S. 29

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 29, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 32

At the request of Mr. PORTMAN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 32, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 40

At the request of Mr. HATCH, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. ENZI) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 40, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 41

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 41, a bill to provide a permanent deduction for State and local general sales taxes.

S. 43

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 43, a bill to require that any debt limit increase be balanced by equal spending cuts of the next decade.

S. 47

At the request of Mr. LEAHY, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. TESTER), the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. REED), the Senator from Minnesota (Mr. FRANKEN), the Senator from New Mexico (Mr. UDALL), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Mr. BEGICH), the Senator from Maine (Mr. KING), the Senator from Oregon (Mr. WYDEN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 47, a bill to reauthorize the Violence Against Women Act of 1994.

S. 51

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 51, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. RES. 4

At the request of Mr. UDALL of New Mexico, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 4, a resolution to limit certain uses of the filibuster in the Senate to improve the legislative process.

S. RES. 5

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 5, a resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

S. RES. 7

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. Res. 7, a resolution to permit the Senate to avoid unnecessary delay and vote on matters for which floor debate has ceased.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. BENNET, Ms. KLOBUCHAR, Mr. BURR, AND MR. KIRK):

S. 80. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Reporting System, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 80

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sexual Assault Forensic Evidence Reporting Act of 2013'' or the ''SAFER Act of 2013''.

SEC. 2. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(7) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

''(8) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).'';

(2) in subsection (c), by adding at the end the following new paragraph:

''(4) ALLOCATION OF GRANT AWARDS FOR AUDITS.—For each of fiscal years 2014 through 2017, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(7), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).''; and

(3) by adding at the end the following new subsections:

''(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

''(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(7) only if the State or unit of local government—

''(A) submits a plan for performing the audit of samples described in such subsection; and

''(B) includes in such plan a good-faith estimate of the number of such samples.

''(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(7)—

''(A) may not enter into any contract or agreement with any non-governmental vendor laboratory to conduct an audit described in subsection (a)(7); and

''(B) shall—

''(i) not later than 1 year after receiving the grant, complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph;

''(ii) not later than 60 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of the initiation of an audit under paragraph (1)(A), subject to paragraph (4)(F), include in any required reports under clause (v), the information listed under paragraph (4)(B);

''(iii) for each sample of sexual assault evidence that is identified as awaiting testing as part of the audit referred to in paragraph (1)(A)—

''(I) assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence that is in the possession of the State or unit of local government and is awaiting testing; and

''(II) identify the date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates;

''(iv) provide that—

''(I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or

''(II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and

''(v) comply with all grantee reporting requirements described in paragraph (4).

''(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(B)(i) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

''(4) SEXUAL ASSAULT FORENSIC EVIDENCE REPORTS.—

''(A) IN GENERAL.—For not less than 12 months after the completion of an initial count of sexual assault evidence that is awaiting testing during an audit referred to in paragraph (1)(A), a State or unit of local government that receives a grant award under subsection (a)(7) shall, not less than every 60 days, submit a report to the Department of Justice, on a form prescribed by the Attorney General, which shall contain the

information required under subparagraph (B).

''(B) CONTENTS OF REPORTS.—A report under this paragraph shall contain the following information—

''(i) the name of the State or unit of local government filing the report;

''(ii) the period of dates covered by the report;

''(iii) the cumulative total number of samples of sexual assault evidence that, at the end of the reporting period—

''(I) are in the possession of the State or unit of local government at the reporting period;

''(II) are awaiting testing; and

''(III) the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses;

''(iv) the cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses, provided that the reporting form shall allow for the State or unit of local government, at its sole discretion, to explain the reasoning for this determination in some or all cases;

''(v) the cumulative total number of samples of sexual assault evidence in a total under clause (iii) that have been submitted to a laboratory for DNA or other appropriate forensic analyses;

''(vi) the cumulative total number of samples of sexual assault evidence identified by an audit referred to in paragraph (1)(A) or under paragraph (2)(B)(ii) for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period;

''(vii) the total number of samples of sexual assault evidence identified by the State or unit of local government under paragraph (2)(B)(ii), since the previous reporting period; and

''(viii) the cumulative total number of samples of sexual assault evidence described under clause (iii) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

''(C) PUBLICATION OF REPORTS.—Not later than 7 days after the submission of a report under this paragraph by a State or unit of local government, the Attorney General shall, subject to subparagraph (D), publish and disseminate a facsimile of the full contents of such report on an appropriate internet website.

''(D) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that any information published and disseminated as part of a report under this paragraph, which reports information under this subsection, does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

''(E) OPTIONAL REPORTING.—The Attorney General shall—

''(i) at the discretion of a State or unit of local government required to file a report under subparagraph (A), allow such State or unit of local government, at their sole discretion, to submit such reports on a more frequent basis; and

''(ii) make available to all States and units of local government the reporting form created pursuant to subparagraph (A), whether or not they are required to submit such reports, and allow such States or units of local government, at their sole discretion, to submit such reports for publication.

''(F) SAMPLES EXEMPT FROM REPORTING REQUIREMENT.—The reporting requirements described in paragraph (2) shall not apply to a sample of sexual assault evidence that—

''(i) is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

''(ii) relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

''(5) DEFINITIONS.—In this subsection:

''(A) AWAITING TESTING.—The term 'awaiting testing' means, with respect to a sample of sexual assault evidence, that—

''(i) the sample has been collected and is in the possession of a State or unit of local government;

''(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

''(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

''(B) FINAL DISPOSITION.—The term 'final disposition' means, with respect to a criminal case or investigation to which a sample of sexual assault evidence relates—

''(i) the conviction or acquittal of all suspected perpetrators of the crime involved;

''(ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or

''(iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

''(C) POSSESSION.—

''(i) IN GENERAL.—The term 'possession', used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

''(o) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS.—

''(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the SAFER Act of 2013, the Director, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

''(A) how to determine—

''(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

''(ii) the preferred order in which evidence from the same case is to be tested; and

''(iii) what information to take into account when establishing the order in which evidence from different cases is to be tested;

''(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

''(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed;

''(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested; and

''(E) standards for conducting the audit of the backlog for DNA case work in sexual assault cases required under subsection (n).

''(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

''(3) DEFINITIONS.—In this subsection, the terms 'awaiting testing' and 'possession' have the meanings given those terms in subsection (n).''.

SEC. 3. REPORTS TO CONGRESS.

Not later than 90 days after the end of each fiscal year for which a grant is made for the purpose described in section 2(a)(7) of the DNA Analysis Backlog Elimination Act of 2000, as amended by section 2, the Attorney General shall submit to Congress a report that—

(1) lists the States and units of local government that have been awarded such grants and the amount of the grant received by each such State or unit of local government;

(2) states the number of extensions granted by the Attorney General under section 2(n)(3) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 2; and

(3) summarizes the processing status of the samples of sexual assault evidence identified in Sexual Assault Forensic Evidence Reports established under section 2(n)(4) of the DNA Analysis Backlog Elimination Act of 2000, including the number of samples that have not been tested.

SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended—

(a) in subparagraph (B), by striking ''2014'' and inserting ''2018''; and

(b) by adding at the end the following:

''(C) For each of fiscal years 2014 through 2018, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).''.

SEC. 5. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under the SAFER Act of 2013 shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the

grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term ''unresolved audit finding'' means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, state, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

SEC. 6. SUNSET.

Effective on December 31, 2018, subsections (a)(7) and (n) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7) and (n)) are repealed.

By Mr. COONS (for himself, Mr. WARNER, Mr. WHITEHOUSE, Mr. BLUMENTHAL, and Mrs. GILLIBRAND):

S. 85. A bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration; to the Committee on Rules and Administration.

Mr. COONS. Mr. President, we are no longer in an election year, which makes this the perfect time for this Congress to take action on real and meaningful election reform. Regardless of which candidates we voted for last November, we can all agree that in the world's greatest democracy, in the year 2013 we should put in place systems which ensure every voter will be able to cast their ballot without unnecessary delays, redtape, or restriction in our next elections. That is why I am looking forward to working with my colleagues in the Senate, with leaders in State and local governments across the country, and with folks in the U.S. Department of Justice to discuss ways we can reform our election process to make voting more accessible for more Americans.

In his second inaugural address delivered just this Monday, President Obama made a point to tie voting rights to civil rights. President Obama spoke of the long American march toward justice. He said:

> And the first steps of that march—of the journey toward a better, fairer, more equal society, one where every American, regardless of their race, gender, sexual orientation or economic status, has the same shot at success—has always started at the ballot box.

President Obama mentioned Seneca Falls, a central moment in the movement for women's suffrage, and Selma, the emotional heart of the fight for equal access to voting rights for African Americans. He said:

> Our journey is not complete until no citizen is forced to wait for hours to exercise the right to vote.

He is right.

The 2012 elections were a wake-up call to those of us who treasure the right to vote. All over our country—in blue States and red States—Americans saw their fundamental right to vote eroded by exceptionally long lines, confusing rules, and widespread voting machine malfunctions. There were problems in more than a dozen States documented in the media.

There were voting machine irregularities in Pennsylvania and Colorado; error-ridden voter rolls in Ohio; delays counting ballots in Arizona; voters waiting in lines 5 hours long in Virginia and 8 hours long in Florida. We have to do better than this.

As Americans, the right to vote is in our DNA. So just days after these 2012 elections, which had such widespread problems, I introduced the FAST Voting Act, the Fair, Accurate, Secure, and Timely Voting Act, along with Senator WARNER and colleagues in the House, Congressman CONNOLLY and Congressman LANGEVIN.

Our bill challenges States to implement commonsense changes well before the next election. It would provide incentives and competitive grants to those States that can turn around their poorest performing polling places, improve the administration of their elections, and make voting faster and more accessible to all voters.

As a former county executive myself, I know States and local governments are laboratories of democracy. When it comes to administering elections, many States and counties are getting it right. We can learn from them and replicate their successes elsewhere in the country to ensure these same problems do not plague the next national elections.

For example, Florida was one of many States with rampant election problems in 2012. There were long lines, limited early voting, and other issues that may have disenfranchised as many as 49,000 Floridians, according to a study by Professor Theodore Allen of Ohio State University.

Floridians such as Richard Jordan waited more than 3 hours in a line that just was not moving to try and cast his ballot on election day 2012. He had already worked a 10-hour shift that day. He was exhausted, his back hurt, he was hungry, and ultimately in anger decided he could not wait anymore. He simply gave up and walked away. He was denied the opportunity to cast his ballot by an unprepared, underresourced, or just incompetent election system.

On behalf of voters across the State such as Richard, earlier this month Florida's elections administrators presented Florida's Governor Rick Scott with a list of reforms they would like to see implemented to prevent these problems from happening again. Governor Scott admitted that his own State's election process was clearly in need of improvement. He said he agreed with some of the election supervisors' proposals. In my view, this is a very positive step forward, and one which should be undertaken in every State where there is documented need for stronger, fairer, faster, and freer elections.

In my view, the government can and should play a role in incentivizing that process to ensure that election improvements are made to last. It can help States move forward in using available technology, and it can ensure States do a better job of enforcing laws that are already on the books.

For example, the National Voter Registration Act, commonly known as the motor voter law, requires States to allow voters to register when they renew their driver's license at the DMV or at other governmental agencies. Yet there are substantial and credible allegations that some States all across this country—whether blue, red, or purple—are not fulfilling their obligations under this act.

In talking with elections administrators from around the country, it is clear to me that compliance with existing law is not complete. We have to do more to ensure voters are afforded the rights given to them under current law and that State agencies are doing what is required to simplify the registration process to maintain uniform and nondiscriminatory voter rolls and provide widespread registration opportunities. Enforcing existing law is just part of the solution to the voting problems we saw across our country in 2012.

We also have to look forward at ways to deliver the best and most efficient voting process to all Americans. There is still much more we can do to meet that goal, and I think part of the solution is the mechanism of the FAST Voting Act.

Our legislation focuses on cost-effective reforms, such as making it easier to register online and ensuring citizens who move to a new jurisdiction can easily transfer their voter registration. If we use modern technology that we already have at our disposal, we can make it easier for all eligible American citizens to cast their ballot and ensure every vote is counted.

President Obama was right to mention election reform alongside the most essential civil rights struggles in our country's history in his inaugural address on Monday. Making it harder for citizens to vote is a violation of their civil rights. Long lines are just another form of voter disenfranchisement. Running out of ballots can be just another form of voter suppression. The fact is access to vote is denied when registration is cumbersome or inaccessible and when early voter vote-by-mail options are just not available.

Let's do something now when we are no longer hamstrung by election year politics in the Senate so that changes that last and make a difference can be implemented well before the next election.

As someone who serves on the Foreign Relations Committee and who often speaks with foreign heads of State, civil society leaders, and voting advocates from around the world, it is an embarrassment that in 2012 our Nation could not overcome the simple challenges to ensuring fair and accurate elections all across our country.

If we ignore these assaults on America's civil rights that we saw last November, we are certain to have to endure them the next time around. We cannot stand by and allow that to happen. Our democracy needs to be a model to the rest of the world for how to ensure that every citizen gets to exercise the right to vote.

Let's find a way to come together to put meaningful election reforms in place now before we deny one more American their fundamental right to vote for the candidate of their choice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 85

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Louis L. Redding Fair, Accurate, Secure, and Timely Voting Act of 2013'' or the ''FAST Voting Act of 2013''.

SEC. 2. INCENTIVES FOR STATES TO INVEST IN PRACTICES AND TECHNOLOGY THAT ARE DESIGNED TO EXPEDITE VOTING AT THE POLLS AND SIMPLIFY VOTER REGISTRATION.

(a) PURPOSES.—The purposes of this section are to—

(1) provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls; and

(2) provide incentives for States to simplify voter registration.

(b) RESERVATION OF FUNDS.—From the amount made available to carry out this section for a fiscal year, the Attorney General may reserve not more than 10 percent of such amount to carry out activities related to—

(1) technical assistance; and

(2) outreach and dissemination.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From the amounts made available under subsection (h) for a fiscal year and not reserved under subsection (b), the Attorney General shall award grants, on a competitive basis, to States in accordance with subsection (d)(2), to enable the States to carry out the purposes of this section.

(2) NUMBER OF GRANTS.—A State may not receive more than 1 grant under this section per grant period.

(3) DURATION OF GRANTS.—

(A) IN GENERAL.—A grant under this section shall be awarded for a period of not more than 4 years.

(B) CONTINUATION OF GRANTS.—A State that is awarded a grant under this section shall not receive grant funds under this section for the second or any subsequent year of the grant unless the State demonstrates to the Attorney General, at such time and in such manner as determined by the Attorney General, that the State is—

(i) making progress in implementing the plan under subsection (d)(1)(C) at a rate that the Attorney General determines will result in the State fully implementing such plan during the remainder of the grant period; or

(ii) making progress against the performance measures set forth in subsection (e) at a rate that the Attorney General determines will result in the State reaching its targets and achieving the objectives of the grant during the remainder of the grant period.

(d) APPLICATIONS.—

(1) APPLICATIONS.—Each State that desires to receive a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require. At a minimum, each such application shall include—

(A) documentation of the applicant's record, as applicable—

(i) in providing various voter registration opportunities;

(ii) in providing early voting;

(iii) in providing absentee voting;

(iv) in providing assistance to voters who do not speak English as a primary language;

(v) in providing assistance to voters with disabilities;

(vi) in providing effective access to voting for members of the armed services;

(vii) in providing formal training of election officials;

(viii) in auditing or otherwise documenting waiting times at polling stations;

(ix) in allocating polling locations, equipment, and staff to match population distribution;

(x) in responding to voting irregularities and concerns raised at polling stations;

(xi) in creating and adhering to contingency voting plans in the event of a natural or other disaster; and

(xii) with respect to any other performance measure described in subsection (e) that is not included in clauses (i) through (xi);

(B) evidence of conditions of innovation and reform that the applicant has established and the applicant's proposed plan for implementing additional conditions for innovation and reform, including—

(i) a description of how the applicant has identified and eliminated ineffective practices in the past and the applicant's plan for doing so in the future;

(ii) a description of how the applicant has identified and promoted effective practices in the past and the applicant's plan for doing so in the future; and

(iii) steps the applicant has taken and will take to eliminate statutory, regulatory, procedural, or other barriers and to facilitate the full implementation of the proposed plan under this subparagraph;

(C) a comprehensive and coherent plan for using funds under this section, and other Federal, State, and local funds, to improve the applicant's performance on the measures described in subsection (e), consistent with criteria set forth by the Attorney General, including how the applicant will, if applicable—

(i) provide flexible registration opportunities, including online and same-day registration and registration updating;

(ii) provide early voting, at a minimum of 9 of the 10 calendar days preceding an election, at sufficient and flexible hours;

(iii) provide absentee voting, including no-excuse absentee voting;

(iv) provide assistance to voters who do not speak English as a primary language;

(v) provide assistance to voters with disabilities, including visual impairment;

(vi) provide effective access to voting for members of the armed services;

(vii) provide formal training of election officials, including State and county administrators and volunteers;

(viii) audit and reduce waiting times at polling stations;

(ix) allocate polling locations, equipment, and staff to match population distribution;

(x) respond to any reports of voting irregularities or concerns raised at the polling station;

(xi) create contingency voting plans in the event of a natural or other disaster; and

(xii) improve the wait times at the persistently poorest performing polling stations within the jurisdiction of the applicant;

(D) evidence of collaboration between the State, local election officials, and other stakeholders, in developing the plan described in subparagraph (C), including evidence of the commitment and capacity to implement the plan;

(E) the applicant's annual performance measures and targets, consistent with the requirements of subsection (e); and

(F) a description of the applicant's plan to conduct a rigorous evaluation of the effectiveness of activities carried out with funds under this section.

(2) CRITERIA FOR EVALUATING APPLICATIONS.—

(A) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis, based on the quality of the applications submitted under paragraph (1), including—

(i) each applicant's record in the areas described in paragraph (1)(A);

(ii) each applicant's record of, and commitment to, establishing conditions for innovation and reform, as described in paragraph (1)(B);

(iii) the quality and likelihood of success of each applicant's plan described in paragraph (1)(C) in showing improvement in the areas described in paragraph (1)(A), including each applicant's capacity to implement the plan and evidence of collaboration as described in paragraph (1)(D); and

(iv) each applicant's evaluation plan as described in paragraph (1)(F).

(B) EXPLANATION.—The Attorney General shall publish an explanation of how the application review process under this paragraph will ensure an equitable and objective evaluation based on the criteria described in subparagraph (A).

(e) PERFORMANCE MEASURES.—Each State receiving a grant under this section shall establish performance measures and targets, approved by the Attorney General, for the programs and activities carried out under this section. These measures shall, at a minimum, track the State's progress—

(1) in implementing its plan described in subsection (d)(1)(C);

(2) in expediting voting at the polls or simplifying voter registration, as applicable; and

(3) on any other measures identified by the Attorney General.

(f) USES OF FUNDS.—Each State that receives a grant under this section shall use the grant funds for any purpose included in the State's plan under subsection (d)(1)(C).

(g) REPORTING.—A State that receives a grant under this section shall submit to the Attorney General, at such time and in such manner as the Attorney General may require, an annual report including—

(1) data on the State's progress in achieving the targets for the performance measures established under subsection (e);

(2) a description of the challenges the State has faced in implementing its program and how it has addressed or plans to address those challenges; and

(3) findings from the evaluation plan as described in subsection (d)(1)(F).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 103. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARDIN. Mr. President, today I am proud to introduce the Justice Thurgood Marshall's Elementary School Study Act. The elementary school that Justice Marshall attended, known as PS 103, located in my hometown of Baltimore, is a place of national significance because it marks the site where one of our Nation's greatest legal minds began his education.

Thurgood Marshall is well known as one of the most significant historical figures of the American civil rights movement. By the time he was 32, he was appointed the chief legal counsel for the National Association for the Advancement of Colored People, NAACP. He served at the NAACP a total of 25 years and was a key strategist to end racial segregation throughout the United States.

Perhaps the greatest illustration of this effort was his victory before the Supreme Court overturning the Plessy doctrine effectively ending school segregation with the landmark decision in Brown v. Board of Education of Topeka, KS, in 1954. Not only did this case open up educational opportunity and sparked the civil rights movement in this Nation, it also marked the beginning of Thurgood Marshall's career, still a young attorney from Baltimore, as one of the greatest legal minds in all the land. This case was just one of the 29 cases he won before the U.S. Supreme Court.

Fittingly, Marshall was the first African American confirmed to the Supreme Court. He was nominated by President Lyndon B. Johnson in 1967 and served 24 years, until 1991. On the high court, Marshall continued his fight for the Constitutional protection of individual human rights.

But Thurgood Marshall was not always a legal giant. He was once a young boy growing up in West Baltimore. He received the first 6 years of his public education at PS 103. An apocryphal story goes that a young Thurgood Marshall studied the U.S. Constitution in the basement of the building while serving detention. Regardless of whether or not this is true, the building powerfully tells the story of racial segregation in America, PS 103 was a ''blacks only'' school when Justice Marshall was a student, and marks the academic beginning of one of the country's most brilliant legal thinkers and a pioneer of the civil rights movement.

The building is located at 1315 Division Street in the Upton Neighborhood of Old West Baltimore. The building is part of the Old West Baltimore National Register Historic District, and is listed as a contributing historic resource for the neighborhood. The Old West Baltimore historic district is one of the largest predominately African American historic districts in the country, and its significance is centered on the African American experience in the area.

In Baltimore, we are fortunate to have the National Park Service operate two historical sites, Fort McHenry and the Hampton Mansion. Adding PS 103 is a unique opportunity for the National Park Service to work in Baltimore's inner-city and to reach out and engage people about African American history.

Needless to say, Thurgood Marshall's legacy is one that should be preserved. He was one of our country's greatest legal minds and a prominent historical figure of one chapter of our country's great history—the civil rights movement. This bill authorizes the Secretary of the Interior to conduct a special resource study of PS 103 to evaluate the suitability and feasibility of establishing the building as a unit of the National Park Service. Preserving the building that was Justice Marshall's elementary school will give Americans insight into Justice Marshall's childhood.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 103

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Thurgood Marshall's Elementary School Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means P.S. 103, the public school located in West Baltimore, Maryland, which Thurgood Marshall attended as a youth.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals;

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives; and

(6) identify any authorities that would compel or permit the Secretary to influence local land use decisions under the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of the National Park System General Authorities Act (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and
(2) any conclusions and recommendations of the Secretary.

By Mr. DURBIN (for himself, Mr. HARKIN, and Mr. FRANKEN):

S. 113. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to reintroduce two pieces of legislation: the Know Before You Owe Act and the Fairness for Struggling Students Act. These bills will take critical steps toward addressing the student debt crisis facing America.

Every week my office is contacted by young people and their families who share with me their horror stories about student debt. Many of them are college students or graduates who are getting crushed by student loans the size of mortgages. All too often, these young people were lured into attending worthless, for-profit colleges that left them with worthless diplomas and mountains of debt. It is disgraceful. But it is not only young people facing this debt crisis, it is their parents, their siblings, even their grandparents who did them a favor by cosigning on these loans. They, too, are being held responsible when the loans go into default.

Many of these people contact my office because they don't know where to turn. Their debt loan leaves them feeling helpless. They are putting off major life decisions such as buying a home or even starting a family because of crushing student debt. We can't stand idly by any longer and ignore this reality. We have to step up and recognize that this student debt bomb is ticking away.

Student loan debt among college students surpassed $1 trillion last year. The New York Fed reports that balances of student loans have now exceeded the balances on automobile loans and credit card debt in America—student loans. That makes student loans the largest form of consumer debt outside of home mortgages.

Last year, 37 million borrowers held student loan debt. That is more than 10 percent of the population of this country. The average balance is $24,300. But, remember, that is an average. This is a massive amount of debt, and it is having a profound impact on the lives of students and their families across America.

The overall growth in student debt is troubling. The most pressing concern is what is known as private student loans. If a student goes to college, they could qualify for a government-guaranteed loan with dramatically lower interest rates with accommodations based on their employment and even some loan forgiveness. Not so when it comes to private student loans in most cases. Students who take out Federal loans receive affordable interest rates, a lot of protections and repayment options. Private student loans are totally different. Private student loans often have high variable interest rates, hefty origination fees, lack of repayment options, and, unfortunately, crushing penalties.

In 2012 the amount of outstanding private student loans exceeded $150 billion. Students are being steered into these private loans while they are still eligible for the better government loans. Why? Because somebody is making more money when they sign up for private student loans. As a result, many students are being saddled with debt they don't have to be saddled with and sometimes debt they can never repay.

The Consumer Financial Protection Bureau last year reported that at least 850,000 individual private student loans were in default amounting to more than $8 billion.

Let me tell my colleagues about one of those students. I have opened on my official Web site a place where those who have student loans and want to share their stories can come. Anna Wilcox, who is 31 years old, did. She attended the Brooks Institute of Photography, a for-profit college owned by the Career Education Corporation.

Anna Wilcox saw a TV ad one day about this so-called Brooks Institute of Photography and decided she would call and inquire. The school called her twice a day until she finally enrolled. The recruiter at the school—this Career Education Corporation School—told her that a Brooks degree would help her make $85,000 a year as a photographer. So Anna enrolled, and when she graduated in 2006, she had a debt of about $170,000, almost all of it in private student loans.

Anna was 24 years old with $170,000 in student debt from this for-profit school. With a variable interest rate that went as high as 18 percent, her balance just kept growing. Her monthly payments on her private student loan now exceed $1,000 a month. Her Federal loans she took out as well had low interest rates. She said those payments are reasonable, and she can handle them. Her parents decided to help her out and cosigned on the loans. Now her parents, in their sixties, are on the hook as well. They have to change their life plans because they wanted to help their daughter, and now they are stuck with a debt of $170,000 for a worthless diploma from a for-profit school.

Well, Anna did find a job, but the job doesn't pay anywhere near $85,000 a year. She just can't keep up with these staggering monthly loan payments. She said she would like to file for bankruptcy, clean the slate, and start over. She can't borrow money to go to a real school. She has wasted her borrowing power on these for-profit schools.

It doesn't do her any good to want to file for bankruptcy. Private student loans are not dischargeable for bankruptcy. If a person signs up as a college student for one of these student loans, it is debt that will follow that person for a lifetime. There is no way to escape it. It is something to think about long and hard when students make that decision.

Anna is very blunt and despondent. She said she made a big mistake going to the school. It was a waste. She thought she would get a better life by going to college. She didn't realize these for-profit schools by and large are a waste of money and cause debt that most students can never pay back. She has bad credit now and a mountain of debt to show for it.

So what are we going to do about it? Are we going to say: Well, Anna, you should have been a little bit smarter when you were 19 years old and sat across the desk from somebody who said: We want you as a college student. You made your mistake, girl. That is the way it works in America, and now you have to pay the price. Is that the answer? Is that the answer when these for-profit schools depend on the Federal Government and taxpayers for 85 to 95 percent of all of the revenue they take in?

These for-profit schools, if we took the Federal money we send their way—if these for-profit schools were a Federal agency, it would be the ninth largest Federal agency in America. That is how much money we are pouring into these for-profit schools.

Let me just put three numbers out for people to reflect on: 12 percent of the students out of high school go to for-profit schools. We know their names. They are students who gather in Washington and come to the galleries. They know what I am talking about. Go on the Internet and try to escape an ad for a for-profit school: University of Phoenix, DeVry, Kaplan. Ring a bell? Well, I can tell my colleagues these are the biggies, but there are hundreds of them. Twelve percent of the students after high school go to for-profit schools.

For-profit schools, though, account for 25 percent of all of the Federal aid to education. They just soak it up. Students borrow and turn it over to the for-profit schools. The student is stuck with the debt. The for-profit school may never graduate you, but they have their money.

There is a third number to remember. The first is 12, the second is 25. The third number is 47. Forty-seven percent of the student loan defaults in America are students from for-profit schools, students being dragged into these schools that charge way too much for tuition and then the student either can't finish the school or gets out of school and can't find a job and they are stuck.

I tell my students back home, if you are not sure, start at a community college. It is affordable. It has a wide array of courses to be offered to you. You will learn a lot about yourself, you will learn a lot about what you want to

do in school, and you will not end up sunk in debt like these for-profit schools want to do to you.

We have to do something about Anna Wilcox's plight and many others just like her.

I wish to commend especially one community college in my State, the Elgin Community College. I have been visiting that school regularly and always come home thinking: This college gets it. They have implemented a financial counseling program that goes above and beyond anything I would put into law. All of the students at Elgin Community College in Elgin, IL, must submit a monthly budget detailing all their costs when they are seeking financial aid. The student then has a mandatory, one-on-one meeting with a counselor to review the loan balance, the repayment options, and what happens if they default. This community college has implemented a workshop for students who will be graduating during the upcoming semester to discuss repayment options and give them a complete summary of every loan they have taken out.

These students are facing debt the likes of which they have never seen in their lives. They are motivated by all of the preaching they have heard from their parents, like me, saying: Go to school. Get a degree. They are ready to sign up because they want to do what they think is the right thing. They do not know that the for-profit school is worthless, they do not know that the thousands and thousands of dollars of debt will never be able to be repaid, and they do not know that debt will be with them for a lifetime. So here are some bills I am introducing to address it.

I believe students will benefit more if they have the kind of loan counseling we see at the Elgin Community College. I am joining Senator TOM HARKIN of Iowa, chairman of the HELP Committee, in reintroducing the Know Before You Owe Private Student Loan Act of 2013.

The legislation requires colleges to confirm a student's enrollment status, cost of attendance, and estimated Federal financial aid assistance before any private student loan can be approved for that student. In other words, if you are eligible for the government loan, for goodness' sakes, take that first. The private student loan is much more expensive, and it is tougher to pay it back. So we want to make sure students who are eligible for government loans know that before they sign up for the private student loans. Often, students have not even applied for Federal aid before they are encouraged by some of these schools to apply for private student loans, or students have not exhausted their eligibility for Federal aid. Requiring school certification would give the school the opportunity to make students aware of Federal student aid options and the most affordable options.

The bill would also require schools to counsel the students about their loan options. Schools would be required to inform students about the differences between Federal student loans and private student loans, and they are stark and dramatic. For students who decide to take out private student loans, the bill would require lenders to provide them with quarterly up-to-date information about their balance and interest accrued. It is not one of these deals where you just keep borrowing and borrowing and borrowing, and finally when you are about to finish school—or years later—they give you the total, and you look at it and say: My goodness, I did not realize I had signed up for all of that debt.

This legislation is supported by a large coalition of educational, student, and consumer organizations and has been recommended by the Consumer Financial Protection Bureau.

The other bill I am reintroducing today is the Fairness for Struggling Students Act. This bill, cosponsored by Senators WHITEHOUSE, FRANKEN, HARKIN, and JACK REED, would restore the Bankruptcy Code's pre-2005 treatment of private student loans.

As I said earlier, since 2005 private student loans have enjoyed a privileged status under the Bankruptcy Code. They cannot be discharged in bankruptcy except under the most extreme circumstances. Only a few other types of debt cannot be discharged in bankruptcy—criminal fines, child support, taxes, and alimony. In contrast, nearly all types of private, unsecured debt—credit card debt, doctor bills—are dischargeable in bankruptcy, but not student loans.

There was no good reason for Congress to give such preferred treatment to these financial institutions that are peddling these private student loans. It was a provision—a sweetheart provision—tucked into a massive bankruptcy reform bill with very little debate and even less justification. There is no evidence that private student loan borrowers were abusing the bankruptcy system before this law was changed. In fact, the private student loan market has been growing—even before this measure was enacted into law. But the private student loan industry got a sweetheart deal out of Congress, and now we are in a situation where many students have overwhelming private student loan debt, and they cannot repay, and they cannot escape. This is devastating for those students and a drag on our overall economy.

There was an article a few months ago in the New York Times, and it talked about a grandmother who was having her Social Security check garnished because she had signed on as a cosigner of her granddaughter's student loan. Her granddaughter dropped out of college and could not pay back the loan, and now we are going after grandma's Social Security check. That is how serious this can be.

A large coalition of student, educational, civil rights, and consumer organizations support this bill. I hope we can move forward with legislation this year. It is time to restore fairness to our Bankruptcy Code when it comes to student debt.

Let me be clear: When used appropriately, student loans are valuable and important. I would not be standing here today if I had not borrowed money from the Federal Government to go to college and law school. I never could have afforded it otherwise. It was called the National Defense Education Act. If I told you the numbers that I borrowed, you would realize how old I am. But at the time, it was scary to have that much debt coming fresh out of law school. I paid it back just like I was supposed to so the next generation could take over. But what I faced, the debt I incurred to go to school and law school, does not even come close to matching what many students have to borrow in the first semester, and that, unfortunately, leads to a debt that some will be crushed with for a lifetime. In many instances, student loans help Americans get a quality higher education and the job skills they need to repay their loans and have a rewarding life and career. But, unfortunately, there are far too many Americans who have been steered into high-cost private loans that will burden them for life and prevent them from fully contributing to our economy.

It is about time we woke up to the reality of what students—millions of students—across America are facing, and their families. We have a responsibility to them over and above the profits that are being earned by for-profit schools and the financial institutions peddling these private student loans with these outrageous interest rates and terms. It is time for this Congress to listen to working families and their kids all across America to restore transparency, fairness, and common sense to private student loans. I urge my colleagues to support these bills.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 113

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Know Before You Owe Private Student Loan Act of 2013''.

SEC. 2. AMENDMENTS TO THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) INSTITUTIONAL CERTIFICATION REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), before a creditor may issue any funds with respect to an extension of credit described in this subsection, the creditor shall obtain from the relevant institution of higher education where such loan is to be used for a student, such institution's certification of—

''(i) the enrollment status of the student;

''(ii) the student's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965; and

''(iii) the difference between—

''(I) such cost of attendance; and

''(II) the student's estimated financial assistance, including such assistance received under title IV of the Higher Education Act of 1965 and other financial assistance known to the institution, as applicable.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a creditor may issue funds with respect to an extension of credit described in this subsection without obtaining from the relevant institution of higher education such institution's certification if such institution fails to provide within 15 business days of the creditor's request for such certification—

''(i) the requested certification; or

''(ii) notification that the institution has received the request for certification and will need additional time to comply with the certification request.

''(C) LOANS DISBURSED WITHOUT CERTIFICATION.—If a creditor issues funds without obtaining a certification, as described in subparagraph (B), such creditor shall report the issuance of such funds in a manner determined by the Director of the Consumer Financial Protection Bureau.'';

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following:

''(9) PROVISION OF INFORMATION.—

''(A) PROVISION OF INFORMATION TO STUDENTS.—

''(i) LOAN STATEMENT.—A creditor that issues any funds with respect to an extension of credit described in this subsection shall send loan statements, where such loan is to be used for a student, to borrowers of such funds not less than once every 3 months during the time that such student is enrolled at an institution of higher education.

''(ii) CONTENTS OF LOAN STATEMENT.—Each statement described in clause (i) shall—

''(I) report the borrower's total remaining debt to the creditor, including accrued but unpaid interest and capitalized interest;

''(II) report any debt increases since the last statement; and

''(III) list the current interest rate for each loan.

''(B) NOTIFICATION OF LOANS DISBURSED WITHOUT CERTIFICATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in this subsection, the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Consumer Financial Protection Bureau.

''(C) ANNUAL REPORT.—A creditor that issues funds with respect to an extension of credit described in this subsection shall prepare and submit an annual report to the Consumer Financial Protection Bureau containing the required information about private student loans to be determined by the Consumer Financial Protection Bureau, in consultation with the Secretary of Education.''.

(b) DEFINITION OF PRIVATE EDUCATION LOAN.—Section 140(a)(7)(A) of the Truth in Lending Act (15 U.S.C. 1650(a)(7)(A)) is amended—

(1) by redesignating clause (ii) as clause (iii);

(2) in clause (i), by striking ''and'' after the semicolon; and

(3) by adding after clause (i) the following:

''(ii) is not made, insured, or guaranteed under title VII or title VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296 et seq.); and''.

(c) REGULATIONS.—Not later than 365 days after the date of enactment of this Act, the Consumer Financial Protection Bureau shall issue regulations in final form to implement paragraphs (3) and (9) of section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)), as amended by subsection (a). Such regulations shall become effective not later than 6 months after their date of issuance.

SEC. 3. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965.

(a) AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by striking paragraph (28) and inserting the following:

''(28)(A) The institution shall—

''(i) upon the request of a private educational lender, acting in connection with an application initiated by a borrower for a private education loan in accordance with section 128(e)(3) of the Truth in Lending Act, provide certification to such private educational lender—

''(I) that the student who initiated the application for the private education loan, or on whose behalf the application was initiated, is enrolled or is scheduled to enroll at the institution;

''(II) of such student's cost of attendance at the institution as determined under part F of this title; and

''(III) of the difference between—

''(aa) the cost of attendance at the institution; and

''(bb) the student's estimated financial assistance received under this title and other assistance known to the institution, as applicable; and

''(ii) provide the certification described in clause (i), or notify the creditor that the institution has received the request for certification and will need additional time to comply with the certification request—

''(I) within 15 business days of receipt of such certification request; and

''(II) only after the institution has completed the activities described in subparagraph (B).

''(B) The institution shall, upon receipt of a certification request described in subparagraph (A)(i), and prior to providing such certification—

''(i) determine whether the student who initiated the application for the private education loan, or on whose behalf the application was initiated, has applied for and exhausted the Federal financial assistance available to such student under this title and inform the student accordingly; and

''(ii) provide the borrower whose loan application has prompted the certification request by a private education lender, as described in subparagraph (A)(i), with the following information and disclosures:

''(I) The availability of, and the borrower's potential eligibility for, Federal financial assistance under this title, including disclosing the terms, conditions, interest rates, and repayment options and programs of Federal student loans.

''(II) The borrower's ability to select a private educational lender of the borrower's choice.

''(III) The impact of a proposed private education loan on the borrower's potential eligibility for other financial assistance, including Federal financial assistance under this title.

''(IV) The borrower's right to accept or reject a private education loan within the 30-day period following a private educational lender's approval of a borrower's application and about a borrower's 3-day right to cancel period.

''(C) For purposes of this paragraph, the terms 'private educational lender' and 'private education loan' have the meanings given such terms in section 140 of the Truth in Lending Act (15 U.S.C. 1650).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the effective date of the regulations described in section 2(c).

SEC. 4. REPORT.

Not later than 24 months after the issuance of regulations under section 2(c), the Director of the Consumer Financial Protection Bureau and the Secretary of Education shall jointly submit to Congress a report on the compliance of institutions of higher education and private educational lenders with section 128(e)(3) of the Truth in Lending Act (15 U.S.C. 1638(e)), as amended by section 2, and section 487(a)(28) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), as amended by section 3. Such report shall include information about the degree to which specific institutions utilize certifications in effectively encouraging the exhaustion of Federal student loan eligibility and lowering student private education loan debt.

S. 114

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fairness for Struggling Students Act of 2013''.

SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking ''dependents, for'' and all that follows through the end of subparagraph (B) and inserting ''dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;''.

By Mr. REED (for himself, Ms. MURKOWSKI, Mr. DURBIN, Ms. COLLINS, Mr. UDALL of New Mexico, Mrs. MURRAY, Mr. LAUTENBERG, Mr. BLUMENTHAL, Mr. COONS, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. BEGICH):

S. 116. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators MURKOWSKI, DURBIN, COLLINS, TOM UDALL, MURRAY, LAUTENBERG, BLUMENTHAL, COONS, KLOBUCHAR, and STABENOW in the introduction of the Garrett Lee Smith Memorial Act Reauthorization.

This legislation is named for the son of Senator Gordon Smith, our former colleague, who took his own life at the young age of 22. After this tragedy, Senator Smith rallied support from members across the aisle and in both chambers to prevent other children from doing the same with passage of the Garrett Lee Smith Memorial Act in 2004. Since then, it has retained its bipartisan support among Members of Congress and over 40 member organizations of the Mental Health Liaison Group.

However, the recent horrific mass shooting in Newtown, CT shows that more work must be done to address the mental and behavioral health of children and young adults before they hurt themselves and others. Indeed, what is so clear now from this terrible tragedy is that we have young people who desperately need help. Parents also need help in identifying early warning signs of mental illness and accessing the appropriate treatment before it is too late.

The Garrett Lee Smith Memorial Act authorizes critical resources for schools, elementary schools through college where children and young adults spend most of their time, to be able to reach at risk youth. Currently, this law supports 40 States, 38 tribes and tribal organizations, and 85 colleges and universities in their efforts to address mental health and prevent suicides among their youth.

The bill my colleagues and I are introducing today would increase the authorized grant level to States, tribes, and college campuses for the implementation of proven programs and initiatives designed to address mental illness and reduce youth suicide. It will enable more schools to offer critical services to students and provide greater flexibility in the use of funds, particularly on college campuses.

Suicide is now the second leading cause of death for adolescents and young adults age 10 to 24, up from the third leading cause of death in this population just a few years ago, and results in 4,800 lives lost each year, according to the Centers for Disease Control and Prevention. Additionally, the CDC reports that 157,000 young adults in this age group are treated for self-inflicted injuries annually, often as the result of a failed suicide attempt.

We can play a role in helping these children and their families. I am pleased that President Obama and Vice President BIDEN recognized this and included in their Plan to Protect Our Children and Our Communities by Reducing Gun Violence a recommendation to increase support for young adults ages 16 to 25, a population with high rates of mental illness, substance abuse, and suicide that is unlikely to seek help. Indeed, passing the Garrett Lee Smith Memorial Act Reauthorization is one way we can better address the mental health needs of this population.

My colleague, Chairman HARKIN, will be holding a hearing on the status of the mental health system in our country tomorrow. I look forward to continuing to work with him and others to act on the President's recommendations to improve mental and behavioral health care services, particularly for children and young people. This should be something that we do automatically when it comes to the welfare of our children but is even more urgently required in the wake of the terrible recent tragedies in Connecticut and elsewhere.

By Mr. CHAMBLISS (for himself, Mr. BURR, Mr. INHOFE, Mr. COBURN, Mr. CORNYN, Mr. MORAN, and Mr. CRUZ):

S. 122. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

Mr. CHAMBLISS. Mr. President, I rise to speak today about our Tax Code as well as our economic future. There is a problem with our Tax Code, one that hits home with nearly all Americans; that is, its complexity. In the past few years I have met with hundreds of constituents who are worried about this issue. Individuals, small businesses, farms, and large corporations alike struggle with meeting their obligations to the IRS because of the complexity of our current Tax Code.

Earlier this month the IRS Taxpayer Advocate revealed some startling figures in the Agency's annual report to Congress. It estimates that individuals and businesses spend 6.1 billion hours each year complying with the IRS tax filing requirements. The complexity of the Tax Code is so burdensome that 9 out of 10 taxpayers now pay a professional preparer or use often costly commercial software to assist in tax preparation.

Then there is the problem with our corporate taxes. The United States has the highest marginal effective tax rate among the largest developed nations in the Organization for Economic Cooperation and Development. According to recent studies by the Cato Institute, that rate for U.S. corporations is almost 36 percent. In fact, only Argentina, Chad, and Uzbekistan have higher tax rates than does the United States. While the U.S. corporate rates have remained high, other countries are lowering their rates. Sweden, for example, has become the latest country to announce that it will lower corporate tax rates, in part to help attract more foreign investment. Our corporate tax rates continue to be higher than they should, and we lose our competitive advantage to other nations in part because of that high tax rate.

I want to talk about a way to fix both these problems. Since joining the Senate, I have introduced in each new Congress the Fair Tax Act. Today I am reintroducing this legislation because of my belief that the Fair Tax Act can fix the problems built into our current Tax Code. The fair tax will promote freedom and economic opportunity by eliminating our current archaic and inefficient Tax Code and replacing it with a simpler, fairer means of collecting tax revenue. It will repeal the individual income tax, the corporate income tax, capital gains taxes, all payroll taxes, self-employment taxes, and the estate and gift tax in lieu of a 23-percent tax on the final sale of goods and services. Elimination of these inefficient taxing mechanisms will not only bring about equality within our tax system, it will also bring about simplicity. It will provide tax relief for business-to-business transactions. These transactions, including those for used goods that have already been taxed, are not subject to the sales tax, so there would be no double taxation.

Some of my colleagues have asked how the fair tax would affect our revenue on our entitlement programs. Social Security and Medicare benefits would remain untouched under the Fair Tax Act. There would be no financial reductions to either of these vital programs. Instead, the source of the trust fund revenue for these two programs would be replaced simply by the sales tax revenue instead of by payroll tax revenue.

Another question I get is how the fair tax would affect impoverished Americans. Under the Fair Tax Act, every American would receive a monthly rebate check equal to the spending up to the Federal poverty level, according to Department of Health and Human Services guidelines. This rebate would ensure that no American pays taxes on the purchase of necessities.

We have made nearly 5,000 changes to the Tax Code since 2001—I have supported some of them, and I have not supported others—all in the name of improvement and economic benefit. I believe we can do better than simply lowering our taxes. I know we can make a bigger impact on our economic future by ridding ourselves of a tax structure that is holding us back.

Ronald Reagan once said:

I believe we really can, however, say that God did give mankind virtually unlimited gifts to invent, produce and create. And for that reason alone, it would be wrong for governments to devise a tax structure or economic system that suppresses and denies those gifts.

With that statement, I could not agree more.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 8—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS HOLDS THE SOLE AUTHORITY TO BORROW MONEY ON THE CREDIT OF THE UNITED STATES AND SHALL NOT CEDE THIS POWER TO THE PRESIDENT

Mr. ROBERTS (for himself, Mr. MORAN, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 8

Whereas it is Congress' prerogative and duty to decide how much the Nation will borrow and for what purposes;

Whereas Congress has the responsibility under the Constitution to regulate the terms and conditions under which the Nation borrows funds;

Whereas Congress has the power and the obligation to ensure that payments are made on the national debt;