college officials in order to entice those officials to recommend the lenders to their students. The Higher Education Opportunity Act makes these practices illegal, and protects students by ensuring that when a college recommends a lender, it's based on the best interest of students and nothing else.

The bill also creates a new process with respect to private educational loans—which now account for a quarter of all borrowing for college—to make sure that students know what low-cost Federal aid they're eligible for, and how much more they really need to borrow to cover the cost of college attendance with a private loan.

The Higher Education Opportunity Act also enhances grant aid for the neediest students, adding to the dramatic increase in student aid Congress approved in last year's student bill. For the first time, we allow students eligible for Pell Grants to receive those grants year-round, so they can accelerate their courses of study.

But ensuring access to adequate grants and loans is only one component of solving the college access crisis. We must also ensure that more students are graduating from high school ready for college. In 2001, colleges required one-third of all freshmen to take remedial courses in reading, writing, or math.

Because so many high school students are not learning the basic skills to succeed in college or work, the nation loses more than \$3.7 billion a year. This figure includes \$1.4 billion to provide remedial education to students who have recently completed high school, and \$2.3 billion that the economy loses because remedial reading students are more likely to drop out of college without a degree, thereby reducing their earning potential.

To address this problem, our bill includes provisions to maintain the strength of the TRIO and GEAR UP programs, which provide underprivileged students with the support they need to go to prepare for and graduate from college.

We also strengthen efforts to help students with disabilities enter and succeed in college. For the first time, the bill allows students with intellectual disabilities to receive Pell Grants and Federal Work-Study funds to participate in transition programs at institutions of higher education.

We create new grant programs to help colleges offer even more of these transition programs, and make course materials more accessible for students with print disabilities. We establish a new center at the Department of Education devoted to helping students with disabilities and their families get the help and assistance they need to prepare for college and go to college.

These provisions to help students with disabilities will be one of the lasting legacies of this legislation, and I'm proud we've been able to do so much.

I'm also proud of the steps we take in this bill to help service men and women pursue a higher education. They risk their lives for us every day, and they deserve whatever we can give them to help them build a brighter future. Our bill provides a number of new benefits for servicemembers, including provisions to allow them to defer payments on their student loans—interest-free—while they're on active duty, provisions to help servicemembers re-enroll in college without delay, and a new online clearinghouse for servicemembers to learn about college benefits available to them.

Our bill also takes other much-needed steps to ensure that all citizens are able to enjoy the benefits of higher education. As we know, discrimination has long limited the opportunities of minorities and women in higher education. As a result, these groups are still under-represented today among graduates of institutions of higher learning, and among professors, attorneys, and other professionals.

Decades of reports and studies document the under-representation of women and minorities in higher education. In 2006, a report, *Faculty Gender Equity Indicators* by the American Association of University Professors found that women are significantly under-represented among university faculty—they make up just 39 percent of full-time faculty at institutions of higher education, and just 34 percent of such faculty at doctoral institutions. The Department of Education's most recent *Digest of Education Statistics* indicates that women continue to be underrepresented among those obtaining professional degrees, such as in law and business.

As the National Center for Education Statistics states in its *Enrollment in Postsecondary Institutions*, Fall 2006 report, minority students are underrepresented at every level of higher education, with numbers dwindling further in graduate and professional education. Likewise, law school enrollment surveys by the American Bar Association show that minorities are underrepresented among students at those institutions, and among law school tenured faculty and deans. This legislation takes needed steps to address this under-representation of women and minorities and to help make the goal of equal educational opportunity a reality for all our citizens.

The bill also provides new support for educational institutions that serve minority groups historically denied access to higher education because of prejudice and discrimination. These institutions—many of which were founded in direct response to the refusal by other colleges and universities to admit minority students—have long had an indispensable role in overcoming the legacy of discrimination in education that has led to under-representation of minorities in academia and in legal and other professions.

These institutions help ensure a diverse pool of qualified professionals in the nation's economy. They're particularly important because they provide postsecondary educational opportunities specifically tailored to students—especially low-income students—who have been denied access to adequately-funded elementary and secondary schools, or have been educated in schools marked by racial and ethnic segregation. As documented by studies and described in the Committee reports, these institutions have a proven track record of educating minority students. They graduate a disproportionate number of the nation's minority doctors, lawyers, teachers, and other professionals. They offer affordable, high quality college education and job training to tens of thousands of students every year.

In addition to these measures, the legislation includes several provisions to help colleges and universities improve student and campus safety. More than a year ago now, the nation was shocked by the worst shooting rampage in history—a shock made worse by the fact that it occurred at an institution of higher education. What happened at Virginia Tech was a wake-up call for Congress and the Nation—that tragedy can strike anywhere, including college campuses.

The bill takes steps to apply some of the lessons learned from that overwhelming tragedy, and ensure that students are safer in the future. It helps colleges upgrade their

safety and emergency response systems with the latest technology, and requires them to have specific procedures to deal with serious situations on campus, including informing students immediately when such situations erupt. These steps are essential parts of the responsibility of colleges and universities in protecting the students entrusted to their care and we can help them do better.

This bill is the product of many months of hard work, and it couldn't have completed without the bipartisan cooperation of every member of the HELP Committee and the House Committee on Education and Labor. I commend our Ranking Member, Senator Enzi, for his strong support for moving this bill forward, and Chairman Miller and Ranking Member McKeon in the House for their enormous contributions to this legislation.

I'm especially grateful to my friend, Senator Mikulski, for going above and beyond the call of duty to help resolve some of the most difficult issues in this bill over the past several months.

I also commend Senator Dodd and Senator Shelby for the assistance the Banking Committee has provided on the private loan provisions in the bill, and all the Members of both committees for their individual contributions.

We owe an immense debt of gratitude as well to the many staff members on both sides of the aisle who have dedicated hundreds of hours to working on this legislation. I'm grateful for the efforts of Dvora Lovinger and Robin Juliano on Senator Mikulski's staff, and Ilyse Shuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Briddell, Lindsay Hunsicker, Aaron Bishop and Kelly Hastings on Senator Enzi's staff.

From Chairman Miller's office, I'm grateful for the efforts of Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, and Jeff Appel. From Ranking Member McKeon's office, I thank Sally Stroup and Amy Jones.

I also thank Mary Ellen McGuire and Jeremy Sharp with Senator Dodd; Rob Barron with Senator Harkin; Michael Yudin and Michele Mazzocco with Senator Bingaman; Kathryn Young with Senator Murray; Seth Gerson with Senator Reed; Mildred Otero, Latoya Johnson, and Chelsea Maughan with Senator Clinton; Steve Robinson with Senator Obama; Huck Gutman with Senator Sanders; Will Jawando with Senator Brown; Allison Dembeck with Senator Gregg; David Cleary and Sarah Riffing with Senator Alexander; Celia Sims with Senator Burr; Glee Smith with Senator Isakson; Karen McCarthy with Senator Murkowski; Juliann Andreen with Senator Hatch; Alison Anway with Senator Roberts; Jon VanMeter with Senator Allard; and Elizabeth Floyd with Senator Coburn.

As I mentioned, the Banking Committee provided special help during this process and I thank Shawn Maher, Amy Friend, and Roger Hollingsworth with Senator Dodd; and Jim Johnson with Senator Shelby.

As always, we're grateful for the hard work of our Legislative Counsels, the Senate Budget Committee, and the Congressional Budget Office for helping us prepare this bill. I thank Mark Koster, Kristin Romero, Amy Gaynor, and Laura Ayoud from the Senate Legislative Counsel's office, Steve Cope and Molly Lothamer from the House Legislative Counsel's office, Debb Kalcevic and Justin Humphrey of the Congressional Budget Office, and Robyn Hiestand with the Senate Budget Committee.

And from my own staff, I thank Michael Myers, Carmel Martin, J.D. LaRock, Erin Renner, Missy Rohrbach, Emma Vadehra, Jennie Fay, Shawn Daugherty, Roberto Rodriguez, David Johns, Michael Zawada, and Jane Oates.

As President Kennedy said in 1961, "Our progress as a nation can be no swifter than

our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. The human mind is our fundamental resource."

President Kennedy was speaking then about the aspirations that gave life to the original Higher Education Act of 1965. His words rang true then, and they still ring true today. We can all be proud that with passage of the Higher Education Opportunity Act, we're recognizing our responsibility to help all our citizens obtain a higher education, not only to improve their own lives, but also to strengthen our nation and our future. I commend all my colleagues and their staff members on both sides of the aisle for coming together to make passage of this vital legislation possible.

Ms. MIKULSKI. Mr. President, I wish to add to this. I won't repeat what Senator KENNEDY reminds us are the good things in this bill.

In addition to our empowerment opportunity, which was expanding Pell grants from \$4,800 to \$6,000, we are also making sure Pell grants are available all year long, not just during the academic year, as well as getting rid of the cronyism in private lending where there were kickbacks going on between lenders and those at colleges who were offering it.

In addition to that, one of the things I am very proud of is how we met two major shortages in our country. Right now, there are the issues related to the nursing shortage. This bill recognizes the fact that though there is a nursing shortage, there are now several thousand people who want to go to nursing school but can't get in because the nursing schools either have no room, no labs, or no faculty.

Working together, we have been able to pass in this bill a very significant empowerment opportunity that will expand faculty and laboratory capacity so that we can crack the nursing shortage code by making sure all who want to go have the opportunity to go. By the way, there are 40,000 qualified applicants who could not get into nursing programs. They were smart enough. They were good enough. There was even financial aid to help them, but there just wasn't room. But we are making room for them.

Another issue that we were able to deal with was promoting innovative and effective teacher preparation programs. Our Nation faces a shortage of high-quality K-12 teachers, and new approaches are needed to make sure that every child has an effective teacher. In this legislation, we create a pipeline for high-quality teachers to teach in high-need schools by promoting partnerships with teacher education programs in higher need districts. We hold institutions of higher education accountable for the quality and progress of their teacher preparation programs as well as encouraging them with substantial help to develop alternative certification programs.

The Presiding Officer would be interested to know that on this 25th anniversary of Sally Ride going into space,

neither Dr. Ride nor I could teach in a Baltimore high school. Dr. Ride has a Ph.D. in astrophysics, two undergraduate degrees—one in physics and one in Shakespeare. I have a master's degree in sociology. I think I am qualified to teach current events but couldn't do it. That is OK. We should be qualified, but it would be darn hard to get into an alternative certification program.

I think there is a lot of talent coming out of our military, retired people who are looking for second careers—an experienced core. We need to give them an opportunity to come into our college classrooms, bringing knowledge, expertise, and the kind of mentoring that goes on. This is what is in this bill. It is not a laundry list of programs. It is about helping those young people who want to get into school, making sure we deal with some of the critical shortages facing our country, and at the same time having empowerment opportunity where we help important historic institutions, such as our Historically Black Colleges.

I am going to speak about this bill in more detail, but for now I wish to yield to Senator ENZI, who has been such an able partner and who has a particular area of expertise, because of his accounting background, in the fiscal reforms we did and a real passion for the community college.

Mr. ENZI. Mr. President, I rise to express my support for the conference agreement of the Higher Education Opportunity Act, which would reauthorize the Higher Education Act. This conference agreement represents a major victory for America's students and families. I can't say enough about the tremendous role that Senator MIKULSKI has played in getting this wrapped up. I often say, on bills it takes 90 percent of the time to get the 90 percent done, and the other 10 percent also takes 90 percent of the time. I think she did a significant job of cutting that other 90 percent to get the 10 percent done.

My only regret is that Senator KENNEDY isn't here to share in this great moment. He has been working on this with me for 3 years. We actually worked a little bit on it before that. Without his able help on this bill and the superb help of his staff, who have continued to work on it, we wouldn't be in this position today. I will be eternally grateful, though, that he asked Senator MIKULSKI to step in and help out. She has been tireless and has done a phenomenal job. Without her leadership, we also wouldn't be here at this moment.

This is an important step, and it will have an impact on the lives of students of all ages for years to come. It is much like the launch just over 50 years ago of the Sputnik satellite that sparked a great debate about our place in the space race. The success of Sputnik sent shockwaves through the Nation. Russia was getting the better of us technologically, and we couldn't allow that to happen. It sparked a change in our edu-

cation policies, and it sparked America to do what it does best, which is to rise to the challenge with innovation and a marked determination to be second to none. No longer could we rest on our past triumphs as a nation. We met the challenge of Sputnik through the National Defense Education Act.

Today, we are again being challenged but in a different way.

Now, instead of a race for space, it is a race for knowledge and skills that confronts us. It is a race we dare not lose, for the stakes this time are even higher. What is at risk is our strong economy. The solution to this difficult problem is to make a college education more accessible, more affordable, and more accountable for more Americans. It is more important than ever to make sure students and their families have good information to use on making decisions about college.

We find ourselves at a time when 200 of the 230 highest wage, highest paying, and in-demand jobs require some college education. In this environment, it is necessary for America's students to be able to access the tools and assistance they will need to complete their college education and acquire the knowledge and skills that will enable them to be successful in the 21st century economy.

Institutions of higher education and employers have expressed their dissatisfaction with the fact that our high school graduates need remediation in order to do college-level work or to participate in the workforce. Each year, taxpayers pay an estimated \$1 billion to \$2 billion to provide remedial education to students at our public universities and community colleges. The cost to employers is even greater.

The legislation before us will take historic steps to provide students with the tools, the means, and the power to get a higher education.

We can all appreciate the complexity of the Federal student aid system. Filling out the Free Application for Federal Student Aid, or FAFSA, prevents many of our students from even considering college. We have taken that from multipages down to three pages—incidentally, that is both sides. One of the significant things is that it has kept people from even applying for financial aid, and without the financial aid, they cannot go to college. In 2004, an estimated 850,000 individuals who would have been eligible for Pell did not file a FAFSA. Completing bureaucratic financial-aid forms should not be a barrier to thousands of students who need financial aid to attend college.

This bill breaks down FAFSA to just those necessary questions to determine a student's financial need. In addition, Federal agencies will be required to examine and reduce the amount of information needed to establish eligibility for student aid. We also have included sunshine and transparency requirements for institutions, lenders, and guaranty agencies to restore confidence in student loan programs and

eliminate the appearance of inappropriate arrangements.

As important as it is to increase the number of first-time college-going students, the fact is that nontraditional students are the students of the future. With seven community colleges in Wyoming, I know the value of serving adult learners who are returning to college for additional education and training. This agreement provides Pell grants for year-round education. You can think of it as 9 months and 3 months off, but people who are in this position need to be able to go continuously until they get the certification or degree they are working for. Again, this agreement provides Pell grants for year-round education, so students can complete their programs more quickly.

One issue I have concerns with is the maintenance of effort provision. I am worried that it may serve as a disincentive to States to reasonably allocate resources to higher education. I expect that we will find the provision unworkable, and we will be back in the future to make technical changes to fix it. We will leave that for another day.

For students today, a higher education is no longer optional. Without a lifetime of education, training, and retraining opportunities for everyone, we will not meet the 21st century challenges. This historic piece of legislation goes a long way toward meeting our commitment to all Americans.

This conference report is not a perfect bill, but it is a good bill and an important accomplishment because we followed the 80/20 rule. We focused on the 80 percent of the issues we could agree on, not the 20 percent we disagreed on. We also followed the regular order to craft this bill. It went through committee and was considered on the floor. The House did the same. Then we met with the House to draft a conference report. This process takes time, but the result is an important accomplishment for America's students and their families. What we are doing today will make a great difference in the lives of our children and our grandchildren for many years to come.

I thank all of the members of both the Senate and the House committees, and in particular Senator KENNEDY for working toward this goal for years and keeping his commitment that we would get this done. Senator KENNEDY has long been a champion for education in our country. He shares my determination that the education we provide to students of all ages will be second to none. That is a difficult challenge. When he and I started on this challenge to reauthorize the Higher Education Act 3½ years ago, we knew there would be many bumps along the way. I believe we hit every single one of those bumps, but he provided the kind of leadership in committee, in the Senate, and in the Congress that made it possible for us to reach this agreement today.

I also thank Senator MIKULSKI for the key role she played in assuring that we reached agreement on the bill.

In addition, I acknowledge the tremendous work of Chairman MILLER and Ranking Member MCKEON of the House Education and Labor Committee. There were a tremendous number of meetings between us to work in a very positive way toward getting to this point.

As well, I thank Congressmen HINOJOSA and KELLER of the subcommittee. They helped to shepherd this bill through the House so we could take it up on the Senate floor.

There are many congressional staff who worked on this conference report. The breadth and importance of the issues, not to mention the length of the legislation, requires many people working on it to get it done.

I have always said that I have a staff worthy of gold medals and my staff who worked on this bill have shown their gold medal status once again. I must first acknowledge and thank Beth Buehlmann, my education policy director. It is no exaggeration to state that without Beth there would be no Higher Education Act reauthorization bill today. She truly was the force to start the reauthorization 3½ years ago. She worked tirelessly to ensure that we drafted a bill to reflect the changing nature of our student bodies as well as to ensure that we, as a Nation, will maintain our status as having the best education system in the world. Her team of Ann Clough, Adam Briddell, Kelly Hastings, and Lindsay Hunsicker is comprised of remarkable individuals who brought their talents and knowledge to the forefront in this bill. I would also like to thank my staff director, Ilyse Schuman, and Greg Dean, Amy Shank, Randi Reid, John Hallmark, and Ron Hindle who also put in many hours and added invaluable input into the bill as well as the overall process.

I would also like to thank members of Senator KENNEDY's staff for their hard work—Michael Myers, Carmel Martin, JD LaRock, Missy Rohrbach, Erin Renner, Roberto Rodriguez, and Emma Vadehra.

Additionally, I would like to thank all of the other HELP Committee staff for their hard work throughout this process, especially David Cleary and Sarah Rittling of Senator ALEXANDER's subcommittee staff. Also deserving thanks are our Republican members' staff, including Allison Dembeck, Celia Sims, Glee Smith, Karen McCarthy, Juliann Andreen, Alison Anway, John van Meter, and Elizabeth Floyd, as well as their Democratic staff counterparts. Also, I would like to thank Scott Raab from Senator MCCONNELL's office for helping us work through some of the more difficult issues in the negotiations.

Also deserving my gratitude is the House staff including Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, and Jeff Appel with Chairman MILLER's staff and Sally Stroup, James Bergeron, and Amy Jones with Mr. MCKEON's staff.

Also, with any piece of legislation that we draft, we should not forget the legislative counsels in both bodies who worked tirelessly to put this 1,000 plus page agreement together—Steve Cope, Molly Lothamer, Mark Koster, Kristin Romero, and Amy Gaynor—who all deserve to be recognized.

I look forward to getting the conference report to President Bush for his signature soon so that students and their families who are making plans to attend college this fall will have the benefits of this bill to help them.

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

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I yield time to the distinguished Senator from New Mexico, a member of the HELP Committee, who played a significant role in crafting this bill as it moved through our committee.

Mr. ALEXANDER. Mr. President, I wonder if I might ask, through the Chair, the Senator from Maryland if I might speak after the Senator from New Mexico.

Ms. MIKULSKI. If I may say to the Senator two things. One, I believe the agreement is that we have from—

The PRESIDING OFFICER. Under the order, the Senator from Maryland has 50 minutes and the Senator from Wyoming has 30 minutes. The Senator from Tennessee has 30 minutes.

Mr. ALEXANDER. I thank the Chair.

Ms. MIKULSKI. Mr. President, our order of agreement was that after Senator ENZI spoke, we would take 10 minutes for Senator BINGAMAN and Senator REED. If Senator REED is not here, we can then see how we can accommodate the Senator from Tennessee. The Senator from Tennessee was to go after the Senator from Rhode Island.

Mr. ALEXANDER. Thank you. I can wait until there is available time.

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

GREGORY SIMON

Mr. BINGAMAN. Mr. President, I rise today to speak about the devastating loss that Bob Simon and the Simon family suffered today with the loss of their beloved son and brother Gregory. Bob has been the staff director of the Energy and Natural Resources Committee for nearly 10 years, and worked with me in other capacities for a number of years before that. During that period, Bob has gone through harrowing times both personally and professionally. He has always handled these times with grace, strength, and his own personal brand of dry humor. Bob, his wife Karen, and their three other children—Stephen, Cathryn, and Anne-Marie—have spent countless hours at Gregory's bedside since Gregory fell ill on July 10, exactly 3 weeks ago, and throughout that time, they have shown extraordinary courage. Their devotion to Gregory reflects their devotion to one another as a family.

Greg was a really inquisitive, artistic, creative individual. He always drew

cartoons and comics. He didn't like math. He looked exactly like Bob except with blond hair. He had Bob's temperament—he was such a positive young man.

Gregory was always small for his age, but he refused to let his stature get in the way of anything he wanted to do. He was a fighter, and he fought valiantly for the last 3 weeks. In the end, though, the odds were too great to overcome, and Gregory died at the age of 16.

Mr. President, there are no words that can properly capture the pain the Simons must feel now, and no words we can say that can truly provide comfort. The best we can do is be sure that those who are bereaved know that they have our love and our prayers, and so we send both in great measure to the Simon family.

Mr. President, I would like to speak briefly about the legislation that is before the Senate.

I urge my colleagues to adopt the conference report on this Higher Education Opportunity Act. The title to the legislation indicates that the bill is about providing greater opportunities for families to send their children to college and greater opportunities for students to succeed in and graduate from college.

I particularly thank Chairman KENNEDY and Senator ENZI for their untiring commitment and dedication to the college students of this country. Of course, I thank Senator MIKULSKI as well for her leadership in getting this legislation to the Senate floor for a vote this evening.

Only 1 year after passing the largest student aid package in more than 50 years, this body is poised to pass legislation that will take the next step to make college more affordable and accessible to students and their families. There are many important provisions in the bill, but I will highlight just one provision in particular.

Native American enrollment in post-secondary education more than doubled between 1976 and 2002, with almost 166,000 Native American students enrolled in higher education. Student enrollment in tribally controlled colleges and universities has increased in recent years to almost 16,000 students in 2002.

It is important to note the critical role tribally controlled colleges play in educating Native American students and the unique educational opportunity these schools offer Native American students. We need to continue to do all we can to strengthen and support those schools. But that means that approximately 150,000 Native American students are enrolled in higher education in non-tribally controlled colleges.

We know, unfortunately, that Native American students are still much less likely to enroll in college than their peers. Only 18 percent of Native American students have enrolled in college, as compared to 42 percent of other students. We also know, however, that Native American students are less likely

to persist once in college. And 77 percent of Native Americans did not have a postsecondary certificate or degree, as compared with 37 percent of others.

The Higher Education Opportunity Act, the bill before us today, addresses the reality that the overwhelming majority of Native American students are being educated in non-tribally controlled colleges and universities and that we need to do a better job to support these students within these schools. This legislation authorizes the Native American-Serving Non-Tribal Institutions Program to enable such colleges to improve and expand their capacity to serve these Native American and low-income individuals.

Right now, there are 43 colleges and universities that serve large Native American student populations. In my State, we have three such schools that serve large Native American student populations. In fact, the student population at the University of New Mexico at Gallup, NM, is close to 80 percent Native American.

Native American students in New Mexico would not be the only students to benefit from this provision. Colleges and universities around the country would also qualify in other States, including schools in Alaska, Wyoming, Colorado, North Carolina, and Utah. Out of the 43 schools that could be eligible to benefit from the provisions in this legislation, 24 of the schools are located in the State of Oklahoma.

I am very pleased this provision has garnered strong bipartisan support. It is a part of this very important legislation.

I am also pleased that the bill includes funding for a long overdue graduate program for Hispanic-serving institutions.

I thank the chairman and Senator ENZI for their strong support of these provisions. I urge my colleagues to support the conference report.

I yield the floor.

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

Ms. MIKULSKI. Mr. President, following our agreement and time allocation, I yield 5 minutes to the Senator from Rhode Island—the other Senator from Rhode Island, the senior Senator, Senator JACK REED, also a member of the HELP Committee. He is a very persistent person in engaging in the content of this bill.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I thank Senator MIKULSKI for not only the time to speak about this important measure but for her leadership. I particularly wish to recognize the extraordinary contribution of Senator KENNEDY who has been the architect of this legislation and many previous reauthorizations. And I wish to give particular thanks to Senator ENZI whose quiet, thoughtful, and determined approach made a contribution to this legislation. I thank him for his hard work.

I rise in strong support of the Higher Education Opportunity Act of 2008. It will be an important way in which we fulfill our obligation to the American people, and keep opportunity and hope alive throughout this country. Education is truly the engine that pulls people forward. It allows individuals and families to move up the economic ladder, and not only for their own progress, but also for the benefit of the communities in which they live.

This might be one of the most important pieces of legislation we ever considered on this floor. I am proud it has been so well handled and so meaningful that today we are debating legislation which I believe will get overwhelming support. I am particularly pleased it is being reauthorized at this time. We have seen an economy in turmoil. One of the realizations that is taking place is that the housing sector of our economy is so central to everything we do. I can imagine, as we all can, that there are literally hundreds of thousands of families across America who are counting on the equity in their homes to send their son or daughter to college. That equity has been diminished, if it has not disappeared altogether.

Today we are responding to that urgent need by providing more assistance to families to send their children to higher education. I am particularly pleased the aspects of the legislation I helped author are included in this final version. I introduced legislation called the FAFSA Act, which is the acronym for the federal financial aid form, to streamline the financial aid application process. There will now be a short EZ-FAFSA form for low-income students and families while also allowing students to apply earlier so they have an idea of what their financial options are as they consider college. These provisions will make the sometimes daunting task of getting financial aid, I hope, a little easier and a little more efficient.

I am also pleased that aspects of my legislation called the ACCESS Act have been included. This legislation deals primarily with the LEAP program. The LEAP program is a partnership between States and the Federal Government to provide grants to students who need the help—not loans, but grants. The States put in some resources; we match those resources. It is a way in which we can fulfill our commitment and our promise to many low-income families. This legislation builds on the LEAP program by providing critical additional financial resources, particularly resources and that will be useful for helping middle- and low-income families attend college.

We are all concerned about another aspect of our educational system, and that is teacher quality. This legislation incorporates some other provisions which I advanced that will help prepare teachers for the reality of today's classroom. I am very pleased they are included also.

We also included in this legislation a Perkins student loan forgiveness for li-

brarians and for members of the Armed Forces. The Perkins program provides need-based loan assistance for students attending college. We are going to forgive the debt on that loan assistance for librarians and members of our armed services.

This is a wonderful act. I am pleased and proud to support it and be a part of it. I once again thank Chairman KENNEDY, Senator ENZI, and Senator MIKULSKI for their great work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, do I understand I have up to 30 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I thank the Chair. I ask unanimous consent that I may bring demonstrative evidence on the floor and use it during my remarks.

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

Mr. ALEXANDER. Mr. President, in case anyone is wondering, these boxes, which are nearly as tall as I am, are the rules and regulations that our 6,000 colleges and universities must comply with in order to receive students who have a Federal grant or loan. As I will make clear in my remarks, my primary objection to the legislation I am about to address is that the legislation doubles the size of this stack of boxes. My fear is we are undermining the quality of American higher education. The greatest threat, I believe, to American higher education is not underfunding, it is overregulation.

Before I say that, let me first say a word, as has been said before, about Senator KENNEDY, Senator ENZI, and Senator MIKULSKI. While they have, among themselves, different philosophical views, I regard each of them as institutions whom I greatly admire. In other words, they like to work within this body across party lines to get a result. I thank both Senator ENZI and Senator MIKULSKI for the courtesy accorded me in the development of this result. And as every other Member of this body does, I greatly admire Senator KENNEDY for his tenacity and his commitment to education. Obviously, we wish he were here tonight to join us.

Because I admire Senator KENNEDY and Senator MIKULSKI and Senator ENZI does not mean I have to admire the particular result of this work. After 4 years, the Senate has spewed forth a well-intentioned contraption of unnecessary rules and regulations that waste time and money that ought to be spent on students and improving quality. It confirms my belief that the greatest threat to the quality of American higher education is not underfunding, it is overregulation.

Current Federal rules for the 6,000 higher education institutions that accept students with Federal grants or loans fill a stack of boxes that is nearly as tall as I am. The former President of Stanford, Gerhard Casper, estimated

that it cost these institutions from Harvard to the Nashville Auto Diesel College 7 cents of each federal dollar to do all the busy work to fill out these regulations.

The legislation which we are considering tonight doubles those rules and regulations with 24 new categories and 100 new reporting requirements. These new requirements include a total of 54 so-called college watch lists which I believe will be too confusing for families to understand, and complicated rules involving textbooks which only will prove that Members of Congress have no idea about how faculty members prepare their courses.

Most of these complications of rules, graduation rates in 48 different categories, disaggregation of student reporting dates by 14 racial, ethnic, and income subgroups, employment of graduates of institutions will leave college administrators scratching their heads and create thousands of new jobs for people who know how to fill out forms.

All of this will be put on the Web, I suppose, and most of it will be sent to Washington, DC, for someone to read. Having once been the Secretary of Education myself, I do not know who will read all these new regulations and all these new reports, and I don't know what they would do about them if they did read them.

The American higher education system is far from perfect, but it is one thing in our country that works and it works well. It is our secret weapon in maintaining our brain power advantage so we can keep our higher standard of living and keep our jobs from going overseas.

The United States not only has the best colleges and universities in the world, it has almost all of the best colleges and universities in the world. Some are big, some are small, some are public, some are private, some are profit, some are nonprofit. They are community colleges, historically Black colleges and church-affiliated institutions.

Tuitions range from \$50,000 a year at some private institutions to an average of \$6,200 a year for 4-year public institutions, to \$2,400 for community colleges. In Tennessee, some cities are even making community college free.

Their foremost advantage, the advantage of all these 6,000 institutions, is that in a rapidly changing world, these 6,000 autonomous institutions are flexible and able to meet the needs of their student customers.

Federal support for higher education goes almost all to these students. It does not go to the institutions. A little of it does, but almost all of it goes to the students who then choose the schools, forcing the institutions to compete, stay flexible and meet real needs. That is the precisely opposite way we fund kindergarten through the 12th grade. We give the money to elementary and secondary institutions, tending to freeze them into whatever

they have been doing for the last 50 years.

We can compare the success of our higher education system with the lack of success of our K through 12 system and wonder whether the reason might not be that in higher education, we focus on autonomy, choice, and competition.

Generous research dollars in higher education are for the most part competitively awarded, which also helps to keep the institutions on their toes.

The rest of the world is busy trying to emulate the American system of higher education, which means other countries are creating more autonomy, more choices, and more competition. Yet here we are in the Senate today cluttering up our secret weapon with the same bureaucratic nonsense that has stifled excellence in universities in other parts of the world and will do it here if these trends are not reversed.

There is a great deal of beating of breasts about how much good this bill does to address the problem of college costs. It is ironic that the same legislation would add to tuition costs by imposing unnecessary regulations. And it is especially ironic that the very Members of Congress who are complaining the most about rising tuition costs fail to see that at least for public institutions, which about 70 percent of our students attend, Members of Congress are the cause of the rising costs. This is why it is true that State support for higher education has been low during this decade.

Between 2000 and 2006, State spending for higher education increased by only 17 percent, while tuition at public institutions during that time was up 63 percent. It is also true that the reason tuition costs are up is that State spending is down.

But what Members of Congress seem to be missing is that the principal reason State support of higher education is down is because Congress has mandated that States pay so much for programs such as Medicaid or fail to meet their commitments to programs like the Individuals with Disabilities Education Act, IDEA. When the Governors and legislatures are through paying for the mandates for Medicaid or to make up the lack of the Federal Government's commitment to IDEA, there is very little left for higher education.

When Federal requirements for Medicaid dictate that State spending for Medicaid goes up 7 or 8 percent a year when the overall State budget is only going up 3 or 4 percent a year, the money has to come from somewhere. States have to balance their budgets, and in State after State, the money has been coming from higher education. That was true in Tennessee during the 1980s, when I was the Governor, and it is even more true today.

During the 1980s, my major goal was to try to help us to spend at least 50 percent of our State tax dollar on education. My major adversary was Federal Medicaid. While I ultimately did

succeed in getting to 50 cents, I had to squeeze it and push it and try to control it, and still it grew faster than everything else in the State budget. I was able to do that then because Medicaid and other health services were only about 15 cents of the State tax dollar. But by this decade, 2003 and 2004, the number was 40 percent of the State tax dollars in Tennessee went to education, not 50, and 31 cents went to Medicaid and health services. I am confident most of the cutting came out of higher education, which resulted in most of the tuition increases so the universities could operate and pay their bills.

I would respectfully suggest that we in Congress need to start along two completely different tracks if we want to retain the autonomy, competition, and choice that has led to quality and access to American higher education. First, we need to deregulate, not over-regulate higher education. Cut this stack of rules and regulations in half and use the time and the money for students and for academic excellence.

Second, we need to stop loading State budgets with so many unfunded Federal mandates. For example, if Congress were to fully fund IDEA, the program for students with disabilities, at 40 percent of its cost, which is what Congress said it would do in the 1970s, that would add \$250 million to Tennessee's revenue stream. I am sure much of this would go straight to higher education, whose annual budget is about \$1.2 billion.

More importantly, we need to give States more flexibility in dealing with Medicaid costs and give them an opportunity to take steps to make it easier to free themselves from outdated Federal Court consent decrees, which restrict the ability of Governors and legislators to direct money to higher education priorities. Then, of course, there is the REAL ID, another \$4 billion in unfunded mandates for the States, and out of which pot do you think the States might take that? Higher education would be my guess. Most Governors and legislators can point to many more unfunded Federal mandates.

These two steps are the best way to drive down college costs and to maintain academic excellence.

There are major accomplishments in this bill, some of which I have worked on and of which I am proud. They include simplifying the Federal student aid form and allowing year-round Pell grants for students making progress toward a degree. There is a new compliance calendar, which the Secretary of Education will be required to develop, that will set forth all of the reports and the disclosures required under the Higher Education Act. I am proud to say I suggested that. In other words, the new Secretary of Education will have to make a calendar listing every single report that has to be complied with, so the small Catholic college in Baltimore might not have to hire three more people in to go through this growing stack of requirements.

I authored the restrictions prohibiting the Secretary of Education from regulating student learning standards or requiring accreditors to adopt specific measures of learning assessment, which would have been additional federalizing of our 6,000 autonomous institutions.

There is an accountability research grant in this bill to focus attention on institutions making progress in measuring student achievement and asking the advisory committee, which has already done such good work in simplifying the student application form, to review this stack of growing Federal regulations. I also sponsored the new discretionary grant program for Teach for America.

All these actions in this bill are for the good, as is the increase in the availability of Pell grants for students who need help attending college. But I cannot support a piece of legislation that so undermines the excellence in higher education that comes from institutional autonomy.

I would like to offer a few letters and statements, and I ask unanimous consent they be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the first of these is a release today from the National Governors Association, which points out that Governors are responsible for making funding decisions that serve the best interests of all citizens. The Governors, in their release, say:

Maintenance of effort undermines governors' authority and guarantees students and their families will be writing larger not smaller tuition checks in the future. This is not the answer to affordable higher education. Governors oppose the higher education bill because of the negative impacts of the maintenance of effort and implore Congress to vote against it.

We had a vote on stripping out the maintenance-of-effort bill, but I lost that by one vote in the conference committee. Basically, what it says is that Members of the Senate and the House will substitute their judgment for that of Governors and State legislators. My suggestion was that if we are going to pass a bill and take credit for requiring States to spend more money on higher education, whether or not they have other priorities, then we might as well also go back down to our State capitals and join in the pain and suggest to the Governors whom to lay off or what school to close or what mental hospital to limit or what tax to raise because of our requirement about higher education maintenance of effort.

The second letter I would like to include in the RECORD comes from the commissioner of the Department of Finance and Administration in Nashville. Our Democratic Governor, Phil Bredesen, who has done a great many good things for higher education during his 6 years, is in the midst of a

budget crisis. He is reacting to the very idea that during the midst of that, when he is laying off employees and making cuts in virtually every program, that we would take it upon ourselves to say that if he doesn't increase funding for higher education, we are going to cut his Federal funding. All when we ourselves are one of the reasons he is having a hard time funding higher education, because of all our unfunded mandates.

The third letter I would like to include is from the chancellor of Vanderbilt University in Nashville, one of our most distinguished research universities and one of which I am proud to be an alumnus. It is a well-modulated letter, as you would expect from the chancellor of Vanderbilt. The letter argues very eloquently why the autonomy, competition, and choice that characterizes excellence in higher education is so important and so fragile and needs to be respected by us as we pass higher education bills, rather than to use a blunderbuss and start stacking boxes and boxes of regulations on institutions such as Vanderbilt.

Why do we think we can do a better job in the Senate making Vanderbilt University a better university by complying with all this stuff, when it takes money that might be used to educate the students and improve academic excellence? They already have deans, vice chancellors, provosts, chancellors, and a board of trustees. If they are a public institution, they have a Governor, they have a higher education commission. They have plenty of overseers. They do not need us.

Two other letters, one from the president of Duke University, office of the president, Richard Brodhead, an equally thoughtful letter about the Federal role in higher education. I might say that North Carolina has done one of the best jobs of any State in accountability for higher education.

No one is doubting we need accountability for the money the Federal Government spends. As I mentioned earlier, the dollars we spend for research, tens of millions a year, are made accountable by being competitively granted, for the most part. The dollars we spend for colleges and universities don't go to the colleges and universities, they go to the students, and the students choose the school. If they do not like the school or the cost of the school, they may go to another school. Each of those schools has to be accredited before the student can choose the school. That has been a marvelous system for helping to give autonomous institutions the freedom to be good, while at the same time allowing for accountability for the money we spend.

Finally, two letters that were written to Senator ISAKSON of Georgia. One is from the president of the University of Georgia, Mike Adams, who was president of two other colleges before he was president of the University of Georgia. A distinguished educator. Georgia, of course, is one of our distinguished public universities in America.

Finally, a letter from the President of Emory University, James Wagner, and the president of Georgia Tech, Gary Schuster, to Senator ISAKSON, making the same objections.

As I said at the beginning, I admire my colleagues, I admire their 4 years of hard work, and I admire their commitment to a result. My hope would be we could go on two different tracks from here. One would be to look for ways to deregulate higher education, not add regulations to it. Realize that in America, where we are worrying that this might work or that might work, our system of higher education, with all its warts, is the best in the world. The rest of the world is trying to emulate it. Its greatest threat, in terms of its quality, is overregulation, not underfunding.

That leads me to the second track we go on. I hope we will be careful as Members of Congress that if we have a great idea for States, that we don't pass it and send them the bill. Because I know from having been Governor and having been president of a university and having been Secretary of Education, and seeing it in different areas. As a Governor making up a budget, it's pretty well set that you start with K-12. That is pretty well set. He then goes to prisons, and that is probably in the courts. Then he does mental health. That might be in the courts too. Then he or she goes to highways, and that comes from the gas tax. Then they are pretty well down to the choice between Medicaid and higher education. I can guarantee you that if we continue to increase requirements for funding of higher education at the State level, at the rate of 7, 8 or 9 percent a year, when State budgets are only going up 2 or 3 or 4 percent a year, we will significantly reduce the quality of our State universities and colleges. We will significantly increase the tuition costs that we say in this bill we would like to lower.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION STATEMENT ON HIGHER EDUCATION BILL GOVERNORS SAY INCLUSION OF MAINTENANCE OF EFFORT WILL RAISE TUITION FOR STUDENTS

WASHINGTON.—The National Governors Association released the following statement regarding the impending vote on the Higher Education Reauthorization bill:

"The nation's governors are committed to providing students in their states with affordable access to higher education and agree that the reauthorization of the Higher Education bill is a priority. However, inclusion of the Maintenance of Effort (MOE) provision in the bill has negative implications for states; therefore governors oppose the passage of the conference report with this provision.

"Governors must balance their budgets in both good and bad economic times. This mandate means that states will be unable to make major increases or invest one-time surpluses in higher education during good times because they will be penalized if forced to reduce spending during difficult times. In the end, this will increase the cost of college for students and their families.

"Governors are responsible for making funding decisions that serve the best interest

of all their citizens. MOE undermines governors' authority and guarantees that students and their families will be writing larger, not smaller, tuition checks in the future. This is not the answer to affordable higher education. Governors oppose the higher education bill because of the negative impacts of the maintenance of effort and implore Congress to vote against it."

STATE OF TENNESSEE,
DEPARTMENT OF FINANCE AND
ADMINISTRATION, STATE CAPITOL,
Nashville, TN, July 29, 2008.

Hon. LAMAR ALEXANDER,
United States Senate, Via Email.

DEAR SENATOR ALEXANDER, The State of Tennessee shares your concerns with regard to the MOE mandate provided in the higher education bill and appreciates your efforts in defending our state interests. These restrictions on a state's ability to manage its way through a fiscal downturn would be a terrible mistake.

Under Governor Bredesen's leadership, we have made public education a priority. We know sufficient funding is critical to achieving success in primary, secondary and higher education. During the good economic times, we've increased funding for higher education operating costs and put over \$1 billion into capital projects.

However, when times are tough economically, we have to share the downside. When budget cuts have been necessary, education programs were always last to be considered. Unfortunately, Governor Bredesen has experienced two very tough budget fiscal years during his six years in office, FY 2003/2004 and FY 2008/2009. The severe problems required some base reductions in higher education's operating budgets. In FY 2003-04 there was a 9 percent base reduction of \$101,327,200. In the current fiscal year, we were facing a \$464 million total shortfall, and again had to ask higher education to do its part. As a result, higher education received a base reduction in its operating budget of \$55.8 million. These reductions were not made lightly. However, our constitution requires us to balance, and in a relatively poor state, we have no choice but to spread the reductions as broadly as possible.

Our economy remains uncertain. We already face numerous restrictions on the state's ability to manage from our federal partner. An MOE mandate that reduces our flexibility even further is not warranted. We appreciate your efforts to oppose this measure.

Warmest Regards,

M. D. GOETZ, JR.,
Commissioner.

VANDERBILT UNIVERSITY,
July 23, 2008.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: After nearly five years of work and ten years since the last reauthorization, I understand that the Higher Education Act reauthorization is nearly complete. It has been a long process, and I commend the Congress for its fortitude to enact the bill this year. My regret is that this final product is not one that I can be proud to share with the Vanderbilt campus.

As a new chancellor, I have the luxury, or some would say misfortune, of only seeing the end result of the past five years of negotiations. When I accepted the position as Vanderbilt's chancellor, I did so knowing that my first and most important priority is, and always will be, our students. Vanderbilt's mission states:

Vanderbilt University is a center for scholarly research, informed and creative teach-

ing, and service to the community and society at large. Vanderbilt will uphold the highest standards and be a leader in the quest for new knowledge through scholarship; dissemination of knowledge through teaching and outreach; creative experimentation of ideas and concepts.

In pursuit of these goals, Vanderbilt values most highly: intellectual freedom that supports open inquiry; equality, compassion, and excellence in all endeavors.

With this mission in mind, I have been evaluating the conference agreement for the Higher Education Act. While there are provisions in this agreement that will support and enhance our mission, there are many other provisions that deeply trouble me and, I think, have the potential to profoundly threaten our ability to be a "center for scholarly research, informed and creative teaching, and service to the community and society at large."

I believe you share my view that at the heart of the American system of higher education are its autonomy and its great diversity. What works for Vanderbilt may not work for Rhodes College, MTSU, Volunteer State Community College, or any other school in Tennessee. I firmly believe that increased federal intrusion into higher education would fundamentally and irreparably damage our system of postsecondary education. For these reasons, I am saddened to conclude that Vanderbilt cannot wholeheartedly endorse this conference agreement. However, before I enumerate the reasons for our reservations, I would be remiss in did not acknowledge and applaud the Congress—and you in particular—for preserving institutional autonomy with respect to the accreditation process. As you know, this has been our top priority throughout the reauthorization, and we are extremely pleased by the final outcome on this issue. Vanderbilt strongly supports an institution's ability to choose how it will demonstrate success with respect to student achievement as well as the standards by which such achievement is measured. We have consistently opposed any effort to make accrediting agencies agents of the federal government; in particular, we believe that the Secretary of Education should not be able to regulate in this area. This responsibility must lie with individual institutions.

The issue of accreditation is of such paramount concern to Vanderbilt that, had this not been adequately addressed, we would have strongly considered opposing the entire agreement. We are grateful that we do not have to take this drastic action, and we have you—and your staff—to thank for this. Without your unyielding persistence on the matter of institutional autonomy with respect to accreditation, the outcome would have been far different. Vanderbilt is immensely proud to call you one of our own and is indebted to you and your staff for your efforts.

Nonetheless, there is a lengthy list of provisions with which we have serious concerns. We recognize that many Members and staff have worked diligently on this legislation for years, and we regret that more reasonable language was not agreed upon.

Chief among our concerns are the countless number of new regulations with which universities are going to be forced to comply, covering such topics as peer-to-peer file sharing, campus emergency notifications, data on alumni, charitable gifts, student diversity, immunization records, missing person reports, and lobbying efforts. These new regulations will place an immense burden on institutions and carry with them a heavy implementation price tag. At the same time that we are trying to rein in costs, we are facing spiraling expenses associated with complying with federal regulations. Over-

regulation of higher education institutions threatens the core of what makes our system successful—its autonomy and its diversity.

We also remain concerned about provisions that could lead us along the path toward federal price controls through the creation of innumerable "Watch Lists;" a mandatory Department of Education developed net price calculator; mandatory "Quality and Efficiency Task Forces;" projecting future tuition; and reporting on tuition based on income categories. Vanderbilt is committed to ensuring that every admitted student can afford to attend Vanderbilt, regardless of their financial situation and regardless of what the "sticker price" is. We are very proud of the fact that we meet 100 percent of a student's demonstrated financial need.

Finally, provisions related to textbook prices continue to concern us. Requirements that ISBN numbers for textbooks be disclosed in course catalogs are, frankly, unworkable as many courses have not finalized their textbooks at the time the catalog is printed. We recognize that textbook costs have grown considerably and are committed to finding ways to address this; federal requirements and a "one-size-fits-all" approach, again, fail to recognize the immense diversity of our nation's colleges and universities.

In short, other than the accreditation language, there is very little to support in this final agreement. Ultimately, in my estimation, this bill will do more harm than good for the students it purports to serve. Legislation that hampers an institution's ability to educate its students threatens our institutional mission. I am deeply troubled that the conferees will agree to this woefully misguided legislation, and I worry about how it will be implemented and the ramifications of that implementation. Therefore, I urge you to think carefully about whether this is the direction we want to take postsecondary education and whether this legislation supports the fundamental nature of our system of higher education.

Thank you again for your strong and principled leadership on so many issues about which we care deeply.

Sincerely,

NICHOLAS S. ZEPPOS,
Chancellor.

DUKE UNIVERSITY,
OFFICE OF THE PRESIDENT,
Durham, NC, May 28, 2008.

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

Hon. MICHAEL ENZI,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

Hon. GEORGE MILLER,
House of Representatives, Rayburn House Office
Building, Washington, DC.

Hon. HOWARD "BUCK" MCKEON,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR SENATOR KENNEDY, SENATOR ENZI, REPRESENTATIVE MILLER AND REPRESENTATIVE MCKEON: As you work to complete conference consideration of the Higher Education Act (REA) reauthorization, I write to add my voice to those expressing concern about a number of issues your committees are facing as you finalize this important legislation.

I appreciate the time and thoughtful consideration you and members of your staff have devoted to the REA bill. Two years ago I wrote the North Carolina congressional delegation urging our representatives to vote against the House version of the REA because of the significant steps the legislation took toward eroding the role of trustees in institutional governance and the longstanding, successful relationship between the

federal government and institutions of higher education. While the current legislation is somewhat more palatable, I fear that it still represents a major intrusion and regulatory encumbrance for higher education and that the proportion of bureaucracy relative to public value will be extremely high.

Please allow me to highlight several troublesome provisions that I urge you to revise or eliminate before the bill moves forward:

It is apparent that you have taken our concerns about the inappropriateness of unnecessary federal control of accreditation seriously. Including language that limits the authority of the Secretary of Education from prescribing standards and otherwise regulating measures of student achievement success is welcome. But, the language is not restrictive enough. I urge you to modify it specifically to prevent the Secretary from regulating standards for faculty, facilities, equipment, supplies, student services and the fiscal and administrative capacity of institutions.

Duke takes the accreditation process with great seriousness, and we use what we learn from our intensive self-study, as well as external evaluations, to help guide the high quality of the educational experiences we offer our students. Duke is currently in the midst of its decennial review with the Commission on Colleges of the Southern Association—of Colleges and Universities (SACS). I am impressed with the thoughtful questions the SACS team asks of us regarding a wide range of issues. Maintaining this quasi-independent system of assessment and assurance of quality is an important contribution to the unique success of American higher education. While there are areas of accreditation that may need some tinkering, it is not role, nor is it wise public policy, to have the responsibility of institutional trustees and accreditation usurped by federal intrusion. I urge you to fully close the door on the Secretary's ability to dictate the measurement of standards that should remain outside the scope of the federal government's responsibility in higher education.

At a time when institutions are struggling to find ways to reduce administrative costs, I am struck by the number of new reporting requirements in the bill, which inevitably will lead to greater bureaucracy both at the institution and at the Department of Education. For example, the reporting of graduation rates in 48 different student categories gives pause and raises questions about the usefulness of such information.

Penalizing institutions for increasing tuition by requiring a report to the Department of Education about cost reducing strategies is an egregious notion, at best. There is little doubt that the quality of the educational experience Duke provides does not come cheap. Our trustees invest in progressive and aggressive financial aid programs to make a Duke education affordable to the more than 40 percent of Duke students who receive financial aid under Duke's need-blind admissions policy. In the coming year alone, we are budgeting more than \$86 million from institutional funds to help ensure that no admitted student is denied access to the Duke educational experience for financial reasons. Our trustees have developed over time both policies and procedures to ensure that the university's budget—including our tuition and financial aid programs—is consistent with the mission of the university. Inserting the Department of Education into this conversation eats away at the delineation between governmental responsibility and institutional autonomy. Please remove this provision.

Along those same lines, the proposed requirement to provide non-binding, multi-year estimates of future tuition and fee levels, is misleading and inappropriate. In order for this to be of minimal assistance to an en-

tering student, each institution of higher education would need to forecast every individual student's financial situation in advance. Each year we reassess all of our students' financial aid packages to make sure we are meeting each student's demonstrated need. If their financial situation changes during the year—for instance if their mother loses her job or wins the lottery—the aid package is appropriately adjusted. We simply can't predict what will happen to the student, nor can we predict the needs of the university as far in advance as the proposed legislation would require.

There is much in the proposed REA that will benefit students, their families, and institutions of higher education, and I applaud the Congress for these positive steps. As the bill works its way to passage, I urge you and your colleagues to reconsider the inappropriate regulatory burden that will be placed on institutions of higher education if this legislation passes as currently written.

Thank you for your consideration.

Sincerely,

RICHARD H. BRODHEAD.

THE UNIVERSITY OF GEORGIA,
OFFICE OF THE PRESIDENT,
Athens, GA, July 16, 2008.

Hon. JOHNNY ISAKSON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ISAKSON: As conference consideration of the Higher Education Act Reauthorization progresses, I would like to take the opportunity to comment on the latest draft of the proposed legislation.

As you know, we have followed the process to reauthorize the Higher Education Act very closely. We at the University of Georgia appreciate that, during this process, you have been an advocate for higher education nationally as well as for our institution and the University System of Georgia.

In the latest draft, many improvements have been made, particularly in the areas of accreditation, teacher education reporting, and collection of data on alumni. While such improvements are laudable, the legislation, in its current form, still represents a major intrusion and regulatory burden for higher education.

It is always difficult to balance the need for transparency in the educational process with the burdens associated with new regulations. In a time of declining state funds for higher education and a need to reduce administrative costs, I am concerned about the wisdom of creating new unfunded mandates for reporting data from our universities. Many of the new requirements contained in the draft of this bill are unnecessary and/or duplicative, and they would impose significant compliance costs in exchange for little, if any, benefit. I fear these reporting requirements will lead to greater bureaucracy both at the institution level and at the Department of Education.

Please allow me to highlight a few troublesome areas that UGA and other members of the National Association of State Universities and Land-Grant Colleges are seeking to revise or eliminate before the bill moves forward:

College Costs and Transparency: The proposed "watch" lists in Title I of the bill for institutions that must raise tuition; the reporting requirements related to the lists; and the proposed provisions in Title VIII of the bill (Tierney provisions) that would establish new requirements for costs reporting and reducing net tuition. All of these could be simplified, and Section 830 of the conference legislation would place additional reporting requirements on institutions with respect to costs and is inconsistent with the cost provisions of Title I.

Multi-year Tuition Price Estimates: The Murphy-Myrick Amendment would require

institutions to publish non-binding, multi-year estimates of future tuition and fee levels. Although "non-binding," these figures would create the potential for ill will between universities and prospective students if the state of the economy or other events force institutions to take action. As you know, tuition at state universities is inextricably linked to funding from the state. This provision is fundamentally flawed and should be addressed.

New Reporting Requirements: This legislation would impose a host of new reporting requirements on colleges and universities that would be virtually impossible to meet. For example, the bill would require universities to obtain information on alumni employment, salary, and graduate education. Such data is very valuable, but we cannot compel graduates to report it.

Student Diversity and Graduation Rates Reporting Requirements: Institutions would be required to report to the Department of Education the percentage of enrolled, full-time students who are male, female, Pell Grant-eligible, and self-identified members of a major racial or ethnic group. These categories would also be applied to existing reporting of graduation rates. Institutions would have to report graduation rates in no fewer than 48 separate categories. To determine Pell Grant eligibility, institutions would have to demand private financial information.

Peer-to-Peer File Sharing/Copyright Infringement Requirements: Institutions would be required to disclose "the development of plans to detect and prevent unauthorized distribution of copyrighted material on the institution's information technology system, which shall, to the extent practicable, include offering alternatives to illegal downloading." Although our institutions offer alternatives to illegal downloading, the technology simply does not exist to prevent all unauthorized distribution of copyrighted material on our IT systems.

While it has the potential to benefit students, their families, and institutions of higher education, the regulatory requirements and the additional costs relative to benefits are such that I would recommend that you vote against this bill. We hope for a better version to come along shortly.

Sincerely,

MICHAEL F. ADAMS,
President.

EMORY UNIVERSITY,
OFFICE OF THE PRESIDENT,
Atlanta, GA, July 14, 2008.

Hon. JOHNNY ISAKSON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR ISAKSON: As conference consideration of the Higher Education Act Reauthorization progresses, we respectfully write to offer our comments on the latest draft of the proposed legislation.

As you are aware, we have followed very closely the process to reauthorize the Higher Education Act. We appreciate that, during this process, you have been an advocate for higher education nationally as well as in the state of Georgia. Specifically, we have been pleased with improvements in the areas of accreditation, teacher education reporting, and collection of income data.

While improvements have been made, the legislation in its current form represents a major intrusion and regulatory encumbrance for higher education. At a time when institutions of higher education are struggling to find ways to reduce administrative costs, we are gravely concerned about the collective weight of these new federal requirements.

The draft bill would significantly increase the number of federal requirements with which universities must comply. Many of the new proposed requirements are unnecessary and/or duplicative, and they would impose significant compliance costs in exchange for little, if any, benefit. We fear these reporting requirements will lead to greater bureaucracy both at the institution level and at the Department of Education.

Please allow us to highlight several other troublesome areas that we hope can be revised or eliminated before the bill moves forward:

College Costs: The proposed 400 "watch" lists in Title I of the bill; the reporting requirements related to the lists; and the proposed provisions in Title VIII of the bill (Tierney provisions) that would establish new requirements for costs reporting and reducing net tuition should be simplified. The proposed reporting requirements in Title I and Title VIII of the bill would require "high-cost" institutions to form cost efficiency task forces and issue reports to the Department describing actions they are taking to reduce costs and net tuition.

Tuition Price Estimates: The Murphy-Myrick Amendment would require institutions to publish non-binding, multi-year estimates of future tuition and fee levels. In order for this to be of even minimal assistance to an entering student, each institution of higher education would need to forecast every individual student's financial situation in advance. Furthermore, public universities are highly dependent on state funding, making such estimates nearly impossible.

Alumni Reporting Requirements: Institutions would be required to report on alumni employment and enrollment in graduate and professional education programs. Although we would like to have more detailed information on our alumni, we cannot force them to provide us with this information.

Student Diversity and Graduation Rates Reporting Requirement: Institutions would be required to report to the Department of Education the percentage of enrolled, full-time students who are male, female, Pell Grant-eligible, and self-identified members of a major racial or ethnic group. These categories would also be applied to existing reporting of graduation rates. Institutions would have to report graduation rates in no fewer than 48 separate categories. Although we already collect some of this information, other data, like Pell Grant-eligible, would require us to demand personal financial information that our students, and their parents, may not want to share with us.

Peer-to-Peer File Sharing/Copyright Infringement Requirements: Institutions would be required to disclose "the development of plans to detect and prevent unauthorized distribution of copyrighted material on the institution's information technology system, which shall, to the extent practicable, include offering alternatives to illegal downloading." Although our institutions offer alternatives to illegal downloading, the technology simply does not exist to prevent all unauthorized distribution of copyrighted material on our IT systems.

We have asked our staff to provide your staff with more information detailing our concerns with this legislation in its current form. The proposed HEA has the potential to greatly benefit students, their families, and institutions of higher education. We applaud Congress for these steps. However, we urge Congress to reconsider the inappropriate regulatory burden that will be placed on insti-

tutions of higher education if this legislation passes in its current form.

Sincerely,

JAMES W. WAGNER,
President,
Emory University.
GARY SCHUSTER,
Interim President,
Georgia Institute of Technology.

Mr. ALEXANDER. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, under our agreement, I will yield time to our colleague, Senator HARKIN from Iowa, but before I do, I wish to do two things.

First, a few minutes ago we heard from our colleague, Senator BINGAMAN, about the untimely death of one of Senator BINGAMAN's key staffer's sons. Bob Simon is a staff director on his Energy Committee. Bob Simon's 16-year-old son passed away, and he, Senator BINGAMAN, was paying an eloquent tribute about this very melancholy situation. On behalf of the Senate, we would like to extend our condolences to the Simon family.

The other comment I wish to make is in response, very quickly, to the comments my colleague from Tennessee made.

First, I would like to thank my colleague from Tennessee for his very collegial and thoughtful efforts as we moved our bill through. I enjoyed our conversations, from talking about bluegrass and Grand Old Opry, we went on to high notes and higher education, and then we went on to maintenance of effort.

I am sorry you took out the regulatory stack you had because it is bigger than I am. As we said in our conversation, I look forward to working with the Senator from Tennessee to see if some of the regs might be dated, arcane, duplicative, and so on and how, over the next year or so, we could look forward to doing that.

But before I move off from the reg comment, I do wish to comment about the maintenance of effort. In many ways, I understand the point the Senator from Tennessee is making. My own home State of Maryland's Governor O'Malley inherited a \$1.7 billion budget deficit that was not of his making, and at the same time I understand Governors and State legislators are facing real obstacles. However, we need to be realistic. Congress is doing its part by increasing Pell grants, and families can be assured that as the Federal Government increases its commitment to colleges, funds will not be offset by the States.

Last night we did pass an amendment offered by another gentleman from Massachusetts, Congressman TIERNEY. What his amendment does is provide incentives and funds to Governors, which they can use for a broad range of college access activities. They would be able to access \$66 million to States to use on a variety of very important college access activities, particularly need-based grants and college prep programs.

But I also want to acknowledge the validity of the issues raised by the Senator from Tennessee on unfunded mandates.

Over here we have a champion.

Mr. ALEXANDER. Mr. President, may I have 60 seconds to respond?

Ms. MIKULSKI. Yes, but I am not done with my comments so I have not yielded the floor.

Mr. ALEXANDER. I am sorry.

Ms. MIKULSKI. I wish to comment on the unfunded mandates. The Senator who will speak shortly has been a champion of the disability community and a leader of the IDEA community. We have been fighting to double IDEA and we have been trying to do it on both sides of the aisle. We look forward to having the Senator's support to do exactly that. We look forward to increasing the Federal role in Medicaid, particularly in SCHIP, which would be a very important component of Medicaid.

Last, but not at all least, in Medicaid, 80 percent of the money goes to 20 percent of the population. That 20 percent of the population that gets that Medicaid is primarily old or fragile people in nursing homes, many of whom have serious cognitive impairment such as Alzheimer's.

Let's get the Coburn hold off my bill to double funding for Alzheimer's. One of the ways to lower the cost of Medicaid is to find the cure of the cognitive stretchout for people with Alzheimer's. It is estimated by NIH and other institutions that comment on these things that we could reduce Medicaid by \$5 to \$11 billion a year if we could do that.

I think we can work our way through this, but I must say, working with the Senator from Tennessee has been indeed a pleasure. It has been based on intellectual rigor, good conversation, excellent exchanges of ideas. I look forward to doing more of it and trying to solve some of the problems that we both strongly believe need to be addressed.

Mr. ALEXANDER. If I may just acknowledge the remarks of the Senator, I feel the same way about working with her. I am delighted we will be working together to take a look at the rules and regulations that we impose from here in Congress to make sure they are useful and needed. The natural thing here is to add. It is also very natural for us to have good ideas, but we might discover that the dean or the provost or the Governor or somebody else might have a good idea as well.

This is one of those issues that has no partisan attribute whatsoever. As far as I am concerned, the Republicans are as bad as the Democrats on unfunded Federal mandates and unnecessary regulations. I look forward to an opportunity to work with the Senator from Maryland to see if we can identify a process that makes certain that institutions are accountable for the Federal dollars, but at the same time we leave them free to be excellent in their own autonomous ways.

Ms. MIKULSKI. I yield to the Senator from Iowa, Senator HARKIN, also a member of the Health-Education committee and who is a prime mover in the area of expanding access for people with disabilities to be able to have access to higher education.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I came here to speak, obviously, in favor of the Higher Education Opportunity Act. Passage of this bill today restores the Federal commitment to make a college education a reality for Americans from all walks of life. I commend Senator KENNEDY and Senator ENZI for all of their hard work in passing this bill. I recognize and thank my good friend, Senator MIKULSKI, for stepping in and shepherding this bill to final completion the other evening.

The Higher Education Opportunity Act is the first reauthorization of the Higher Education Act in 10 years. It takes clear and strong action to make college more affordable for low- and middle-income students and their families, our top higher education priority.

This legislation will provide families with accurate information on the cost of college at any school, as well as hold colleges accountable for skyrocketing tuition and fees.

I am also proud we have saved money for students by requiring publishers to no longer bundle unnecessary materials with their textbooks, giving students the freedom to buy only what they need for their classes.

I have heard from students about the need to reform the unnecessary long form that is required to receive Federal student aid. It is called the Free Application for Federal Student Aid form—FAFSA. I understand is the short term nomenclature for that.

The bill we have here cuts through much of the redtape to immediately provide a 2-page application for low-income students and to phase out the current 7-page form for all students in 5 years.

In recent years we have seen corruption and mismanagement in the student loan arena. This bill takes strong action to root out the lenders' improper gifts and inducements for school financial aid officers and to protect students from scurrilous private lending practices.

I am proud of the many achievements of this bill. I want to take the time to highlight two initiatives included in this bill that I was proud to sponsor.

I started my legal career as a legal aid lawyer. It is an experience I will never forget and always cherish. Our promise of equal justice under law rings hollow if those who are most vulnerable are denied access to representation. But right now it is almost impossible for a new lawyer, a new young lawyer, newly admitted to the bar, to make the choice that I made, to work for legal aid. The average starting salary for a legal aid lawyer is now about \$35,000 a year. But the average annual

loan repayment burden for a new law school graduate is \$12,000. That doesn't leave a lot left over for rent or food or for starting a family.

The Legal Aid Loan Repayment Program, which we have included in this bill, will make it possible for young lawyers to make a longer commitment to equal justice. The program is simple. If a legal aid lawyer agrees to make a minimum 3-year commitment, he or she will be eligible for up to \$6,000 a year to help repay their student loan debt. This is a critical step to ensuring that qualified lawyers can be recruited and retained to represent low-income Americans.

I particularly again thank Senator MIKULSKI for her great leadership in this area, both on this committee and on the Appropriations Committee, in making sure we have adequate funding for the Legal Services Corporation and now, in this bill, to make sure we have a commitment to helping legal aid lawyers repay their student loans if they want to be a legal aid lawyer for at least 3 years.

I am also proud this legislation includes a Realtime Writers Program, an initiative I have long fought for to improve the quality of life for more than 30 million Americans who are deaf or have a hearing impairment. As many know, my late brother Frank was deaf for all of his life. I know from personal experience that access to culture and to news and other media was important to him and to others in having a good quality of life.

Closed captioning, which many of us now take for granted on our television sets, doesn't benefit those with a hearing impairment, however. Captioning improves the quality of life of individuals seeking to read or to speak better, adults who may be functionally illiterate, immigrants learning English as a second language and children just learning to read. Captioning also helps travelers trying to get emergency information in loud settings such as airports or bus terminals or train stations. I would guess that every American at some time or another relies on the captioning on their television to get some kind of information.

As part of the 1996 Telecom Act, I offered an amendment, a requirement in that bill now, that all English language television broadcasts must be realtime captioned by 2006. Every television program must be realtime captioned by 2006. That date has come and gone and all television programs are still not realtime captioned. This is due to a lack of captioners. So what has happened is that stations all across the country have asked the FCC for waivers from this requirement, which they should have because we simply do not have the supply of people trained to be realtime captioners. Passage of the Realtime Writers Act, which is now in this bill, authorizes competitive grants to recruit and train realtime writers to alleviate this shortage.

This is a very good bill. It has a lot of good things in it to help low-income

families and kids to be able to get to college. It alleviates some of the burdens, some debts kids have hanging over their heads when they get through. It provides, as I said, for some of the unbundling of textbook materials and things that students buy that they do not need all of. Of course, as I said, it does a lot to weed out the corruption and mismanagement in the student loan program.

To close here, I often speak of the necessity of having a ladder of opportunity for our kids in this country, a ladder of opportunity for all of our citizens. A college education is an essential rung on that ladder. I am proud to support the Higher Education Opportunity Act which I believe extends that ladder of opportunity to more Americans who want to better themselves, their communities, and our country with a college education.

Again, I thank Senator KENNEDY and Senator ENZI, and in particular Senator MIKULSKI for stepping in and helping, with Senator ENZI, to bring this bill to completion. Hopefully we will have an overwhelming vote in favor of this conference report later this evening.

I yield the floor.

Mr. ENZI. I believe under the previous order we will move to Senator MURKOWSKI for 5 minutes at this point.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I rise to speak briefly on the conference report to the Higher Education Opportunity Act. The reauthorization of this act, the Higher Education Act, has taken 5 years and thousands of hours to complete. I congratulate Senator KENNEDY and Senator ENZI for guiding us through passage of the Senate bill and then through a long and somewhat contentious conference process. Their leadership has brought us to an achievement of which we can all be proud. It is a bipartisan product that will have a positive impact on the lives of American students.

I also acknowledge and thank Senator MIKULSKI for the good work she has done, stepping in for Senator KENNEDY during his period of absence, in order to help us resolve these last issues.

The Higher Education Opportunity Act includes many provisions that will benefit students and student loan borrowers in my home State of Alaska. One provision of which I am particularly proud will assist members of the military, particularly those who are in the lowest ranks. It will help them and help their spouses and their children to afford college or job training.

I had the opportunity last winter to visit Fort Richardson, outside of Anchorage. I met with the spouses of the deployed soldiers who were over in Iraq. It was kind of a townhall meeting. I was there to ask them what I could do to help make their lives a little bit easier, help them get through the long winter. One of them told me

that the one thing that was keeping her from being able to afford to go to college was the money that the military pays to help offset a portion of their housing costs. The housing allowance prevented her from being eligible for a Pell grant.

Given the low rate of pay for many members of our military, particularly those in the lowest ranks, they could not afford to take on any student loan debt. So I made contact with the National Military Families Association and learned that so many military spouses are in that same position.

So what we included in this legislation, through my provision, is language that excludes the cost of the basic allowance for housing for servicemembers who live off base, as well as the value of on-base housing. We exclude that from being calculated in the final calculations for financial need.

Excluding the basic housing allowance, which in the vast majority of cases does not completely cover military families' housing costs, and the value of on-base housing will benefit the least well paid members of our military and their spouses, whether they be privates, seaman apprentices, lance corporals, airmen—those folks whose base pay is less than \$35,000 per year. While they are off defending our country at war, we want to be able to help the spouses and family members who remain at home.

I am very pleased to know that this wonderful woman I had the privilege to meet last winter, and potentially thousands like her, will have a better chance now of being able to attend college or obtain job training.

Another provision I was pleased to participate in and to author authorizes a program dedicated to improving science, technology, and engineering and mathematics education, with a focus on Alaska Native and Native Hawaiian students.

There are three programs in Alaska, Washington State, and Hawaii. They have had outstanding success using an innovative model to recruit and support Alaska Native and Native Hawaiian students through engineering, science, and technology programs. These are available at the University of Alaska, the University of Hawaii, and also through the Maui Economic Development Board.

The programs' graduation rate is phenomenal. By identifying the students who have an interest in math, science, and technology while they are still in middle school, helping them to graduate from high school with the courses they need to be successful in those disciplines in college, and then mentoring them throughout the college program, these entities have helped so many of our young students, Natives and the non-Natives alike, to really succeed in these demanding and high-need fields.

The Higher Education Opportunity Act includes many provisions of which Members of the Senate can be proud.

Suffice it to say that before the fall semester begins at many colleges around the country, we will have authorized: improvements to the Federal Pell grant; changes designed to help colleges and textbook publishers take steps to make the textbooks more affordable; increased and improved information about the cost of college and financial aid; rules intended to increase students' safety on campus; and greater State involvement in and accountability to the public for the success of our teacher preparation programs.

There are so many provisions in this legislation that I think we have to be proud of, and I thank my colleagues for their good work and certainly urge all Members to support this legislation. And my thanks to those who have led this through the process: Senator KENNEDY, Senator ENZI, and Senator MIKULSKI.

I yield the floor.

Ms. MIKULSKI. I yield the Senator from Vermont 2 minutes so he can make a brief statement before he presides, and then to Senator BROWN.

Mr. SANDERS. I thank Senator MIKULSKI and Senator BROWN. I will be very brief.

In the United States today, there is a nursing shortage approaching a crisis. According to the Bureau of Labor Statistics, more than 1.2 million new and replacement nurses will be needed by 2014. We are not educating enough nurses to meet this need, which is why the U.S. Department of Health foresees a nursing shortage of over 1 million by 2020. Yet, even with such an enormous need for nurses, U.S. nursing schools turned away—turned away—41,000 qualified applicants for baccalaureate and graduate nursing programs in 2005 because they do not have the resources to train more nurses. If community college nursing programs are included in these numbers, 150,000 well-qualified applicants are turned away each year from nursing programs.

The College Opportunity and Affordability Act includes an important new program which will enable our colleges to train more nurses to meet the nursing crisis. It provides extra capacity for nursing students in a very simple, efficient, and cost-effective way.

The nursing provision in title VIII provides colleges, community colleges, and universities a grant for each additional student their nursing program enrolls over their previous average enrollment. The nursing program gets a \$3,000 grant for each additional student, money which will help defray the increased cost required to teach and train that student. With this program in place, nursing programs can expand to admit an additional 10,000 student nurses each year, or more, at modest costs.

I thank Chairman MIKULSKI, and I thank Huck Gutman of my office for his outstanding work over the last year. This is an outstanding program, and we are going to begin to address a serious problem.

I yield for Senator BROWN.

Ms. MIKULSKI. I control the time. I now yield 5 minutes to the Senator from Ohio, Mr. BROWN.

Mr. BROWN. I wish to thank Chairman KENNEDY, Ranking Member ENZI, and especially Senator MIKULSKI for her terrific work, and their staffs. J.D. LaRock was especially helpful; Erin Renner, Carmel Martin, and Missy Rohrbach. I wish to give special thanks to Will Jawando in my office for his terrific success on this legislation. He celebrated the success of the full conference committee, which was earlier this week, by taking the Maryland bar for those 2 days during the actual passage of the conference committee.

The conference report before us takes important steps toward breaking down the barriers to higher education by addressing affordability and access. With college costs at alltime highs, family income and student aid simply have not kept up.

In my home State of Ohio, between 2001 and 2006, the cost of attendance has increased 53 percent at 4-year public colleges. Yet the median income in Ohio, household income, increased only 3 percent. We know the purchasing power of the Pell grant has fallen dramatically. Students and parents are finding it harder and harder to figure out a way to finance their education. But our bill, as we know, increases Pell grants to \$8,000 by 2014, enabling thousands of low-income and first-time students to attend institutions of higher education. For the first time, low-income students can receive Pell grants year-round, allowing them to accelerate the completion of their degrees.

The Free Application for Federal Student Aid required for the receipt of Federal student aid is currently seven pages long and acts too often as a barrier for students seeking college aid. We have begun the process of taking care of the complexities and the bureaucracy of that.

In the last 2 years, I have held about 110 roundtables around my State, in 75 of the 88 counties, listening to people telling me what we should do with higher education and other issues.

Last Memorial Day, I met with veterans who were also students at Cleveland State University. I met with them at a veterans hospital and heard directly about their experiences transitioning from the battlefield to the classroom.

This bill takes steps to ensure student veterans get the assistance they need. It authorizes funds for campuses to create Centers of Excellence for Veteran Student Success. It is modeled after a program at Cleveland State University. It will allow schools to provide student veterans with a one-stop shop for assistance with financial aid, with class selection, with VA benefits, and with other transitional issues.

In addition to the unique challenges many student veterans face, others have their academic career interrupted by deployments. When students head

off to war, they know they will be given the time and support they need now, because of this legislation, without falling unnecessarily behind academically or financially when they return to their life as a college student.

By allowing servicemembers to defer payments, interest free, on Federal student loans while serving on Active Duty, we have removed a financial penalty for student veterans.

I would also like to thank the committee and the chairman for working with me to include several other provisions in the conference report. Among them is a program that creates an early childhood educator workforce development system to ensure that all children are taught by great teachers in their developmental years. I spoke with the head of Ohio Head Start today in Dayton, who is very excited about what this will mean for Head Start students in all of Ohio.

Also included was a program that helps increase the enrollment rates of rural students at institutions of higher education.

Finally, provisions are included that will reauthorize the Underground Railroad Educational and Cultural Program and establish a Perkins loan forgiveness program for our nation's firefighters. We did it for the nurses, teachers, and police officers. We inadvertently left out firefighters in the bill last year. This takes care of that.

While there are many other issues we must address in higher education, including the rise in private student loans, this bill makes important progress on assisting needy students, increasing affordability for all, and enhancing protections for our servicemembers because of this legislation, because of Chairman MIKULSKI's work. It means a whole lot of working-class kids, a whole lot of poor kids, a whole lot of middle-class kids will be able to go to college. It will be easier for them to finish their college degrees, not drop out with huge student loans. It will enable most of these students to graduate without the onerous burden of huge student loans.

I thank Chairman KENNEDY and I thank Ranking Member ENZI for their work. I hope my colleagues will join me in supporting this legislation.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. The Senator from Oklahoma has up to 20 minutes.

Mr. COBURN. Mr. President, I will assure everyone I will not take 20 minutes.

First of all, let my thank all of those on the committee who worked on this bill.

The Higher Education Act of 1965, HEA, authorizes the Federal Government's major Federal student aid programs, as well as other programs which provide institutional aid and support. HEA also authorizes services and support to disadvantaged students, and to students pursuing international education and certain graduate and profes-

sional degrees. The last time the act was reauthorized was over a decade ago, in 1998.

The Senate passed HEA reauthorize on in July of 2007, with a vote of 95-0. The House of Representatives passed their version February 7, 2008, with a vote of 354-58. The final conference agreement is the product of nearly 6 months of work between the House and the Senate.

The Higher Education Act conference report, by the numbers, is nearly 1,200 pages, authorizes for appropriation of roughly \$3.7 billion, creates 65 new programs, requires 24 new government studies, and requires the Department of Education to create and publish 26 different lists with information from more than 6,463 schools.

This bill seeks to address an enormous concern for many American families and students who are struggling to afford the cost of a college education. During the 2006-2007 academic year, more than \$130 billion in financial aid was distributed to students in the form of grants, Federal loans, work-study, and tax credits and deductions. However, this financial aid is hardly keeping pace with the increasing rate of tuition.

According to the College Board, from 1996 to 2006, tuition rose 51 percent at 4-year public colleges and universities, after adjusting for inflation. Furthermore, according to the U.S. Department of Education's National Center for Education Statistics, the average rate for undergraduate tuition and fees has nearly tripled over the past decade.

No one argues that the cost of college is rapidly rising, or that Congress, the States and institutions of higher education should examine this issue and work together to increase access and affordability for students. However, we must ask ourselves, is this bill the right solution? This bill dramatically increase general Federal financial aid to students through the following:

Increase the Pell Grant maximum from \$5,800 to \$8,000 at a cost of potentially \$1.6 billion per year;

Permits students to receive Pell Grants year-round at a cost of \$2.6 billion over 5 years;

Increases the loan fund for Perkins loans at a cost of \$1 billion over 5 years;

Expands deferment for PLUS Loans and accrued interest would reduce direct spending \$75 million over 5 years; and

Extend Federal loan forgiveness to the following groups—at a cost of \$10.9 billion over 5 years: Public-sector employees (including Federal Government employees in Washington DC), nutrition professionals, mental health professionals, medical specialists, dentists, STEM employees, physical therapists, occupational therapists, superintendents, principals and other administrators, fire fighters, librarians, early childhood educators, nurses, foreign language specialists, speech language pathologists, school counselors, and others.

Dramatic increases in Federal student aid may sound like a helpful solution at first. However, research shows that increases in government funding only lead to further increases in tuition. According to a report by the Cato Institute, for every dollar increase in Pell Grants, private 4-year colleges increased tuition by more than two dollars.

The findings of the College Board in "Trends in Student Aid 2007" are even more astounding. The College Board reported that student aid increased by about 82 percent over the decade from 1997 to 2007, and Federal loans increased by 61 percent. Interestingly, this increase in aid covered about two-thirds of the increase in tuition at private 4-year colleges and almost all of the increase in tuition at public 4-year institutions.

These statistics demonstrate that both public and private universities are increasing tuition at the same pace—if not faster—than the Government increases funding. If we truly wish to make college education more affordable for students and families, we must focus on why tuition is increasing, despite increased subsidies from the Federal Government.

A July 31 editorial in the Washington Times discusses the correlation between increased government funding and rising tuition. The editorial states of the higher education conference agreement.

This bill would do nothing to rein in rampant tuition inflation, by far the biggest problem in higher education. Indeed, by giving students yet more taxpayer-furnished aid, it will just keep exacerbating the problem . . . Just look at the numbers: It's no coincidence that while the inflation-adjusted price of college has gone up roughly 70 percent over the last two decades, aid per-student rose almost 140 percent.

The best way to make improvements in higher education is to begin removing the Federal Government from the equation. When Congress and the U.S. Department of Education interject themselves into education matters, the result is generally less competition and individual control, more bureaucracy and an ultimately an inferior outcome.

The American Council on Education states that the higher education conference agreement "would create a huge number of new reporting and regulatory requirements . . . Complying with these new unfunded mandates will take time and will increase the administrative costs facing colleges and universities."

Rather than increasing the role of the Federal Government in subsidizing and regulating higher education, Congress should create incentives for families to save money and ease tax burden for students. Federal education tax credits and the Federal tuition tax deductions generated \$5.9 billion in savings for taxpayers in 2006.

The Higher Education conference agreement does more than expand financial aid for students. The bill authorizes 65 new programs, many of

which are duplicate, wasteful and unnecessary. By authorizing appropriations for these programs, Congress is allowing them to take funding away from student aid. Consider the following examples of misplaced priorities in the bill:

Henry Kuualoha Giugni Kupuna Memorial Archives: Provides a grant to the University of Hawaii Academy for Creative Media for the establishment and maintenance of memorial archives—such sums as necessary;

Campus-Based Digital Theft Prevention: Provides grants for schools to develop programs to prevent illegal downloading and distribution of music, movies and other intellectual property—such sums as necessary;

Pilot Program for Course Material Rental: Provides grants for college bookstores to operate textbook rental programs—such sums as necessary;

Off-Campus Community Service: Authorizes work study grants to institutions for recruiting and compensating students to supplement off campus community service employment—such sums as necessary;

University Sustainability Programs: Provides grants to establish sustainability programs and practices on campus. The term “sustainability” is not defined in the bill—such sums as necessary;

Modeling and Simulation Programs: Establishes a task force to study modeling and simulation and to support the development of the model and simulation field—such sums as necessary; and

Teach for America: Authorizes a 5-year grant to Teach for America, Inc. for \$20 million in FY 2009, \$25 million for FY 2010 and such sums for each of the four succeeding fiscal years.

It is important to note that if a Federal audit of Teach for America recently found that the organization did not properly account for \$775,000 in Federal funds. The Department of Education Inspector General found that Teach for America was unable to provide documents to support roughly half its claimed spending. The New York Times reported that there was no documentation that any teachers actually attended and completed the class or that there even was a class. Rather than cleaning up the waste, Congress authorizes \$45 million for the organization.

According to a July 11 CBS Evening News report titled, “Teach for America Gets Schooled; Organization That Trains Teachers Gets a Failing Grade for Its Accounting Skills,” after the audit, Teach for America tried handing over some newly-found documents, but it didn’t help. The Inspector General said they contained “significant discrepancies.”

Another important way to help contain the skyrocketing costs of education is to simply ensure taxpayers’ dollars and students’ tuition are directed towards educational purposes, and not lobbying or earmarks. We can-

not continue to earmark millions of dollars to universities with billion dollar endowments, while students and families struggle to afford the cost of college.

The total cost of earmarks for colleges and universities exceeded \$9 billion between 1995 and 2003. At the same time, average annual tuition at public 4-year institutions increased by 137 percent, from \$2,357 to \$5,836. The Chronicle of Higher Education recently reported that Congress set aside a record \$2.3 billion in pet projects for colleges and universities last year, \$300 million more than in 2003, when the total was \$2.01 billion.

Furthermore, in 2005 and 2006, colleges and universities spent more than \$127 million on lobbying activities. This amount could have paid the full tuition for more than 21,760 students to attend public colleges and universities. Most students struggling to pay for housing and tuition may not be able to afford a tutor, much less a lobbyist. They should not, therefore, be forced to pay higher tuition so their school can hire Washington lobbyists.

Nobody who listened to Senator ALEXANDER can come away saying we have not done what we need to do. And this is certainly a compromise piece of legislation.

But it is very worrisome to me that the only thing rising faster than the cost of health care in this country, other than gasoline in the last year and a half, is the cost of a college education. The only way we can compete globally is with an educated workforce. We have to ask ourselves the question, Why is it costing so much? Could it be the 10-foot tall—now with the passage of this bill—group of regulations that require billions of dollars to comply with every year that has taken away from the educational opportunities in this country?

I think another thing that was not addressed in the bill that should have been added in the bill is the fact that we have had over \$9 billion worth of earmarks in the higher ed bill over the last 7 years. That is \$9 billion that did not get prioritized. It was put in in the dark of night, inside a bill, inside an appropriations bill, that did not go out on the basis of merit, did not go out on the basis of a competitive grant.

And when the American people hear that \$127 million was spent last year by colleges and universities to lobby this place, is it not any wonder that we are spending \$9 billion on earmarks?

I also want to spend a moment talking about realtime writers. I held that bill; am still in opposition to it. I know it is in the bill. That is the way things work around here. I am going to lose that. But I want you to ask yourself the question: If there is greater demand for realtime writers and we are seeing the salaries rise and we are seeing the numbers start to come in, why in the world are we going to create a program to pay for it when the market is going to create the demand and the

pay to get people to do it? We are going to blow that money because those people are going to go do that because the amount of money that is being paid for someone to do that is rising. So we are going to get in the middle of the economics of that. We are going to create a false level of it because we are going to train them. Now, do you know what is going to happen? Everyone who is a realtime writer now is going to make less money in the future.

So we are going to disown the economics of supply and demand, much like we are doing on energy, and we are going to put a grant program in, we are going to make sure these people are there, but everyone who is doing it now is going to make less money, and then we are going to have an overage. And so then what is going to happen is the people who went out and did it on their own and invested in it, they are going to go look for another job because we did not trust what has made this country great, which is the idea that if there is a demand, someone is going to fill the supply, and if they do not, the price is going to rise. So we have put that in this bill.

It will be a part of the bill. It is going to become law. But we are going to waste that money. It is shortsighted. It is wasteful. This bill creates 65 new Federal Government programs. Thirty-six reports are demanded from this bill, and it gets rid of six programs. Of the programs we create, nary a one has a metric on it so we can measure it 2 years from now to know whether what we did was right or wrong. In Oklahoma we call that peeing into the wind. It is going to come back on us.

As to the cost of a college education, we are seeing families squeezed by \$2,400 a year in energy costs because we didn’t act when we should have acted on energy, and we are not acting now. So they have less resources. Even with the wonderful increase in Pell grants and everything that we have done in this bill, the cost of a college education is going to rise about 9 percent a year. They can’t keep up no matter what we do with Pell grants.

The better part of wisdom would be to ask the question: Is what we are doing really making a difference to increase the availability of a 4-year education or a 2-year education post high school?

The maintenance of effort in this bill will kill every community college in Oklahoma because they design programs for certain things and then walk away from them because there is not a demand for them anymore, whether it be for a new business, a new industry, or a new area where there is a shortage, and then they walk away. Now they have a maintenance of effort requirement. There is no exemption on that. You have killed one of the best things we have in Oklahoma, which is our community colleges. You are going to strangle them with this maintenance of effort. Now they will be very hesitant to create a new program that

will make a big difference in the lives of Oklahomans, even though they will only run the program for 2 years because they will have to continue to fund it to be able to get anything else from us. It is shortsighted.

I will not go on. I know everybody who worked on this bill is well intentioned. Their heart is in the right place. They want us to have better educational opportunities. They want us to be able to afford it. They want greater excellence in terms of academia. I just don't think we did it. If we didn't do it, we are not going to be able to measure because we don't have any metrics.

The hope would be that maybe we could learn from this exercise. Maybe we ought to put in metrics. If we are going to create 65 programs, maybe we ought to think about getting rid of 65 instead of 6, and maybe we ought to measure the effect of what we are doing.

I yield the floor.

Mr. FEINGOLD. Mr. PRESIDENT, I am pleased to support passage of the conference report reauthorizing the Higher Education Act of 1965. This law is the main Federal law governing higher education in this country and authorizes a number of important federal programs including Pell grants and other need-based grant programs as well as Federal student loan programs. This conference report, the Higher Education Opportunity Act, will improve college access and affordability for our nation's students in a number of ways including, raising the authorized level of Pell grants, allowing Pell grants to be awarded on a year-round basis, and simplifying the financial aid application process. Congress has been working on revisions to the Higher Education Act for many years and it is welcome news that Congress has finally completed its work on this important, if imperfect, legislation.

Access to postsecondary education is becoming more and more important in this increasingly competitive 21st century. In Wisconsin and around the country, we continue to see a significant gap in which students can afford to obtain a higher education and which students cannot, with students from low income and middle class families increasingly unable to attend college due to escalating costs and less availability of financial aid. Furthermore, students increasingly have to turn to federal and private student loans to cover the costs of a higher education because of declining grant aid. Some of these students are then saddled with heavy debts upon graduation from college, which impact what sort of career decisions and life choices they can make for themselves.

Since coming to the Senate in 1993, I have made increasing funding for the federal Pell grant program one of my top higher education priorities. I have worked with Senators KENNEDY, COLLINS, and COLEMAN to lead efforts to in-

crease funding for the Pell grant program as part of the yearly budget and appropriations process. I am pleased that the 110th Congress has taken some important steps to boost the availability of Pell grants for our Nation's students. Soon after the 110th Congress convened in January of 2007, we passed a continuing resolution funding the government for fiscal year 2007. As part of that continuing resolution, we increased the maximum award for the Pell grant for the first time since 2003, from \$4,050 to \$4,310.

As part of the College Cost Reduction and Access Act which was signed into law last September and the fiscal year 2008 omnibus appropriations bill, Congress further increased the maximum Pell grant award from \$4,310 to \$4,731. These recent increases in the maximum Pell grant award represent a good step to improved access to higher education for our Nation's students most in need, but much more remains to be done. This conference report builds on these efforts to boost the Pell grant program, by increasing the authorized levels for the maximum Pell grant award to \$8,000 by 2014 and by allowing students to use their Pell grant awards year round. I will continue to work to help ensure that Congress appropriates funds for the Pell program consistent with these new authorized levels.

This conference report also reauthorizes another critical need-based grant program, the federal TRIO programs, which include Upward Bound, Student Support Services, Ronald McNair Post Baccalaureate Achievement, and Talent Search programs, among others. Every year, students who have participated in TRIO programs at Wisconsin's universities come out to Washington to meet with myself or my staff to discuss how the various TRIO programs are improving access to higher education and providing support services once these students have enrolled in college. These students' testimonials illustrate how important the TRIO programs are, and have guided my yearly efforts to work to boost Federal funding for the TRIO programs. I am pleased that this conference report also includes language based on previous legislation I introduced that defines the terms "different campus" and "different population" for purposes of administering the federal TRIO program. The language included in this bill ensures that higher education institutions with branch campuses geographically apart from each other, like some of the campuses in the UW System, can compete on an equal footing for these important TRIO grants.

This conference report also includes language to modify the application progress for Federal financial aid in order to make it simpler for students and parents to complete the process. I often hear from students and parents in Wisconsin that applying for financial aid is a time consuming and confusing process and this legislation

should help to simplify the process for Wisconsin's families. This legislation establishes a two-page FAFSA application for certain low-income students and broadens the use of this simplified FAFSA to other students within the next few years. This legislation also improves the process whereby students can reapply for financial aid so that they do not have to fill out a new FAFSA every time they want to apply for additional financial aid. Many of Wisconsin's students fill out these FAFSA forms every year and I hope that the new provisions in this conference report can make the FAFSA application process less burdensome in the coming months and years.

This conference report also retains language from the Senate-passed bill to ensure that the grants for training of teachers will promote a wide range of teaching skills, including measuring students on different forms of assessment, such as performance-based measures, student portfolios, and formative assessments. In an era of increased accountability at the local, State, and Federal level, we need to do all we can to promote more responsible and accurate assessment of students in our K-12 schools.

I remain concerned about the increased use of high-stakes standardized testing at the K-12 level, including using high-stakes standardized tests to make decisions regarding school accountability. By broadening the definition of student learning and teaching skills as this new title II language does, we can better ensure that teachers are trained to more accurately and responsibly measure student achievement through alternatives to high-stakes standardized testing. I hope that Congress can build on these efforts to promote better and more responsible assessments of our Nation's students when we reauthorize the Elementary and Secondary Education Act by providing increased funding for the development of these types of assessments as well as the teacher training that is needed to implement these assessments in our classrooms.

The student loan industry has also seen some tumultuous times over the past 2 years, with a number of abuses involving lenders and some financial aid administrators brought to light as well as ongoing unrest in the lending business due to the current instability in our credit markets. While we should do all we can to boost Federal funding for grant aid so that students are not as dependent on student loans to finance their higher education, we also need to make certain that our Nation's students have access to Federal student loans to help cover any unmet costs they face. Wherever possible, we should help students participate in the various Federal student loan programs before making them turn to private loans, which do not offer our students as many safeguards as the Federal student loan programs. Earlier this year, Congress passed a law designed to help

ensure students' continued access to Federal loans in the upcoming school year and this conference report seeks to help prevent certain abuses in the student loan markets from happening in the future. For example, this conference report requires schools and lenders to create codes of conduct governing their lending practices and relationships. This legislation also bans lenders and colleges from accepting gifts as part of their student loan business. I cosponsored many of these provisions in Senator KENNEDY's stand-alone legislation, the Student Loan Sunshine Act, and I am pleased that these provisions were included in this conference report.

I know a number of colleges are concerned about the increased reporting requirements in this legislation related to college costs and tuition increases. These reporting requirements and the provisions creating searchable college cost lists and Web sites are designed to improve access to information for students and their families. This sort of information is important to Wisconsin families deciding which colleges they can afford. I hope that these provisions can be implemented in a reasonable way that addresses the concerns of our Nation's universities while ensuring that students and their families have access to this valuable information.

This legislation has broad bipartisan support and it is good news that we were finally able to reach agreement on this reauthorization of the Higher Education Act. The conference report Congress is set to pass this week strengthens a number of existing Federal student aid programs and creates new programs to boost access to and affordability of higher education for America's students who wish to attend college. With the new school year set to begin in about a month, I hope that the President will quickly sign this legislation into law and that the Department of Education will work to implement this legislation in a fair and responsible manner.

Mr. ALLARD. Mr. President, today I wish to speak about a topic that has been important to me for some time the role of veterinarians in safeguarding the public health. Yesterday, the Senate passed the Higher-Ed bill which contained historic language improving veterinary education in this country. This language has important implications for human health. We have been overdue to invest in veterinary medicine as a national asset. Today, there are only 28 colleges of veterinary medicine across the Nation which collectively graduate a mere 2,500 veterinarians per year.

Unfortunately, this number is insufficient to meet demand and leaves our Nation vulnerable to emerging infectious diseases such as west Nile virus, severe acute respiratory syndrome, SARS, Monkeypox and Avian Influenza although there are numerous other examples of animal-born infectious diseases, some of which could be used as biological agents in a terrorist attack.

To meet the critical shortage of public health veterinarians and to augment the ability of veterinary expertise to guide public health, I introduced the Veterinary Workforce Expansion Act, S. 746, this Congress and the two previous Congresses. I am pleased that part of the Veterinary Workforce Expansion Act made it into the higher-ed reauthorization.

The language in the higher-ed bill will establish a new competitive grant program for capital improvements to allow veterinary medical colleges to expand and graduate more veterinarians trained in public health. As both a veterinarian and a member of the HELP Committee, I have seen firsthand the links between human and animal health. A half-century ago, more people appreciated this too and we were able to all-but eradicate malaria and other animal-born infectious diseases with techniques such as mosquito control and inoculations.

Veterinarians are uniquely qualified to address high-priority public health issues such as animal-to-human transmission of infectious diseases because the curriculum in veterinary medical colleges is significantly different from that of other health professions. In addition to the basic biomedical sciences and the surgical and medical training that physicians receive, veterinarians receive extensive training in population medicine. Veterinary colleges also provide a broad, multispecies, comparative medical approach to disease prevention and control, which is fundamental to understanding the transmission and life cycle of infectious disease agents, especially those that animals share with humans.

Although I hope awareness of the part veterinarians play in promoting public health will improve, I want to note that I am by no means the first Government official to recognize the importance of veterinarians in public health practice. Dr. Julie L. Gerberding, Director of the Centers for Disease Control and Prevention, CDC, noted that, "Eleven of the last 12 emerging infectious diseases that we're aware of in the world have probably arisen from animal health sources." CDC estimates that more than 60 percent of all infectious organisms that are harmful to people are transmissible between humans and animals. In addition, more than more than 75 percent of newly emerging infectious diseases fit into this category and, even more important, more than 80 percent of biothreat agents of concern are shared between animals and man. These are the harmful biothreat agents most likely to be used in a bioterrorism attack.

So in closing, I would like to thank Senators KENNEDY, ENZI, MIKULSKI, and BURR for working with me to include this program in the bill. I am grateful for their hard work and support. My hope is that through this new grant program, veterinary colleges will be able to fulfill the needs of the communities that they serve and on a na-

tional level will augment the expertise of other public health specialists in preventing or mitigating the effects of possible pandemics or biological terrorist attacks.

Mr. DORGAN. Mr. President, I am here today to talk about the reauthorization of the Tribally Controlled College or University Assistance Act of 1978, which is included in H.R. 4137, the Higher Education Reauthorization and College Opportunity Act of 2008.

As chairman of the Senate Committee on Indian Affairs, I worked closely with the Health, Education, Labor, and Pensions Committee and the House of Representatives to ensure that provisions enhancing tribal colleges and universities were included in the reauthorization of the Higher Education Opportunity Act.

H.R. 4137 reauthorizes the Tribally Controlled College or University Assistance Act of 1978. Additionally, it will authorize two tribally controlled postsecondary career and vocational technical institutions: United Tribes Technical College and Navajo Technical College. Both of these institutions are critical to strengthening tribal higher education and providing the necessary resources for Indian students.

I have been a longtime supporter of tribal colleges and universities because of the benefits they provide to both the community and the individual student. There are 36 tribal colleges and universities throughout the United States. I am very fortunate to have 5 of these tribal colleges in my State of North Dakota.

Tribal colleges and universities offer a wide range of accredited programs from business administration to nursing. In addition to college-level courses, tribal colleges and universities also offer high school completion programs, job training, and college-preparatory courses.

These colleges and universities are essential to their communities, often serving as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places and childcare centers.

Because most tribal colleges and universities are located on or near Indian reservations, they provide a greater level of access to higher education for a group of Native students who would otherwise be unable to attend college.

Approximately 28,000 American Indian and Alaska Native students attend tribally-controlled colleges and universities across the country. Characteristics of American Indian students enrolled in tribal colleges differ from those of most other undergraduate students: Students attending these schools often come from geographically isolated communities with high unemployment rates where the average family income is \$13,998.00. This is 27 percent below the Federal poverty level. Most students attending tribal

colleges are the first generation in their family to go to college. American Indians who earn a bachelor's degree or higher can expect to earn two times as much as those with a high school diploma and four times as much as those with no high school diploma.

I am committed to finding ways to strengthen tribal colleges because they are truly a success story in Indian country. The reauthorization of the Tribally Controlled Colleges or University Assistance Act is a strong step in that direction.

Mr. LEVIN. Mr. President, access to higher education is increasingly important in a competitive, global economy where training beyond a high school education is frequently required. On average, a student who earns a bachelor's degree will earn 70 percent more annually than a student who has only a high school diploma.

Last year, Congress approved more than \$17 billion in new Federal aid for college students, the largest Federal investment since the GI bill with the enactment of the College Cost Reduction Act of 2007. This was a great victory for students and families all across America, including my home State. Michigan will receive over \$80 million in new assistance above the current \$429.8 million for the upcoming academic year and an additional \$689.6 million over the next 5 years.

However, we still need to do more to help students achieve their goal of attaining a college education as college cost continues to rise. The legislation before us, the conference report of the Higher Education Opportunity Act of 2008, is another major step forward to support students and families in this endeavor. It contains several important policy changes to increase access to college and help protect students, families and taxpayers from high college cost and unmanageable debt.

It expands need-based grant aid further by increasing Pell grants, from \$4,800 to \$6,000 for 2009 and to \$8,000 for 2014; and allows students, for the first time, to receive Pell grants year-round, to help them accelerate the completion of their degrees. The legislation also creates the Grants for Access and Persistence, GAP, program, a new matching grant program to allow States to increase need-based grant aid to students. This will give a major boost to the 5.3 million students who qualify for the Pell grant, 182,000 in Michigan.

The bill enhances and strengthens TRIO and GEAR UP, proven programs that help students, many of whom are first generation college-bound, prepare for and succeed in higher education. It expands required activities with a special focus on improving students' financial and economic literacy, and encourages student enrollment in challenging secondary coursework and professional development.

The legislation also replaces the complex, 7-page Free Application for Federal Student Aid, FAFSA, with a 2-page EZ-FAFSA; bans lenders from of-

fering gifts to college officials as a condition of making student loans, and requires colleges to adopt a code of conduct regarding student loans; promotes innovative and effective teacher preparation programs for new and prospective teachers; and creates a pipeline for high-quality teachers to teach in high-need schools by promoting partnerships between teacher education programs and high-need districts.

The bill also makes college a reality for more students with disabilities through a number of new initiatives, including supporting model demonstration projects to make college course materials more accessible; and expands and strengthens nursing faculty by creating a new grant program to help nursing schools enroll more students.

Finally, this legislation also includes a much-needed amendment introduced by Senator DURBIN, which I cosponsored, that creates a targeted student loan repayment assistance program that will bolster the ranks of attorneys in this country's criminal justice system. It will provide up to \$10,000 a year in student loan forgiveness for those who will work a minimum of 3 years as State or local criminal prosecutors or as State, local, or Federal public defenders. This would benefit many young law graduates who want to take a job as a young prosecutor or public defender, but find it difficult to do so because of a mountain of student debt. The need for this amendment is apparent. Prosecutor and public defender offices throughout the country are having serious difficulties recruiting and retaining qualified attorneys. In a recent survey, over a third of prosecutor offices nationwide reported problems with keeping attorneys on staff. Over 60 percent of prosecutor offices that serve populations of 250,000 or more have reported serious problems with the retention of attorneys. The story is the same for public defender offices. Another recent survey found that over 60 percent of State and local public defender offices reported difficulty in attorney recruitment and retention. When prosecutor and defender offices cannot attract new lawyers or keep experienced ones, their ability to protect the public is compromised. Caseloads become unmanageable, cases can be delayed or mishandled, crimes may go unprosecuted, and innocent defendants may sit in jail.

A student's access to higher education ought not to depend on his or her family's income. Working families and aspiring students across this country are struggling to obtain the financial resources to secure a college education. Low and middle income students who have managed to enter and stay in college are graduating with unprecedented levels of debt. This legislation, coupled with the legislation Congress passed last year responds to this crisis.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Higher Education Opportunity Act of 2008 that would

renew major programs that ensure our Nation's students have access to a college education.

This important legislation would increase grant aid to our neediest students, provide new measures to address rising college costs, and would reform the student loan system so that it better serves students.

Students and their families in California and nationwide are struggling to pay the growing costs of a college education.

Specifically, this bill will increase Pell grants from \$4,800 to \$6,000 for 2009 and to \$8,000 for 2014. Over 625,000 California students rely on Pell grants to afford college.

It will allow low-income students, for the first time, to receive Pell grants year round, including summer school. This will help students complete their degree programs more quickly.

It will allow military servicemembers to defer payments, interest free, on Federal direct loans while they are on active duty. Our service men and women risk their lives for our Nation and deserve to not have to worry about paying their student loans while they are on duty.

It will authorize the U.S. Department of Education to award competitive grants for Teacher Preparation Programs that help recruit and retain high-quality teachers in high-need schools.

It will require the U.S. Department of Education to publish detailed data about college pricing trends on its website to ensure more transparency.

It will simplify student financial aid forms by creating a new 2-page form for low-income students, and phase out the current 7-page form within 5 years.

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

More than half of California students who graduate from 4-year public colleges have debt averaging over \$12,000.

Nearly 1 year ago, the President signed into law major legislation that provides over \$17 billion in new grant aid to low-income college students—\$2.5 billion of which would go to help California's students. And the key reforms in the renewal of this Higher Education legislation before us today will further help ensure that college is more affordable for our young people and that they receive the education they deserve to succeed.

Mr. KERRY. Mr. President, education is at the core of America's basic promise—that all Americans should be able to make the most of their potential.

Every young person should graduate from high school, and every young person who works hard and wants to go to college should be able to afford it. And all Americans should be able to get the skills they need to succeed throughout their lives.

Today, I am supporting the Higher Education Opportunity Act conference report because it will advance key reforms that will address the soaring

price of a college education and remove obstacles that make it harder for qualified students to attend college. This legislation is an important step forward for students and their families. It will help reduce their college costs and will help expand the future growth of our economy.

This legislation would not have been possible without the leadership of Senator EDWARD M. KENNEDY who has tirelessly dedicated his time in the Senate to helping children and their families gain increased access to education. It is another victory for Senator KENNEDY, whose record of achievement in the Senate has helped benefit the lives of virtually every man, woman and child in the country. As we adopt this legislation, I want Senator KENNEDY to know that we miss him, that we are thinking of him as he recovers from his illness and we congratulate him on this important accomplishment.

The Higher Education Opportunity Act will hold colleges more accountable for increasing costs and will simplify the federal financial aid application process. The legislation will make textbook costs more manageable for students by helping them plan for textbook expenses in advance of each semester. It will increase college aid and support programs for veterans and military families. This legislation will ensure equal college opportunities and fair learning environments for students with disabilities. It includes new measures to curb unethical practices in the student loan industry, increasing federal grant aid to our neediest students, and strengthen college pipeline programs.

The Higher Education Reauthorization Act will help ensure that all Americans can make the most of their God-given talents. Educating our children is a key part of ensuring a strong economy in the future. It will help make college affordable for all and expand lifelong learning. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, I wanted to affirm my support of the Higher Education Act, which will help many young Americans realize their dream of a college education.

As president of West Virginia Wesleyan years ago, I saw firsthand that given the opportunity, student will perform to the highest degree. Our goal as legislators should be to provide quality, affordable education for every American. While we have done a good job giving high school students the opportunity to attend higher education, the time has come to do more to make it affordable.

Tuition rates have steadily increased over the last few years while our Nation's financial aid programs have failed to keep up, causing college students to graduate with higher amounts of debt than ever before. In West Virginia alone, the cost of college education has increased at least 30 percent since the 2000-2001 school year, while the median family income of most

West Virginians has increased only 13 percent. Additionally, the percentage of higher education that is paid for with grants has decreased significantly, from 77 percent in 1975-1976 to just 20 percent in 2004-2005.

The Higher Education Act before us today will modernize the financial aid system. The act will revitalize title IV loans, including Pell grants. Pell grants help over 35,000 West Virginia students attend college, a value of \$92 million annually. An increase in assistance is needed to help students cope with the rising cost of tuition. The bill will invest \$20 billion to improve Pell grants. The loan amount will increase approximately \$500 next year, and in 2012, the maximum Pell grant should be \$5,400. These improvements will allow more low-income students to have the opportunity to pursue higher education that before would have been out of their reach.

An important provision in the act will protect students by giving them greater access to information about their loans by requiring student loan providers to be up front about terms and rates. This new law will reduce interest rates on Federal student loans, allowing students to graduate college with less debt and on a stable financial foundation. The law even addresses the real concern about the rising costs of textbooks with balanced provisions to disclose prices.

The act would also increase TRIO funding and provide better tools to encourage high school students to apply for college. Every year, I meet with TRIO leaders and students from across the state of West Virginia about the importance of this program. The Higher Education Reauthorization Act allows our dedicated TRIO counselors to focus on tutoring, college exam preparation, and assisting students with application and financial aid applications. West Virginia has 30 TRIO programs which will benefit by the increase in the grant duration and funding. This increased support, will better enable the 8,000 plus West Virginian TRIO students to reach their potential in high school, and achieve their goal of pursuing higher education.

Another vital part of this legislation is the emphasis it places on sciences and mathematics. The greater assistance and grant money going to students who study science and mathematics, will ensure that our Nation has a group of educated individuals who are ready to handle future challenges.

To support our troops and their families, this legislation allows service members to defer payments on loans, and stop interest on Federal direct loans while they are on active duty. It will ensure that military benefits do not count against service members' eligibility for Federal grants and loans they need to pay for college. It will provide for easy reenrollment for service members when they return from duty and go back to school.

The Higher Education Reauthorization Act will provide opportunity to

students in West Virginia and throughout the country. This bill also encourages public service and puts a new emphasis on science and math, causes that I have long promoted. This is an important bill and I commend my colleagues and the leadership for forging bipartisan consensus to enact this legislation that should inspire students to pursue their dreams of a higher education.

Mr. AKAKA. Mr. President, today, I was pleased to vote in favor of the conference report to accompany the College Opportunity and Affordability Act, H.R. 4137. I congratulate my colleagues, particularly my good friend, Senator KENNEDY, for their dedication and bipartisan efforts in moving this vitally important legislation forward. It is imperative during these difficult economic times, to do all that we can to help students achieve their educational goals by making college more accessible and more affordable. This legislation will assist students and their families in Hawaii and across the Nation by, among other things, simplifying the Federal financial aid application process, increasing the amount of Federal grants to students and their families who need them most, providing more authority to regulate private student loan lenders engaged in predatory practices, and holding colleges accountable for growing tuition rates.

As chairman of the Veterans' Affairs Committee and a senior member of the Armed Services Committee, I was also pleased to support this legislation which will make higher education more accessible for the men and women who have volunteered to protect and defend our Nation. It includes a provision allowing the members of our Armed Forces to defer their payments, interest free, on Federal Direct Loans while they are on Active Duty and making reenrollment easier for service members who left college to join the military. It also benefits the families of our soldiers and sailors who have also sacrificed so much. First, by providing new scholarships for the children and family members of service members who have died since 9/11. And, second, by providing instate tuition for members of the military and their dependents who have lived in a state for more than 30 days.

This legislation also incorporates several provisions which will specifically benefit students in Hawaii. These include the authorization of the creation of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii as a repository for Native Hawaiian historical artifacts and the expansion of authorized grant programs for Native Hawaiian Institutions to include education designed to improve financial literacy. It also clarifies that Native Hawaiians and other Pacific Islanders are eligible for the Federally funded McNair Scholars Program. In addition, it benefits our State by authorizing the development

and expansion of programs to improve science, technology, and mathematics education specifically focused on meeting the educational and cultural needs of Native Hawaiian students.

Today, more than ever, a college education has become a key to future opportunities and financial stability. A student who desires to attend college should not have to delay or give up their dreams of a higher education because of the cost.

With the passage of this bill today, we are helping students achieve this dream and I applaud its passage. Now, it is time for the President to sign this critically important bill into law and make it a reality.

Mr. REID. Mr. President, last year, as Democrats took control of the Congress, we made college affordability and access one of our top priorities.

In the fall, we completed work on the first part of that promise—the College Cost Reduction and Access Act. This landmark legislation provided nearly \$20 billion in new student aid and benefits, including a significant increase to the Pell grant and a reduction in student loan interest rates, which went into effect last month, providing a tangible benefit to college students across this country.

It's been a full decade since the Congress last reauthorized the Higher Education Act. Today, as a result of a strong bipartisan effort, we take up the final piece of our commitment to make a college education more affordable and accessible.

Among other key provisions, this conference report addresses the scandals that have tainted the student loan industry. Through increased disclosure requirements, a prohibition on payments and gifts from lenders to colleges and financial aid administrators, and new restrictions on preferred lender lists, we are finally putting an end to these unacceptable practices, and making sure that the student loan system works in the best interests of our students.

Just as importantly, the Higher Education Opportunity Act tackles the rising costs of college. Despite the billions in new student aid and benefits we approved last year, if college costs continue to rise at the rate they have been—nearly tripling over the past 20 years—higher education will continue to remain further and further out of reach for too many Americans.

I am pleased that students in Nevada have the good fortune of a state university system with some of the lowest tuition costs in the nation. But the same is not true everywhere and this bill will hold colleges and universities accountable if their costs increase too dramatically. It also ensures that students and parents have the information they need to make objective decisions based on the cost of college, and attempts to rein in the high cost of textbooks, by requiring greater disclosure of prices and purchasing information.

On the issue of costs, the Federal Government has raised the bar in its

commitment to higher education. While statehouse budgets are undoubtedly strained in these difficult economic times, I am hopeful that these efforts will not result in a reduced State commitment to making sure that a college education is affordable. I am concerned, along with students and college administrators in my own State, about harmful budget cuts to colleges and universities in Nevada. The Federal Government is doing its part for students, and I hope State governments will continue to do the same.

To further assist students, the bill authorizes an increase in the maximum Pell grant to \$6,000 in 2009 and \$8,000 by 2014, and makes it available to college students year-round, instead of just during the traditional academic year. This is particularly important for low-income, nontraditional students in Nevada—those juggling college, jobs and a family—or for those students at community colleges taking summer courses so they can finish their degrees.

Additionally, to help low-income and first generation students, this legislation strengthens the GEAR UP and TRIO programs, programs which have helped thousands of young Nevadans achieve their dream of a college degree.

A final point I want to highlight is the simplification of the federal financial aid form—the FAFSA. Currently seven pages long and probably more complicated than filling out a tax return, the bill creates a two-page “EZFAFSA” for low-income kids, and phases out the current form within five years. This will help get federal aid to the students that need it most.

While Senator KENNEDY and ENZI, and the entire HELP Committee deserve enormous credit for their work to move this legislation forward in a bipartisan way, I also want to thank my friend from Maryland, Senator MIKULSKI, who stepped into some very big shoes with Senator KENNEDY's absence, to help get this bill across the finish line.

Combined with our efforts last year, passage of the Higher Education Opportunity Act reaffirms our commitment to making sure higher education is affordable and accessible for students across America.

The PRESIDING OFFICER (Mr. SANDERS). Who yields time?

Ms. MIKULSKI. I yield the Senator from Illinois 3 minutes.

Mr. DURBIN. I thank the Senator from Maryland. What a great job she did pinch hitting for our friend TED KENNEDY, with Senator ENZI, bringing this bill to the floor tonight and the conference report. There are three or four provisions in here I worked hard to include, and I think they are going to help provide an affordable college education.

You would be surprised to know that about one-fourth of the expense that college students face when they go to college is for textbooks. Textbooks cost twice as much as ordinary books.

Until we put this provision in, students couldn't go on Amazon and other places to find discounts. Now they will be able to. They will have the information so they can search for the most affordable books. We make the publisher split up the books into pocket parts and CDs so they don't bundle them together, and students can buy only what they really need.

Secondly, I have been working for years with my friends who are prosecutors and public defenders. Kids graduating from law school today have a mountain of debt. They can't afford, usually, to take a job as a young prosecutor or public defender. We have a student loan forgiveness program in here. It went through the Judiciary Committee, now through the HELP Committee. It will provide up to \$10,000 a year in student loan forgiveness for those who will work a minimum of 3 years. That is the way to build the professionals we need as both prosecutors and defenders. It is the John R. Justice Act. It is one that will help our Nation and help the enforcement of law all across the country.

I also have a provision to help campuses deal with insecurity and terrorism. We have seen too many instances of violence on campus. This will provide for coordination on campuses to develop plans to keep their students safe. That is something every parent wants to feel when they leave their kids at school.

These are all steps in the right direction. I thank all those who worked on this bill. Most of us in the Senate would say flat-out we wouldn't be here today were it not for higher education. It has become a more difficult challenge for today's students. This bill is going to give those students a helping hand. I will be happy to cast my vote in favor of it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Connecticut, who also chairs the Banking Committee. On behalf of all of us who worked on this bill, I thank Senator DODD for helping us resolve some very serious issues that existed between the Banking and Education Committees on the student loan issue. His steadfastness and work with Senator SHELBY actually helped us bring this bill to the floor. I thank him.

Mr. DODD. Mr. President, let me return the compliment by commending our colleague from Maryland, who has taken on the Herculean task in the absence of our colleague from Massachusetts, of shepherding, along with Senator ENZI, this very important piece of legislation. My compliments to MIKE ENZI, the Republican leader on this issue, along with BARBARA, and the House leaders—GEORGE MILLER, with

whom I was elected to Congress many years ago—and the members of the House Education Committee.

This is a very important bill. A few days ago we passed the housing bill to make a difference for people facing foreclosure. We tried to pass legislation dealing with low-income energy assistance. I remind my colleagues, the Presiding Officer led the effort on that issue, and we will come back to it.

Education costs are critical to address. This bill is sweeping in its reforms, making a difference for average Americans and their families to deal with those costs and allow them to achieve the goal of a higher education, which not only has tremendous advantage for them individually but for us, as a country. It is a small price to pay for the reward we receive. The GI bill, which was adopted during World War II, is another example of this sort of effort, providing 8 million Americans benefits. Over the years it cost a lot of money, but the benefit to our country has vastly exceeded the cost of that program. This bill is like that one in many ways. This bill is not inexpensive, but it provides benefits to our country.

I am particularly proud of a number of provisions. One is the Pell grant increase, up to \$8,000, which will help us in dealing with the cost of a public education, though not close enough when it comes to private education. The Patsy Mink Fellowship Program, which I am proud to have authored, creates scholarships and makes it possible for young women and minorities to become college professors, and addressing the very small number of women who are providing a college education. The provisions designed to get colleges and universities to control their costs, including both transparency and incentives for schools who succeed in this endeavor. I am also proud of the improvements we have made to TRIO and GEAR-Up and the expansion of child care in this bill.

Lastly, as my friend and colleague from Maryland pointed out, the inclusion of the Private Student Loan Transparency Improvement Act, which Senator SHELBY and I, along with 19 other members of the Banking Committee authored unanimously, will make a difference when it comes to protecting student borrowers from excessive debt. These provisions require lenders to provide more accurate and timely information to their customers about interest rates, terms and conditions of their private loans, and prohibits documented private student lending practices that have harmed students and their families, keeping them from obtaining the most competitive and affordable student loans.

The bill also ensures that private lending is done on the fairest and most transparent terms. It prevents kickbacks and co-branding that may allow steering of students to specific lenders, and it guarantees borrowers time to consider their options and shop around

for better terms without losing the loan they have been offered. These are very important steps.

Finally, I end where I began. None of this would have happened without the senior Senator from Massachusetts who has dedicated his life to working families. This bill is yet further testimony to his commitment to those constituencies, the people of this country. We have missed him terribly lately, but he had a champion in the Senator from Maryland. If I had to pick one person to replace TED KENNEDY, I would choose BARBARA MIKULSKI every day of the week. She did a fabulous job on behalf of students and their families. We thank her immensely. I know my friend from Massachusetts is watching tonight, and he thanks her as well.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, may I ask how much time I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. ENZI. Mr. President, I won't use nearly that much time, and I would be happy to share with my colleague, if she wants to make some closing remarks as well.

I rise to summarize why the Higher Education Opportunity Act is a major victory for America's students and their families and for our future economic security. Simply put, it ensures that a college education, which is the gateway to the future for working families and for businesses, will be within their reach in the years to come.

I thank those who have made their comments earlier: the Senator from Oklahoma, Mr. COBURN, and the Senator from Tennessee, Mr. ALEXANDER, who pointed out some things that still need to be done in the area of higher education. It would have been nice to have been able to do them in the bill.

One of those is deregulation. If we have that much paper, that many billions of dollars' worth of paper that need to be done, it is time for us to appoint a task force to evaluate their usefulness. I did that with some of the elementary education issues the first year I was here, and we found that every single paper that was submitted to the Department of Education was looked at to be sure that every blank was filled in and every "t" was crossed and every "I" was dotted. Our disappointment was that they were then filed away and nobody made any use of them.

We were able to get rid of some of those forms. Obviously, this is an even bigger opportunity.

The Senator from Oklahoma pointed out the lack of metrics for progress in these areas. Although there are new programs, past experience has been that many of them do not get funded because they have to come out of discretionary funds. They are good ideas that probably will never happen. But it

would be a good idea to have metrics in there so we can gauge how well things are doing. We have a law that provides for that kind of measurement and requires each agency have a program to set up the guidelines by which we can measure, and then they are required to measure. I have noticed over the years that there are a number of agencies that are actually failing their own evaluations. We never do anything with that, which is another challenge.

Our country is being challenged today, and it is a challenge we cannot afford to lose. We are engaged in a race for knowledge and skills, and the nation that wins will have a head start on building a stronger economy. The solution to this challenge is to make a college education more accessible, affordable, and accountable for all Americans. That is what we are trying to do in the Higher Education Opportunity Act.

In this era of rising college costs, students and families must have good information to use when making decisions about which college to attend, how to finance their college education, and how to manage their student loans once they are out of college. This agreement is about good information, sunshine, and transparency. College is no longer an option. It is a necessity. Most good jobs today require some college. I want to make sure everyone has access to the education and training they will need to be successful in the global economy. This legislation gets us much closer to that goal.

I am pleased to say that with the passage of this agreement, we will have completed the work of two of the four pieces that make up Federal education and training policy.

Late last year we finished Head Start. Today we will finish higher education. We still have more work to do because we must reauthorize and improve the Workforce Investment Act so that our workers have the skills they need to be successful in an increasingly skill-driven economy. That leaves reauthorizing No Child Left Behind to complete our education task.

Mr. President, as this debate on this legislation comes to a close, it is necessary to thank those who have worked long and hard on this bill. First and foremost, I thank Chairman KENNEDY for his commitment to keeping this process bipartisan, and working with me and all of my Republican colleagues on the HELP Committee throughout this entire process, lately by telephone, but with the same passion and enthusiasm.

I also thank Senator MIKULSKI for taking the helm and getting us to the finish line when others might have given up.

Because this has been a bipartisan, bicameral process, I want to thank our House counterparts—Chairman MILLER, Ranking Member McKEON, Congressman HINOJOSA, and Congressman KELLER—for their commitment to working with us to find ways to reach

an agreement on issues that many thought would be impossible to achieve.

There are many other Members I wish to thank for contributing the time and effort they did to make sure we were putting together good policy. It is difficult to single out just a few. I have to immensely thank every single Senator who is on my committee, both Republican and Democrat. That is where we share ideas. That is where most of the changes in the bills are made. That is where people are able to get together and debate at length their ideas for how to make things better. And we do.

I thank Senators ALEXANDER, BURR, and COBURN for their comments. They have disagreements on some of the key issues in the conference report, but, nonetheless, they continued to work to reach a resolution and improve the final product.

There are many congressional staff who worked on this conference report. The breadth and importance of the issues, not to mention the length of the legislation, requires many people working many hours to get it done. Actually, it is not only many hours or many days or many weeks or many months—but this one has been many years.

I have always said I have a staff worthy of gold medals, and my staff who worked on this bill have shown their gold medal status once again. I must first acknowledge and thank Beth Buehlmann, my education policy director. It is no exaggeration to state that without Beth, I do not think there would be a Higher Education Act reauthorization today. That is what I hired her for several years ago. She truly was the force to start the reauthorization 3½ years ago. She worked tirelessly to ensure that we drafted a bill to reflect the changing nature of our student bodies, as well as to ensure that we, as a nation, will maintain our status as having the best education system in the world.

Her team of Ann Clough, Adam Briddell, Kelly Hastings, and Lindsay Hunsicker is comprised of remarkable individuals who brought their talents and knowledge to the forefront in this bill.

I also thank my staff director, Ilyse Schuman, and Greg Dean, Amy Shank, Randi Reid, John Hallmark, and Ron Hindle, who also put in many hours and added invaluable input into this bill as well as the overall process.

I also thank members of Senator KENNEDY's staff for their hard work: Michael Myers, who has been tireless on this and has provided the kind of leadership that coordinated it through some of these difficult times; Carmel Martin, the expert on education; JD LaRock; Missy Rohrbach, who, incidentally, had twin babies today, a boy and a girl. It is my understanding she is doing well. She worked while pregnant and helped to get this pregnant bill done. I also thank Erin Renner, Ro-

berto Rodriguez, and Emma Vadehra of Senator KENNEDY's staff.

Additionally, I thank all of the other HELP Committee staff for their hard work throughout this process, especially David Cleary and Sarah Rittling of Senator ALEXANDER's subcommittee staff. Also deserving thanks are our Republican Members' staff, including Allison Dembeck, Celia Sims, Glee Smith, Karen McCarthy, Juliann Andreen, Alison Anway, John van Meter, and Elizabeth Floyd, as well as their Democratic staff counterparts. Also, I thank Scott Raab from Senator MCCONNELL's office and Jim Johnson in Senator SHELBY's office for helping us work through some of the more difficult issues in the negotiations.

Also deserving my gratitude is the House staff, including Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, and Jeff Appel with Chairman MILLER's staff, and Sally Stroup, James Bergeron, and Amy Jones with Congressman MCKEON's staff.

Also, with any piece of legislation that we draft, we should not forget the legislative counsels in both bodies who worked tirelessly to put the 1,500-page agreement together. They are Steve Cope, Molly Lothamer, Mark Koster, Kristin Romero, and Amy Gaynor, who also deserve to be recognized.

It has been 10 years since the last major reauthorization. I believe it was worth the time and the effort to get it to this point. The changes we make today will affect today's students and students for generations to come.

I yield the floor and yield the remainder of my time to the Senator from Maryland.

THE PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Wyoming.

We are now heading to our wrap-up.

Mr. President, I ask unanimous consent that a list of 48 letters in support of the bill be printed in the RECORD. They range from the American Association of State Colleges and Universities, to the United States Student Association, to the Chamber of Commerce, and many others.

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

LETTERS OF SUPPORT RECEIVED FOR HIGHER EDUCATION OPPORTUNITY ACT

American Association of State Colleges and Universities, State Higher Education Executive Officers (SHEEO), U.S. Public Interest Research Group/United States Student Association, United Negro College Fund, Association of Jesuit Colleges and Universities, Council for Opportunity in Education, Thurgood Marshall College Fund, National Association for Equal Opportunity in Higher Education (NAFEO), National Council for Community and Education Partnerships (NCCEP), National Council of La Raza, National Education Association, American Federation of Teachers, American Indian Higher Education Consortium, National Down Syndrome Society/National Down Syndrome Congress, National Federation for the Blind, and Consortium for Citizens with Disabilities.

U.S. Chamber of Commerce, American Bar Association, American Association of University Women, American Association of School Administrators, American Association of Colleges of Teacher Education, Career College Association, Council of Graduate Schools, National School Board Association, National Association of Student Financial Aid Administrators, National Association for the Education of Young Children, New York State Education Department, University of North Carolina, California State University, Northwestern University, Student Loan Servicing Alliance, and National HEP/CAMP Association.

Hispanic Education Association, Center for Law and Social Policy (CLASP), Direct Loan Coalition, Massachusetts Institute of Technology, Endicott College (MA), College Summit, Motion Picture Association of America, National Association of College Stores, Legal Action Center, EdInvest, International University of Nursing, St. George's University School of Medicine, University of Phoenix, Massachusetts Educational Opportunity Association, St. Matthew's University, and Saba University School of Medicine.

Ms. MIKULSKI. Mr. President, I too thank the very hard-working staff on this bill. There have been many compliments of me tonight, but I could not have done what Senator KENNEDY asked me to do without the very able help of Senator KENNEDY's staff. Senator ENZI articulated them by name, but especially Mike Myers, Carmel Martin, JD LaRock, and others. I could not have done it without them. Also, I say to Senator ENZI, we could not have done this without you. I worked with you on pensions and I knew how solid our relationship was and how carefully you pursue these matters. Senator KENNEDY said you were a prince of a guy to work with, and he was absolutely right. I extend my thanks to you and to your professional staff as well.

There were also other Democrats who worked on the bill on our side—two who could not speak tonight, but I acknowledge the very hard-working role of Senator OBAMA, who was a very aggressive advocate on many of these issues, along with Senator CLINTON.

Mr. President, I ask unanimous consent that a list of the staff thank-yous be printed in the RECORD so we do not forget one person who helped make this legislation possible.

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

LIST OF STAFF THANK-YOU'S FOR HEA

Senator Kennedy: Michael Myers, Carmel Martin, J.D. LaRock, Erin Renner, Missy Rohrbach, Emma Vadehra, Jennie Fay, Shawn Daugherty, Michael Zawada, Roberto Rodriguez, David Johns, Jane Oates.

Senator Enzi: Ilyse Shuman, Greg Dean, Beth Buehlmann, Ann Clough, Adam Briddell, Lindsay Hunsicker, Aaron Bishop, Kelly Hastings.

Chairman Miller: Mark Zuckerman, Alex Nock, Gabriella Gomez, Julie Radocchia, Jeff Appel.

Ranking Member McKeon: Sally Stroup, Amy Jones.

Senator Dodd: Mary Ellen McGuire, Jeremy Sharp.

Senator Mikulski: Julia Frifield, Dvora Lovinger, Robin Juliano.

Senator Harkin: Rob Barron.

Senator Bingaman: Michael Yudin, Michele Mazzocco.

Senator Murray: Kathryn Young.
 Senator Reed: Seth Gerson.
 Senator Clinton: Mildred Otero, Latoya Johnson, Chelsea Maughan.
 Senator Obama: Steve Robinson.
 Senator Sanders: Huck Gutman.
 Senator Brown: Will Jawando.
 Senator Gregg: Allison Dembeck.
 Senator Alexander: David Cleary, Sarah Rittling.
 Senator Burr: Celia Sims.
 Senator Isakson: Glee Smith.
 Senator Murkowski: Karen McCarthy.
 Senator Hatch: Juliann Andreen.
 Senator Roberts: Alison Anway.
 Senator Allard: Jon VanMeter.
 Senator Coburn: Elizabeth Floyd.
 Senate Banking Committee: Senator Dodd: Shawn Maher, Amy Friend, Roger Hollingsworth.
 Senator Shelby: Jim Johnson.
 Senate Budget Committee: Robyn Hiestand.
 Senate Legislative Counsel: Mark Koster, Amy Gaynor, Kristin Romero, Laura Ayoud.
 House Legislative Counsel: Steve Cope, Molly Lothamer.
 Congressional Budget Office: Debb Kalcevic, Justin Humphrey.

Ms. MIKULSKI. Mr. President, I also thank our colleagues in the House. Congressman MILLER and Congressman MCKEON were absolutely stalwarts in working with us. Congressman MILLER and I had daily conversations on how to move this bill forward, and it was both fruitful and productive, and what the Congress should be.

A word about working with my colleague, Senator ENZI. We had disputes. We had issues. We had things that had to be worked out. You heard some of them this evening from the Senator from Oklahoma, the Senator from Tennessee. But at the end of the day, the day was over. We would be able to work and follow that kind of Ronald Reagan-Tip O'Neill rule that when the day was over, the dispute was set aside. We went home and thought about what we could do to move this bill.

I wish the whole Senate could work the way we worked on this bill, starting with Senator KENNEDY's leadership, and Senator ENZI's, as they held the hearings, listened to us, and included us. We need to do more bipartisan work. When all is said and done, we have to start doing things and less saying things. Because one of the great things I like about this bill is it achieves a very important American freedom.

Our Constitution explicitly guarantees many rights: the freedom of speech, the freedom of assembly, the freedom of religion, the freedom of press. But implicit in our Constitution, our Declaration of Independence, and all of our documents, all of our beliefs, and all of our values, is we believe in the freedom to achieve, that in the United States of America you can be anything you want to be, and you have access, and should have access, to an opportunity ladder that enables you to participate in the American dream.

We are a country whose values say: Dream about what you can be and dream about what you can contribute. And when you want to follow that

dream, you should not be barred from it because of the size of your wallet. Your dream should only be shaped by the size of your talents.

I think this bill today, tonight, will advance this whole freedom to achieve, this opportunity ladder for our young people. I am very honored to participate in it. I am very honored Senator KENNEDY asked me to take on this conference. But we could not have advanced this idea without Senator TED KENNEDY.

Senator TED KENNEDY is a giant in this institution and in this country. His whole life has been devoted to access to opportunity, access to education, access to health care, that there be no barriers in the area of civil rights where people were sidelined or redlined.

So tonight, as we move to the adoption of this bill, I say to my colleagues here, I urge the adoption of this bill.

I want Senator KENNEDY to know many of us today, and while he has been recovering from his illness, have worn these blue armbands. They say: "Ted Strong." Well, we know Ted is strong.

So, Ted, this is for you tonight.

Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, I understand that the actual vote on the conference report will occur at a time to be determined by our leadership.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that the conference report to accompany H.R. 4137 be set aside; and the Senate now proceed to the conference report to accompany H.R. 4040, the Consumer Product Safety Commission Act; there be debate on the conference report until 8 p.m. this evening, with the time equally divided and controlled in the usual form; that at 8 p.m. the Senate proceed to vote on adoption of the conference report to accompany H.R. 4040, that upon disposition of that report, the Senate then resume the conference report to accompany H.R. 4137 and the Senate proceed to vote on adoption of the report, without further intervening action or debate; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, if I could have the attention of the Members, there will be two votes at 8 o'clock.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will lay before the Senate the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040), to establish consumer product safety standards and other safety requirements for children's products, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 2008.)

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I rise today to urge my colleagues to support the conference report for H.R. 4040, the Consumer Product Safety Improvement Act of 2008.

Today is a great day for American families. This bill is the first step toward revitalizing an important safety agency and restoring confidence in the safety of consumer products for years to come.

Media reports and consumer advocates have called this bill the most important consumer product safety legislation in a generation. I call it legislation that is long overdue. The Consumer Product Safety Commission—Commission—is a small agency with an exceptionally broad and important charge, as the name suggests, the protection of consumers, particularly children from dangerous products. The Commission is responsible for ensuring that the more than 15,000 products—everything from infant cribs to all-terrain vehicles—are safe to use. Every year, more than 28,000 Americans die and an additional 33 million are injured by consumer products. These numbers are too high, and an effective CPSC with increased funding, staff, and authority is essential to reducing these losses.

I am very pleased that many of the key provisions which originated in the Senate, such as the searchable database, whistleblower protection, phthalates restrictions, mandatory toy safety standards, and all-terrain vehicle safety standards were included in