

(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—

(1) IN GENERAL.—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve not more than 5 percent of the funds for administration and technical assistance; and

(B) shall allocate the remainder of the funds among local workforce investment areas within the State in accordance with clauses (i) through (iii) of subsection (c)(2)(B), except that for purposes of such allocation references to a State in subsection (c)(2)(B) shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local workforce investment areas in the State involved.

(2) LOCAL PLAN.—

(A) SUBMISSION.—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a local plan modification, or such other request for funds by local workforce investment areas as may be specified in guidance under subsection (b), not later than 30 days after the submission by the State of the State plan modification or other State request for funds specified in guidance under subsection (b), describing the strategies and activities to be carried out under this section.

(B) APPROVAL.—The Governor shall approve the local plan modification or other local request for funds submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan or request is inconsistent with requirements of this section. If the Governor has not made a determination within that 30-day period, the plan shall be considered to be approved. If the plan or request is disapproved, the Governor may provide a reasonable period of time in which the plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Governor shall allocate funds to the local workforce investment area within 30 days after such approval.

(3) REALLOCATION.—If a local workforce investment board and chief elected official do not submit a local plan modification (or other local request for funds specified in guidance under subsection (b)) by the date specified in paragraph (2), or the Governor disapproves a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of their local plan modifications or local requests for funds under paragraph (2). Each such local workforce investment area shall receive a share of the total amount available for reallocation under this paragraph, in accordance with the area's share of the total amount allocated under paragraph (1)(B) to such local workforce investment areas.

(f) USE OF FUNDS.—

(1) IN GENERAL.—The funds made available under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, with direct linkages to academic and occupational learning, and may be used to provide supportive services, such as transportation or child care, that is necessary to enable the participation of such youth in the opportunities; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Investment Act of 1998 (29 U.S.C. 2854), to low-income youth.

(2) PROGRAM PRIORITIES.—In administering the funds under this section, the local board and chief elected official shall give priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or

(ii) in the public or nonprofit sector and meet community needs; and

(B) linking participants in year-round employment opportunities to training and educational activities that will provide such participants an industry-recognized certificate or credential (referred to in this title as an "industry-recognized credential").

(3) ADMINISTRATION.—Not more than 5 percent of the funds allocated to a local workforce investment area under this section may be used for the costs of administration of this section.

(4) PERFORMANCE ACCOUNTABILITY.—For activities funded under this section, in lieu of meeting the requirements described in section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), States and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 5104(b)(5).

SEC. 5104. GENERAL REQUIREMENTS.

(a) LABOR STANDARDS AND PROTECTIONS.—Activities provided with funds made available under this title shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 (29 U.S.C. 2931) and the nondiscrimination provisions of section 188 of such Act (29 U.S.C. 2938), in addition to other applicable Federal laws.

(b) REPORTING.—The Secretary of Labor may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this title. At a minimum, recipients of grants (including recipients of subgrants) under this title shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this title and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under this title;

(3) the number of jobs created pursuant to the activities carried out under this title;

(4) the demographic characteristics of individuals participating in activities under this title; and

(5) the performance outcomes for individuals participating in activities under this title, including—

(A) for low-income youth participating in summer employment activities under section 5103, performance on indicators consisting of—

(i) work readiness skill attainment using an employer validated checklist;

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment; and

(B) for low-income youth participating in year-round employment activities under section 5103, performance on indicators consisting of—

(i) placement in or return to postsecondary education;

(ii) attainment of a secondary school diploma or its recognized equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into, retention in, and earnings in, unsubsidized employment.

(c) ACTIVITIES REQUIRED TO BE ADDITIONAL.—Funds provided under this title

shall only be used for activities that are in addition to activities that would otherwise be available in the State or local workforce investment area in the absence of such funds.

(d) ADDITIONAL REQUIREMENTS.—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this title.

(e) REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.—The Secretary of Labor shall provide to the appropriate committees of Congress and make available to the public the information reported pursuant to subsection (b).

SEC. 5105. VISA SURCHARGE.

(a) COLLECTION.—

(1) IN GENERAL.—Subject to paragraph (2), and in addition to any fees otherwise imposed for such visas, the Secretary shall collect a surcharge of \$10 from an employer that submits an application for—

(A) an employment-based visa under paragraph (3), (4), (5), or (6) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); and

(B) a nonimmigrant visa under subparagraph (C), (H)(i)(b), (H)(i)(c), (H)(ii)(a), (H)(ii)(B), (O), (P), (R), or (W) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(2) EXPIRATION.—The Secretary shall suspend the collection of the surcharge authorized under paragraph (1) on the date on which the Secretary has collected a cumulative total of \$1,500,000,000 under this subsection.

(b) DEPOSIT.—All of the amounts collected under subsection (a)(1) shall be deposited in the general fund of the Treasury.

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S. 1238

Mr. REED. Mr. President, I am prepared to make a request for consent.

I believe the Republican leader will respond, and at the conclusion of his response I wish to be recognized to make additional comments.

Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 1238, the Keep Student Loans Affordable Act, the text of which is at the desk, the bill be read three times and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader is recognized.

Mr. McCONNELL. I ask unanimous consent the Senate proceed to the consideration of a bill introduced earlier today by Senators MANCHIN, KING,

ALEXANDER, COBURN, BURR, and CARPER; further, that there be 1 hour of debate equally divided in the usual form, no amendments be in order to the measure, the bill be subject to any applicable budget point of order, and that following the use or yielding back of time and disposition of any waivers, if necessary, the bill be read a third time and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Rhode Island.

STUDENT LOANS

Mr. REED. Mr. President, let me thank the Republican leader for cooperating. We are attempting to move forward legislation with respect to student loans. We will shortly reach July 1. At that point, the student loan rate for subsidized Stafford loans doubles from 3.4 percent to 6.8 percent. The legislation I propose would be a 1-year extension of the 3.4-percent rate, allowing students, low- and middle-income students to continue to benefit from a low interest rate.

Our core principles in advancing this 1-year extension of present law are that we believe—and I think this is shared by all of my colleagues—that talented students deserve access to a college education. They need affordable loans and Pell grants and other financial aid. We also believe interest rates should not be set any higher than necessary to protect the taxpayer and break even on the program; that it should not be a profit center for the Federal Government as it is today.

We also believe very strongly that when students take these loans out, particularly the subsidized loans, they deserve predictability. They should know how much they will have to repay. So if you are going to go for an adjustable rate, there has to be a reasonable cap. In fact, my understanding is in the history of the Federal Student Loan Program there has either been an adjustable rate with a cap or a fixed rate. We have never left students solely at the mercy of the market.

We provide subsidized loans to students because we believe we have to invest in Americans, in their talent, in their ability not only to advance their own lives but also to contribute to the greater life of America. It should not be a program that is designed to generate revenue. The reality is today, wittingly or unwittingly, this program, and indeed as would be true for the proposals that have been put on the table, is generating huge amounts of profits to the Federal Government—it has been estimated more than \$50 billion this year. We should be investing in the potential of young Americans, not looking at them as profit centers to help us reduce the deficit.

I know there have been great efforts on the part of my colleagues, sincere

efforts, thoughtful efforts by many—my colleagues Senator ALEXANDER, Senator MANCHIN, Senator KING, Senator HARKIN—chairman of the committee—Senator WARREN, Senator HAGAN, Senator FRANKEN, Senator STABENOW—to come to a long-term solution. There has been a great effort, but we are not there yet.

I think we need, frankly, at least one more year so we can sit down and do this correctly. If you look at the proposals that are out there, there is a short-run attractiveness because the rates have been configured so they look pretty low. But if you follow the rates out, within 3 or 4 years they are above the statute, the law that goes into effect on July 1. They are above the 6.8-percent rate. It is almost as if we are looking back a few years ago—not about student loans but about mortgages. There were a lot of people sitting on 5-percent fixed-rate mortgages and someone walked in and said: Have I got a deal for you. I can give you 2 years at 3 percent. It goes up, but don't worry because you can readjust it down the road and refinance it.

We found out because of many circumstances, come 2008–2009, there was no getting out. In fact, a lot of people discovered they would have been better off sticking with the fixed loan.

That is an analogy. That is not exactly on point. But if you look at all of these proposals, the arc of the increase in interest rates is going up. And, by the way, it has not fully incorporated what the Federal Reserve has already said publicly. Chairman Bernanke said it very clearly, that they are ending quantitative easing. That means one thing: Interest rates go up, and they might go up a lot faster than we even expect right now.

I think another important point which is critical is that the proposals we have seen so far have not had a cap on them, an adequate cap. There has been some discussion we do not need a cap because if you consolidate a loan there is a cap built into the consolidation program. First of all, there is a problem with that in that except for the subsidized Stafford loans, the other federally supported loans start accruing interest even while you are still in school so you are building up a big mountain of debt. When you consolidate, what you are doing, essentially, is stretching out the payments, making a longer term which adds more interest. It is like the difference between a short-term loan and a long-term loan. You end up paying a lot more interest on your house than you do on a 2- or 3-year loan on your car.

For many reasons, both technical and otherwise, we believe, particularly as we are several days from July 1, we need to go ahead and give this body the time to deliberate. Frankly, we just passed a historic piece of legislation. That was not done in the waning hours of the session. It was not done without hearings. It was not done without a lot of back and forth. It was not done

without a lot of tension on the floor. Yet we are proposing fundamental changes to our Federal Student Loan Program in the waning hours before a recess.

Mr. President, 36 Democrats and counting have joined me and Senator HAGAN to extend this lending rate for 1 more year.

We have in the past been able to come together. In fact, we adopted the 3.4-percent interest rate, fixed rate, in 2007. The vote in this Senate was 79 to 12, Republicans and Democrats saying: A good deal for students, a low interest rate.

I think we still have to look for a much better deal than has been suggested by some of the proposals. Our proposal for a one-year extension is also fiscally responsible because we are offsetting the cost of roughly about \$4.2 billion by closing a tax loophole—which I think should be closed on its own face, but it would allow us to pay for this extension for 1 year. I will remind my colleagues that a year ago we did precisely the same kind of thing.

Some would say we have not used the year well enough. But if you think about the debate we had on background checks and firearms; if you think about this historic debate on immigration; if you think about many of the other serious debates we have had, I think we have been engaged on this floor decisively. But now it is time, again, to move to this education issue and give it the full consideration students and families deserve.

I am disappointed. I am sure my colleagues who are suggesting alternative proposals are disappointed. But I am most disappointed we cannot at least tell students today: We have your back. You are going to be safe for another year, with your loans at 3.4-percent interest. And during that time, we have to fix this—and not just simply changing around interest rates but addressing how to help borrowers pay down the debt that is outstanding. It is a huge problem, a trillion dollar problem. What about the incentives for lowering the costs of college? What about other structural changes we have to make? They will unlikely be made if we somehow sort of leave here with a “fix” that ultimately, in a very short period of time, raises rates beyond the 6.8 percent and also takes off the pressure, legitimate pressure for us not just to treat one part of the problem but comprehensively deal with the issue of the cost of higher education for families.

With that, I have been asked to propose a unanimous consent.

The PRESIDING OFFICER. The Senator may proceed.

MORNING BUSINESS

Mr. REED. I ask unanimous consent the Senate proceed to a period of morning business until 7 p.m., with Senators permitted to speak for up to 10 minutes each.