United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, JULY 23, 2007 No. 118

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MCNERNEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 23, 2007.

I hereby appoint the Honorable JERRY MCNERNEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

PLIGHT OF IRAQI REFUGEES

Mr. BLUMENAUER. Mr. Speaker, the front page of the Washington Post yesterday had the harsh and ugly reality. We cannot afford not to help the Iraqis who trusted and worked with the United States with the opportunity for refugee status.

I quote:

''The American Ambassador in Baghdad, Ryan Crocker, has asked the Bush administration to take the unusual step of granting immigrant visas to all Iraqis employed by the United States Government in Iraq because of growing concern that they will quit and flee the country if they cannot be assured of eventual safe passage to the United States.''

For the last 7 months, I have been working with a broad bipartisan group of people on legislation that would deal with the largest ongoing humanitarian crisis in the world other than Darfur. And unlike the tragedy in the Darfur region of the Sudan, the United States is front and center in Iraq. We have over 300,000 American soldiers, contractors, and civilian U.S. Government employees. We see firsthand every day the train wreck, while officials at the top of the food chain appear, sadly, oblivious and powerless to do anything about it.

I am proud to say that there are young American soldiers who will try to do something about it, even after they rotate out of the country. That is how I first became involved in this issue, as young Oregonian Guard members fought valiantly to try to save the life of their interpreter when they returned to Oregon, knowing that her life was at risk. Working with those young guardsmen and with high school students from Lincoln High School in Portland, Oregon, we were able to have a happy resolution in this one case. But, sadly, it is only one case.

I have become acquainted with another true American hero. Kirk Johnson was a young USAID worker who, as he rotated out, embarked upon a crusade to save the lives of Iraqis who were at risk because they were known to have helped the United States. He has compiled a list of over 500 Iraqis who were interpreters, who were guides, who were civilian employees. Not one, the last time I talked to Mr. Johnson, had been able to make it to the United States.

The sad fact is that we are failing miserably in terms of responding to the refugee requirements. Since I became involved last fall, the United States has admitted the grand total of 133 Iraqi refugees, a shocking number when we consider that over 2 million Iraqis have fled the country and another 2 million within Iraq have been displaced from their homes. It's not that we can't figure out how to do it if we care, if we establish a priority, if we work on it. In that same period of time that we could only admit 133 Iraqis, we have allowed 3,500 refugees from Iran, a country with whom we have rocky relations, to say the least, where we have deep concerns about terrorism.

It makes a mockery of our commitment to accept 7,000 during this fiscal year which ends September 30. There must be a sense of urgency and a profound sense of obligation. In order to make even that modest goal of 7,000, we are going to have to admit more Iraqi refugees every working day than we have for the entire last 9 months.

It is not just the right thing to do for these poor souls and their families. There is a harsh geopolitical reality. With 4 million Iraqis displaced, more than half fleeing the country, there's 1.2 million in Syria, and the accounts of what these people are forced to do to keep body and soul together are truly disturbing. Or three-quarters of a million Iraqi refugees across the border in Jordan, threatening to overwhelm that small country, adding another element of instability to this already unsettled part of the world.

I urge my colleagues in the House of Representatives to look at a letter that we are circulating to them today that includes this article from the Post. I urge them to cosponsor our bipartisan legislation, H.R. 2265, have them urge a markup and action before we recess for August. Our failure to keep our commitment will be exceedingly serious. We undermine our ability to carry out

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our current mission in Iraq if people we depend upon know that they can't depend upon us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 38 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MAHONEY of Florida) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, America returns to another workweek while some coworkers and family members are away on summer vacation.

May this be a lesson to us all; that life must be lived with balance and none of us is irreplaceable in Your divine plan.

Inspire Members of the House of Representatives, Lord, to make the best use of the time given them. In the midst of many duties, let family needs be attended to. May the productive work of Congress stabilize this Nation and create a better social order, so that all Your people may enjoy responsible freedom and equal justice under the law.

To You be praise and glory now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. SARBANES) come forward and lead the House in the Pledge of Allegiance.

Mr. SARBANES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATIONS FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following communications from the President of the United States:

THE WHITE HOUSE,
Washington, July 21, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR MADAME SPEAKER: This morning I will undergo a routine medical procedure requiring sedation. In view of present circumstances, I have determined to transfer temporarily my Constitutional powers and duties to the Vice President during the brief period of the procedure and recovery.

In accordance with the provisions of Section 3 of the Twenty-Fifth Amendment to the United States Constitution, this letter shall constitute my written declaration that I am unable to discharge the constitutional powers and duties of the office of the President of the United States. Pursuant to Section 3, the Vice President shall discharge those powers and duties as Acting President until I transmit to you a written declaration that I am able to resume the discharge of those powers and duties.

Sincerely,

GEORGE BUSH.

THE WHITE HOUSE,
Washington, July 21, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR MADAME SPEAKER: In accordance with the provisions of Section 3 of the Twenty-Fifth Amendment to the United States Constitution, this letter shall constitute my written declaration that I am presently able to resume the discharge of the Constitutional powers and duties of the office of the President of the United States. With the transmittal of this letter, I am resuming those powers and duties effective immediately.

Sincerely,

GEORGE BUSH.

THE STOCK MARKET SOARS, AMERICA'S ECONOMY IS BOOMING

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

Mr. WILSON of South Carolina. Mr. Speaker, all Americans should be grateful that the New York Stock Exchange closed at a record high of 14,000 last Thursday. Students benefit as college endowments grew, reducing tuition costs. Retirees benefit as retirement accounts appreciated. And with increased liquidity, jobs are created for small businesses. The stock market in 5 years has soared 91 percent from the decline caused by the 9/11 terrorist attacks.

More than 2 million jobs have been created in the last year, and 8.2 million jobs have been created since the tax relief was initiated in June 2003. This has led to an unemployment rate lower than the average of the 1970s, 1980s and 1990s. There is record high homeownership.

The Republican tax reductions are helping workers. I urge my colleagues to act immediately to make the tax cuts permanent so American workers, not the Federal Government, can continue to decide how to spend their hard-earned money. This proves the point of Jerry Bellune, editor of the Lexington County Chronicle, that the earnings of America's workers belong to the people and are not a handout from the government.

In conclusion, God bless our troops, and we will never forget September 11th.

BRITISH PETROLEUM POLLUTING LAKE MICHIGAN

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

Mr. KIRK. Mr. Speaker, the Great Lakes are the source of our drinking water for 30 million Americans, and the Congress has enacted new laws to protect the Great Lakes ecosystem, including the Great Lakes Legacy Act and the Regional Collaboration.

This is why we were surprised, no, stunned, when British Petroleum applied for the rights to increase its pollution of Lake Michigan. A 35-percent increase in ammonia dumping, a 54-percent increase in the dumping of suspended solids.

BP is one of the most profitable companies on Earth. Their plans include a $3 billion upgrade to the facility, but they presented excuses from their own paid consultant that they had to increase their pollution of the lake.

Now, tomorrow the Congress will take up a resolution condemning BP and the actions of the State of Indiana that approved this pollution.

BP is a company spending millions to brand itself as a friend of the environment, but we know what BP stands for, ''Bad Polluter.''

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 20, 2007, at 12:00 p.m.:

That the Senate passed with an amendment and requests a conference with the House, appoints conferees, H.R. 2272.

That the Senate passed with an amendment and requests a conference with the House, appoints conferees, H.R. 2669.

Appointments:

United States Holocaust Memorial Council.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. MARK UDALL OF COLORADO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bristol, Congressional Aide, Office of the Honorable MARK UDALL of Colorado, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN BRISTOL,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF HON. MARK UDALL OF COLORADO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Carter Ellison, Congressional Aide, Office of the Honorable MARK UDALL of Colorado, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CARTER ELLISON,
Congressional Aide.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1388) to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1388

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 ''Star-Spangled Banner National Historic Trail Act''.

SEC. 2. AUTHORIZATION AND ADMINISTRATION OF TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(____) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

''(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

''(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

''(i) carrying out preservation and development of the trail; and

''(ii) providing education relating to the War of 1812 along the trail.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 1388 would designate the Star-Spangled Banner Trail in Maryland, Virginia, and the District of Columbia as a National Historic Trail to commemorate the events of the Chesapeake campaign during the War of 1812. The bill was introduced by my colleague on the Natural Resources Committee, Mr. SARBANES of Maryland, who is a valued member of our National Parks, Forests and Public Lands Subcommittee.

The Star-Spangled Banner National Historic Trail designated by H.R. 1388 would follow the historic routes used by British and American troops during the war. The National Park Service supports this designation, as do an impressive array of State and local governments and numerous private organizations.

Mr. Speaker, as the bicentennial of the War of 1812 approaches, this historic trail will help Americans retrace some of the crucial events of a war that fashioned our Nation's character. Mr. SARBANES has done great work on this measure, and I urge my colleagues to support the bipartisan legislation.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

We cannot support H.R. 1388 for a number of reasons. To start, a more apt description of this bill is the ''Trail With No Beginning or End.'' It sprawls over a 200-mile radius, has countless possible routes, and isn't even continuous. How can the public possibly support a trail when the National Park Service doesn't even know where the trail is? The American people deserve transparency in the legislation we create.

More importantly, if this legislation were to become law along with Chairman RAHALL's Energy Policy Reform and Revitalization Act, the outcome would be devastating to people living within 100 miles of this Chamber. Section 103 of that bill, which could be debated on the floor next week, prevents desperately needed energy corridors from being designated within 1 mile of historic areas such as this proposed Federal trail. Edison Electric Institute, whose members represent 67 percent of all electric customers nationwide, recently submitted a statement to the Natural Resources Committee. It states: ''New and arbitrary siting restrictions established by section 103 of H.R. 2337 . . . could have negative impacts far beyond the effects envisioned by many proponents of such designations.'' It clearly lays out the ramifications of the majority's unsound energy policy coupled with Federal designations such as this proposed trail.

At this point, I will include this statement in the CONGRESSIONAL RECORD.

STATEMENT OF THE EDISON ELECTRIC INSTITUTE WITH RESPECT TO LEGISLATION TO DESIGNATE SEVERAL NEW NATIONAL HERITAGE AREAS

The Edison Electric Institute (EEl) appreciates the opportunity to provide comments with respect to proposed legislation to designate additional National Heritage Areas for inclusion in the record of the July 12 hearing. EEI appreciates the importance of such designations for encouraging tourism and expanding opportunities for Americans to learn about and experience the richness of American history. In making such designations, we believe it is important for Congress to assure that these designations do not become an automatic impediment to the siting of infrastructure necessary to provide essential services that are critical to American consumers and a productive and competitive American economy. Towards that end, EEI would be pleased to work with the Committee to develop language that would address the concern.

EEI is the association of U.S. shareholder-owned electric companies. Our members serve 92% of the ultimate customers in the shareholder-owned segment of the industry and represent approximately 67% of all electric utility customers nationwide. As such, EEI's member companies are charged with assuring that Americans continue to receive reliable, reasonably-priced electricity. Fulfilling this responsibility requires a robust electricity transmission grid. Yet, recent long term reliability assessments of the grid by the North American Electric Reliability Corporation (NERC) and the August 2006 congestion study by the Department of Energy (DOE) confirm that additional transmission capacity is necessary. Our growing economy, expanding population, increasing use of efficient electric technologies, and demand for renewable and clean coal generation resources require expansion of the transmission grid.

As proposals to designate National Heritage Areas have increased and the geographic areas proposed for inclusion in the heritage areas have expanded to include hundreds of square miles comprising major portions of states throughout the country, EEI believes that it is important for Congress to address the potential conflict between these designations and the equally important responsibility to assure that the most basic and critical infrastructure needs of localities, regions and the nation can be met. Under the best of circumstances, electric transmission and other infrastructure facilities are extraordinarily difficult to site, can take many years to complete, and necessarily involve a balancing of interests. The length of time it takes to site the facilities does not come without a cost. For example, already some of our largest population centers are experiencing significantly higher electricity costs because of a congested electricity grid. Siting complications also affect the cost of capital and overall project costs—costs that are ultimately born by the electricity consumer.

Legislation proposing National Heritage Area designations generally leave this potential conflict unaddressed or allow the unelected private management boards of each heritage area to decide what would be considered an adverse impact on the heritage area. Thus we are concerned that heritage designations could be used to block the siting of needed infrastructure.

Of related concern, the House Committee on Natural Resources recently reported H.R. 2337, ''The Energy Policy Reform and Revitalization Act of 2007.'' Section 103 of that bill would halt current federal agency reviews of areas suitable for energy transmission corridors across federal land, and it would establishing as a principle that rights-of-way for energy facilities cannot be sited ''within one mile of any [area] designated or otherwise identified by State or Federal law or any applicable Federal or State land use plan for recognition or protection of scenic, natural, cultural, or historic resources. . . .'' The Secretaries of Agriculture, Commerce, Energy, Defense, and Interior would be required to complete and regularly update a study in which these protected areas are identified and made off limits, and use of that study is made mandatory when right-of-way decisions are made.

EEI is deeply concerned that Section 103 will halt recent progress underway to plan for new energy facilities that will be needed to transmit electricity to American consumers where that goal cannot be accomplished without crossing federal land. We believe that planning for such facilities is the best way to assure that the facilities can be accommodated in a way that is compatible with the other significant values for which federal land is managed.

Furthermore, because of the new and arbitrary siting restrictions established by Section 103 of H.R. 2337, if it were enacted into law, heritage area designations covering large areas could have negative impacts far beyond the effects envisioned by many proponents of such designations. For example, there are regions of this country in which currently proposed heritage area designations, in light of Section 103, would make it impossible to import electricity produced from renewable energy resources and clean coal facilities to urban population centers where such power is in demand. Yet, geographic, population, zoning, environmental, and other constraints make it virtually impossible to locate new generating facilities to meet local demand in these urban areas.

EEI firmly believes that, given the projected vulnerabilities in the nation's electricity grid that have been identified for the next five to fifteen years, the Congress should not—as it does in Section 103—be establishing new and arbitrary barriers to the siting or upgrading of transmission facilities.

Given the importance of electric transmission and other infrastructure to serve our nation, while also recognizing the value of National Heritage Area designations to local and state economies and historic preservation, we strongly urge the Subcommittee and Congress to resolve the potential for conflict between the benefits of such designations and the need for basic, critical infrastructure.

H.R. 1388, coupled with the Democrats' ''No Energy Policy'' bill, has the effect of leaving millions of people across the United States in the dark. I urge my colleagues to oppose the bill.

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

□ 1215

Mr. GRIJALVA. Mr. Speaker, at this time I yield such time as he may consume to the sponsor of the legislation, my colleague from the Natural Resources Committee, Representative JOHN SARBANES.

Mr. SARBANES. I thank my colleague for yielding his time.

Mr. Speaker, I rise to ask for my colleagues' support of the Star-Spangled Banner National Historic Trail Act.

At the outset, I would like to thank Chairman GRIJALVA and Chairman RAHALL for their support of this bill all through the process.

This legislation is the product of thorough study and planning by interested parties such as the Park Service; local jurisdictions in Maryland, Virginia and the District of Columbia; and historians and experts on the War of 1812.

There are too many to mention here, but over several years these individuals have been dedicated advocates for creating the Star-Spangled Banner Trail. This legislation represents the culmination of their efforts and hard work.

With the bicentennial of the War of 1812 fast approaching us, now is the time to pass the legislation and begin the process of implementing the Star-Spangled Banner Trail, which will measurably enhance the celebration of one of the seminal moments in American history.

The Star-Spangled Banner Trail, through the Park Service at the Fort McHenry National Monument and Shrine, would commemorate the routes used by the British and Americans during the 1812 Chesapeake Campaign of the War of 1812.

The trail, which, in fact, is quite clearly demarcated, would begin with the June 1814 battles between the British Navy and the American Chesapeake Flotilla in St. Leonard's Creek in Calvert County, Maryland, and end at Fort McHenry, where Francis Scott Key composed our national anthem as he witnessed the Battle of Baltimore and the British met their ultimate defeat. It would also mark the British invasion of Washington, D.C., the burning of the Capitol and the White House, and other battles in between.

Mr. Speaker, this legislation has special meaning for me because of the time I spent growing up in Baltimore and the long relationship my family has had with the centerpiece of the trail, Fort McHenry. On countless occasions, I've enjoyed the fort's history, its vistas of the Chesapeake Bay, and the surrounding wetlands. I highly recommend that Members visit the site themselves.

Many refer to the War of 1812 as the ''second war of independence.'' When the war began, our fragile experiment in democracy was still in its early stages, and the Nation found itself under attack from one of the most powerful countries in the world. Many wondered whether a democracy could hold together through the trials of war. The War of 1812 proved that it could, and set the stage for the spread of democracy around the world.

I urge my colleagues to support the bill. And I yield my time back, again, with many thanks to Chairman GRIJALVA for his strong support.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr.

GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1388, as amended.

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

A motion to reconsider was laid on the table.

LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND CONVEYANCE

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 761) to authorize the Secretary of the Interior to convey to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as a historical interpretive site along the trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 761

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

SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of two parcels as generally depicted on the map titled ''Lewis and Clark National Historic Trail'', numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 761, sponsored by Representative FORTENBERRY of Nebraska, would transfer to a nonprofit foundation an existing visitor center for the Lewis and Clark Historic Trail in Nebraska. The legislation turns the site over to the nonprofit entity which currently manages the facility in partnership with the National Park Service.

This measure includes a reversionary clause and other safeguards to protect the Federal investment in the center.

We have no objection to H.R. 761 and support its passage by the House today.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 761 and yield myself such time as I may consume.

H.R. 761 has been adequately explained by the majority. I am pleased that Mr. FORTENBERRY has brought us this legislation that will benefit both his constituents and taxpayers across the Nation.

Mr. SMITH of Nebraska. Mr. Speaker, along with my colleagues from Nebraska, I am pleased to offer my support for H.R. 761, a bill that would authorize the conveyance of certain federal lands by the Secretary of Interior to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. and authorize the appropriation of annual funds to operate the Center.

The journey of Meriwether Lewis and William Clark does not belong to Nebraska, but to all of America.

The Lewis and Clark Interpretive Center features descriptions of 178 plants and 122 animals recorded by Lewis and Clark during their explorations.

This center should be a destination for any person who is interested in American history, in the species of flora and fauna then found in the unexplored regions of our country, or in the spirit of expansion that helped form our country.

I urge my colleagues to join me in supporting this bill authorizing the transfer of Federal lands associated with the Lewis and Clark National Historic Trail in Nebraska to the private nonprofit foundation. It is a valuable resource for every American.

Mr. FORTENBERRY. Mr. Speaker, I am pleased to offer my strong support for H.R. 761, a bill to authorize the Secretary of the Interior to convey a Lewis and Clark visitor center in my district from the National Park Service to a well-respected non-profit organization. As the sponsor of this bill, I encourage my colleagues to support this important legislation.

I would like to begin by expressing my sincere appreciation to the distinguished gentleman from West Virginia (Mr. RAHALL), the Chairman of the House Committee on Natural Resources and the distinguished gentleman from Alaska (Mr. YOUNG), the Ranking Member on the Committee, as well as the distinguished gentleman from Arizona (Mr. GRIJALVA), the Chairman of the National Parks, Forests and Public Lands Subcommittee, and the distinguished gentleman from Utah (Mr. BISHOP), the Ranking Member on the Subcommittee for their outstanding work in bringing this legislation to the Floor.

The Lewis and Clark Interpretive Trail and Visitor Center is the culmination of a vision that was outlined 20 years ago. Starting with the efforts of former Congressman Doug Bereuter, the Center's completion required a great deal of hard work and dedication for which the entire Nebraska City community should be proud.

I would also like to take this opportunity to express my gratitude to Nancy Hoch from Nebraska City, who has played such a key role in the construction of the visitor center and its ongoing operation. Her vision and leadership have been instrumental in making the center such an outstanding success.

The bill is very straightforward. It would simply convey certain federal land near Nebraska City associated with the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center to the related non-profit group, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. The bill also authorizes $150,000 annually for 10 years to operate the facility. This legislation would actually save the federal government about $50,000 a year since the National Park Service currently provides about $200,000 for the center.

It is important to note that I worked with the National Park Service in drafting the language for the bill and this proposed conveyance fits with the long-range plans for the center. I also believe that it would be the most cost-effective option for the Park Service.

H.R. 761 is cosponsored by both of my colleagues from Nebraska, Representatives LEE TERRY and ADRIAN SMITH. A companion bill in the Senate, S. 471, has the support of both Nebraska senators, CHUCK HAGEL and BEN NELSON.

The Interpretive Trail and Visitor Center is an outstanding resource and impressive facility. The non-profit organization associated with it includes a committed group of individuals who have spent many years making the center a reality and ensuring that it provides a meaningful and educational experience for those who visit. This legislative action is needed to fulfill the original plan for operating the visitor center.

The Missouri River Basin Lewis and Clark Interpretive Center is truly unique. It is the only visitor center or museum in the United States to focus on the flora and fauna and scientific discoveries recorded by Lewis and Clark.

The Lewis and Clark Expedition was a watershed mark in American history. Two centuries later, the courageous story of these two outstanding explorers and the Corps of Discovery continues to inspire Americans of all ages. This legislation will help ensure that future generations will have the opportunity to learn about this remarkable journey.

Again Mr. Speaker, I encourage my colleagues to vote for H.R. 761.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 761, as amended.

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

A motion to reconsider was laid on the table.

SNOQUALMIE PASS LAND CONVEYANCE ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1285) to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1285

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 ''Snoqualmie Pass Land Conveyance Act''.

SEC. 2. LAND CONVEYANCE, NATIONAL FOREST SYSTEM LAND, KITTITAS COUNTY, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of National Forest System land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 1285, introduced by Representative DOC HASTINGS of Washington, conveys 1.5 acres of land in the Mt. Baker-Snoqualmie National Forest to facilitate the construction of a new fire and rescue station.

Snoqualmie Pass Fire and Rescue is in need of a new fire station as the current station has numerous deficiencies. The fire station is important to the community and often responds to fires on Federal lands.

Mr. Speaker, it is our understanding that there are ongoing discussions in Washington State to address some lingering issues related to this conveyance, and we support those efforts.

With that understanding, we have no objection to H.R. 1285, and support its adoption by the House today.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

The majority has adequately explained the bill. I would like to commend Congressman DOC HASTINGS and his staff for their work on this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, the Snoqualmie Pass Land Conveyance Act would transfer an acre and a half of Forest Service land to the King and Kittitas Counties Fire District No. 51—also known as Snoqualmie Pass Fire and Rescue. This land would be conveyed at no cost, but would have to be used by the Fire District specifically for the constructon of a new fire station or it would revert back to the federal government.

Snoqualmie Pass Fire and Rescue serves a portion of two counties on both sides of the Cascade Mountains along Interstate 90. This is a very rural area, with a small number of full-time residents, but it is also the major transportation corridor for goods and services between Eastern and Western Washington, as well as a destination for winter recreation. In recent years, this area has been the scene of major winter snowstorms, multi-vehicle accidents, and even avalanches. The Fire District is often the first responder to incidents in the area.

For decades, the Fire District has been leasing its current site from the Forest Service. They operate out of an aging building that was never designed to be a fire station. Through their hard work and dedication, they have served their community ably despite this building's many shortcomings. However, with traffic on the rise and the need for emergency services in the area growing, the Fire District needs to move to a true fire station.

They have identified a nearby site that would better serve the public safety needs of interstate travelers. This location would provide easy access to the interstate in either direction, reducing response times in emergencies. The parcel is on Forest Service property, immediately adjacent to a freeway interchange, between a frontage road and the interstate itself. The parcel was formerly a disposal site during construction of the freeway and is now a gravel lot.

I acknowledge that the Forest Service does not normally support conveyances of land free of charge. However, I believe an exception should be made in this particular circumstance because of the important public service provided by the Fire District, the heavy traffic and emergency calls created by non-residents in the area, the distance of Snoqualmie Pass from other communities with emergency services, and because of the high amount of federal land ownership in the area, which severely limits the local tax base. In fact, the Forest Service has acquired 20,000 acres in King and Kittitas counties at a cost of more than $52 million over just the last ten years. I would also note again that under this bill, this land would revert back to the Forest Service if for whatever reason a new fire station is not built on the property.

Passage of this legislation would not guarantee that a new station would be built—the Fire District would have to work hard to gather the financing that would be required from state and local sources, as well as any applicable federal grants or loans. However, the conveyance of this site at no cost would help this Fire District hold down the overall cost of this project.

I first introduced this legislation last year, with my colleague from Washington, Mr. Reichert. Unfortunately, the bill was not considered before the end of the last Congress. We reintroduced the bill in early March and were pleased the Natural Resources Committee held a subcommittee hearing on the bill in April to take testimony on the issues involved. At a subsequent markup of the bill last month, the acreage involved was reduced to acre and a half to address concerns that a fire station would not require three acres. With this change, the bill was approved by voice vote in committee.

Last week, at a meeting in the region, several environmental interest groups expressed reservations about the conveyance. Over the next several weeks, it is understood these groups will meet with the Fire District to discuss their concerns. I am committed to working with my colleagues from Washington state in the Senate, as well as the Natural Resources Committee, to facilitate these discussions to ensure we have the public safety infrastructure necessary to meet the needs of this unique area. I am confident this can be done with little or no impact to the environment. It is my hope that the parties can reach agreement on this issue by September when

the Congress will reconvene and can resume work on the legislation.

I appreciate the efforts of my colleagues on the Natural Resources Committee to review this issue and bring this bill forward. I look forward to continuing to work with the community at the Pass and my Washington colleagues to improve public safety in the area.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1285, as amended.

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

A motion to reconsider was laid on the table.

SANTA ROSA URBAN WATER REUSE PLAN ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 716) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 716

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 ''Santa Rosa Urban Water Reuse Plan Act''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following new section:

''SEC. 16____. CITY OF SANTA ROSA, CALIFORNIA, URBAN WATER REUSE PLAN.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Santa Rosa, California, is authorized to participate in the design, planning, and construction of projects to implement the plan titled 'Santa Rosa Urban Water Reuse Plan'.

''(b) COST SHARE.—The Federal share of the costs of the projects authorized by this section shall not exceed 25 percent of the total cost. The Secretary shall credit the City of Santa Rosa with the value of all expenditures made before the date of the enactment of this section that are used toward completion of projects that are compatible with this section.

''(c) LIMITATIONS.—

''(1) Federal funds shall not be used for the operation or maintenance of a project authorized by this section.

''(2) Funds authorized by this legislation shall not be used for the development of new wetland areas.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

''Sec. 16____. City of Santa Rosa, California, Urban Water Reuse Plan.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, the purpose of H.R. 716, as amended, is to authorize the Secretary of the Interior to participate in the design and construction of the Santa Rosa Urban Water Reuse Plan. The water recycling facilities authorized by this legislation will result in significant improvements in water quality and water supply reliability in the Santa Rosa area.

I commend the sponsor of this legislation, Ms. WOOLSEY, for her commitment in this important project.

I urge my colleagues to join me in supporting this important bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 716.

Mr. Speaker, I want to thank Chairman RAHALL for his leadership in bringing H.R. 716, the Santa Rosa Urban Water Reuse bill, to the floor. The Santa Rosa Urban Water Reuse bill is a huge step in the right direction for the City of Santa Rosa. It will help the city increase its reuse of wastewater as an alternative to releasing the water into the Russian River, where my district receives the great majority of our drinking water. The project is especially important in a region that remains arid for 6 months of the year and where droughts pose a genuine threat to humans and endangered species.

Under the reuse plan, the City of Santa Rosa will use recycled water for landscape irrigation, allowing the city to conserve valuable water for human consumption and for watershed preservation and enhancement. It is essential that we find new ways to reuse wastewater and prevent further discharge into nearby waterways. This project can help the City of Santa Rosa by making great strides in its water reuse program and give the city an opportunity to help endangered species, and at the same time protect the Russian River from further discharge.

Mr. Speaker, I ask for support of H.R. 1716, the Santa Rosa Urban Water Reuse bill.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

The chairman and sponsor have adequately explained the bill. I applaud the amendment agreed to in committee that prohibits taxpayer dollars from being used to create unrelated wetlands in this project.

However, given that the majority has not fully funded the title XVI program in the Energy and Water appropriations bill, I note that this bill makes the $328 million backlog problem worse.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 716, as amended.

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

A motion to reconsider was laid on the table.

AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1503) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1503

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 ''Avra/Black Wash Reclamation and Riparian Restoration Project''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16____. AVRA/BLACK WASH RECLAMATION AND RIPARIAN RESTORATION PROJECT, PIMA COUNTY, ARIZONA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with Pima County, Arizona, may participate in the planning, design, and construction of water recycling facilities and to enhance and restore riparian habitat in the Black Wash Sonoran Desert ecosystem in Avra Valley west of the metropolitan Pima County area.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the cost of the project.

''(c) LIMITATION.—Federal funds provided under this section shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $14,000,000.

''(e) USE OF FUNDS.—Federal funds provided under this section shall only be used for the design, planning and construction of water-related infrastructure.''.

(b) CLERICAL AMENDMENT.—The table of sections for Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

''Sec. 16____. Avra/Black Wash Reclamation and Riparian Restoration Project, Pima County, Arizona.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

Mr. GRIJALVA. Mr. Speaker, this legislation, which I introduced on March 13 of this year, authorizes the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project.

The extremely arid climate of Tucson, Arizona, and that metropolitan area requires careful and innovative planning of both water supply and wastewater treatment systems.

The proposed Avra Valley Reclamation and Riparian Restoration Site would spread treated wastewater on mesquite riparian forest in Black Wash, creating valuable riparian habitats for migrating birds, while recharging groundwater for the greater Tucson area.

I want to thank the chairwoman of the subcommittee on Water and Power, Mrs. NAPOLITANO, and the chairman of the Committee on Natural Resources, Mr. RAHALL, for their assistance in advancing this legislation.

I urge my colleagues to support the passage of H.R. 1503, as amended.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

The chairman and sponsor of this legislation has adequately explained the bill.

As amended, the funding in this bill is now specifically targeted for wastewater infrastructure rather than trails and a visitors center. Despite this positive change, however, I note this bill also adds to the $328 million funding backlog in the overall program.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1503, as amended.

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

A motion to reconsider was laid on the table.

BAY AREA REGIONAL WATER RECYCLING PROGRAM AUTHORIZATION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1526) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1526

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 ''Bay Area Regional Water Recycling Program Authorization Act of 2007''.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

''SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

''SEC. 16xx. ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

''SEC. 16xx. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

''SEC. 16xx. REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

''SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

''SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.''.

(b) CONFORMING AMENDMENTS.—The table of sections for Public Law 102–575 is amended by inserting after the last item relating to title XVI the following:

''Sec. 16xx. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
''Sec. 16xx. Pittsburg Recycled Water Project.
''Sec. 16xx. Antioch Recycled Water Project.
''Sec. 16xx. North Coast County Water District Recycled Water Project.
''Sec. 16xx. Redwood City Recycled Water Project.
''Sec. 16xx. South Santa Clara County Recycled Water Project.

''Sec. 16xx. South Bay Advanced Recycled Water Treatment Facility.''.

SEC. 3. SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.

It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under legislation.

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

There was no objection.

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

I would first like to recognize Representative GEORGE MILLER's hard work and dedication to this legislation, and for his leadership in California water policy.

This legislation would authorize the Secretary of the Interior to participate in seven important water supply projects as part of the Bay Area Regional Water Recycling Program.

□ 1230

The projects authorized by the enactment of H.R. 1526, as amended, will eventually produce 37,600 acre feet of recycled water annually. The water will be critical as California communities work to protect their water supply from future droughts.

Mr. Speaker, I thank Congressman GEORGE MILLER for his hard work on the legislation. I urge my colleagues to join me in supporting H.R. 1526, as amended.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman has adequately explained the bill. I note that this is another water recycling bill which will make the $328 million funding backlog in the program worse because the majority did not fully fund it in the Energy and Water appropriations bill.

Mr. GEORGE MILLER of California. Mr Speaker, this water recycling legislation, H.R. 1526, enables local agencies across California's Bay-Delta region to invest in sustainable and reliable new water supplies. I urge my colleagues to support the bill.

The Bay Area Regional Water Recycling Program Authorization Act will provide Federal assistance for an ambitious and forward-thinking regional water recycling program that will reduce demand on the Bay-Delta and drought-proof our regional municipal water supplies.

The legislation will assist efforts in Pittsburg, Antioch, Palo Alto, Mountain View, Pacifica, South Santa Clara County, Redwood City, and San Jose.

The city of Pittsburg and the Delta Diablo Sanitation District, in my congressional district, have been leading the charge on this effort, investing time, energy, and local funds in developing water recycling projects to help meet regional water needs. Water recycling is good for the environment and for local budgets.

In Pittsburg, for example, instead of using fresh water from the Delta, recycled water will be applied to city parks, golf courses, medians, and other green spaces. As the Contra Costa Times wrote about the bill, "There is no good reason to flush wastewater into rivers, bays, estuaries, and the ocean if it can be treated and used again for other purposes such as irrigating parks and golf courses."

I want to thank Chairman NICK RAHALL and Chairwoman GRACE NAPOLITANO, and the staff of the Natural Resources Committee and the Subcommiteee on Water and Power, for their assistance in this effort, and I encourage my colleagues to support this bill.

Ms. ESHOO. Mr. Speaker, first all my thanks to Representative GEORGE MILLER for his leadership and vision for sponsoring this legislation which I'm proud to be an original cosponsor of.

The legislation authorizes a total of seven new projects, including two in my district: the Mountain View Moffett Area Recycled Water Distribution Project and the Redwood City Recycled Water Project.

Since the 1990's a partnership of 17 local Bay Area governments, water, and wastewater agencies, the Bureau of Reclamation, and the California Department of Water Resources have worked to maximize water recycling around the Bay under the auspices of the Bay Area Regional Water Recycling Program (BARWRP). They have been found by the Bureau of Reclamation to be feasible or close to achieving feasibility, and they're now ready to move into construction with significant local funding commitments consistent with the Bureau of Reclamation's Title XVI water recycling program. Under the bill, the federal government may provide up to 25% of the cost of the planning, designing, and building each project, and the local sponsors will be responsible for securing at least 75 percent.

Despite the significant investments that communities have already made to these projects, they have not been able to secure federal funds because of a lack of investment by the Bureau of Reclamation in the Title XVI program and because of a lack of a specific Congressional authorization for these projects. This legislation addresses the question of authorization so that the funding may follow.

There's a clear federal interest in these water recycling projects since other federal water projects already contribute significant portions of the water supply to communities throughout the Bay Area. Taken together, the projects authorized in H.R. 1526 will conserve 5,000 acre-feet of potable water per year in the near-term (the first five years of operation) and more than 9,000 acre-feet per year over the long term (10 to 15 years). This represents 9,000 acre-feet which will not have to be extracted from the San Francisco Bay Delta, the Hetch Hechy system, and other sensitive areas.

Mr. Speaker, in coming years water supplies in California are going to be stretched and stressed by population growth, environmental stress, and supply reductions in water caused by the loss of snow pack due to global warming. If we're going to meet the challenge and relieve the stress on the existing system, we're going to need projects like these.

I urge my colleagues to vote for H.R. 1526.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1526, as amended.

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

A motion to reconsider was laid on the table.

OREGON WATER RESOURCES MANAGEMENT ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 495) to update the management of Oregon water resources, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 495

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 ''Oregon Water Resources Management Act of 2007''.

SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)(1), by striking ''Deschutes River Basin Working Group'' and inserting ''Deschutes River Conservancy Working Group'';

(2) by amending the text of subsection (a)(1)(B) to read as follows: ''4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;'';

(3) in subsection (b)(3), by inserting before the final period the following: '', and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016''; and

(4) in subsection (h), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2016''.

SEC. 3. WALLOWA LAKE DAM REHABILITATION ACT.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam

Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated December 2002, and on file with the Bureau of Reclamation.

(b) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(1) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(2) CONDITIONS.—As a condition of providing funds under paragraph (1), the Secretary shall ensure that—

(A) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(B) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this section; and

(C) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this section, both while and after activities are conducted using Federal funds provided under this section.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the costs of activities authorized under this section shall not exceed 50 percent.

(B) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(i) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(ii) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(4) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this section, shall comply with applicable Oregon State water law.

(5) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this section.

(6) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(c) RELATIONSHIP TO OTHER LAW.—Activities funded under this section shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this section, $6,000,000.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

SEC. 4. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the ''Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project'', dated July 2, 2004.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this section.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out subsection (a).

(B) FORM.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under subsection (a).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

SEC. 5. NORTH UNIT IRRIGATION DISTRICT.

(a) SHORT TITLE.—This section may be cited as the ''North Unit Irrigation District Act of 2007''.

(b) AMENDMENT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting ''(referred to in this Act as the 'District')'' after ''irrigation district''; and

(B) by inserting ''(referred to in this Act as the 'Contract')'' after ''1953''; and

(2) by adding at the end the following:

''SEC. 3. ADDITIONAL TERMS.

''On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

''(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

''(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled ''Land Classification, North Unit, Deschutes Project, 1953'' which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

''(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

''(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

''(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the North Unit Irrigation District Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

''(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

''(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

''(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

''SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

''The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the purpose of H.R. 495, as introduced by our colleague from Oregon (Mr. WALDEN), is to update the management of Oregon water resources and to authorize various water projects in the State of Oregon.

The bill authorizes the extension of participation of the Bureau of Reclamation in the Deschutes River Conservancy and the Wallowa Lake Dam

Rehabilitation, Little Butte/Bear Creek Subbasins Water Resource Study, and the North Unit Irrigation District. These projects will enhance the water resources in a number of areas in the State of Oregon. Almost identical legislation passed the House in the 109th Congress.

Mr. Speaker, we have no objection to this noncontroversial bill.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 495, sponsored by my Pacific Northwest colleague, GREG WALDEN, improves a number of water management projects in central and eastern Oregon. The provisions in this bill reflect the work of the past two Congresses and enjoyed bipartisan support because they help water consumers and improve the environment.

Mr. Speaker, I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 495.

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

A motion to reconsider was laid on the table.

OCEAN AND COASTAL MAPPING INTEGRATION ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2400) to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2400

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 ''Ocean and Coastal Mapping Integration Act''.

SEC. 2. INTEGRATED OCEAN AND COASTAL MAPPING PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States that enhances ecosystem approaches in decisionmaking for conservation and management of marine resources and habitats, establishes priorities for research and mapping, supports the siting of research and other platforms, enhances safety of navigation, and advances ocean and coastal science.

(b) PROGRAM PARAMETERS.—In developing such a program, the Administrator shall work with the Committee to—

(1) identify all Federal and federally funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan referred to in subsection (a).

SEC. 3. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) IN GENERAL.—The Administrator, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 2.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CHAIRMAN.—The committee shall have as its chairman the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. The full committee may form working groups to address issues of short duration.

(d) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(e) COORDINATION.—The committee shall coordinate activities, when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of non-governmental entities.

(f) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee.

SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, such as Digital Coast, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be colocated with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this Act, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) ENHANCED OPPORTUNITIES FOR NON-GOVERNMENTAL CONTRACTING.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of non-governmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 5. INTERAGENCY PROGRAM REPORTING.

No later than 18 months after the date of enactment of this Act, and biannually thereafter, the Chairman of the Committee shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this Act, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle;

(3) identification of priority areas in need of survey coverage using present technologies;

(4) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(5) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(6) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(7) documentation of minimum and desired standards for data acquisition and integrated metadata;

(8) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(9) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(10) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs; and

(12) a description of efforts of Federal agencies to increase contracting with non-governmental entities.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

(1) $20,000,000 for fiscal year 2008;

(2) $26,000,000 for fiscal year 2009;

(3) $32,000,000 for fiscal year 2010;

(4) $38,000,000 for fiscal year 2011; and

(5) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amount appropriated under subsection (a) for each fiscal year, no more than 25 percent may be appropriated to carry out section 4(c).

SEC. 7. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term ''coastal state'' has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) COMMITTEE.—The term ''Committee'' means the Interagency Committee on Ocean and Coastal Mapping established by section 3.

(4) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) NON-GOVERNMENTAL ENTITIES.—The term ''non-governmental entities'' includes non-governmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(6) OCEAN AND COASTAL MAPPING.—The term ''ocean and coastal mapping'' means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(7) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(8) TERRITORIAL SEA.—The term ''territorial sea'' means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2400 would direct the administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal waters and the territorial sea, the exclusive economic zone and the Continental Shelf. The legislation responds to the U.S. Commission on Ocean Policy's recommendation that the National Oceanic and Atmospheric Administration consolidate and coordinate the Federal Government's mapping activities. A National Research Council study made a similar recommendation.

To accomplish this end, H.R. 2400 would coordinate the efforts of all Federal agencies involved in mapping our oceans and coasts. Consistent protocols would be developed across all Federal agencies to collect data and develop maps, instead of various agencies using their own criteria.

In addition, the legislation would require Federal agencies to coordinate their efforts. Ultimately, those entities dependent on maps for navigation, national security, scientific research, energy development and location of cultural resources, such as shipwrecks,

would all greatly benefit. H.R. 2400 will increase the efficiency of our mapping efforts, reduce redundancy and allow data used by one agency to be used again and again by others for multiple purposes.

Mr. Speaker, I support this bill and encourage Members to vote for this noncontroversial legislation.

Mr. Speaker, I will include for the RECORD the exchange of letters regarding the Committee on Science and Technology's jurisdictional interest in this legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, July 20, 2007.

Hon. NICK J. RAHALL, II,
Chairman, Committee on Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I write with regard to H.R. 2400, the Ocean and Coastal Mapping Integration Act, which was referred to both the Committee on Natural Resources and the Committee on Science and Technology on May 21, 2007.

As you know, I support passage of the bill, and I do not intend to object to its consideration on the House floor. I am therefore willing to waive further consideration of the bill by the Committee on Science and Technology at this time. I want to make clear, however, that this waiver does not in any way serve as a jurisdictional precedent as to our two committees. Also, I ask that you support my request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

I request that you send to me a letter confirming our agreement and that, as part of the consideration of the bill on the House floor, you insert our two letters in the Congressional Record.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 20, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR BART: Thank you for your willingness to allow floor consideration of H.R. 2400, the Ocean and Coastal Mapping Integration Act, to proceed unimpeded.

I appreciate your willingness to waive rights to further consideration of H.R. 2400, even though your Committee shares jurisdiction over it and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As you requested, I will insert our two letters in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2400, the Ocean and Coastal Mapping Integration Act. Chairman GRIJALVA has adequately explained the bill, which will lead to a more efficient and effective use of ocean data.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 2400, the Ocean and Coastal Mapping Integration Act, which I introduced on May 21, 2007, and which the Committee on Natural Resources ordered to be favorably reported to the House on June 28, 2007.

The surveying and mapping of our coasts and oceans is one of the oldest functions of the Federal Government. In 1807, Thomas Jefferson signed into law an act requiring the President "to cause a survey to be taken of the coast of the United States . . . together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts." Ever since the enactment of that law, the mapping and charting of our coasts and marine waters, including the Great Lakes, continues to be an activity of great national importance.

In 2004 the U.S. Commission on Ocean Policy released a report at the request of the President recommending actions needed to improve ocean policy in the United States. Among the suggestions made by the commission was a recommendation that existing Federal mapping activities be consolidated and coordinated, and that the National Oceanic and Atmospheric Administration, NOAA, lead this effort.

At the same time, the National Research Council, NRC, completed a study identifying the most pressing national needs for coastal mapping and charting. This study, requested by three of the primary agencies involved in ocean and coastal surveying, identified the same need for coordination. The NRC findings included a need for a consistent spatial framework, increased access to geospatial data and mapping products, and increased inter- and intra-agency communication, cooperation, and coordination.

Learning of these recommendations, I introduced H.R. 2400 along with my colleague from South Carolina, the ranking Republican Member of the Subcommittee on Fisheries, Wildlife and Oceans, Congressman HENRY BROWN, to coordinate and strengthen the efforts of Federal agencies to map our oceans and coasts.

The coordination required by this legislation will result in increased efficiency, eliminate redundant mapping efforts, and allow data collected by one agency to be used multiple times by other agencies and stakeholders for myriad purposes.

Passage of this legislation will fulfill an important recommendation of the U.S. Commission on Ocean Policy and result in immediate benefits for national security, maritime commerce, navigation, and marine resource, management and scientific research.

For these reasons, Mr. Speaker, I ask members on both sides to support passage of this non-controversial bill.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 2400, as amended.

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

A motion to reconsider was laid on the table.

MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 50) to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 50

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 "Multinational Species Conservation Funds Reauthorization Act of 2007".

SEC. 2. REAUTHORIZATION AND AMENDMENT OF AFRICAN ELEPHANT CONSERVATION ACT.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 2101(c) of the African Elephant Conservation Act (16 U.S.C. 4211(c)) is amended by striking "and to each country within which the project is proposed to be conducted".

(b) ADMINISTRATIVE EXPENSES.—Section 2306(b) of the African Elephant Conservation Act (16 U.S.C. 4245(b)) is amended by striking "$80,000" and inserting "$100,000".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking "2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "2007 through 2012".

SEC. 3. REAUTHORIZATION AND AMENDMENT OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 5(c) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5304(c)) is amended in the third sentence by striking ", to the Administrator, and to each country within which the project is to be conducted" and inserting "and to the Administrator" .

(b) ADMINISTRATIVE EXPENSES.—Section 10(b) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(b)) is amended by striking "$80,000" and inserting "$100,000".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking "2001, 2002, 2003, 2004, 2005, 2006, and 2007" and inserting "2007 through 2012".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, let me begin by commending Congressman DON YOUNG, the ranking Republican on the Committee on Natural Resources, for introducing H.R. 50, the Multinational Species Conservation Funds Reauthorization Act of 2007. This bill would authorize two important international wildlife conservation laws, the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act.

Mr. Speaker, illegal poaching, habitat loss and other factors have pushed African elephants, rhinoceroses and tigers dangerously close to extinction. H.R. 50 authorizes funding through fiscal year 2012 for scientific research, management, law enforcement and public education activities used to conserve and protect these keystone wildlife species and their habitat.

Congress has provided $26.9 million, which has been leveraged through matching funds and in-kind contributions to generate more than $96.1 million for international species conservation. This has been an excellent investment for the Federal Government.

We support this noncontroversial bill, and urge all Members on both sides to vote for this important conservation bill.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 50. This legislation, introduced by the distinguished ranking Republican on the Natural Resources Committee, the Honorable DON YOUNG, will extend the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act. This legislation builds upon the proven success of these two conservation funds and allows the Secretary of the Interior to continue to approve badly needed conservation grants for the next 5 years. These acts have been two of the most effective conservation laws ever approved by the United States Congress.

Mr. Speaker, I urge adoption of this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 50, as amended.

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

A motion to reconsider was laid on the table.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 465) to reauthorize the Asian Elephant Conservation Act of 1997, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 465

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 ''Asian Elephant Conservation Reauthorization Act of 2007''.

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 5(c)(2)(C) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4264(c)(2)(C)) is amended by striking '', the Administrator, and each of those countries'' and inserting ''and the Administrator''.

(b) ADMINISTRATIVE EXPENSES.—Section 8(b) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(b)) is amended by striking ''$80,000'' and inserting ''$100,000''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking ''2001, 2002, 2003, 2004, 2005, 2006, and 2007'' and inserting ''2007 through 2012''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this bill.

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

There was no objection.

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

Mr. Speaker, I commend my colleague, Congressman JIM SAXTON, for introducing H.R. 465, the Asian Elephant Conservation Reauthorization Act of 2007. H.R. 465 would authorize the Asian Elephant Conservation Act through fiscal year 2012. This law authorizes grants to be issued for the survival of the Asian elephant in the wild.

Unfortunately, Mr. Speaker, the status of the Asian elephant remains tenuous. Fewer than 4,000 Asian elephants are found throughout the forests and savannas of South Asia. Approximately 16,000 of these animals are held in captivity. The captive elephants are used to assist people in timber harvest, forest clearing and agriculture. In the wild, populations remain under heavy stress from several factors, especially habitat loss and deforestation.

Since the first grant was awarded in 1997, more than $10.3 million in matching contributions or in-kind support have been generated by leveraging the $7.8 million contribution made available by the Congress.

□ 1245

Funding supports cooperative conservation projects that protects Asian elephants and their habitat by providing scientific research, law enforcement and education.

I support this noncontroversial bill, and again commend the gentleman from New Jersey (Mr. SAXTON), the author of the original Asian Elephant Conservation Act, for his unwavering commitment to international wildlife conservation.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 465, the Asian Elephant Conservation Rauthorization Act. This legislation will extend the Asian Elephant Conservation Fund at the existing authorization levels until September 30, 2012.

In the early 1900s, there were less than 40,000 wild Asian elephants living throughout the world. In response to this international wildlife crisis, the gentleman from New Jersey (Mr. SAXTON) introduced the Asian Elephant Conservation Act. Since 1997, the Secretary of the Interior has reviewed over 300 proposals to assist Asian elephants, and 183 grants have been awarded to various entities. These projects have received $7.8 million in Federal funds and $11.3 million in private matching funds.

This conservation fund has had a profound impact on protecting Asian elephants, and there is no question that these projects have stopped this specie's slide into extinction. This is a sound investment of a small amount of Federal tax dollars. I urge an ''aye'' vote on H.R. 465.

Mr. SAXTON. Mr Speaker, as the author of this legislation, I am pleased the House is now considering H.R. 465. This simple non-controversial legislation will extend the Asian Elephant Conservation Fund at existing authorization levels of up to $5 million each year until September 30, 2012.

During our public hearing on H.R. 465, the Fish and Wildlife Service, which administers this Fund, testified that: "The Asian Elephant Conservation Act has greatly enhanced the conservation status of the Asian elephant".

There are currently only about 40,000 wild Asian elephants living in south and southeastern Asia. As a result, this species is listed on our Endangered Species Act, on Appendix I of CITES and on the World Conservation Union's Red List.

In response to the ongoing slaughter of this keystone species, Congress adopted the Asian Elephant Conservation Act which I was pleased to sponsor in 1997. In the decade since its enactment, the Secretary of the Interior has carefully reviewed over 300 conservation projects designed to save Asian elephants for future generations. The Secretary has approved 183 of these grant proposals which

have received $9 million in Federal funds and $11.3 million in private matching funds.

As every witness testified, there is an overwhelming need to extend this important conservation program and there is no question that these conservation funds have had a profound impact on protecting this irreplaceable species. While everyone enjoys seeing elephants at the National Zoo, it is far more important that they continue to exist in the wild in Burma, India and Thailand. The road to extinction is a one-way street and we must work to ensure that the Asian elephant does not make that journey.

I am proud to urge my colleagues to vote "aye" on H.R. 465, the Asian Elephant Conservation Reauthorization Act. It is an appropriate and sound investment of U.S. tax dollars.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 465, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM AMENDMENTS ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1239) to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1239

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 ''National Underground Railroad Network to Freedom Amendments Act of 2007''.

SEC. 2. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 469l et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

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

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

''(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

''(1) $2,000,000 is to be used for the purposes of section 3.

''(2) $500,000 is to be used for the purposes of section 4.

''(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentlewoman from Washington (Mrs. MCMORRIS RODGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 1239, introduced by the gentleman from Florida (Mr. HASTINGS), seeks to further the commitment made by Congress with the passage of the National Underground Railroad Network to Freedom Act of 1998 by reconfiguring the authorization of funds to carry out the act.

Mr. Speaker, the Underground Railroad was a historic protest movement against slavery which helped escaped slaves find freedom in Northern States and Canada prior to the Civil War.

The National Underground Railroad Network to Freedom Act of 1998 established the Underground Network to Freedom Program administered by the National Park Service. Today the program carries out important activities in more than 27 States and the District of Columbia.

Mr. Speaker, I would like to commend my friend and colleague from Florida (Mr. HASTINGS) for his work on this legislation. He has been a real leader in this bipartisan effort to enhance the Underground Railroad Network to Freedom Program. We support passage of H.R. 1239, as amended, and urge its adoption by the House today.

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

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise in support of H.R. 1239, and yield myself such time as I may consume.

I would like to commend the sponsor, the gentleman from Florida (Mr. HASTINGS), as well as the chairman of the subcommittee Mr. GRIJALVA, for explaining this bill. We appreciate the work that has been done to improve the bill, and look forward to see the program succeed. I urge Members' support.

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

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS), the author and sponsor of this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 1239, the National Underground Railroad Network to Freedom Reauthorization Act. I introduced this legislation with my good friend, the gentleman from Delaware (Mr. CASTLE).

The widespread bipartisan support this legislation has received with 67 cosponsors and endorsement by the National Parks Conservation Association has demonstrated that black history is synonymous with American history as life experience shared by all citizens of America.

I would like to thank Chairman RAHALL and Mr. DON YOUNG of the Natural Resources Committee for bringing this important legislation to the floor, and I would especially like to thank the gentleman from Arizona (Mr. GRIJALVA), the subcommittee chairman, and his counterpart, Representative ROB BISHOP, for their support. And my congratulations to Mrs. MCMORRIS RODGERS on her recent addition to her family and her finding time to come and support this legislation as well.

With passage of this legislation, I hope that the National Park Service will give the National Underground Railroad Network to Freedom its due priority with adequate staffing to maintain the growing network. Toward that end, I would also like to thank the staff of the respective committees who helped to expedite this matter.

Mr. Speaker, when I joined my esteemed former colleague, as did many other Members, and the person to whom I am referring is Representative Lou Stokes, in 1998, he led the effort to establish the National Underground Railroad to Freedom. I don't think any of us could have foreseen the emergence of the National Park Service as one of the largest stewards of black history in the United States. Nor could we have predicted the rapidly expanding support and interest for one of the most intriguing multicultural collaborations in the history of our Nation.

The Network to Freedom is a key feature that diversifies engagement in interpretive opportunities of our National Park System. It has grown to 300 programs, sites, and partners in 28 States and the District of Columbia. This network is a national treasure of historic buildings, routes, programs, projects, and museums with thematic connections to the Underground Railroad.

The legislation before us today appropriately adjusts the authorization levels for the Network to Freedom to reflect the growth of interest nationally, and the resulting expansion of opportunities. These adjustments will help to resolve the financial challenges facing the Network to Freedom that include the lack of consistent development grants and administrative support for affiliates.

Mr. Speaker, this bill protects the interpretive interests of our National Park System by providing the necessary support staff and oversight for

the Network to Freedom to exist in perpetuity. It is time to take a stand for the future of our national parks and American history.

I urge my colleagues to support this bill and preserve a vital asset to the history of our Nation, the Underground Railroad.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 1239, the National Underground Railroad Network to Freedom Reauthorization Act. I introduced this legislation in February with my good friend Representative Castle of Delaware as one contribution to the celebration of Black History Month.

The widespread bi-partisan support this legislation has received with 67 cosponsors and endorsement by the National Parks Conservation Association has demonstrated that Black history is synonymous with American history as a life experience shared by all citizens of America.

I would like to thank Chairman RAHALL and Ranking Member YOUNG of the Natural Resources Committee for bringing this important legislation to the floor. I would also like to thank Subcommittee Chairman GRIJALVA and Representative ROB BISHOP for their support and minor adjustments to this legislation to meet the needs of the National Park Service administration. With passage of this legislation, I hope that the National Park Service will give the National Underground Railroad Network to Freedom its due priority with adequate staffing to maintain the growing network.

Mr. Speaker, when I joined my esteemed former colleague Representative Louis Stokes in 1998 to establish the National Underground Railroad Network to Freedom, I do not think we could have foreseen the emergence of the National Park Service as one of the largest stewards of black history in the United Sates. Nor could we have predicted the rapidly expanding support and interest for one of the most intriguing multicultural collaborations in the history of our Nation.

In this polarized historical moment of American politics, remembering the Underground Railroad as a unifying narrative in our history could not be timelier. The sacrifice at the risk of death made by conductors and travelers of the Underground Railroad was an unprecedented contribution to the abolition of slavery. The contributors to this network included the members of the Society of Religious Friends, commonly referred to as the Quakers, as well as other concerned individuals. Thus, the Underground Railroad was one of the first synergistic partnerships that fostered the development of the thriving multicultural society that is the United States of America.

Mr. Speaker, the Network to Freedom is a key feature that diversifies engagement in interpretive opportunities of our national park system. It has grown to 300 programs, sites, and partners in 28 states and the District of Columbia. This network is a national treasure of historic buildings, routes, programs, projects, and museums with thematic connections to the Underground Railroad.

The legislation before us today appropriately adjusts authorization levels for the Network to Freedom to reflect the growth of interest nationally and the resulting expansion of opportunities. As a part of a concerted movement to overcome the funding challenges that threaten all national parks, this legislation moderately expands the operating funds of Network to Freedom to an authorization for appropriations up to $2 million and establishes appropriate oversight for grant funds. These adjustments will help to resolve the financial challenges facing the Network to Freedom that include the lack of consistent development grants and administrative support for affiliates.

Mr. Speaker, this bill will protect the interpretive interests of our National Park System by providing the necessary support staff and oversight for the Network to Freedom to exist in perpetuity. It is time to take a stand for the future of our National Parks and American history.

I urge my colleagues to support this bill and join me in preserving a vital asset to the history of our Nation: the Underground Railroad.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1239, as amended.

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

The title was amended so as to read: ''A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes.''.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Hon. MARK UDALL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued in the Municipal Court of the City of Westminster, Colorado, for testimony in a criminal case.

I do not appear to have any relevant or material testimony to offer. Accordingly, after consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

MARK UDALL,
Member of Congress.

OVERSEAS PRIVATE INVESTMENT CORPORATION REAUTHORIZATION ACT OF 2007

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2798) to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2798

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 ''Overseas Private Investment Corporation Reauthorization Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since its founding in 1971, the Overseas Private Investment Corporation (in this section referred to as ''OPIC'') has helped to mobilize and facilitate private capital by United States investors in developing and emerging market countries in support of United States foreign policy and development goals.

(2) OPIC assistance should not, in any way, support projects in countries that reject their obligations to support international peace, security, and basic human rights.

(3) OPIC assistance should not be provided to those who support enemies of the United States.

(4) OPIC assistance is a privilege and should be granted to persons that, along with their affiliated companies, demonstrate responsible and sustainable business practices, particularly with regard to the environment, international worker rights, and efforts against genocide and nuclear proliferation. Denial of OPIC assistance is not a penalty or sanction.

(5) Over OPIC's 35-year history, OPIC has supported $177,000,000,000 in operating investments in more than 150 developing countries, helping to create more than 800,000 jobs and some $13,000,000,000 in host-government revenues.

(6) OPIC projects have generated $71,000,000,000 in United States exports and supported more than 271,000 United States jobs.

(7) Projects assisted by OPIC in fiscal year 2006 are projected to generate $1,000,000,000 in United States exports, support more than 2,700 United States jobs, and have a positive impact on the United States balance of payments.

(8) In fiscal year 2006, 87 percent of all OPIC-supported projects supported small-and-medium-sized businesses in the United States.

(9) In an era of limited Federal budgetary resources, OPIC has consistently demonstrated an ability to operate on a self-sustaining basis to support United States companies, all at a net cost of zero to the United States taxpayer.

(10) OPIC has reserves totaling approximately $5,300,000,000 and will make an estimated net budget contribution to the international affairs account of $159,000,000 in fiscal year 2008.

SEC. 3. REAUTHORIZATION OF OPIC PROGRAMS.

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011'' .

SEC. 4. PREFERENTIAL CONSIDERATION OF CERTAIN INVESTMENT PROJECTS.

Section 231(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191(f)) is amended to read as follows:

''(f) to give preferential consideration to investment projects in less developed countries the governments of which are receptive to private enterprise, domestic and foreign, and to projects in countries the governments of which are willing and able to maintain conditions that enable private enterprise to make its full contribution to the development process;''.

SEC. 5. REQUIREMENTS REGARDING INTERNATIONAL WORKER RIGHTS.

(a) COUNTRY REQUIREMENTS.—Subsection (a) of section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(a)) is amended—

(1) by amending the subsection heading to read as follows: ''INTERNATIONAL WORKER RIGHTS'';

(2) in paragraph (4), by striking ''(4) In'' and inserting ''(5) ADDITIONAL DETERMINATION.—In '' ; and

(3) by striking paragraphs (1) through (3) and inserting the following:

''(1) LIMITATION ON OPIC ACTIVITIES.—(A) The Corporation may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken has made or is making significant progress towards the recognition, adoption, and implementation of laws that substantially provide international worker rights, including in any designated zone, or special administrative region or area, in that country.

''(B) The Corporation shall also include the following language, in substantially the following form, in all contracts which the Corporation enters into with eligible investors to provide financial support under this title:

'' 'The investor agrees not to take any actions to obstruct or prevent employees of the foreign enterprise from exercising their international worker rights (as defined in section 238(h) of the Foreign Assistance Act of 1961), and agrees to adhere to the obligations regarding those international worker rights.'

''(2) PREFERENCE TO CERTAIN COUNTRIES.—To the degree possible and consistent with its development objectives, the Corporation shall give preferential consideration to projects in countries that have adopted, maintain, and enforce laws that substantially provide international worker rights.

''(3) USE OF ANNUAL REPORTS ON INTERNATIONAL WORKER RIGHTS.—The Corporation shall, in carrying out paragraph (1)(A), use, among other sources, the reports submitted to the Congress pursuant to section 504 of the Trade Act of 1974. Such other sources include the observations, reports, and recommendations of the International Labor Organization, and other relevant organizations.

''(4) INAPPLICABILITY TO HUMANITARIAN ACTIVITIES.—Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, guaranty, financing, or other assistance for the provision of humanitarian assistance in a country.''.

(b) BOARD OF DIRECTORS.—Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended by adding at the end the following: ''The selection of the small business, organized labor, and cooperative directors should be made, respectively, in consultation with relevant representative organizations.''.

(c) DEFINITIONS.—Section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198) is amended—

(1) in subsection (f), by striking ''and'' after the semicolon;

(2) in subsection (g), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(h) the term 'international worker rights' means—

''(1) internationally recognized worker rights, as defined in section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)); and

''(2) the elimination of discrimination with respect to employment and occupation.''.

(d) GENERAL PROVISIONS AND POWERS.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended—

(1) in subsection (h), by adding at the end the following: ''In addition, the Corporation should consult with relevant stakeholders in developing such criteria.''; and

(2) in subsection (i), in the first sentence, by inserting '', including international worker rights,'' after ''fundamental freedoms''.

SEC. 6. ENVIRONMENTAL ASSESSMENTS.

Section 231A(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a(b)) is amended to read as follows:

''(b) ENVIRONMENTAL IMPACT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts, unless for at least 60 days before the date of the vote—

''(1) an environmental impact assessment, or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

''(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.''.

SEC. 7. COMMUNITY SUPPORT.

Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is amended by adding at the end the following:

''(p) COMMUNITY SUPPORT.—To the maximum extent practicable, the Corporation shall require the applicant for a project that is subject to section 231A(b) to obtain broad community support for the project.''.

SEC. 8. CLIMATE CHANGE MITIGATION ACTION PLAN.

Title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CLIMATE CHANGE MITIGATION.

''(a) MITIGATION ACTION PLAN.—The Corporation shall, not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, institute a climate change mitigation action plan that includes the following:

''(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—

''(A) INCREASING ASSISTANCE.—The Corporation shall establish a goal of substantially increasing its support of projects that use, develop, or otherwise promote the use of clean energy technologies over the 4-year period beginning on the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007.

''(B) PREFERENTIAL TREATMENT TO PROJECTS.—The Corporation shall give preferential treatment to the evaluation and awarding of assistance for and provide greater flexibility in supporting projects that use, develop, or otherwise promote the use of clean and efficient energy technologies.

''(2) ENVIRONMENTAL IMPACT ASSESSMENTS.—

''(A) GREENHOUSE GAS EMISSIONS.—The Corporation shall, in making an environmental impact assessment for a project under section 231A(b), take into account the degree to which the project contributes to the emission of greenhouse gases.

''(B) OTHER DUTIES NOT AFFECTED.—The requirement under subparagraph (A) is in addition to any other requirement, obligation, or duty that the Corporation has.

''(3) REPORT TO CONGRESSIONAL COMMITTEES.—The Corporation shall, within 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the plan developed to carry out paragraph (1)(A). Thereafter, the Corporation shall include in its annual report under section 240A a discussion of such plan and its implementation.

''(b) EXTRACTION INVESTMENTS.—

''(1) PRIOR NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Corporation may not approve any contract of insurance or reinsurance, or any guaranty, or enter into any agreement to provide financing for any project which significantly involves an extractive industry and in which assistance by the Corporation would be valued at $10,000,000 or more (including contingent liability), until at least 30 days after the Corporation notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such contract or agreement.

''(2) COMMITMENT TO EITI PRINCIPLES.—The Corporation may approve a contract of insurance or reinsurance, or any guaranty, or enter into an agreement to provide financing to an eligible investor for a project that significantly involves an extractive industry only if—

''(A) the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria; or

''(B) the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria.

''(3) PREFERENCE FOR CERTAIN PROJECTS.—With respect to all projects that significantly involve an extractive industry, the Corporation, to the degree possible and consistent with its development objectives, shall give preference to a project in which both the eligible investor has agreed to implement the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria, and the host country where the project is to be carried out has committed to the Extractive Industries Transparency Initiative principles and criteria, or substantially similar principles and criteria.

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

''(A) EXTRACTIVE INDUSTRY.—The term 'extractive industry' refers to an enterprise engaged in the exploration, development, or extraction of oil and gas reserves, metal ores, gemstones, industrial minerals, or coal.

''(B) EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE PRINCIPLES AND CRITERIA.—The term 'Extractive Industries Transparency Initiative principles and criteria' means the principles and criteria of the Extractive Industries Transparency Initiative, as set forth in Annex A to the Anti-Corruption Policies and Strategies Handbook of the Corporation, as published in September 2006.

''(5) REPORTING REQUIREMENT.—The Corporation shall include in its annual report required under section 240A a description of its activities to carry out this subsection.

''(c) DEFINITIONS.—In this section:

''(1) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term 'clean and efficient energy technology' means an energy supply or end-use technology—

''(A) such as—

''(i) solar technology;

''(ii) wind technology;

''(iii) geothermal technology;

''(iv) hydroelectric technology; and

''(v) carbon capture technology; and

''(B) that, over its life cycle and compared to a similar technology already in commercial use—

''(i) is reliable, affordable, economically viable, socially acceptable, and compatible

with the needs and norms of the country involved;

''(ii) results in—

''(I) reduced emissions of greenhouse gases; or

''(II) increased geological sequestration; and

''(iii) may—

''(I) substantially lower emissions of air pollutants; or

''(II) generate substantially smaller and less hazardous quantities of solid or liquid waste.

''(2) GREENHOUSE GAS.—The term 'greenhouse gas' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons; or

''(F) sulfur hexafluoride.''.

SEC. 9. PROHIBITION ON ASSISTANCE TO DEVELOP OR PROMOTE CERTAIN RAILWAY CONNECTIONS AND RAILWAY-RELATED CONNECTIONS.

Section 237 of the of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following:

''(q) PROHIBITION ON ASSISTANCE FOR CERTAIN RAILWAY PROJECTS.—The Corporation may not provide insurance, reinsurance, a guaranty, financing, or other assistance to support the development or promotion of any railway connection or railway-related connection that does not traverse or connect with Armenia and does connect Azerbaijan and Turkey.''.

SEC. 10. INELIGIBILITY OF PERSONS DOING CERTAIN BUSINESS WITH STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following:

''(r) INELIGIBLE PROJECTS.—

''(1) IN GENERAL.—A project will not be eligible to receive support provided by the Corporation under this title if either of the following applies:

''(A)(i) An applicant for insurance, reinsurance, financing, or other support for a project provided to the government of a state sponsor of terrorism a loan, or an extension of credit, that remains outstanding.

''(ii) For purposes of this subparagraph, the sale of goods, other than food or medicine, on any terms other than a cash basis shall be considered to be an extension of credit.

''(B) An applicant for insurance, reinsurance, financing, or other support for a project has an investment commitment valued at $20,000,000 or more for the energy sector in a country that is a state sponsor of terrorism.

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

''(A) CASH BASIS.—The term 'cash basis' refers to a sale in which the purchaser of goods or services is required to make payment in full within 45 days after receiving the goods or services.

''(B) ENERGY SECTOR.—The term 'energy sector' refers to activities to develop or transport petroleum or natural gas resources.

''(C) INVESTMENT COMMITMENT.—The term 'investment commitment' means any of the following activities if such activity is undertaken pursuant to a commitment, or pursuant to the exercise of rights under a commitment, that was entered into with the government of a state sponsor of terrorism or a nongovernmental entity in a country that is a state sponsor of terrorism:

''(i) The entry into a contract that includes responsibility for the development of petroleum resources located in a country that is a state sponsor of terrorism, or the entry into a contract providing for the general supervision and guarantee of another person's performance of such a contract.

''(ii) The purchase of a share of ownership, including an equity interest, in that development.

''(iii) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

''(D) STATE SPONSOR OF TERRORISM.—The term 'state sponsor of terrorism' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, to be a government that has repeatedly provided support for acts of international terrorism.

''(3) CERTIFICATION.—

''(A) BY APPLICANTS.—A person or entity applying for insurance, reinsurance, a guaranty, financing, or other assistance under this title may not receive such support unless its chief executive officer certifies to the Corporation, under penalty of perjury, that the person or entity and its majority-owned subsidiaries are not engaged in any activity described in subparagraph (A) or (B) of paragraph (1).

''(B) BY ULTIMATE PARENT ENTITIES.—In the case of an applicant that is a majority-owned entity of another entity, in addition to the certification under subparagraph (A), the chief executive officer of the ultimate parent entity of the applicant must certify, under penalty of perjury, that it and its majority-owned subsidiaries are not engaged in any activity described in subparagraph (A) or (B) of paragraph (1).

''(C) APPLICATION TO STRAW MAN TRANSACTIONS.—In any case in which—

''(i) an applicant for insurance, reinsurance, financing, or other assistance under this title is providing goods and services to a project,

''(ii) more than 50 percent of such goods and services are acquired from an unaffiliated entity, and

''(iii) the unaffiliated entity is receiving $20,000,000 or more, or sums greater than 50 percent of the amount of the assistance provided by the Corporation for the project (including contingent liability), for such goods or services,

then the chief executive officer of the unaffiliated entity must make a certification under subparagraph (A), and any ultimate parent entity must make a certification required by subparagraph (B).

''(D) DILIGENT INQUIRY.—A certification required by subparagraph (A), (B), or (C) may be made to the best knowledge and belief of the certifying officer if that officer states that he or she has made diligent inquiry into the matter certified.

''(E) EXCEPTION.—(i) A chief executive officer of an applicant or other entity may provide a certification required by subparagraph (A), (B), or (C) with respect to the activity of a majority-owned subsidiary or entity notwithstanding activity by such majority-owned subsidiary or entity that would cause a project to be ineligible for support under subparagraph (A) or (B) of paragraph (1) if such activity is carried out under a contract or other obligation of such majority-owned subsidiary or entity that was entered into or incurred before the acquisition of such majority-owned subsidiary or entity by the applicant or ultimate parent entity.

''(ii) Clause (i) shall not apply if the terms of such contract or other obligation are expanded or extended after such acquisition.

''(F) DEFINITION.—For purposes of this paragraph, a person is an ultimate parent of an entity if the person owns directly, or through majority ownership of other entities, greater than 50 percent of the equity of the entity.

''(4) EXCEPTION.—The prohibition in paragraph (1) shall not—

''(A) apply to a loan, extension of credit, or investment commitment by an applicant, or other entity covered by a certification under subparagraph (A), (B), or (C) of paragraph (3), in Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei, Darfur, if the Corporation, with the concurrence of the Secretary of State, determines that such loan, extension of credit, or investment commitment will provide emergency relief, promote economic self-sufficiency, or implement a nonmilitary program in support of a viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement; or

''(B) prohibit the Corporation from providing support for projects in Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei, Darfur, if the Corporation, with the concurrence of the Secretary of State, determines that such projects will provide emergency relief, promote economic self-sufficiency, or implement a nonmilitary program in support of a viable peace agreement in Sudan, including the Comprehensive Peace Agreement for Sudan and the Darfur Peace Agreement.

''(5) PROSPECTIVE APPLICATION OF SUBSECTION.—This subsection shall not be applied to limit support by the Corporation under this title because an applicant, or other entity covered by a certification under subparagraph (A), (B), or (C) of paragraph (3) engaged in commercial activity specifically licensed by the Office of Foreign Assets Control of the Department of the Treasury.''.

(b) TERMINATION.—

(1) IN GENERAL.—The amendment made by this section shall cease to be effective with respect to a country that is a state sponsor of terrorism 30 days after the President certifies to the appropriate congressional committees that—

(A) the country has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism;

(B) the country does not possess nuclear weapons or a significant program to develop nuclear weapons; and

(C) the country is not committing genocide or conducting a program of ethnic cleansing against a civilian population that approaches genocide.

(2) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(B) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' has the meaning given that term in section 237(r)(2)(D) of the Foreign Assistance Act of 1961, as added by subsection (a) of this section.

SEC. 11. INCREASED TRANSPARENCY.

(a) IN GENERAL.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following new subsections:

''(s) AVAILABILITY OF PROJECT INFORMATION.—Beginning 90 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, the Corporation shall make public, and post on its Internet website, summaries of all new projects supported by the Corporation, and other relevant information, except

that the Corporation shall not include any confidential business information in the summaries and information made available under this subsection.

''(t) REVIEW OF METHODOLOGY.—Not later than 180 days after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, the Corporation shall publish in the Federal Register and periodically revise, subject to a period of public comment, the detailed methodology, including relevant regulations, used to assess and monitor the impact of projects supported by the Corporation on the development and environment of, and international worker rights in, host countries, and on United States employment.

''(u) PUBLIC NOTICE PRIOR TO PROJECT APPROVAL.—

''(1) PUBLIC NOTICE.—The Board of Directors of the Corporation may not vote in favor of any action proposed to be taken by the Corporation on any Category A project until at least 60 days after the Corporation—

''(A) makes available for public comment a summary of the project and relevant information about the project; and

''(B) makes the summary and information described in paragraph (1) available to locally affected groups in the area of impact of the proposed project, and to host country nongovernmental organizations.

The Corporation shall not include any business confidential information in the summary and information made available under subparagraphs (A) and (B).

''(2) PUBLISHED RESPONSE.—To the extent practicable, the Corporation shall publish responses to the comments received under paragraph (1) with respect to a Category A project and submit the responses to the Board not later than 7 days before a vote is to be taken on any action proposed by the Corporation on the project.

''(3) DEFINITIONS.—In this subsection, the term 'Category A project' means any project or other activity for which the Corporation proposes to provide insurance, reinsurance, financing, or other support under this title and which is likely to have significant adverse environmental impacts.''.

(b) OFFICE OF ACCOUNTABILITY.—Section 237 of the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is further amended by adding at the end the following new subsection:

''(v) OFFICE OF ACCOUNTABILITY.—The Corporation shall maintain an Office of Accountability to provide problem-solving services for projects supported by the Corporation and to review the Corporation's compliance with its environmental, social, worker rights, human rights, and transparency policies and procedures, to the maximum extent practicable. The Office of Accountability shall operate in a manner that is fair, objective and transparent.''.

SEC. 12. FRAUD AND OTHER BREACHES OF CONTRACT.

Section 237(n) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(n)) is amended—

(1) by striking ''Whoever'' and inserting:

''(1) IN GENERAL.—Whoever''; and

(2) by adding at the end the following:

''(2) DEFERRALS TO DEPARTMENT OF JUSTICE.—(A) The President of the Corporation shall refer to the Department of Justice for appropriate action information known to the Corporation concerning any substantial evidence of—

''(i) a violation of this title;

''(ii) a material breach of contract entered into with the Corporation by an eligible investor; or

''(iii) a material false representation made by an investor to the Corporation.

''(B) Subparagraph (A) does not apply if the President of the Corporation concludes that the matter described in clause (i), (ii), or (iii), as the case may be, of subparagraph (A)—

''(i) is not evidence of a possible violation of criminal law; and

''(ii) is not evidence that the Federal Government is entitled to civil remedy or to impose a civil penalty. ''.

SEC. 13. TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.

(a) IN GENERAL.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended by adding at the end the following:

''(l) TRANSPARENCY AND ACCOUNTABILITY OF INVESTMENT FUNDS.—

''(1) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—With respect to any investment fund that the Corporation creates on or after the date of the enactment of the Overseas Private Investment Corporation Reauthorization Act of 2007, the Corporation may select persons to manage the fund only by contract using full and open competitive procedures.

''(2) CRITERIA FOR SELECTION.—In assessing proposals for investment fund management proposals, the Corporation shall consider, in addition to other factors, the following:

''(A) The prospective fund management's experience, depth, and cohesiveness.

''(B) The prospective fund management's track record in investing risk capital in emerging markets.

''(C) The prospective fund management's experience, management record, and monitoring capabilities in its target countries, including details of local presence (directly or through local alliances).

''(D) The prospective fund management's experience as a fiduciary in managing institutional capital, meeting reporting requirements, and administration.

''(E) The prospective fund management's record in avoiding investments in companies that would be disqualified under section 237(r).

''(3) ANNUAL REPORT.—The Corporation shall include in each annual report under section 240A an analysis of the investment fund portfolio of the Corporation, including the following:

''(A) FUND PERFORMANCE.—An analysis of the aggregate financial performance of the investment fund portfolio grouped by region and maturity.

''(B) STATUS OF LOAN GUARANTIES.—The amount of guaranties committed by the Corporation to support investment funds, including the percentage of such amount that has been disbursed to the investment funds.

''(C) RISK RATINGS.—The definition of risk ratings, and the current aggregate risk ratings for the investment fund portfolio, including the number of investment funds in each of the Corporation's rating categories.

''(D) COMPETITIVE SELECTION OF INVESTMENT FUND MANAGEMENT.—The number of proposals received and evaluated for each newly established investment fund.''.

(b) GAO AUDIT.—Not later than 1 year after the submission of the first report to Congress under section 240A of the Foreign Assistance Act of 1961 that includes the information required by section 239(l)(3) of that Act (as added by subsection (a) of this section), the Comptroller General of the United States shall prepare and submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an independent assessment of the investment fund portfolio of the Overseas Private Investment Corporation, covering the items required to be addressed under such section 239(l)(3).

SEC. 14. EXTENSION OF AUTHORITY TO OPERATE IN IRAQ.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is amended by adding at the end the following:

''(m) OPERATIONS IN IRAQ.—Notwithstanding subsections (a) and (b) of section 237, the Corporation is authorized to undertake in Iraq any program authorized by this title.''.

SEC. 15. CONSISTENCY WITH EXISTING LAW.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is further amended by adding at the end the following:

''(n) CONSISTENCY WITH OTHER LAW.—Section 620L of this Act shall apply to any insurance, reinsurance, guaranty, or other financing issued by the Corporation for projects in the West Bank and Gaza to the same extent as such section applies to other assistance under this Act.

''(o) LIMITATION ON ASSISTANCE TO GAZA AND THE WEST BANK.—The Corporation may not provide insurance, reinsurance, a guaranty, financing, or other assistance to support a project in any part of Gaza or the West Bank unless the Secretary of State determines that the location for the project is not under the effective control of Hamas or any other foreign terrorist organization designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).''.

SEC. 16. CONGRESSIONAL NOTIFICATION REGARDING MAXIMUM CONTINGENT LIABILITY.

Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199) is further amended by adding at the end the following:

''(p) CONGRESSIONAL NOTIFICATION OF INCREASE IN MAXIMUM CONTINGENT LIABILITY.—The Corporation shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 15 days after the date on which the Corporation's maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a), and the amount of financing issued under sections 234(b) and (c), exceeds the previous fiscal year's maximum contingent liability by 25 percent.''.

SEC. 17. ASSISTANCE FOR SMALL BUSINESSES AND ENTITIES.

Section 240 of the Foreign Assistance Act of 1961 (22 U.S.C. 2200) is amended by adding at the end the following:

''(c) RESOURCES DEDICATED TO SMALL BUSINESSES, COOPERATIVES, AND OTHER SMALL UNITED STATES INVESTORS.—The Corporation shall ensure that adequate personnel and resources, including senior officers, are dedicated to assist United States small businesses, cooperatives, and other small United States investors in obtaining insurance, reinsurance, financing, and other support under this title. The Corporation shall include, in each annual report under section 240A, the following information with respect to the period covered by the report:

''(1) A description of such personnel and resources.

''(2) The number of small businesses, cooperatives, and other small United States investors that received such insurance, reinsurance, financing, and other support, and the dollar value of such insurance, reinsurance, financing and other support.

''(3) A description of the projects for which such insurance, reinsurance, financing, and other support was provided.''.

SEC. 18. TECHNICAL CORRECTIONS.

(a) PILOT EQUITY FINANCE PROGRAM.—Section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) TRANSFER AUTHORITY.—Section 235 of the Foreign Assistance Act of 1961 (22 U.S.C. 2195) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(c) GUARANTY CONTRACT.—Section 237(j) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is amended by inserting ''insurance, reinsurance, and'' after ''Each''.

(d) TRANSFER OF PREDECESSOR PROGRAMS AND AUTHORITIES.—

(1) TRANSFER.—Section 239 of the Foreign Assistance Act of 1961 (22 U.S.C. 2199), as amended by the preceding provisions of this Act, is amended—

(A) by striking subsection (b); and

(B) by redesignating the subsections (c) through (p) as subsections (b) through (o), respectively.

(2) CONFORMING AMENDMENTS.—(A) Section 237(m)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(m)(1)) is amended by striking ''239(g)'' and inserting ''239(f)''.

(B) Section 240A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2200A(a)) is amended—

(i) in paragraph (1), by striking ''239(h)'' and inserting ''239(g)''; and

(ii) in paragraph (2)(A), by striking ''239(i)'' and inserting ''239(h)''.

(C) Section 209(e)(16) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 31 U.S.C. 1113 note) is amended by striking ''239(c)'' and ''2199(c)'' and inserting ''239(b)'' and ''2199(b)'', respectively.

(e) ADDITIONAL CLERICAL AMENDMENTS.—Section 234(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2194(b)) is amended by striking ''235(a)(2)'' and inserting ''235(a)(1)''.

SEC. 19. EFFECTIVE DATE.

(a) NEW APPLICATIONS.—This Act and the amendments made by this Act shall apply with respect to any application for insurance, reinsurance, a guaranty, financing, or other support under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 if the application is received by the Overseas Private Investment Corporation on or after July 1, 2007, and the application is approved by the Corporation on or after the date of the enactment of this Act.

(b) EXTENSIONS AND RENEWALS.—

(1) IN GENERAL.—Subject to paragraph (2), this Act and the amendments made by this Act shall apply with respect to any extension or renewal of a contract or agreement for any such insurance, reinsurance, guaranty, financing, or support that was entered into by the Corporation before the date of the enactment of this Act if the extension or renewal is approved by the Corporation on or after such date of enactment.

(2) EXCEPTION.—This Act and the amendments made by this Act shall not apply to any extension or renewal which is substantially identical to an extension or renewal formally requested in a detailed writing filed with the Corporation before July 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration, and on the next three resolutions that the House will consider, H. Res. 521, H. Res. 380, and H. Con. Res. 139.

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

There was no objection.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

I would like to thank the many colleagues who have been involved in crafting this legislation, including Chairman LANTOS, Ranking Member ROS-LEHTINEN, Ranking Member ROYCE, Mr. MANZULLO, Ambassador Watson and others. Their assistance was critical in the bipartisan effort of making the Overseas Private Investment Corporation even more effective.

As I proceed, I will point out that the Overseas Private Investment Corporation is saddled with the most unfortunate acronym in Washington, OPIC. Let us hope it is not confused with that other, nefarious organization, OPEC.

OPIC's mission is ''to mobilize and facilitate the participation of United States private capital and skills in the economic and social development of less developed countries and areas.''

Since its creation in 1971, the Overseas Private Investment Corporation has generated $71 billion in U.S. exports, supported over 271,000 U.S. jobs, and supported projects in over 150 developing countries.

OPIC uses a nimble, private-sector model to accomplish its important public-sector goals, to further development in poor countries, including unstable countries, and to support the goals of American foreign policy. It supports targeted investments in some of the world's poorest countries, many of which would otherwise not benefit from American private-sector projects because the private sector would be otherwise unwilling to take the risks involved.

OPIC, being part of the Federal Government, is uniquely qualified to carry out this mission. There are private sector organizations which will sell on rare occasions expropriation insurance, but they often refuse to sell such insurance or refuse to finance projects in difficult and problematic countries because if expropriation did occur, they would only have their private-sector contacts to persuade the foreign government to relent. In the case of OPIC, it is able to rely on the United States State Department to convince foreign countries not to expropriate projects and assets funded by or guaranteed by the United States agency.

OPIC has a sophisticated system that reviews applications and funds projects in some of the places where companies are least likely to get the very kind of insurance they are most likely to need; namely, insurance for political risk. In fact, OPIC requires applicants for assistance to seek insurance in the private market and certify that it was unavailable before OPIC will offer its services.

OPIC operates at no net cost to the United States taxpayer. Amazingly, it has turned a profit in every single year of its operations and now has reserves of $5.3 billion on deposit in the U.S. Treasury. Despite working in some of the least developed countries of the world, it has amassed this $5.3 billion in reserves. If all of our government agencies ran this way, perhaps even those on the other side of the aisle would be more favorably disposed to Federal programs.

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Today's bill not only reauthorizes OPIC but improves both its strategy and oversight to make it the most responsible investor it can be.

With this bill, the new and improved OPIC will work in countries and with companies, private sector companies, in a manner which provides greater protection for international worker rights.

The new and improved OPIC will take additional steps to guarantee that its projects do not damage the environment and, in fact, move toward a greener economy.

The new and improved OPIC will be as transparent as possible and more transparent than any Federal agency I am aware of.

I want to especially focus on section 10 of the bill because it contains a provision that is unique as to bills that have come to this floor, but which is being talked about in a wide variety of our other bills, designed to focus on using the economic power of the United States to deal with terrorist countries, particularly those who are committing genocide, such as Sudan, or developing nuclear weapons, such as Iran and North Korea.

If this bill is enacted, this provision would be the only statute requiring a screen for companies doing business with a U.S. government agency that requires the private sector companies to certify that neither they nor any entity, as part of their affiliated group of corporations, is engaging in an enterprise which is helping terrorist states as defined in the bill.

Now, one of the toughest issues for anyone trying to use the economic power of the United States to achieve our foreign policy objectives must ask is, what types of investments are we trying to discourage? The broader the definition of what we're trying to discourage, the less focused the pressure that we put on private sector entities.

In this bill, and this is a bill that I hope will form a template for the divestiture movement in the United States, for procurement laws that come before this Congress, et cetera, we focus rather narrowly the economic pressure of the United States. We tell these multinational corporations that we're not going to bar you from dealing with OPIC if you sell a candy bar to a private store in Tehran or you sell paper clips to a stationery store in Khartoum.

Rather, you must certify that your corporation and all its affiliates have abstained from two very important actions: first, that you have made no loan to the terrorist government; and, second, that you are not investing significant assets in the oil and energy sector of a terrorist State, particularly no more than $20 million.

This builds on what used to be called the Iran-Libya Sanctions Act, now the Iran Sanctions Act, which draws the line and finds the pressure point for both Iran and Sudan, and probably Syria as well, in stating that our goal is to prevent investments of more than $20 million in the terrorist states' oil sector.

Also, OPIC would not be able to approve an application if the applicant company has an outstanding loan or extension of credit to one of the state sponsors of terrorist governments. Sales of goods other than food and medicine on anything other than a cash basis would constitute U.N. extension of credit for these purposes.

Now, section 10 of the bill would apply these prohibitions, as I've pointed out, to foreign subsidiaries of the applicant. In order to benefit from partnering with OPIC, the entire group of affiliated corporations would have to make the certification.

Section 10 of the bill would require the CEOs of any applicant and the CEO of the applicant's ultimate parent corporation to certify that none of the affiliated groups have engaged in the prohibited activities.

Section 10 is also narrowly targeted with regard to the geography of the Sudan in that it does not prohibit activities in those regions of Sudan not under the power of the Khartoum government.

For 35 years, OPIC has funded and ensured the type of infrastructure-building that no one else would do in some countries where no private corporation would otherwise go. OPIC has paved the way for roads and bridges, buildings and energy facilities in countries marked by conflict and war.

For these reasons, we should reauthorize OPIC.

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

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

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

Mr. PENCE. Mr. Speaker, at the outset I'd like to express my admiration to our distinguished chairman; our ranking member, Ms. ROS-LEHTINEN, as well as Mr. SHERMAN, for crafting this important legislation and for bringing it to the careful thought and consideration that colleagues and those looking on today would see easily in evidence in the gentleman from California's remarks, and I am grateful for his leadership.

Mr. Speaker, we all understand that from time to time the Overseas Private Investment Corporation has been the subject of controversy. On the other hand, it is accurate to say that it is significant that every President since 1971 has believed that OPIC is an important tool for advancing international development in U.S. foreign policy by stimulating private capital investment.

In recent years, OPIC appears to have better focused its resources and efforts, bringing economic development to underserved markets in Central America, Africa, Afghanistan, and now in Iraq.

OPIC has also reached out to U.S. small businesses and minority- and women-owned enterprises. For example, more than 80 percent of all OPIC projects approved in fiscal year 2006 involved U.S. small- and medium-sized enterprises.

OPIC has also sought to enhance transparency and fight corruption, thereby leveling the playing field for U.S. businesses as they compete in international markets.

It's also worth noting that OPIC is embarking on new efforts to encourage investments that reduce greenhouse gas emissions and promote the use of clean energy; and by charging market-based fees for its products, OPIC continues to operate as a self-sustaining agency, which I applaud, effectively operating at no net cost to taxpayers and returning net income every year of operation, with reserves now totaling more than $5 billion.

On balance, then, despite controversy, I believe OPIC continues to serve foreign policy interests of the United States, and I urge support of this legislation.

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

Mr. SHERMAN. Mr. Speaker, I have no requests for time. Let me yield myself just a couple of minutes and reemphasize, this is an agency that has conducted its activities at no cost to the Federal Treasury and, in fact, made a profit. It is appropriate that we reauthorize OPIC.

Second, this bill is, I believe, the first to come before this House which defines what precisely it is that we want international corporations to stop doing, and that is, investing in the oil sector of terrorist states, and, second, making loans to terrorist states. That is why I think that this bill may be an important template for other legislation, and I hope it will become a guide for what we expect of companies in procurement legislation, Ex-Im Bank, et cetera.

Mr. MANZULLO. Mr. Speaker, it's a privilege and honor for me to be closely associated again with the effort to reauthorize the Overseas Private Investment Corporation. Along with now Senator BOB MENENDEZ, former OPIC President George Munoz, and me—the 3Ms—we were able to rescue OPIC from oblivion with a resounding vote of confidence of 357 to 71 to reauthorize OPIC in 1999. OPIC represents the best of both worlds—the agency doesn't cost the U.S. taxpayer any money and it creates jobs and aids in economic development both here and abroad as evidenced by the Congressional findings section in this bill.

I also want to commend Mr. SHERMAN for working with the minority in a bipartisan way in order to produce a bill that can receive overwhelming support. The bill before us today wouldn't be the one I would have written from scratch. However, I am pleased that as the bill has moved through the legislation process, the majority has been sensitive to the concern as to the practical effects of certain provisions in order to insure that OPIC can remain open for business in various markets. I also appreciate the willingness of the majority to continue to keep the lines of communication open.

I also want to commend Mr. Sherman for including my suggestion in Section 17 to make sure that OPIC will always continue to have sufficient staff and resources to support small businesses. I also want to thank the majority for their willingness to add in report language a statement that the climate change initiative in Section 8 should not take away from other environmental remediation efforts by OPIC.

However, I would be remiss in my duties if I didn't raise a couple of concerns that I hope will get addressed through the rest of the legislative process. First, I believe that the language dealing with enhanced worker rights in Section 5 will have the counterproductive effect of taking OPIC out of some of the most challenging markets in the world where we have a significant foreign policy interest to see success such as Afghanistan. In my opinion, it would be much better to strengthen OPIC's oversight workforce to make sure that companies live up to the agreements they sign rather than remove OPIC totally from nations that are not making "significant progress" towards worker rights. You can't positively influence a nation in this sensitive area of internal domestic policy if you disengage from the country. A good example is better than speaking a thousands words.

Second, as evidenced by the difficulty to clarify the direction and intent of the language in Section 10, it's hard to narrowly target unilateral sanctions without it either harming other U.S. national interests or the people we are supposedly trying to help. This section could cause big problems down the line, particularly as more and more deals at OPIC are also co-financed or co-insured with foreign investment insurance agencies. This will only lead to the designing out American goods and services from a particular deal and will not produce the desired results.

Mr. Speaker, I commend the majority for their willingness to work together on this bill and I look forward to supporting final passage and eventually seeing an OPIC reauthorization bill signed into law by the President.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2798, the Overseas Private Investment Corporation Act of 2007. I would like to thank my colleague Mr. SHERMAN for introducing this important bipartisan legislation.

The Overseas Private Investment Corporation (OPIC) has led by example in improving the social and economic conditions in some of the world's poorest countries. Today's bill not only reauthorizes OPIC but it improves upon both its strategy and oversight to make it the most responsible investor it can be.

OPIC has, since its inception in 1971, applied a private-sector model to a number of

important public-sector goals. By supporting targeted investments in a number of the world's poorest countries, OPIC extends the benefits of American projects to areas where a high level of risk might preclude investment by private companies. In this way, OPIC fills an important void left by the private financial sector. OPIC is essential and vital to the development of many countries, providing political risk insurance against the risks of inconvertibility, political violence, and expropriation allowing business to invest overseas and promote economic development in new and emerging markets.

For the past 35 years, OPIC has funded and insured the type of infrastructure building that no private company would do in some of the countries in which no company would otherwise go. OPIC has paved the way for roads, bridges, buildings, and energy facilities in war-torn and impoverished developing nations, and has accomplished all this while turning a profit and building billions in reserves.

Remarkably, OPIC has itself turned a profit in every single year of its operations. It currently has reserves of over $5.3 billion, despite working in many of the world's least developed nations.

OPIC's sophisticated system involves reviewing applications and funding projects in countries where companies are least likely to get insurance coverage for the risk they are taking. In addition OPIC also provides financing through direct loans and loan guaranties.

With H.R. 2798, OPIC will become a new and improved agency. We live in a world that requires all of us to work together to fight terrorism, hunger and poverty, and for fundamental freedom and rights of every individual. This bill will allow OPIC to work in countries and with companies that provide greater protection for international workers rights.

This legislation has a number of vital safeguards, preventing funds from being used for destructive purposes. It strictly prevents funding for any project that damages the environment, and it ensures that it is not funding projects in nations with the most dangerous regimes in the world, including Iran. This bill prohibits investment in any state sponsor of terrorism, and charges OPIC with researching the subsidiaries of every company it funds to enforce that prohibition. Under the provisions of this bill, OPIC will be as transparent as possible.

I was happy to work with Congressman SHERMAN to include language in the Committee Report to ensure that Iraq is not given a blank check. Given the violent and chaotic situation in Iraq, and due to difficulties in dealing with an unstable Iraqi government, it is necessary to waive certain requirements normally mandatory for OPIC involvement in a country. While I believe that OPIC investment has the potential to be extremely valuable and beneficial for Iraqi reconstruction, I also believe it to be necessary for Iraq to demonstrate that it is making definitive and substantial steps toward the benchmarks set by the United States, including achieving political and national reconciliation.

For 35 years, OPIC has funded and insured infrastructure-building activities that would not otherwise be undertaken by the private sector. This legislation ensures that OPIC can continue its valuable work, building on its legacy of constructive involvement and further refining its strategies and oversight. I believe that OPIC deserves our support, and I strongly support this legislation.

Mr. ROYCE. Mr. Speaker, I want to recognize Subcommittee Chairman SHERMAN for his work on this legislation. He worked this bill thoroughly, and while we disagree on OPIC's merits, he supported my text to reform its investment funds.

OPIC's investment funds, as some may remember, have a troubled history. In the 1990s, then-OPIC president Ruth Harkin said, "If you're an investor in an OPIC-supported fund, the worst you can do is get your money back at the need of 10 years." That's not the free market OPIC professes to support and not surprisingly, these funds were subject to political cronyism.

There have been reforms to the funds of late, including competitively selecting fund managers, but we should mandate them. My language does this.

Fundamentally though, I remain unconvinced that OPIC is doing something worthwhile that the private sector wouldn't do. The burden of proof should be on OPIC, especially in times of accelerating change in financial markets. Several companies have jumped into the political risk insurance business, for example, offering increasingly sophisticated products, . . . so why are we reauthorizing government-backed OPIC to continue competing against them?

We have heard much on the floor trumpeting OPIC's supposed benefits. However, most economists believe that subsidizing investment—which is what OPIC does—merely shifts it around, often to lesser productive locations and uses. The Congressional Research Service has reported, "From the point of view of the U.S. economy as a whole, there is little theoretical support or empirical evidence that supports claims that subsidizing exports or overseas investment offers a positive net gain in jobs to the U.S. economy." That's persuasive evidence against OPIC's claims, and its case for reauthorization.

OPIC makes much of the fact that it returns money to the U.S. Treasury. OK. But let's consider that this money is held against potential liabilities stemming from OPIC's activities. And give most anybody U.S. government-backing to trade on, and they'd turn a profit in financial markets.

One OPIC critic gave a useful description. Investment is like a rope. Less developed countries can only pull it in with good policies; efforts to push in investment, which is OPIC's mandate, are bound to be inefficient.

Mr. Speaker, these are some of the reasons I oppose this legislation reauthorizing OPIC.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2798, the "Overseas Private Investment Corporation Reauthorization Act of 2007". Since its establishment in 1971, OPIC has offered investment financing and political risk insurance to American businesses and lenders, which are willing to direct private capital to developing countries.

While OPIC has proven to be a valuable tool for U.S. foreign and commercial policy, it is in need of some improvement. I am pleased that H.R. 2798 establishes requirements that projects be approved only in countries that are making progress toward adopting international labor and environmental standards. H.R. 2798 also embraces the necessity of promoting peace and stability in the international system by prohibiting OPIC from participating in projects in countries that are sponsors of terrorism, possess or have programs to develop nuclear weapons, or commit genocide.

I would object, however, to one provision in this bill. H.R. 2798 requires OPIC to implement a climate change mitigation action plan, which would include increased support for projects that use and develop clean energy technologies. The bill further stipulates that OPIC submit a report on this plan, as well as annual environmental impact assessments of the projects that it supports, to the House Committee on Foreign Affairs and Senate Committee on Foreign Relations. I respectfully suggest that these reports also be submitted to the House Committee on Energy and Commerce, not only because of the committee's jurisdiction and expertise in policy matters related to energy and foreign commerce, but also because this would augment Congressional oversight of OPIC in order to ensure that its plans for environmentally responsible development receive careful and thorough consideration. It is my sincere hope that the Committee on Foreign Affairs will work with the Committee on Energy and Commerce to address this concern when H.R. 2798 is considered again during conference.

I would urge that the House approve H.R. 2798 and thank my colleagues on the Committee on Foreign Affairs for their work on this bill.

Mr. SHERMAN. Mr. Speaker, I yield back the balance of my time, and I move that we adopt the bill.

Mr. PENCE. Mr. Speaker, I urge adoption of the bill as well, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and pass the bill, H.R. 2798, as amended.

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

A motion to reconsider was laid on the table.

RESOLUTION COMMENDING IDAHO ON WINNING THE BID TO HOST THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 380) commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 380

Whereas Special Olympics is an international nonprofit organization that promotes personal development through sports training and competition;

Whereas Special Olympics advances the understanding of intellectual disabilities through participation and fellowship in the Nation and around the World;

Whereas Special Olympics serves more than 2,500,000 individuals with intellectual disabilities around the globe;

Whereas Special Olympics offers more than 205 programs in over 165 countries;

Whereas Special Olympics offers 30 Olympic-type summer and winter sports to both children and adults with intellectual disabilities;

Whereas Boise, Idaho won the International bid to host the 2009 Special Olympics World Winter Games to be held during February 6–13, 2009;

Whereas thousands of athletes are expected to compete in 7 winter sports in the 2009 Special Olympics World Winter Games; and

Whereas the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the State of Idaho: Now, therefore, be it

Resolved, That the House of Representatives—

(1) applauds the goals and principles of Special Olympics;

(2) salutes the athletes, coaches, family members, friends, and volunteers that make Special Olympics World Winter Games possible;

(3) congratulates the State of Idaho as the host for the 2009 Special Olympics World Winter Games; and

(4) supports the 2009 Special Olympic World Winter Games and the goals of the Special Olympics to enrich the lives of people with intellectual disabilities through sports.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

In 1968, Eunice Kennedy Shriver, the world's great champion of people with intellectual disabilities, created the Special Olympics. For Mrs. Shriver, the founding of the Special Olympics was a capstone of her decades-long effort to improve the lives of people with intellectual disabilities. It is a testament to her dogged dedication that the Special Olympics thrives today.

Eunice's idea was simple: give people with intellectual disabilities the same opportunities other young people have to develop their physical fitness, to create friendships, and to enjoy the thrill of competition.

Today, the Special Olympics offers year-round training in 30 summer and winter sports for both children and adults with intellectual disabilities. The Special Olympics serves more than 2.25 million intellectually disabled people through 200 programs in 160 countries.

I want to salute my colleague Mr. SALI from Idaho for introducing this legislation. Mr. SALI rightfully takes pride that his State has landed the honor of hosting the 2009 Special Olympics World Winter Games. Being named host of the 2009 winter games is a tremendous achievement for the great State of Idaho. There could be no better backdrop than the stark beauty of the State of Idaho and the Sawtooth Mountains.

The Special Olympics has become an important global event. The 2009 games will include thousands of competitors from over 100 countries competing in seven different winter sports. It will be the largest multisport event in the history of the State of Idaho. Idaho will be a terrific host for an event that empowers these brave young men and women and builds their self-esteem.

I urge my colleagues to support this important resolution.

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

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

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

Mr. PENCE. Mr. Speaker, I'd like to congratulate Idaho on its successful bid, as well, to host the 2009 Special Olympics World Winter Games and express strong support for H. Res. 380.

The Special Olympics program has benefited countless people with disabilities nationwide and around the globe, raising awareness, fostering support for a great cause while enabling the participants to enhance their self-confidence and gain a sense of well-deserved personal accomplishment through sports and competition. It is, in every sense, a blessing to the participants.

The millions of volunteers, coaches and athletes involved with the Special Olympics do a great service for their community and their country and, of course, to those with intellectual disabilities. I would also say, though, having been involved and been in attendance at Special Olympics programs, I haven't met a volunteer yet, Mr. Speaker, who didn't think that they were richer as a result of their participation in this extraordinary program, to see the courage of those who compete and the extraordinary sacrifice of the parents of those who bring them to such a wonderful opportunity.

Through the dedication of these volunteers, the Special Olympics have continued to grow and impact the lives of more and more people around the world.

The 2009 Winter Games in Idaho promise to be a great showcase for Special Olympics participants from around the world to compete at a high level and demonstrate that disabilities are no match for individuals who are driven to succeed.

Again, I congratulate Idaho for being selected as the host of an event of such magnitude. I extend my best wishes to their new Governor and my friend, and I am fully confident that it will be a resounding success.

I urge my colleagues to render their full support for this resolution.

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

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

Mr. PENCE. Mr. Speaker, I again express support for H. Res. 380 and congratulate the State of Idaho for winning the opportunity to host the 2009 Special Olympics World Winter Games.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 380.

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

EXPRESSING SENSE OF CONGRESS REGARDING UNTOUCHABILITY IN INDIA

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 139

Whereas the Human Rights Watch and the Center for Human Rights and Global Justice at New York University School of Law released a report in February 2007 that describes caste discrimination against India's ''Untouchables'' based on in-depth investigations and the findings of Indian governmental and non-governmental organizations on caste-based abuses;

Whereas the United States and the Republic of India have entered into an unprecedented partnership;

Whereas the July 18, 2005, Joint Statement between President George W. Bush and Prime Minister Manmohan Singh stated that, ''[a]s leaders of nations committed to the values of human freedom, democracy, and rule of law, the new relationship between India and the United States will promote stability, democracy, prosperity, and peace throughout the world [. . . and] it will enhance our ability to work together to provide global leadership in areas of mutual concern and interest'';

Whereas caste is the socioeconomic stratification of people in South Asia based on a combination of work and heredity;

Whereas the ''Untouchables'', now known as the Dalits, and the people of the forest tribes of India, called Tribals, who together number approximately 200,000,000 people, are the primary victims of caste discrimination in India;

Whereas discrimination against the Dalits and Tribals has existed for more than 2,000 years and has included educational discrimination, economic disenfranchisement, physical abuse, discrimination in medical care, religious discrimination, and violence targeting Dalit and Tribal women;

Whereas Article 17 of the Constitution of India outlaws untouchability;

Whereas despite numerous laws enacted for the protection and betterment of the Dalits and Tribals, they are still considered outcasts in Indian society and are treated as such; moreover, in practice, Dalits and Tribals are frequently denied equal treatment under the law;

Whereas Dalit women suffer both caste and gender discrimination as a result of the deficient administration of justice and are often raped and attacked with impunity;

Whereas the National Commission on Scheduled Castes and Scheduled Tribes has

declared that many of the reported cases of atrocities against Dalits and Tribals end in acquittals;

Whereas, despite the fact that many Dalits do not report crimes for fear of reprisals by the dominant castes, national police statistics averaged over the past five years by the National Commission on Scheduled Castes and Scheduled Tribes show that 13 Dalits are murdered every week, five Dalits' homes or possessions are burnt every week, six Dalits are kidnapped or abducted every week, three Dalit women are raped every day, 11 Dalits are beaten every day and a crime is committed against a Dalit every 18 minutes;

Whereas many Dalit girls are forced to become temple prostitutes who are then unable to marry and may be auctioned to urban brothels, and many women trafficked in India are Dalit women;

Whereas low-caste unborn females are targeted for abortions;

Whereas according to Human Rights Watch and India's official National Family Health Survey, most Dalits and Tribals are among those poorest of the poor living on less than $1 per day; most of India's bonded laborers are Dalits; and half of India's Dalit children are undernourished, 21 percent are ''severely underweight'', and 12 percent die before their 5th birthday;

Whereas Dalits and other low-caste individuals often suffer from discrimination and segregation in government primary schools leading to low enrollment, high drop-out, and low literacy rates, perhaps linked to a perception that Dalits are not meant to be educated, are incapable of being educated, or if educated, would pose a threat to village hierarchies and power relations;

Whereas the Dalits and Tribals maintain higher illiteracy rates than non-Dalit populations; and

Whereas the HIV/AIDS epidemic is India is massive and Dalits and Tribals are significantly affected by HIV/AIDS: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that, as the leaders of the United States and the Republic of India have expressed commitment to the values of human freedom, democracy, and the rule of law, it is in the interests of the United States to address the problem of the treatment of the Dalits and Tribals in India in order to better meet mutual social development and human rights goals by—

(1) raising the issues of caste discrimination, violence against women, and untouchability through diplomatic channels both directly with the Government of India and within the context of international bodies;

(2) encouraging the United States Agency for International Development to ensure that the needs of Dalit organizations are incorporated in the planning and implementation of development projects;

(3) ensuring that projects that positively impact Dalit and Tribal communities, especially Dalit women, are developed and implemented;

(4) ensuring that cooperative research programs targeting rural health care, the HIV/AIDS epidemic, and rural technology contain proper focus on the Dalits and Tribals;

(5) ensuring that anyone receiving funding in India from the United States Government—

(A) is aware that it is United States Government policy that caste discrimination is unacceptable, and that the United States is committed to eliminating it; and

(B) treat all people equally without engaging in caste discrimination;

(6) ensuring that—

(A) qualified Dalits are in no way discouraged from working with organizations receiving funding in India from the United States Government, and that transparent and fair recruitment, selection, and career development processes are implemented, with clear objective criteria; and

(B) procedures exist to detect and remedy any caste discrimination in employment conditions, wages, benefits or job security for anyone working with organizations receiving funding in India from the United States Government;

(7) encouraging United States citizens working in India to avoid discrimination toward the Dalits in all business interactions; and

(8) discussing the issue of caste during bilateral and multilateral meetings, including congressional delegations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

I would like to commend our distinguished colleague Mr. TRENT FRANKS of Arizona for introducing this resolution. Roughly 20 million people in India are subject to discrimination, and sometimes worse, simply because of their caste. Discrimination inflicted against people known as Dalits and Tribals in India is solely based on being born into a certain family. This is an unethical practice and is outlawed under the Indian Constitution. The whole concept of untouchability itself is banned by the Indian Constitution. However, enforcement of this law ought to be strengthened, and crimes against Dalits ought to be prevented, more vigorously investigated and prosecuted.

This resolution seeks to state clearly the sense of the United States Congress in this regard. We must continue to raise this issue in our bilateral meetings with our good friends in the Government of India, especially at a time when the United States-Indian relationship has entered into an unprecedented and unparalleled partnership.

Furthermore, we must ensure the antipoverty programs and other programs we support in India incorporate the needs of the Dalit community. Our government and our companies that do business in India ought to make a special effort to help these people, because right now they may often have little help in their own communities, although there are programs of the Indian Government also focused on meeting these needs.

It is our moral obligation to speak out against abuses of human rights, wherever we see them, even in countries that are our allies and excellent partners. That is why Congress must address the problem of the treatment of Dalits and Tribals in India.

We need to be consistent. It is easy to criticize our adversaries, but we have even more impact when we point out the failings, both past and present, and the need for improvement of our friends and allies.

The world's oldest democracy, the United States, and the world's largest democracy, India, should work together to end legacies of ethnic discrimination in both of our countries.

I urge my colleagues to support this resolution.

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

Mr. PENCE. Mr. Speaker, I yield myself such time as I might consume.

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

Mr. PENCE. Mr. Speaker, at the outset, I would like to commend both Chairman LANTOS and the author of this resolution, the distinguished gentleman from Arizona (Mr. FRANKS), as well as Mr. SMITH for their leadership on working to bring this and so many other human rights issues to the attention of this body.

As we all know, India is not only the world's largest English-speaking democracy, but it's one of the world's richest and most diverse civilizations.

India is also emerging as one of the world's most dynamic economies, with the results of that growth uplifting the lives of millions of citizens. Yet despite this impressive record of reform and growth, India, like all countries, including our own, also faces a number of compelling domestic challenges.

As was recently reported in a front-page story in the Washington Post, one of these social traumas relates to the problem of inequality and deep-seated caste prejudice. More than 200 million people in India are considered untouchable, people tainted by their birth into a caste system that deems them impure and almost less than human.

Despite constitutional protections and other legal and regulatory efforts by the Government of India to improve the lives of the Dalits and other Tribal peoples, all too many continue to suffer from human rights abuses, as well as discrimination.

In this regard, the State Department reports that while rare in urban settings, examples of intolerance occur regularly in rural areas. Many Dalits are malnourished, lack access to health care, work in poor conditions and continue to face serious social discrimination.

In addition, Dalit women are all too often the victims of rape and exploitation at the hands of cruel human traffickers. Tragically, they also suffer disproportionately from the ravages of HIV/AIDS.

This Congress and the American people are enormously respectful of Indian sovereignty, its impressive democratic heritage and its respect for the rule of law. As awkward as circumstances may be, for this body not to acknowledge these extraordinary issues would be an error.

In a respectful and well-balanced way, this resolution appropriately shines a light on the plight of India's untouchables, and I believe it deserves our support.

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

Mr. SHERMAN. I thank the gentleman from Indiana, particularly for noting the ongoing efforts of the Indian Government to deal with this issue. I believe that this resolution should be regarded as one where we will work with the Government of India to deal with what both countries acknowledge to be an ongoing problem.

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

Mr. PENCE. Mr. Speaker, I am pleased to support this resolution and would reiterate the spirit with which this resolution is brought cannot be more eloquently stated than the gentleman from California just did. This is brought in a spirit of cooperation with a friend to assist them in confronting a domestic challenge, but it is among friends that we speak and will support this legislation today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 139, "Expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India." I believe that this is a very important issue that demands immediate attention, and I am very pleased to see it come before the House today.

I would first like to commend our distinguished colleague, Mr. TRENT FRANKS of Arizona, for introducing this important resolution.

Many Americans would be shocked to learn that the caste system continues to have a substantial hold on Indian society. The caste system is the traditional system of social stratification on the Indian Subcontinent, in which social classes are defined by a number of endogamous, hereditary groups often termed as castes. Within a caste there exist exogamous groups known as gotras, the lineage or clan of a person. Roughly 20 million people in India are subject to cruel and inhuman treatment simply due to their caste. The terrible discrimination inflicted against the people known as Dalits and Tribals in India occurs solely because a person was born into a certain family. 13 Dalits are murdered every week; 3 Dalit women are raped every day, often with impunity; and a crime is committed against a Dalit every 18 minutes.

The Indian Constitution has formally outlawed caste-based discrimination, but the caste system still plays a major role in Indian society and politics. The leaders of independent India decided that India will be a democratic, socialist and secular country. According to this policy there is a separation between religion and state. Enforcement of the law must be strengthened, and this resolution seeks to state clearly the sense of the United States Congress in this regard. I look forward to working with the vibrant Indian-American community on this continued concern.

We must continue to raise this issue during our bilateral meetings with our good friends in the Government of India, especially during a time in which the United States-India relationship has entered into an unprecedented partnership.

It is our moral obligation to speak out about abuses of human rights wherever they take place. That is why this Congress must address the problem of the treatment of Dalits and Tribals in India.

I strongly support this resolution and urge my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 139, as amended.

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

A motion to reconsider was laid on the table.

CELEBRATING THE 75TH ANNIVERSARY OF THE 1932 WINTER OLYMPIC GAMES IN LAKE PLACID, NEW YORK

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 521) celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 521

Whereas Lake Placid, New York, was the site of the 1932 and 1980 Winter Olympic Games;

Whereas Lake Placid is the only site in North America to have hosted the Winter Olympic Games more than once;

Whereas the 1980 Winter Olympic Games featured one of the greatest triumphs in sports history with the men's United States hockey team victory over the Soviet team in the "Miracle on Ice";

Whereas Lake Placid, New York, has a population of under 2,700 residents, yet welcomes over 2.2 million visitors each year;

Whereas the residents of Lake Placid were wonderful ambassadors of the United States for the 1,324 Olympic athletes that participated in the 1932 and 1980 Winter Olympic Games;

Whereas the residents of Lake Placid take great pride in their place in Olympic history;

Whereas Lake Placid and the towns of North Elba and Wilmington have world class sports facilities that serve as an excellent training location for athletes and sports enthusiasts;

Whereas Lake Placid is the home of one of the three U.S. Olympic Committee's national training centers;

Whereas Lake Placid continues to successfully host international sports competitions on a regular basis; and

Whereas 2007 marks the 75th anniversary of the 1932 Winter Olympic Games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Village of Lake Placid, New York, as it celebrates its 75th anniversary of hosting the 1932 Winter Olympic Games;

(2) encourages all Americans to visit the state-of-the-art Olympic facilities in Lake Placid;

(3) recognizes Lake Placid's important place in Olympic history; and

(4) encourages the United States Olympic Committee to select Lake Placid to represent the United States in a future bid for the Olympic and Paralympic Winter Games.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SHERMAN) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me first express my appreciation to our colleague from the great State of New York (Mrs. GILLIBRAND) for introducing this important and timely resolution. I know the gentlelady from New York would like to be here, and if I speak very slowly may yet get here before we conclude, but whether she is here in person, she is certainly here in spirit.

The little village of Lake Placid lived up to its name on two spectacular occasions in the last century. The 1932 Winter Olympics and the 1980 Winter Olympics were two of the most exciting events of our time, featuring the most beautiful backdrops in the history of the games.

The organizing committee of the 1932 Olympics faced an uphill battle, raising money for the games in the middle of the Great Depression. But symbolizing the American spirit of generosity, Dr. Godfrey Dewey donated land owned by his family to be used for the all-important bobsleigh run. In fact, the Winter Olympics that year became a real distraction from the Great Depression for all the residents of the State of New York, and, in fact, the entire world.

In those 1932 Games, Eddie Eagan became the only Olympic athlete ever to win a gold medal in both the Summer and Winter Games. A great, versatile athlete, Eagan had already earned gold as a lightweight boxer in the 1920 Summer Games. At Lake Placid in 1932, he was part of the four-man bobsleigh team that triumphed in first place.

This resolution takes the opportunity to congratulate and celebrate Lake Placid upon the 75th anniversary of the games it hosted in 1932. This town deserves full congressional credit for the efficiency and grace with which it represented the United States during the Games of 1932 and, again, in 1980.

But Lake Placid outdid itself in 1980, when it had new facilities and a renewed spirit to host thousands of people for those Winter Games. Those Games became famous for the unbelievable Miracle-on-Ice conquest, when the United States hockey team, a group of amateurs and college kids, captured the hearts of the Nation by upending the Soviet Union's intimidating hockey machine in a dramatic 4–3 semifinal victory. They went on to win the gold.

Lake Placid's involvement with the Olympics has grown larger than just those two games. Lake Placid maintains world-class Olympic facilities and

serves as one of the United States Olympic Committee's three national training centers. The small town in Upstate New York continues to host international sporting events, as well as some 2.2 million tourists every year.

I encourage Members to support the resolution recognizing Lake Placid's historic place in Olympic history and encouraging the USOC to select this idyllic town for future bids in the Olympic and Paralympic Winter Games so long as they are not in competition with an applicant from the State of California.

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

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

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

Mr. PENCE. Mr. Speaker, I rise in strong and unqualified support of H. Res. 521, no Indiana exceptions, at least not today.

I congratulate Representative GILLIBRAND, as my colleague from California did, for this important resolution.

For close to a century, Lake Placid has been central to America's participation and achievements in international sports. It's the only site in North America to have hosted more than one Winter Olympics, both in 1932 and in 1980.

Moreover, in 1980, and if you haven't seen the movie, it was the site of one of America's greatest moments, when the U.S. national hockey team defeated the heavily favored Soviet Union. Walt Disney films recently created an extraordinary motion picture remembering that miracle on ice.

It was not only a victory for one hockey team over another, but for millions it symbolized the triumph of freedom over tyranny and seemed to be a part of setting into motion in 1980 what we would see with the collapse of Soviet communism in 1991. It forced you out of that, so in a very real sense, Lake Placid is important in the history of freedom as well as in the history of sport. Indeed, countless Americans actually remember where we were in that glorious moment.

Lake Placid's contributions to international sports continue to this very day. It's the home of one of the U.S. Olympic Committee's three national training centers and regularly hosts international sports competitions, bringing together athletes from across the globe to celebrate the excellence of sports.

□ 1330

Perhaps above all, Mr. Speaker, Lake Placid is an example of what a society can accomplish. This small village in New York with a population of less than 2,700 not only is a venue for grand-scale sporting events but also welcomes over 2 million visitors every year. This resolution recognizes Lake Placid's place in Olympic history, encourages Americans to visit that village's state-of-the-art Olympic facilities, and further encourages the U.S. Olympic Committee to select Lake Placid to represent the United States in the future for the Olympic or Para-Olympic games.

I commend my distinguished colleague from New York again, Mrs. GILLIBRAND, and Mr. MCHUGH, for introducing this important resolution. I urge its adoption.

Mr. SHERMAN. Mr. Speaker, I yield 4 minutes to the distinguished gentlelady from New York (Mrs. GILLIBRAND).

Mrs. GILLIBRAND. Mr. Speaker, I've offered H. Res. 521 to celebrate Lake Placid's prominent place in Olympic history. This year marks the 75th anniversary of the 1932 Olympic Games and the beginning of Lake Placid's storied history in American hearts and minds.

In the midst of a worldwide depression, 252 athletes from 17 countries participated in the 1932 Winter Olympic Games held at Lake Placid. Franklin Delano Roosevelt, whose home is just a few hours south of Lake Placid in Duchess County, officially opened the third ever Winter Olympic Games and the first one ever held in the Western Hemisphere.

Despite fierce competition from around the world, Lake Placid was once again chosen to host the Winter Olympic Games 48 years later, in 1980. This time, 1,072 athletes from 37 nations participated in the Games, and the question, ''Do you believe in miracles?'' forever became ingrained in the American consciousness. The American hockey team's victory over the Soviet Union permanently linked Lake Placid with one of the greatest triumphs, and prideful moments, in American sports history, with the ''Miracle on Ice.''

Lake Placid, a small village in the Adirondacks, is the only location in North America to have hosted the Winter Olympic Games more than once. Their success is phenomenal, when one considers that fewer than 2,700 residents live in the village.

I'm so incredibly fortunate to represent the citizens of Lake Placid and Essex County. Every year, Mayor Jamie Rogers and the villagers of Lake Placid welcome over 2.2 million visitors from all 50 States and countries all over the world. Lake Placid has been one of my favorite vacation places since I was a child, and I still enjoy taking my son there every year.

I strongly encourage all Americans to visit the state-of-the-art Olympic facilities in Essex County. The New York State Olympic Regional Development Authority, or ORDA, operates the various venues used in the 1932 and 1980 Olympic Games. Athletes from around the world come to Lake Placid to train and compete at these facilities, in addition to sports enthusiasts, young and old.

In addition, Lake Placid is the home of one of three U.S. Olympic Committee's national training centers, an honor that allows upstate New York to mold the next generation of gold medal winners. The facilities at Lake Placid allow every American to step into the shoes of a professional athlete. It's thrilling to skate at the Herb Brooks Arena where the miracle on ice took place, or skate at the Olympic Speed Skating Oval where America's speed skater, Eric Heiden, won an unprecedented five gold medals in 1980.

Visitors can try out the ski-jumping complex or sharpen their bobsled and luge skills. The beautiful Adirondack Mountains offer cross-county or alpine skiing on Whiteface Mountain, one of the top resorts in all the Nation, all with spectacular pristine views.

Lake Placid admirably hosted the Olympic games twice in the past. I hope the U.S. Olympic Committee will consider having Lake Placid represent the United States in a future bid for the Winter Olympic Games.

I congratulate the Village of Lake Placid as they celebrate the 75th anniversary of the 1932 Winter Olympic Games. I thank everyone in the House of Representatives for supporting this resolution that honors Lake Placid's continued distinguished place in American Olympic history.

Mr. HOLT. Mr. Speaker, I rise today to join the gentlelady from New York, Ms. GILLIBRAND, in support of H. Res. 521, Celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York. This was truly a great moment in the history of sports. The beautiful Lake Placid-Wilmington region played host to athletes from around the globe and the event put the USA on the map of winter sports. The graceful Norwegian figure skater Sonja Henie won the second of her three gold medals. American speed skater Jack Shea won two gold medals, a first for Olympic competition. The United States won 12 medals in all, the most in the competition. Ever since, the spirit and beauty of competitive winter sports have remained on display in Lake Placid, which played host to the United States' memorable 1980 hockey victory over the Soviet Union, and in countless skiing, skating, sledding and other events. We can all be proud of Lake Placid's rich history.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SHERMAN) that the House suspend the rules and agree to the resolution, H. Res. 521.

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

A motion to reconsider was laid on the table.

APPROVING RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the joint

resolution (H.J. Res. 44) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, as amended.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Congress approves the renewal of import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

SEC. 2. MERCHANDISE PROCESSING FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''October 14, 2014'' and inserting ''October 21, 2014''.

SEC. 3. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.50 percent'' and inserting ''114.75 percent''.

SEC. 4. RULE OF CONSTRUCTION.

This joint resolution shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 5. EFFECTIVE DATE.

This joint resolution and the amendments made by this joint resolution shall take effect on the date of the enactment of this joint resolution or July 26, 2007, whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. This bill will renew the import ban on products from Burma. In light of the overwhelming evidence that that country continues to blatantly disregard human rights and suppress democracy, it is important, indeed I would say vital, to continue to continue sanctions for another year.

The State Peace and Development Consul, as it is called, the controlling military junta, continues to have total disregard for its own people and their basic rights. The Burmese regime forcibly relocates civilians and has created a situation in which hundreds of thousands of people have been displaced or forced to flee to neighboring countries. That government continues to arrest, imprison, torture, and beat political activists and senior officials of the National League for Democracy. Over 1,100 political prisoners are imprisoned.

In May, the Government of Burma extended the detention of Aung San Suu Kyi, the leader of the National League for Democracy and a Nobel Peace Prize laureate. She has been detained for 11 of the last 17 years without charge or trial, and has spent the past 4 years in isolation.

In light of that country's continuing dismal record and its lack of any concrete steps to provide basic human rights to its citizens, I urge all of my colleagues to extend the ban on the import of Burmese products for another year. And also, very importantly, we hope the European Union, ASEAN, and other nations around the world will continue to work with the United States to increase pressure on the Burmese regime.

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

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that Mr. PORTER, the gentleman from Nevada, be allowed to control the time on this side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. PORTER. Mr. Speaker, I support extending import sanctions against Burma. Import sanctions have been in place for 4 years and, unfortunately, the Burmese military junta has shown no progress in improving its egregious human rights records. The actions of this regime in Burma are inexcusable.

The U.S. State Department's annual report on the effectiveness of the sanctions observes that Burma's already poor human rights record has only worsened. This regime continues to use forced labor, deny participation in democratic processes, and commit killings. Inexcusable.

Despite the regime's promised road map to democracy, no meaningful progress has been made to create a democratic system of governance. The regime continues to exclude pro-democracy groups from the national convention and to jail pro-democracy opposition leaders. Aung San Suu Kyi has been living under house arrest for 4 years. Therefore, I believe it is necessary and it is appropriate to continue these sanctions to send an important message to Burma leaders that their violation of basic human rights is inexcusable.

I generally approach unilateral trade sanctions with skepticism. Sanctions can have the unintended consequences of harming the people we seek to help. The State Department acknowledges that some opposition figures in Burma, academics, and exiled Burmese question whether U.S. unilateral sanctions have any chance of success without the participation of Burma's major trading partners, including ASEAN members China, India, and other regional countries. I do share their concerns. However, various aspects of the Burmese sanctions system mitigate my concerns to some degree.

The important sanctions will sunset after 1 year unless Congress votes under a privileged resolution to maintain their sanctions and are completely terminated in 2009. Furthermore, the administration is required to submit an annual report on whether the sanctions have effectively improved conditions in Burma and furthered U.S. national security, economic, and foreign policy objectives, along with impact of sanctions on other U.S. national security, economic and foreign policy interests.

Moreover the law grants the President the authority to waive the sanctions if it is in the national interest and also directs the President to craft a multilateral sanctions regime to pressure Burma to improve its human rights.

If we are to be successful inducing change by the Government of Burma, sanctions must be multilateral. There have been high-level international discussions on Burma over the past year. In September 2006, the U.N. Security Council discussed Burma; in December of 2006 the U.N. General Assembly adopted a resolution expressing its grave concern over human rights violations in Burma and calling on the regime to take urgent measures to address these violations. Separately, the ASEAN countries called for the release of those placed under detention and for effective dialogue with all parties concerned. I hope these words will be followed by tangible actions. Continued efforts to build multilateral pressure on Burma are critical to my future support for these import sanctions. I urge support of H.J. Res. 44.

Mr. LEVIN. Mr. Speaker, it is now my privilege to yield such time as he may consume to the lead sponsor of this resolution, the chairman of the House Foreign Affairs Committee and someone who has taken a lead on human rights issues around this globe, Mr. LANTOS of California.

Mr. LANTOS. Mr. Speaker, let me first express my appreciation to my friend and colleague from Michigan, Congressman LEVIN, for his help in bringing this important legislation to the floor, and to the chairman of the Ways and Means Committee, CHARLIE RANGEL, for his great assistance and leadership.

Mr. Speaker, nearly two decades ago, Aung San Suu Kyi embarked on a personal journey that would parallel the terrible nightmare of her people, the people of Burma. That was the year in which she helped found the National League for Democracy, a movement to promote democratic change in her homeland. Her long and torturous journey has led her to both a Nobel Peace Prize and seemingly eternal incarceration.

Rather than cede to the widespread calls and massive protests for a free and fair election, a military junta seized and maintained power in Burma. The regime feared the power of one fearless voice for democracy, Aung San Suu Kyi.

In 1990, the military junta finally permitted a general election, which the National League for Democracy won handily. The military promptly nullified the results, preventing the daughter of the very general who negotiated Burma's independence from taking her rightful place as Prime Minister.

Since then, Mr. Speaker, Aung San Suu Kyi has been tossed back and forth in and out of prison and house arrest as though she were simply a pawn in the tumultuous and chaotic game being played by the corrupt fat cats running Burma. But like the people of her nation, she is in fact much more than a pawn; she is an ardent champion of freedom, an exemplary defender of democracy, and one of the strongest willed moral beacons on this planet.

She stands firmly in the tradition of Gandhi, Mandela, Martin Luther King, and all other voices of the oppressed. Those legendary figures eventually delivered their people to freedom, and we in this Congress aim to help Aung San Suu Kyi to do just that.

Inspired by her resolve and the resolve of the Burmese people, this Congress has been committed to their cause for many years. Today, we renew import sanctions aimed at forcing democratic change in Burma, which I can say categorically is one of the most repressive regimes on the planet.

America's tough sanctions against Burma, including an import ban, export sanctions, and arms embargo and financial sanctions, have spurred the civilized nations of the world to take similar actions against Burma. The European Union recently updated its own set of sanctions, though they need to be even tougher. The leading members of ASEAN, who for years went out of their way to defend Burma's horrendous behavior, are now exercising their significant diplomatic muscle to promote democratic change in Burma and to free Aung San Suu Kyi.

□ 1345

The United Nations has held its first ever Security Council debate on the security threat to the Asia Pacific region posed by the Burmese regime.

But too many other nations, India and China in particular, continue to prop up the government through shockingly direct, blatant deals, including arms trading with this cruel junta in Burma.

Just this past week, Mr. Speaker, the BBC reported that in any major hotel in Rangoon, and I quote, ''Russian arms dealers, South Korean and French oilmen, Singaporean consultants and Chinese bankers are all mingling over cocktails with their Burmese counterparts.''

Mr. Speaker, these despicable deals undermine the entire international effort to help the Burmese people. And so today, as we renew our import sanctions, we aim both to pressure directly the military junta in Burma, and to influence those in the international community who are currently asleep at the wheel of justice and human rights. Oppressive power can only be delegitimized when it is fully isolated.

Mr. Speaker, Aung San Suu Kyi remains imprisoned. So do the people of Burma. Even out of power and out of sight, she remains a powerful symbol and, therefore, a leader of the plight of some 50 million people in her native land of Burma. We must do our part to carry her torch. And I urge all of my colleagues to vote today for these sanctions once again.

Mr. PORTER. Mr. Speaker, I appreciate the comments of my friends and colleagues across the aisle.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I want to add my admiration for the comments on both sides of the aisle, for the statement of the gentleman from Nevada (Mr. PORTER) and the very eloquent words of my colleague from California. I hope, as we proceed to pass this, that the words will be remembered, and that they will echo beyond Washington, D.C., through capitals everywhere, so others will join us in trying to help bring about the freedom that the vast majority of people of Burma truly desire.

Mr. Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the joint resolution, H.J. Res. 44, as amended.

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

The title was amended so as to read: ''Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.''.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF WYOMING COWGIRLS FOR WINNING THE WOMEN'S NATIONAL INVITATIONAL TOURNAMENT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 384) congratulating the University of Wyoming Cowgirls for winning the Women's National Invitational Tournament for the first time and for their most successful season in school history.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 384

Whereas on March 31, 2007, the University of Wyoming Cowgirls defeated the University of Wisconsin Badgers by a score of 72–56 in the championship basketball game of the Women's National Invitation Tournament;

Whereas the victory of these 14 very accomplished young women and their coach, Joe Legerski, was witnessed by over 15,000 fans at the University of Wyoming's sold out Arena-Auditorium;

Whereas the Cowgirls won 21 games in their regular season and tied for second in the Mountain West Conference (MWC);

Whereas Jodi Bolerjack scored 16 points in the championship game and earned Third Team All-MWC honors;

Whereas Elisabeth Dissen scored the last shot for the Cowgirls of the first half, giving the team a 39–26 lead;

Whereas Megan McGuffey scored back-to-back layups in the second half, totaling 10 points for the game, and received the MWC Newcomer of the Year honor;

Whereas Justyna Podziemska scored 16 points in the championship game, had 10 rebounds, and 8 assists;

Whereas Dominique Sisk scored 5 points, had 2 assists, and 7 rebounds for the Cowgirls;

Whereas Rebecca Vanderjagt scored 4 points and had 1 block during the championship game;

Whereas Aubrey Vandiver brought a strong end to the first half, shooting or assisting the last seven points;

Whereas Hanna Zavecz scored 12 points and earned the award of the Women's National Invitation Tournament Most Valuable Player;

Whereas Amy Bolerjack, Mallory Cline, Annie Gorenstein, Angiah Harris, Gemma Koehler, and Megan Mordecai also contributed to the team's top season; and

Whereas these top athletes are also dedicated to academic achievement, and serve as the standard of excellence, scholarship, and sportsmanship for the entire Nation: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Wyoming women's basketball team for their championship victory in the 2007 National Invitational Tournament.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 384 into the RECORD.

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

There was no objection.

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

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

Mr. SARBANES. Mr. Speaker, I want to congratulate the University of Wyoming Cowgirls for winning the 2007 Women's National Invitational Tournament basketball tournament.

On March 31, 2007, the University of Wyoming won the Women's NIT by defeating the University of Wisconsin Badgers 72–56. The Cowgirls won the title in front of the largest women's basketball audience in school history, with over 15,000 in attendance.

Wyoming had their most successful season in team history, winning 21 regular-season games and tying for second in the Mountain West Conference. Overall, the Cowgirls finished 27–9, besting the previous team record of 25 wins, a record which had stood for nearly 30 years. They also advanced deeper into postseason play than any Cowgirls basketball team before them.

I want to congratulate head coach Joe Legerski, athletic director Tom Berman, University of Wyoming president Tom Buchanan, and the student athletes who won the NIT title.

I also want to extend my congratulations to the University of Wisconsin Badgers on their impressive season. Wisconsin finished their season with a school record 23 wins. Their 17 home wins were also the most in program history.

Winning the NIT title for the first time proved the Cowgirls have arrived as a force on the national scene, and I know all the fans of the university will continue to be proud of this team for years to come.

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

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

Mr. Speaker, I rise today in support of House Resolution 384, congratulating the University of Wyoming's women's basketball team for winning the 2007 NCAA Division I Woman's National Invitational Tournament Championship.

On March 31, 2007, the University of Wyoming Cowgirls basketball team defeated the University of Wisconsin by a score of 72–56 to capture the NIT title and conclude their most successful season in school history.

Led by junior Hanna Zaveckz, the tournament MVP, and junior Jodi Bolerjack, who scored 16 points in the championship game, the Cowgirls of Wyoming truly had a remarkable season in which they compiled a record of 27–9, finishing second in the Mountain West Conference.

The tournament title capped what ended up being the most successful season ever for the Cowgirls basketball team in school history. No Wyoming Cowgirls team had won as many games. The previous record was set by the 1978–79 team, which finished at 25–7, and no team ever advanced so far in postseason play.

As the State's sole 4-year educational institution, the University of Wyoming receives strong support from the State and its residents, making it the perfect place for a great learning environment. The university was recently ranked by the Princeton Review as one of the Nation's best colleges for 2006, and the College of Business Department of Economics and Finance was also ranked 10th in the Nation and 12th in the world for its program in resource and environmental economics.

I extend my congratulations to head coach Joe Legerski, athletic director Tom Berman, president Tom Buchanan, all of the hard-working players, the fans and to the University of Wyoming.

I'm happy to join my good friend and colleague Representative CUBIN in honoring this exceptional team and all the accomplishments, and wish all involved continued success.

I join with my colleague from the Education and Labor Committee, Mr. SARBANES, in support of this resolution.064

I have no further speakers and would yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I urge my colleagues to support this measure, and I yield back my time.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I might also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Joint Resolution 44, as amended, that was previously discussed.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 384.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE McKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 561) recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness and endeavoring to continue working to eliminate homelessness in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 561

Whereas July 22, 2007, is the 20th anniversary of the enactment of the Stewart B. McKinney Homeless Assistance Act, which was renamed the McKinney-Vento Homeless Assistance Act in October 2000;

Whereas Representatives Stewart B. McKinney and Bruce Vento worked tirelessly in the Congress to develop a Federal response to homelessness;

Whereas Representative Stewart B. McKinney was committed to exposing the depth of the growing problem of homelessness in the 1980s;

Whereas Representative Stewart B. McKinney was a recognized expert on Federal housing law and urban affairs who successfully amended the National Housing Act and the Housing and Community Development Act of 1974 to better target Federal aid to smaller cities, but became terminally ill with pneumonia after sleeping on a grate outside a Federal building with the homeless of Washington, DC;

Whereas in 1985, after personally viewing the circumstances of the homeless and the need for crisis intervention in his congressional district in St. Paul, Minnesota, Representative Bruce Vento introduced a resolution to express the sense of the Congress that homelessness is a national problem requiring a national solution;

Whereas throughout his career, Representative Vento remained dedicated to securing a commitment of Federal resources to address homelessness;

Whereas the programs established by the McKinney-Vento Act have provided housing, education, health care, and job training assistance, and critical outreach, to thousands of homeless men, women, and children in the United States;

Whereas the Education for Homeless Children and Youth Program of the McKinney-Vento Act has resulted in a significant increase in the number of homeless children and youth attending school on a regular basis;

Whereas the McKinney-Vento Act was intended to be only an emergency response and not the sole Federal response to homelessness;

Whereas over the course of a year, as many as 3,500,000 persons are estimated to experience homelessness in the United States;

Whereas approximately 400,000 veterans of the Armed Forces of the United States experience homelessness at some point over the course of a year;

Whereas the homeless population includes vulnerable groups such as children, unaccompanied youth, and persons with disabilities; and

Whereas there were at least 142 unprovoked assaults against homeless persons in 2006, including 20 that resulted in death: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness in the United States;

(2) recognizes the positive impact the McKinney-Vento Act has had on hundreds of thousands of homeless men, women, children, and youth in the United States;

(3) recognizes the substantial contributions of Representatives Stewart B. McKinney and Bruce Vento in addressing homelessness;

(4) recognizes that homelessness continues to be an urgent problem in the United States;

(5) commends the dedication and commitment of service providers, including faith-based and nonprofit organizations, who are working to end homelessness in their communities and provide emergency food, shelter, and services to homeless Americans;

(6) recognizes that the lack of affordable housing exacerbates homelessness in the United States;

(7) supports the continued efforts of Federal, State, and local governments and private non-profit organizations in their efforts to prevent and end homelessness through the development of affordable housing;

(8) recognizes that the life expectancy of a homeless person in the United States is 30 years shorter than that of the average American and supports efforts to improve the health of homeless Americans;

(9) supports efforts to prevent and end homelessness among veterans of the Armed Forces of the United States;

(10) supports efforts to ensure accurate and timely processing of applications for disability benefits as a means of decreasing homelessness among disabled persons;

(11) recognizes that the safety and well-being of homeless persons is an urgent problem;

(12) recognizes the critical role of education and public schools in preventing and ending homelessness, and supports efforts to improve stability, services, and access to school for homeless children and youth; and

(13) endeavors to work with the same courage, dignity, and determination exemplified by Representatives McKinney and Vento to eliminate homelessness in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important resolution. It is an appropriate noting of the anniversary, 20-year anniversary, of the passage of the Homeless Assistance Act. It marked the beginning of a formal Federal recognition of the problem of homelessness; it's a great paradox, and one of which we should be embarrassed in this country.

It may not seem obvious to people, but before this, certainly 25 years ago and beyond, the homeless population was an invisible one. And it was in the 1980s that people began to focus on it.

Two former Members of this body, both of whom sadly died younger than should have been the case, while still in their fullness of powers as Members of this body were among the first to recognize it, and it was bipartisan. The former Member from Connecticut, Stewart McKinney, whose successor will be speaking on behalf of this very shortly, was one of those who began it. And he was joined in his advocacy by the late Bruce Vento from St. Paul. And they were two men of great compassion and vision. They were skilled legislators who served on the committee as it was then called on Banking, Finance and Urban Affairs, and they insisted that we, as a body, in this very wealthy Nation, address the terrible tragedy of people who were homeless, including children and war veterans.

A number of things contributed to the homelessness issue. There were some trends in this society, and often we hear about unintended consequences. There were some trends that in themselves were welcomed that had these negative consequences. One was the improvement in urban areas, the transformation of many downtowns in our big cities from places that were considered not very attractive places in which to live to places that people wanted to live in, the phenomenon known as gentrification.

The area that I represented when I was in the State legislature in the 1970s in Boston, in downtown Boston there were boarding houses, rooming houses in many of the downtown parts of Boston. Most of those are now much more expensive housing. They are single-family homes or condominiums. That, from the standpoint of the city, I suppose, is an improvement. But many of those who lived there were priced out of the market and, in many cases, found no alternative housing.

We also had the movement of deinstitutionalization, of deciding that people with various problems, emotional and mental problems, that it was better to try to get them integrated into communities than to have them living forever apart in institutions, and on the whole that was a very positive step. But no major social policy happens perfectly. The combination of the upgrading economically of these downtowns, of the release of people from institutions, these contributed to the homeless problem.

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There are, of course, other problems. Vietnam veterans who came back from a war that they didn't ask to start, who were sent by this country to this difficult country and came back to a country that treated them poorly, that did not honor their commitment and the sacrifice of their time and of their health. And in combination with substance abuse, all of these came together.

At any rate, 20 years ago we recognized that we had this problem, and we have begun to deal with it. And this resolution is a tribute to the two farsighted men who led this fight; to the many, many people who have worked to try to provide a solution to homelessness; to the homeless themselves, fellow citizens of all ages and races and backgrounds who have had to cope with these difficulties, some because of their own failings, often because of no thing that they did wrong but because of circumstances in which they found themselves. In any case, we ought to deal with it.

And this resolution is also very thoughtful, and I call attention to the ''whereases.'' Whereases, to be candid, Mr. Speaker, are often unemployment. They are filler. But in this case the whereases make some very important points, and one in particular I want to address. It talks about the vulnerable groups that are included. Another one talks about the veterans who are involved. That is, this makes clear that we are dealing with people who have a very legitimate claim on our response. In addition, the resolution itself goes beyond really congratulating people for the work they did and deploring the continued existence of homelessness, but it makes some very specific policy recommendations, which, Mr. Speaker, the Committee on Financial Services will be responding to and has already begun to respond to.

For example, in the resolution, clause 6 says that we recognize ''that the lack of affordable housing exacerbates homelessness in the United States.'' That may seem to state the obvious, but the obvious may have been stated but hasn't been acted on. We have not done nearly enough to produce affordable housing. Homelessness requires shelter; it requires services. But it requires, more than anything else, homes for people. Affordable housing, also rental housing, but it requires housing.

The resolution supports the continued efforts of Federal, State, and local governments in their efforts to prevent and end homelessness through the development of affordable housing. It was not an accident that the gentleman from Connecticut who succeeded Mr. McKinney will be soon speaking on this, is a member of our committee, and is a cosponsor with many of us on legislation that will actually return the Federal Government to the job of producing affordable housing.

So I welcome this resolution for what it commemorates but also for what it commits this Congress to do.

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

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

I rise in support of H. Res. 561, a resolution recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act.

Our resolution, which I introduced along with Chairwoman MAXINE WATERS and Representative BETTY MCCOLLUM, acknowledges the 20th anniversary of the act, which was yesterday, July 22, and recognizes the impact Congressmen McKinney and Vento and their legislation named after them have had on homelessness.

Before reflecting on Stewart McKinney's life and the impact of his work on millions of lives across the country, I would like to express my gratitude to Chairwoman WATERS and particularly Chairman BARNEY FRANK, as well as Ranking Members SPENCER BACHUS and JUDY BIGGERT, for moving this resolution to the floor. I also appreciate the work of the National Law Center on Homelessness and Poverty and the 15 other organizations that have endorsed the recognition of this anniversary.

I serve in the seat previously represented by Stewart McKinney. Stewart served as the ranking member on the House Banking Subcommittee on Housing, as well as the Committee on the District of Columbia. It was in this capacity that he became especially concerned about homelessness, particularly in our capital city.

He loved urban areas, and like our colleague Bruce Vento, he recognized homelessness is a national problem that requires a national solution. Stewart's commitment to exposing the depth of the growing problem of homelessness in the 1980s led him to contract pneumonia after sleeping on a grate outside a Federal building with D.C. area homeless.

Shortly after his death on May 7, 1987, his family, friends, and staff gathered to discuss how to continue his philosophy of caring for those who are the least able to care for themselves. They created the Stewart B. McKinney Foundation, an organization whose mission is to provide funds to care for persons with HIV who are homeless or at risk of homelessness. Today, Lucie McKinney continues the work Stewart began in his memory and keeps his spirit alive in this precious foundation.

Stewart was beloved by his colleagues on both sides of the aisle. Reading the tributes that were offered to Stewart on the House floor on the day of his death, a rather thick book, I might add, I was struck by his colleagues' appreciation for his humanity, his warm spirit, bipartisanship, and dedication to good work. I particularly want to make reference to one colleague, former Representative Bill

Frenzel, who said, ''I remember I often asked how he could stand it for over 16 years being on the House Banking Committee, and he said, 'You do not understand. It is the Housing Subcommittee that keeps me here because it is the most important thing I am doing in Congress.' ''

Let me conclude by saying the Stewart B. McKinney Homeless Assistance Act, now known as the McKinney-Vento Homeless Assistance Act, was first enacted in 1987 as the first major coordinated Federal response to homelessness. Passed in response to the rapid and dramatic growth of homelessness in the United States during the 1980s, the McKinney Act emphasized emergency measures, transitional measures, and long-term solutions to combat the homeless crisis.

Despite the impact of the McKinney-Vento Homeless Assistance Act, homelessness continues to be a pervasive problem in America. It is important Congress support a comprehensive range of programs beyond emergency food, shelter, and health care services for the homeless.

We must promote the development of affordable housing, provide supportive services to those who are homeless or in vulnerable housing situations, acknowledge and study the high rates of homelessness among our Nation's veterans, and recognize the critical role our schools play in preventing and ending homelessness among children.

On the anniversary of the McKinney-Vento Act, I want to express our sincere gratitude for the dedication and commitment of service providers who are working to end homelessness in our communities and provide emergency food, shelter, and services.

In Connecticut's Fourth Congressional District, I want to commend the work of Homes for the Brave, Bridgeport; Operation Hope, Fairfield; Shelter for the Homeless, Stamford; Norwalk Emergency Shelter; Interfaith Housing Association of Westport and Weston; Families in Transition, Bridgeport; St. Luke's Lifeworks, Stamford; Prospect House, Bridgeport; and all the other organizations working to assist the homeless or those who are at risk of becoming homeless.

With the passage of this resolution, I hope my colleagues and I will endeavor to work with the same courage, dignity, and determination exemplified by Representatives McKinney and Vento to eliminate homelessness in the United States.

At this time, Mr. Speaker, I yield such time as she may consume to the ranking member of the Housing Subcommittee from Illinois.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 561, recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act.

Since 1987, McKinney-Vento has served as the foundation of a cohesive national strategy against homelessness. In addition to housing, McKinney-Vento includes vital programs that address the nutritional, health care, and educational needs of the less fortunate.

As a member of the Education and Labor Committee, I have spent a great deal of time examining the unique obstacles that exist for runaway, homeless, and other disconnected youth, and I have seen first-hand the devastating impact that lost educational opportunities can have on the lives of homeless youth. Unfortunately, for many of these children, school is the only source of stability in their lives.

That is why in 2001 I introduced the McKinney-Vento Homeless Education Act, a bill that ensures homeless children have access to immediate enrollment without the barriers and red tape that had too often kept them out of school. My view was, and remains, that being without a home should not mean being without an education. I am pleased to report that Congress agreed and we were able to get this bill incorporated into the No Child Left Behind Act, signed into law in 2002.

Following the tragic hurricanes of Katrina and Rita, the Education for Homeless Children and Youth programs in NCLB were put to the test and proved crucial to providing much-needed stability and vital services to those in need. Because programs like McKinney-Vento were already in place, the Federal Government was better prepared to meet the educational and social needs of displaced children during a time of national crisis.

Perhaps most importantly, this anniversary is an opportunity to call attention to the work that still remains to be done, work like tearing down barriers that prevent unaccompanied homeless youth from attending school.

In this spirit, I would like to invite my colleagues to join me in supporting a vital piece of legislation that will do just that, H.R. 601, the FAFSA Fix for Homeless Kids Act. This important bill, which was introduced along with my good friend from Texas, Congressman HINOJOSA, will ensure that the doors of higher education remain open for some of our Nation's most vulnerable youth. At no additional cost to taxpayers, this bill simply ensures that unaccompanied homeless youth are not required to submit a parent's financial information to qualify for Federal student aid. While these requirements are logical for most applicants, they create insurmountable barriers for unaccompanied homeless youth who cannot supply these records.

As a member of the Financial Services and Education and Labor Committees, I look forward to working with my colleagues on other important policy initiatives like reauthorizing the McKinney-Vento programs under HUD and NCLB. As we move forward on these items in the coming months, we must join together to ensure that addressing the needs of America's homeless remains a top priority.

Mr. Speaker, I would like to take this opportunity to thank my good friend and distinguished colleague from Connecticut (Mr. SHAYS) for introducing this resolution and for his dedication to improving the lives of homeless Americans. I would also like to thank Mr. FRANK and Mr. BACHUS for cosponsoring this resolution and helping to move it through the Financial Services Committee in such a timely and bipartisan way.

Mr. Speaker, I strongly support this resolution and urge my colleagues to do the same.

Mr. SHAYS. Mr. Speaker, I thank Chairman FRANK. He made sure the bill got to the floor quickly, and I thank him for all of his good work on homeless issues as well as housing.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I again note that this is not simply words. Words are important and the work of Bruce Vento and Stewart McKinney, two outstanding Members of Congress, ought to be recognized. The fact that we are talking here about veterans, about children, about other populations that we all want very much to help, they are important. But I want to stress again this is also a commitment for the Committee on Financial Services. I know I speak for the chairwoman of the Housing Subcommittee, the gentlewoman from California (Ms. WATERS), and my colleague here.

And I want to again point to clauses 6 and 7 of the resolution. The resolution ''recognizes that the lack of affordable housing exacerbates homelessness in the United States,'' and No. 7, ''supports the continued efforts of Federal, State, and local governments and private nonprofit organizations in their efforts to prevent and end homelessness through the development of affordable housing.''

The services that are provided, the shelter, the counseling, they are all absolutely essential. But so is a commitment by this very wealthy Nation to help build affordable housing. And if we were not to make that commitment, then the resolution would, I think, be an empty one.

So I look forward to the Committee on Financial Services working together in a bipartisan way to continue to bring to this floor, and I hope ultimately to the desk of the President, and, more important, ultimately to the streets of our cities and rural areas in this country the housing that is needed. This is a promise that we are going to go forward with building affordable housing, and it is a promise that we fully intend to keep.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material.

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

There was no objection.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 561, recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act of 1987. I was pleased to join my Housing Subcommittee colleague Mr. SHAYS, and Congresswoman MCCOLLUM, in introducing this resolution to honor their late predecessors—Stewart McKinney of Connecticut and Bruce Vento of Minnesota—for their work across party lines to create the McKinney-Vento programs in response to the widespread homelessness that had reoccurred in the early 1980's for the first time since the Great Depression.

Since then, the McKinney-Vento Act programs have helped thousands of homeless men, women, and children return to stable housing and lives in which they can reach their full potential. I am pleased that we will take up for consideration today a FY 2008 appropriations bill for the Department of Housing and Urban Development (HUD), which administers the majority of McKinney-Vento grants, that provides for $1.561 billion for the HUD homeless assistance account, a $234 million increase over FY 2006.

But as national homeless organizations noted poignantly at an event a few of us attended last week, this is truly a ''bittersweet'' anniversary. While this groundbreaking homeless legislation is a highlight of the legacy I inherit as the Chair of the Housing Subcommittee, the sad fact is that the McKinney-Vento Act programs should not still be so desperately needed on their 20th birthday.

In fact, because the McKinney-Vento Act was debated a few years before I entered Congress—though I had certainly addressed homeless issues during my tenure in the California state legislature—I had my staff provide me with some of the legislative history surrounding the bill. A couple of points are worth noting.

First, nobody ever thought that the McKinney-Vento Act was the answer to homelessness, despite its ambitious creation of 15 separate programs and authorization of over $400 million in funding. Indeed, the original House bill was entitled the ''Urgent Relief for the Homeless Act.'' Of it, my distinguished predecessor as Chair of the then-Housing and Community Development Subcommittee, the late Henry Gonzalez, said, ''The emergency assistance provided in this bill will not eradicate the causes of homelessness; but rather is an emergency short-term effort to assist homeless persons.''

In other words, the McKinney-Vento programs were always meant as a first step—a first step toward a social safety net in which no person is forced to live on the streets or in shelters because of poverty, whether or not that poverty is coupled with additional challenges like mental illness, drug addiction or HIV/AIDS.

What is also striking, however, is how much the people involved then knew or suspected, even in the midst of a new crisis, about the real long-term solutions to homelessness. Of necessity, perhaps, given the rapid and overwhelming growth in homelessness at the time, the majority of early McKinney-Vento Act authorizations and appropriations funded emergency food and shelter assistance. Yet, from the start, the McKinney-Vento Act invested in a wide range of interventions—including permanent supportive housing, transitional housing, education, mental health and substance addiction services, job training, and other interventions.

Building on this basic infrastructure, academic research coupled with the hard-earned knowledge of practitioners and government have moved us to a place where we know much more about who the homeless are, and what it takes to end homelessness for them than we did in 1987.

I am proud that the McKinney-Vento Act itself grew out of Housing Subcommittee hearings then-Chairman Gonzales convened starting 25 years ago, and, after Congress returns from its August recess, I intend to hold a series of four in-depth Subcommittee hearings to examine lessons learned in the intervening period in order to formulate better federal housing policy, starting with an updated McKinney-Vento Homeless Assistance Act.

But reauthorizing the McKinney-Vento Act, no matter how perfectly, is only a small piece of a real federal agenda to end homelessness. Another glaring theme emerges from the 1987 CONGRESSIONAL RECORD—the increasing lack of affordable housing and the Federal government's progressive disinvestment in housing production programs.

Well, the situation has only gotten worse. As you know, the 800,000 people who experience homelessness on any given night—over 10 percent of them in my home city of Los Angeles—are only the most visible feature of an affordable housing crisis that has reached epic proportions across the country.

As Housing Subcommittee Chair, my response is simple. It's time to get the Federal government back in the affordable housing production business. I am hoping we start with enactment of H.R. 1851, The Section 8 Voucher Improvement Act and H.R. 2895, the National Affordable Housing Trust Fund. Simply put, if the Federal government does not reengage on affordable housing at this scale, and more, our successors will face the prospect of introducing a resolution to mark the 40th anniversary of the McKinney-Vento Act in 2027. Let us hope we can render such a sad event unnecessary.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and agree to the resolution, H. Res. 561.

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

A motion to reconsider was laid on the table.

COMMENDING DAVID RAY RITCHESON AND RECOGNIZING HIS EFFORTS IN PROMOTING FEDERAL LEGISLATION TO COMBAT HATE CRIMES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 535

Whereas David Ray Ritcheson, a Mexican-American, was a friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas, and a popular and talented football athlete who was loved and admired by his family and friends;

Whereas on April 23, 2006, at the age of 16, David Ray Ritcheson was severely assaulted while attending a party in Spring, Texas;

Whereas the former running back and freshman homecoming prince spent more than three months in the hospital as a result of the injuries he suffered in the assault and endured more than 30 surgeries to restore his appearance and regain the normal use of his bodily functions;

Whereas no human being deserves to be tortured and victimized like David Ray Ritcheson simply because he is of a different background, race, religion, ethnic group, or sexual orientation;

Whereas of all crimes, hate crimes are most likely to create or exacerbate tensions that can trigger larger community-wide racial conflict, civil disturbances, and riots in communities at-risk of serious social and economic consequences;

Whereas hate-motivated violence disrupts the tranquility and safety of communities, impedes the movement of members of targeted groups, and prevents members of targeted groups from purchasing goods and services, obtaining or sustaining employment, and fulfilling the American Dream;

Whereas the courageous, eloquent, and compelling testimony of David Ray Ritcheson before a committee of the House of Representatives brought into vivid relief the human face of victims of hate crimes and the terrible suffering that such crimes inflict on victims and their families, friends, and communities;

Whereas David Ray Ritcheson, in his testimony, emphasized that he was a survivor who urged the Federal Government to take the lead in deterring individuals like those who attacked him from committing violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk, or act;

Whereas David Ray Ritcheson's powerful testimony helped inspire the House of Representatives to pass the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592 of the 110th Congress), which incorporates key provisions of the David Ray Hate Crimes Prevention Act of 2007 (H.R. 254 of the 110th Congress);

Whereas David Ray Ritcheson vowed to do whatever he could to help make the United States a hate-free place in which to live;

Whereas the courage displayed by David Ray Ritcheson is an inspiration to all Americans and reinforces the message that acts of bigotry and hate are unacceptable in the United States; and

Whereas, on July 1, 2007, David Ray Ritcheson died at the age of 18: Now, therefore, be it

Resolved, That the House of Representatives mourns the passing of David Ray Ritcheson and commends him for his activism in contributing and raising awareness

toward the eradication and elimination of hate crimes in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Mr. Speaker, it is with celebration and recognition that I rise today to honor and pay tribute to David Ray Ritcheson, first 17, and, in the loss of his life, only 18, yet an American hero, a teenager who experienced harshness in his life, but yet out of his courage, tenacity and spirit we stand here on the floor of the House today.

I rise in strong support of H. Res. 535, which honors the short life, but big contributions of David Ray Ritcheson, a victim, as I said earlier, of a horrific hate crime, who became an exceptionally effective advocate for Federal hate crimes legislation.

Over the years I have been privileged to take the floor many times to speak on behalf of my constituents and those who live in the greater Houston-Harris County area. On those occasions my heart has filled with joy on the knowledge that so many people entrusted me with the honor of giving voice to their hopes and aspirations. But as I rise today, my heart is enormously heavy, for I have the sad duty of informing the House of the tragic death of David Ray Ritcheson, a Texas teenager, and as I've said earlier, experienced and was a victim of a horrible hate crime only at the age of 17, who went on to become an effective advocate for Federal hate crimes legislation.

To his parents, to his attorney Mr. Leon, for their spirit, his wonderful family, his brothers and sisters, all who showed the great love and tenacity and courage to stand by David, I call them the stand-by-David family.

This tragedy should serve as a wakeup call to the Nation of the need to redouble our efforts to prevent hate crimes by juveniles, which I believe is, in the long run, the best and most effective way of eliminating the scourge of hate-motivated crimes from our society.

I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult. But once a child or juvenile has learned to hate, it is a short step to learning and liking to act out of hatred.

We will have, I hope soon, coming to this floor a bill named after David. Many in the community have asked that H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, be likewise named after him. You wonder why. It is because of the outstanding courage that this young man has shown.

I remember meeting with him in the offices of his attorney, Carlos Leon, and his family members way back in 2006. He was in the midst of several of his surgeries that had to be implemented or had to be done in order to help cure him. Quiet, determined, smiling, generous in his time, we spoke about what he could do and how he could support legislation to turn things around. I believe that that courage exudes today on the floor of the House.

A year ago last April, the people of Harris County and those in and around my congressional district saw just how easy and how dangerous it is for young people to commit a crime of hate. In a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican American, was severely assaulted on April 23, 2006, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teen attackers, a skinhead, yelled ethnic slurs and kicked a pipe in an inappropriate place, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days, almost all of it in critical care.

For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked in the head, suffered 17 cigarette burns sadistically inflicted that still scar his body. His assailants poured bleach on his face and body and then assaulted him with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

Might I say to you that he was the cause and the inspiration behind the passage of H.R. 1592. And I just want to share with my colleagues this young man's picture, along with his attorney. He was a young man who came here with a business suit on because he meant business. We honor him today with a resolution that acknowledges his life.

In addition, I will soon be introducing additional legislation intended to fill a big gap in current hate crimes prevention. And we must do more to assist the victims of hate crimes and their families recover from their physical, emotional and psychological wounds.

My legislation will authorize programs to provide psychological and emotional support services and appropriate economic assistance to the victims of hate crimes and their families. The legislation will focus on three main areas: counseling, prevention, and economic support.

Let me just say, in closing, that I indicated that it is with a heavy heart that I stand on the floor today. It is certainly with great celebration that I acknowledge to the world and to America, the youth of America, the name of David Ray Ritcheson, someone who, in essence, sacrificed his life so that America might be better, sacrificed his life so that those of us who want to be able to preach love, opportunity and quality maybe, sadly, will have a message of joy out of his living, and that is that you can move to move hearts and minds, and that we can provide America with a better moral compass and legal system to prevent hate crimes in America.

Mr. Speaker, I rise in strong support of H. Res. 535, which honors the short life but big contributions of David Ray Ritcheson, a victim of a horrific hate crime who became an exceptionally effective advocate for Federal hate crimes legislation.

Over the years I have been privileged to take the floor many times to speak on behalf of my constituents in the Eighteenth Congressional district of Texas. On those occasions my heart was filled with joy in the knowledge that so many people entrusted me with the honor of giving voice to their hopes and aspirations.

But as I rise today, my heart is heavy. I have the sad duty of informing the House of the tragic death of David Ray Ritcheson, a Texas teenager and victim of a horrible hate crime, who went on to become an effective advocate for Federal hate crimes legislation.

Mr. Speaker, this tragedy should serve as a wakeup call to the Nation of the need to redouble our efforts to prevent hate crimes by juveniles, which I believe is in the long run the best and most effective way of eliminating the scourge of hate motivated crimes from our society.

I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult. But once a child or juvenile has learned to hate, it is a short step to learning and liking to act out that hatred.

A year ago last April, the people of Harris County, Texas, and in my congressional district, saw just how easy and how dangerous it is for young people to commit a crime out of hate.

In a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican-American, was severely assaulted on April 23, 2006, by two youths while attending a party in the Houston suburb of Spring, Texas. One of his teenage attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days—almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, this Hispanic young man was punched unconscious, kicked in the head, suffered 17 cigarette burns sadistically inflicted that still scar his body. His assailants poured bleach on his face and body, and then assaulted with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

Mr. Speaker, no one deserves to be tortured and victimized like David Ray Ritcheson was simply because he is of a different nationality, or race, or religion, or ethnic group, or sexual orientation or preference. It is for that reason that I introduced the David Ray Hate Crimes Prevention Act of 2007, H.R. 254, earlier this year, key provisions of which were incorporated into H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. For example, my bill increased the penalties to 10 years in prison for any person whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person. Also, H.R. 1592 incorporated another key component of my hate crimes prevention bill: the establishment of a grants program administered by the Office of Justice Programs of the Department of Justice to award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles.

I will soon be introducing additional legislation intended to fill a big gap in the current hate crimes prevention regime. We must and can do more to assist the victims of hate crimes and their families recover from their physical, emotional, and psychological wounds.

My legislation will authorize programs to provide psychological, emotional support services and appropriate economic assistance to the victims of hate crimes and their families. The legislation will focus on three main areas: counseling; prevention; and economic support.

Hate Crime victims lose their jobs at least in part because of the impact of hate crime violence and lack of financial and economic support during recovery. By giving hate crime victims economic and financial support, Congress makes it more likely that employees who are victims of hate crimes could stay at work while they deal with the violence or promptly return to work if they have to take temporary leave. Therefore hate crime victims must be provided access to: (1) Healthcare support including counseling and therapy to prevent in the future severe depression, violent outbreaks, suicide; (2) construction and personnel cost for shelters and hate crime support centers; (3) direct services providers; (4) healthcare insurance for counseling and therapy; (5) hotline services; and (6) short- and long-term individual counseling and support groups for hate crime victims and their families.

Since prevention is always better than cure, my legislation also seeks to prevent violent hate crime attacks before it happens. The legislation will provide funding for outreach and educational programs to raise awareness against racist and discriminatory beliefs.

Specifically, it will lead to:

(1) Development community responses and public education campaigns working with elementary, middle and secondary school to raise awareness of racist crimes as unacceptable behavior.

(2) Provide educational programs working with teenagers and young adults in college and university campuses.

(3) Adoption of hate crime awareness programs in the workplace.

When he testified in support of H.R. 1592, David Ray Ritcheson challenged this committee to take a big step toward making hate a thing of history. Hear the words this young man, wise and courageous beyond his years, spoke to the Judiciary Committee:

It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as the ''Local Law Enforcement Hate Crimes Prevention Act of 2007''. I can assure you, from this day forward I will do what ever I can to help make our great county, the United States of America, a hate free place to live.

I ask unanimous consent that to place a copy of David Ray Ritcheson's entire statement in the RECORD.

I believe the best thing we can do to hasten the day that the United States is a hate free place to live is to work at least as hard toward preventing hate crimes as we must at prosecuting and punishing those who commit them.

As important as it is to apprehend, prosecute, convict, and punish severely those who commit hate crimes, we can all agree that in the long run it is even more important and better for society if we can increase our effectiveness in eradicating the desire to commit a hate crime in the first place.

Mr. Speaker, I have never been as proud of any constituent as I was of David Ray Ritcheson that day when he spoke such eloquent truth to power. By force of his own example and moral courage he helped clear the way for House passage of strong and long overdue hate crimes legislation. In the process, he made America better, and he made Texas stand tall. That is why it is so fitting to honor his memory. And that is why I am pleased to announce that the introduction of a resolution in tribute to this remarkable young man.

Mr. Speaker, I would like to read into the RECORD the text of this resolution.

H. RES. 535

Whereas David Ray Ritches, Mexican-American, was a friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas, and a popular and talented football athlete who was loved and admired by his family and friends;

Whereas on April 23, 2006, at the age of 16, David Ray Ritcheson was severely assaulted while attending a party in Spring, Texas;

Whereas the former running back and freshman homecoming prince spent more than three months in the hospital as a result of the injuries he suffered in the assault and endured more than 30 surgeries to restore his appearance and regain the normal use of his bodily functions;

Whereas no human being deserves to be tortured and victimized like David Ray Ritcheson simply because he is of a different background, race, religion, ethnic group, or sexual orientation;

Whereas of all crimes, hate crimes are most likely to create or exacerbate tensions that can trigger larger community wide racial conflict, civil disturbances, and riots in communities at-risk of serious social and economic consequences;

Whereas hate-motivated violence disrupts the tranquility and safety of communities, impedes the movement of members of targeted groups, and prevents members of targeted groups from purchasing goods and services, obtaining or sustaining employment, and fulfilling the American Dream;

Whereas the courageous, eloquent, and compelling testimony of David Ray Ritcheson before a committee of the House of Representatives brought into vivid relief the human face of victims of hate crimes and the terrible suffering that such crimes inflict on victims and their families, friends, and communities;

Whereas David Ray Ritcheson, in his testimony, emphasized that he was a survivor who urged the Federal Government to take the lead in deterring individuals like those who attacked him from committing violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk, or act;

Whereas David Ray Ritcheson's powerful testimony helped inspire the House of Representatives to pass the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592 of the 110th Congress), which incorporates key provisions of the David Ray Hate Crimes Prevention Act of 2007 (H.R. 254 of the 110th Congress);

Whereas David Ray Ritcheson vowed to do whatever he could to help make the United States a hate-free place in which to live;

Whereas the courage displayed by David Ray Ritcheson is an inspiration to all Americans and reinforces the message that acts of bigotry and hate are unacceptable in the United States; and

Whereas, on July 1, 2007, David Ray Ritcheson died at the age of 18: Now, therefore be it

Resolved, That the House of Representatives mourns the passing of David Ray Ritcheson and commends him for his activism in contributing and raising awareness toward the eradication and elimination of hate crimes in the United States.

Mr. Speaker, I ask unanimous consent to place into the record the testimony David Ray Ritcheson gave before the Judiciary Committee in April of this year in support of H.R. 1592.

STATEMENT OF MR. DAVID RITCHESON AT THE HEARING ON H.R. 1592, THE ''LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007''

I appear before you as a survivor of one of the most despicable, shocking, and heinous acts of hate violence this country has seen in decades. Nearly one year ago on April 22, 2006, I was viciously attacked by two individuals because of my heritage as a Mexican-American. After hanging out with a few friends at a local crawfish festival, my friend and I, along with the two individuals who would eventually attack me, returned to the home in Spring, Texas where I was to spend the night. It was shortly after arriving at this private residence that a minor disagreement between me and the attackers turned into the pretext for what I believe was a premeditated hate crime. This was a moment that would change my life forever. After I was surprisingly sucker punched and knocked out, I was dragged into the back yard for an attack that would last for over an hour. Two individuals, one an admitted racist skinhead, attempted to carve a swastika on my chest. Today I still bear that scar on my chest like a scarlet letter. After they stripped me naked, I was burned with cigarettes and savagely kicked by this skinhead's steel toed army boots. After burning me in the center of the forehead, the skinhead attacker was heard saying that now I look like an Indian with the red dot on my forehead. Moreover, the witnesses to the attack recalled the two attackers calling me a ''wetback'' and a ''spic'' as they continued to beat me as I lay unconscious. Once the attack came to an end, was dragged to the rear of the back yard and left for dead. Reportedy, I lay unconscious in the back yard of this private residence or the next 8–

9 hours. It was not until the next morning that I was found and the paramedics came to my aid. I am recounting this tragic event from the testimony I heard during the trial of the two attackers this past fall. God spared me the memory of what happened that night. As I sit before you today, I still have no recollection of those life changing twelve hours or the weeks that followed.

Weeks later I recall waking up in the hospital with a myriad of emotions, including fear and uncertainty. Most of all, I felt inexplicable humiliation. Not only did I have to face my peers and my family, I had to face the fact that I had been targeted for violence in a brutal crime because of my ethnicity. This crime took place in middle-class America in the year 2006. The reality that hate is alive, strong, and thriving in the cities, towns, and cul-de-sacs of Suburbia, America was a surprise to me. America is the country I love and call home. However, the hate crime committed against me illustrates that we are still, in some aspects, a house divided. I know now that there are young people in this country who are suffering and confused, thirsting for guidance and in need of a moral compass. These are some of the many reasons I am here before you today asking that our government take the lead in deterring individuals like those who attacked me from committing unthinkable and violent crimes against others because of where they are from, the color of their skin, the God they worship, the person they love, or the way they look, talk or act.

I believe that education can have an important impact by teaching against hate and bigotry. In fact, I have encouraged my school and others to adopt the Anti-Defamation League's No Place for Hate® program. If these crimes cannot be prevented, the federal government must have the authority to support state and local bias crime prosecutions.

As the weeks in the hospital turned into months, I began hearing the stories of support that came from literally all over the world. The local community pulled together in a really majestic way, reaffirming my hope in the good of humanity. My family told me about the crowded waiting rooms full of the great friends from past and present. I heard about prayer groups before school in front of my school, the Klein Collins Campus. The donations that helped my family and me get through an unthinkable time poured in from generous people scattered across the globe. These donations would help pay for the enormous hospital bills from the over thirty surgeries I underwent during the first three months after the attack. Most of these operations were essential to saving my life—and others were necessary just to make my body able to perform what would be normal functions.

As the recovery process continued, my family began to slowly inform me of what had happened to me. They went on to tell me of the effective response by the Harris County Sheriff's Department and the Harris County Constables who had investigated the hate crime committed against me. I slowly began learning the about the background of the two individuals who had been arrested for attacking me. I was informed that one of the attackers, David Tuck, was a self proclaimed racist skinhead who had viciously attacked at least two other Hispanics in the past few years, almost killing one of them. I learned that he had been in and out of several juvenile facilities. Most surprising, I learned that he had been released from the Texas Youth Commission a little over a month before he attacked me. In fact, he was still on probation the night he nearly ended my life. I was told that he had ''white power'' and swastikas tattoos on his body. I was informed that his older step brother, a major influence in his life, was also a self-proclaimed skinhead currently serving time in a Texas jail. Here I was, learning shocking details of a person who lived only miles from me and who had at one time attended the same high school that I attended. How could this type of hate be breeding just miles from my home in a city as diverse as Spring without anyone taking notice?

I quickly learned of and benefited from the support of groups such as the Anti-Defamation League (ADL) and League of United Latin American Citizens (LULAC). Both groups immediately provided whatever support they could to help me and my family. From setting up fundraisers to help my family with unanticipated expenses to providing emotional support confirming that I was not going through this alone, both groups were instrumental in assisting me and my family in the process of moving forward. There are so many people to thank for the support they have given me, including the ongoing encouragement to appear before you today.

Last November and December I sat in a courtroom in Harris County, Texas and faced my attackers for the first time as they went through their respective trials. I am glad to say that justice was done. I am proud of the job our county prosecutors and investigators did in ensuring life sentences for the two individuals who attacked me. Specifically, I want to recognize the great job that Assistant District Attorney Mike Trent did during the prosecution of these two individuals. However, despite the obvious bias motivation of the crime, it is very frustrating to me that neither the state of Texas nor the federal government was able to utilize hate crime laws on the books today in the prosecution of my attackers. I am upset that neither the Justice Department nor the FBI was able to assist or get involved in the investigation of my case because ''the crime did not fit the existing hate crime laws.'' Today I urge you to take the lead in this time of needed change and approve the ''Local Law Enforcement Hate Crimes Prevention Act of 2007''. I was fortunate to live in a town where local law enforcement authorities had the resources, the ability—and the will—to effectively investigate and prosecute the hate violence directed against me. But other bias crime victims may not live in such places. I ask you to provide authority for local law enforcement to work together with federal agencies when someone is senselessly attacked because of where they are from or because of who they are. Local prosecutors should be able to look to the federal government for support when these types of crimes are committed. Most importantly, these crimes should be called what they are and prosecuted for what they are, ''hate crimes''!

In fact, because there was so much attention focused on the fact that my case was not being prosecuted in Texas as a hate crime, the Anti-Defamation League and the Cook County (Illinois) Hate Crimes Prosecution Council published a Pamphlet called ''Hate Crimes Data Collection and Prosecutions: Frequently Asked Questions,'' designed to address some of the basic legal and practical considerations involved in labeling and charging a hate crime.

My experience over the last year has reminded me of the many blessings I took for granted for so long. With my humiliation and emotional and physical scars came the ambition and strong sense of determination that brought out the natural fighter in me. I realized just how important family and the support of community truly are. I will always recall my parents at my bedside providing me with strength and reassurance. They showed me how to be strong during my whole recovery, a process I am still going through today. Seeing the hopeful look of concern in the faces of my siblings, cousins, aunts and uncles everyday was the direct support I needed to get through those terrible first few months. As each day passed, I became more and more aware of everything I had to live for. I am glad to tell you today that my best days still lay ahead of me.

Thank you for the opportunity to tell my story. It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as the ''Local Law Enforcement Hate Crimes Prevention Act of 2007''. I can assure you, from this day forward I will do what ever I can to help make our great country, the United States of America, a hate free place to live.

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

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

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

Mr. PENCE. Mr. Speaker, the old book tells us to mourn with those who mourn and grieve with those who grieve. I rise in support today of H. Res. 535 in a spirit of bipartisanship and mutual mourning in the tragic end of the life of David Ray Ritcheson.

I rise to commend David Ray Ritcheson in this resolution, a survivor, as my colleague from Texas just described, of a horrific crime. We commend him for his activism in raising awareness of violent crimes in this United States.

As has been noted, at the age of 16 years, David Ray Ritcheson was brutally assaulted in April of 2006 while attending a party in Spring, Texas. He was hospitalized for more than 3 months, had more than 30 surgeries to restore his appearance and regain his health. David Ray Ritcheson recovered and became a spokesman and a tireless advocate against brutal crimes. He spoke eloquently and with great courage. He testified, even at his young age, with conviction before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security. He did so in a way that gave honor to both his convictions and his character. David Ray Ritcheson's courage stands as a testament to all crime victims, especially those who suffer brutal attacks.

Violent crime strikes at the heart of every victim, the victim's family, and their community. We must do all that we can to eradicate all violent crimes.

Today we gather in support of this resolution simply to mourn the passing of David, to extend our heart-felt sorrow and respect to his family and his community and all those whose life he touched with his courage. His memory will live on in our hearts. His courage will inspire us all.

I urge my colleagues to support this resolution.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from Texas has 14 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me take an opportunity to acknowledge Albert and Laticia Galvin, the parents of David Ray Ritcheson. I mention them, their strength and their sense of dedication.

I also wanted to acknowledge the outpouring of support by the Members of Congress, members of the House Judiciary Committee and our local community. We came together, people from all segments of the community, to honor him in his passing, but also to commit ourselves to ridding our community of hate. Representatives from the NAACP and LULAC, faith leaders, elected officials, all of them put aside differences, as my good friend from Indiana has indicated, partisan differences, and realized that hate is really not the definition of America.

And if I might refresh the memories of my colleagues, just a few weeks ago we stood on the floor to acknowledge July Fourth, the Independence Day for America, again a day of joy. But the points of accolades for this Nation really focused not only on the Constitution and the Bill of Rights, which gives us the freedom of association, due process so that your rights are protected, but we're reminded of the Declaration of Independence. And it indicated that we all are created equal, with certain inalienable rights of life and liberty and the pursuit of happiness.

That's all that David sought in his young life, and I hope that as we move legislation forward, in the other body and here, on stomping out hate crimes, we will be reminded of this young life, not only David, but his mother and father, Albert and Laticia Galvin, who, if you met them, you would know how David was able to be so strong and so determined.

Mr. Speaker, I reserve the balance of my time

Mr. PENCE. With that, I'm pleased to yield such time as he may consume to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I greatly appreciate the opportunity to pay tribute to David Ray Ritcheson, having met him, talked with him, and heard his testimony at the Judiciary Committee.

David Ray Ritcheson was truly a brave young man who had a horrible act committed against him. His early departure from this life made his story all the more tragic. The crime committed against him earlier in his life is one that should not be tolerated under any circumstances. The applicable State law dealt with that crime in such a way that I understand the main perpetrators received life and 90 years as sentences.

On hearing the sad testimony by David at our hearing, everyone was moved with a sense of outrage. Yet, on closer examination of what the majority was trying to do, it caused me to ask if there was anything in this hate crimes bill that would have changed anything about David's terrible situation. After all, the hate crimes bill has no sentence higher than life. It's not a capital situation.

□ 1430

The answer was, and is, that there is nothing in the bill that would have really made any substantive difference in David's situation.

It is also tragic that any acquaintances of David who did not know the details of the brutality against him before apparently came to know about it through his courage and the national attention focused on him and the display of courage at our hearing. That is further testimony itself to his courage. But the ridicule at home that followed his testimony is also tragic. It is sad that he chose to end that life of such incredible potential.

David's earlier display of courage and the unfairness and outrage he faced deserve attention. He deserves a heartfelt salute. His family has our thoughts and prayers with them, especially in this loss of such a beautiful soul with so much potential.

But the bill being touted in this resolution does not bring us together. It divides us by saying that some people in this country are more important to protect than others. It divides by saying, for example, that those tragically killed at Virginia Tech are not as important to protect as a transvestite with gender identity issues. The bill further seeks to squelch religious teaching about immorality.

I stand here on the floor today to salute David Ray Ritcheson, an incredible young man. I want with all my heart to vote for a resolution to pay him proper tribute as well. But, unfortunately, I cannot vote for a resolution that, since it includes a pursuit and an adulation of the hate crimes bill, I cannot see the use of this tragedy to vote to give accolades to a bill that I think harms America and divides us.

If there is a recorded vote, I will vote ''present'' out of my incredible respect for David Ritcheson. But my ''present'' vote will also avoid the hypocrisy of my saying I support the hate crimes bill when I believe it harms the country, it harms religious teaching, and it would not undo what was done to David.

I look forward to any opportunity to do anything to pay tribute to David Ritcheson standing on its own.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as this bill is intended to do, let me dwell on the life of David Ray Ritcheson and how much he has contributed to moving this country forward. I would like to read just a portion of his statement from his own words in the Judiciary Committee speaking about the experience of his tragedy:

''After burning me in the center of the forehead, the skinhead attacker was heard saying that now I looked like an Indian with a red dot on my forehead. Moreover, the witnesses to the attack recall the two attackers calling me a 'wetback' and a 'spic' as they continued to beat me as I lay unconscious. Once the attack came to an end, I was dragged to the rear of the backyard and left for dead.''

The bill that David was so articulate in helping us move forward provides resources for our smaller communities in order to ensure that if Federal resources are needed, that nexus, that connection, that assistance would be provided. Therefore, it is clear that David's testimony helped assist rural communities.

I cite, for example, another tragic incident that occurred in a rural area, and maybe the county in that area might not have been able to move forward. This bill, however, is already out of the House. So our tribute today really focuses on the courage which David provided to move that bill forward.

In Wyoming, Matthew Shepard was in a rural area. It was a rural area in Jasper, Texas, with Mr. James Byrd. So we know that the bill that has passed the House truly would provide assistance to those communities that would ask for it if such a tragedy occurred in their community. Again, Mr. Speaker, simply if they asked for it.

I want to emphasize that this is about David, so let me share with you his words. These are the words that he offered to the Judiciary Committee: ''It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign to enact a much needed law such as H.R. 1592. I can assure you from this day forward I will do whatever I can to help America become our great country, the United States of America a hate-free place to live.'' These are David's words.

As we move forward in trying to capture what his life was truly about, this young, friendly, cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas, popular and a talented football athlete, who was loved and admired by his family and friends, we want to ensure that, as we go forward, if such a dastardly act would happen again, we focus on the family.

Mr. Speaker, we would like to see health care support, including supportive counseling and therapy to prevent future severe depression; construction and personnel costs for shelters and hate crime support centers; direct service providers who are trained to try and help those who have been victims of hate crimes; health care insurance for counseling and therapy; hotline services, so for those who witness hate crimes or other acts, we would be able to provide an immediate source of information for them to report what happened; short- and long-term individual counseling and support

groups for hate crime victims and their families.

This is a time to acknowledge this former running back and freshman homecoming prince, who spent more than 3 months in the hospital. But at the same time, it is a time of celebration. That is what this resolution stands for. Let me thank the list of cosponsors who have provided their affirmation of the importance of David's life.

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

Mr. PENCE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I would like to say to my friend across the aisle, the idea of assisting with counseling for anyone who has been through something so traumatic as what David Ritcheson experienced is a good idea. I would support a measure of that order.

Matthew Shepard was mentioned, as was James Byrd. Of course, most of us are familiar with those situations. Mr. Byrd was attacked because he was an African American. He was brutally drug behind a vehicle. And if I had my way and could put into law the law I would like to address that, it would be to allow the family of the victim to choose the terrain over which to drag the defendants, if they were convicted, and the rope by which to drag them. But, again, capital punishment was not an issue in this hate crimes bill.

Mr. Byrd's perpetrators, two received the death penalty, as I recall, and one received a life sentence, and that was State resources without the assistance of the Federal Government. With Matthew Shepard, I believe there were two life sentences in those cases, which would further not have been enhanced.

But I look forward to the day, as Martin Luther King said, when we are judged by the content of our character, not the color of our skin, and I would submit not by any other factors over which we have no control.

When it comes to a hate crime bill, we ought not to be dividing. A transvestite deserves protection. David Ritcheson, my goodness, deserved protection. We should work together to bring this Nation together, not divide it by saying some people deserve more protection than others.

Again, I think the idea of counseling, it might have served David well because, goodness knows, he had been through a great deal of trauma. Perhaps that would have assisted him in not bringing a permanent end to a temporary problem, which made it all the more tragic.

So I would welcome the opportunity, if something in the form of legislation along those lines were to arise, in working with my colleagues on the other side.

Mr. PENCE. Mr. Speaker, I am actually prepared to close with the gentlewoman's forbearance.

Ms. JACKSON-LEE of Texas. I am prepared to close. If the gentleman would close, I will follow.

Mr. PENCE. I would be pleased to do that. I thank the gentlewoman for her courtesy.

Mr. Speaker, I rise in support of this resolution, H. Res. 535, commending David Ray Ritcheson, and urge my colleagues to support it.

Let me say from my heart, I have great respect for the gentlewoman from Texas. She and I have an intellectual difference of opinion on the merit of hate crimes legislation. The legislation specifically referenced in this resolution as having been passed in this Congress even earlier this year as a result of some of the work of the man that we are honoring, I did not support and I do not support.

I don't support hate crimes laws. I don't support penalizing thoughts like action. But I do support courage. I do believe in that ancient adage that says if you owe debts, pay debts; if honor, then honor; if respect, then respect.

I disagree with the gentlewoman on the subject of hate crimes legislation. I disagree therefore with the late David Ray Ritcheson on that issue. But I rise today because this resolution says that the House of Representatives mourns the passing of David Ray Ritcheson and commends him for his activism in contributing and raising awareness toward the eradication and elimination of hate crimes in the United States.

We can come together as a Congress, and I expect we will today, to pay a debt of gratitude that we owe to a life that ended too soon. I commend the gentlewoman for her quite typical and forceful advocacy of her views, but I urge my colleagues to meet on that common ground of paying a debt of gratitude to a life that, as his family looks into this debate, I hope they know whatever our views are on the issues in which David found himself caught in violence and then standing in the national debate, we admire him, we honor his life, and we mourn his passing as a Congress and as a Nation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished gentleman from Indiana for his courtesies. That is the note which I will end on, is a note of courage.

As we look at this young man, and I am going to do something quite unusual, Mr. PENCE, the family is watching, and I would hope that that would be the spirit of this resolution, simply to acknowledge the courage of David Ray Ritcheson, this talented young man, as I have said, Laticia and Albert Galvan's child, the brother of so many siblings, that they would understand what it took to come into the Judiciary Committee room.

We would like to thank the cosponsors of this legislation, and I would like them to have a lasting impression of this distinguished young man.

□ 1445

The courage, fortitude, the work he has done has enlightened many. As Mr. PENCE said, we can have a number of debates and questions about the underlying issue, but the above-lying issue is simply a resolution thanking a young man who has lost his life in the face of an unspeakable tragedy. And we are all committed, whether it is a moral question or whether it is by legislative initiative, we abhor hatred. This Nation was not founded to promote hatred, although many of us came to this Nation differently.

So I would simply ask my colleagues to join me. And I yield to the gentleman from Indiana (Mr. PENCE) for an inquiry. His family is watching, and I hope this can be perceived, this is an unlikely question to you, be perceived simply as a resolution, making no further statement, on the celebration of his life. We would like to call for a vote, and we would like to have your support. I have heard that you are willing to support this on that basis, and I would like to commend this to my colleagues simply on that basis. This is a resolution honoring a young man who has called to the attention of all of us the idea of the fact that we all abhor hatred of any kind.

Mr. PENCE. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Indiana.

Mr. PENCE. I thank the gentlelady for yielding, and I appreciate the spirit of her remarks. Both her remarks and the express language of the resolution have to do with the House of Representatives mourning the passing of David Ray Ritcheson and commending him for his activism, and that is certainly a resolution I can and will support on the floor in whatever manner it comes forward.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Mr. GOHMERT. Will the gentlelady yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield.

Mr. GOHMERT. Thank you for yielding, and I just want to wholeheartedly applaud and pay tribute to your gesture here. A salute to the life of David Ritcheson is a wonderful thing. I thank you for doing that.

Ms. JACKSON-LEE of Texas. Thank you for your kindness.

Let me bring my remarks to a close by reading some of the words I read before. I will end with these words: ''It has been a blessing to know,'' and this was testimony in the House Judiciary Committee ''that the most terrible day of my life may help put another human face on the tragedy,'' and these are my words, of hate crimes and hatred.

Let me thank the gentleman from Michigan (Mr. CONYERS) for his leadership. Let me thank the ranking member, the gentleman from Texas (Mr. SMITH), as well as the ranking member of the Subcommittee on Crime and the chairman of the Subcommittee on Crime Mr. SCOTT. All of them have been generous, as has the staff of the Judiciary Committee, in helping us pay

tribute to David Ray Ritcheson. May he rest in peace. God bless his family, and God bless America for being the Nation that abhors hate and recognizes this beautiful young man.

Mr. CONYERS. Mr. Speaker, today I rise in memory of the life of David Ray Ritcheson. I met David when he testified last April before the Judiciary Committee at a legislative hearing on the Hate Crimes Prevention Act. He had the courage to come forward and testify about the need for that legislation and the impact of hate crimes on communities and families. He spoke from the heart and from experience.

David survived a horrific attack last year that required him to endure countless operations to restore his appearance and body. He was the voice for all who could not speak and did an admirable job. I believe that his story served as a I inspiration that led the House to pass the Hate Crime Prevention Act on May 3 of this year.

It is a tragedy that David will not see the fruit of his labor. The psychological wounds from the crimes inflicted upon him finally caused David to take his life on July 1, 2007.

I hope that this resolution will convey to his family and community the heartfelt condolences of this House.

It is also my hope that the brutal attack that he survived will not define his life. David Ritcheson should be remembered in his community as a friend, a classmate, a football player and a son.

House Resolution 535 is a fitting tribute to David Ray Ritcheson. It honors David as someone unafraid to stand and speak for the victims of hate crimes, so that we could act to protect other communities in the future. He will be remembered and missed.

I ask my colleagues to join me in supporting this well-deserved resolution.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 535, a resolution to honor the leadership, in raising awareness of hate crimes, of David Ray Ritcheson, a Mexican American who was severely assaulted on April 23, 2006, and passed away last week.

Role models come in all shapes and sizes. Jackie Robinson, Rosa Parks, Martin Luther King, Jr, Cesar Chávez, are all great role models who led by example.

Just a few months ago, in our halls of Congress, David Ray Ritcheson at the young age of 18 exposed the harsh reality of hate crimes through his personal experience.

Today, we honor his efforts and leadership on this issue.

After having survived one of the most horrific hate-motivated criminal acts, David Ray courageously testified in support of the ''Local Law Enforcement Hate Crimes Prevention Act of 2007,'' H.R. 1592, which passed the House on May 3, 2007.

In his testimony he stated: ''It has been a blessing to know that the most terrible day of my life may help put another human face on the campaign'', ''education can have an important impact by teaching against hate and bigotry''.

We must continue his efforts.

My prayers are with his family in their time of need.

We must not forget one of our present day's great role models. David Ray has and will continue to be a strong reason why hate crimes must be exposed.

I urge my colleagues to carry on his efforts to put an end to all hate crimes, and vote for this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

EXPRESSING SENSE OF CONGRESS REGARDING A CHILD OF A DECEASED MEMBER OF THE ARMED FORCES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 175) expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 175

Whereas the death gratuity payable under section 1477 of title 10, United States Code, upon the death of a member of the Armed Forces, is intended to provide funds to meet the immediate needs of the survivors of the deceased member;

Whereas such section designates the surviving spouse and any children of a deceased member as the highest and second highest priority, respectively, to receive the death gratuity payment; and

Whereas a member with a child or children, but no spouse, usually designates another individual to be responsible for that child or children and may express a desire that such individual receive the death gratuity payment on behalf of the child or children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 175 deals with a tragic situation where a member of the Armed Forces dies leaving a surviving child but no spouse. This resolution expresses a sense of Congress that State courts with fiduciary responsibility for the child of a deceased member of our Armed Forces should take into consideration the express desires of the fallen soldier as to how funds related to the soldier's service should be distributed on behalf of a surviving child.

When an American soldier makes the ultimate sacrifice, not only does our country suffer a terrible loss, but that soldier's family suffers directly. Among many other concerns, a family faces a number of immediate financial challenges; and, unfortunately, these challenges come in the midst of their grief. These financial and emotional hardships are compounded when the deceased servicemember was a single parent.

I thank the mover of the bill for his leadership and the cosponsors, thank the members of the Judiciary Committee, Chairman CONYERS and the ranking member Mr. SMITH.

This bill helps the surviving family members of a fallen soldier better cope with these financial hardships. Congress established a death gratuity intended to address some of these expenditures families must cover during the traumatic period following a loved one's death.

The current system administering the death gratuity, however, often makes it difficult for those left with the responsibility of caring for a fallen soldier's child to access these funds. A death gratuity payable to a minor child is placed in trust until the child gains majority status. In the interim, the relevant State court has discretion to release funds for the care and needs of the child.

The problem here is that the Armed Forces personnel who are single parents currently have no formal way to designate, for the purposes of the death gratuity, a caretaker for their minor child in the event of a servicemember's death.

It is our duty to do all we can to ensure that the children left behind are cared for as their parent requested. When servicemembers make it clear

who they would like to care for their children in the event of their death, those wishes should be an important factor for the court to consider.

It is almost like the tragedy of 9/11 and a bill that I authored after those parents are deceased to ensure that the children of the 9/11 tragedy, the orphan children, would have their benefits promoted and supported and rendered first. This legislation, and rightly so, wants to give parents the opportunity to designate who should be the custodian for these funds so children can be taken care of first and foremost. I strongly urge my colleagues to support this resolution.

Mr. Speaker, House Concurrent Resolution 175 deals with a tragic situation where a deceased member of the Armed Forces leaves a surviving child, but no spouse.

This resolution simply expresses the sense of Congress that State courts—with fiduciary responsibility for the child of a deceased member of our Armed Forces—should take into consideration the expressed desires of the fallen soldier as to how funds related to the soldier's service should be distributed on behalf of the surviving child.

When an American soldier makes the ultimate sacrifice, not only does our country suffer a terrible loss, but that soldier's family suffers directly. Among many other concerns, the family faces a number of immediate financial challenges, and unfortunately, these challenges come in the midst of their grief. These financial and emotional hardships are compounded when the deceased service member was a single parent.

To help the surviving family members of a fallen soldier better cope with these financial hardships, Congress established a death gratuity intended to address some of the expenditure's families must cover during the traumatic period following a loved one's death.

The current system administering the death gratuity, however, often makes it difficult for those left with the responsibility of caring for a fallen soldier's child to access these funds. A death gratuity payable to a minor child is placed in trust until the child gains majority status. In the interim, the relevant State court has discretion to release funds for the care and needs of the child.

The problem here is that Armed Forces personnel who are single parents currently have no formal way to designate, for the purposes of the death gratuity, a caretaker for their minor child in the event of the service member's death.

It is our duty to do all we can to ensure that the children left behind are cared for as their parent requested. When service members make it clear who they would like to care for their children in the event of their death, these wishes should be an important factor for the court to consider.

I strongly urge my colleagues to support this resolution, and I reserve the balance of my time.

H. Con. Res. 175 will help the children of fallen soldiers by providing necessary guidance to the courts about how to treat the expressed desires of a deceased service member when it comes to distribution of the death gratuity. I ask my colleagues to join me in supporting this resolution so that the wishes of soldiers are given proper respect and consideration.

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

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

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

Mr. PENCE. Mr. Speaker, it represents a bipartisan conviction that is unanimous in this Chamber that we owe those who serve in the uniform of the United States and who fall in that service everything. And we owe their families who share their sacrifice the same.

H. Con. Res. 175, brought to this floor today by the gentleman from Iowa (Mr. LATHAM), will be an expression of a Congress acting on that gratitude and on that debt. It is a highly technical matter, but as I am sure the gentleman from Iowa will explain and the gentlelady from Texas explained, this is an issue that impacts the lives of people that this Nation cherishes the most.

There are a number of cases where the children of single-parent servicemembers killed in action and their guardians have not been able to access death benefits intended for them. This resolution addresses cases where specific instructions were left by a servicemember as to the distribution of benefits to caretakers.

In order of priority, death benefits are currently distributed to a surviving spouse, children, and other classes of persons such as siblings designated by the deceased. Benefits of a single parent's minor children must be held in trust by a State court which appoints a trustee who supervises the distribution of funds on behalf of the children. This consumes time and money in instances where the deceased clearly designated a caretaker to serve as a de facto trustee.

The fiscal year 2008 national defense authorization bill will include a provision allowing servicemembers to begin predesignating caretakers as recipients as part of the death gratuity payment. However, neither House nor Senate provisions help families that have already been affected. Although H. Con. Res. 175 takes the form of a congressional concurrent resolution and therefore has no legal effect, it is confidently hoped that attorneys for minor children will use the text, once passed by the House, to convince State courts to honor the wishes of deceased single parents who designated caretakers for this purpose.

Mr. Speaker, I commend the gentleman from Iowa (Mr. LATHAM) in particular for his tender care of the service families of these American heroes, for his advocacy on behalf of families whose loved ones paid the ultimate price while defending our great Nation. I urge the House to adopt H. Con. Res. 175.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. PENCE. Mr. Speaker, it is my honor to yield such time as he may consume to the principal author of H. Con. Res. 175, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Indiana for recognition and for the kind words. I appreciate that very much. The gentlewoman from Texas, thank you for your support. And I want to thank Chairman CONYERS and Ranking Member SMITH for working together to bring this very important resolution to the floor quickly after it was introduced.

I also want to thank Armed Services Committee Chairman IKE SKELTON and Ranking Member HUNTER for their valuable input on this resolution and important work on this issue.

Many servicemembers who are single parents rely upon grandparents or other caretakers to care for their children while they are deployed. If the servicemember is tragically killed in action, these caretakers are left without access to the death gratuity payment to help raise the servicemember's children.

I am grateful that the House and Senate Armed Services Committees have addressed this issue, including in the 2008 defense authorization bill provisions allowing servicemembers to begin designating caretakers as recipients of all or part of the death gratuity as we go forward. However, it is important that we also consider those families that have already been affected by the situation, which is the purpose of this resolution today.

There have been as many as 143 recent cases where minor children were the recipients of the death gratuity which they cannot access until reaching the age of 18. In some of these cases, such as the one involving the Jaenke family from Iowa Falls, Iowa, in my district, the fallen servicemember left specific written instructions that part of the death gratuity be used to care for her daughter. Naval Petty Officer 2nd Class Jamie Jaenke, who was tragically killed by a roadside bomb in Iraq last summer, was survived by her 9-year-old daughter Kayla, who is being cared for by her grandparents. Kayla's family has experienced countless financial hardships as a result of not having access to the death benefits for the purposes that Jamie intended.

While the situation may not affect a large number of families, the bottom line is I believe the wishes of our servicemembers with respect to their death benefits should be honored.

Our Nation will be forever grateful for Jamie's dedication and service and the sacrifice she has made for our Nation. It is a fundamental duty of Congress to ensure that the children of fallen servicemembers, like Kayla, are cared for. We owe this to our servicemembers who have made the ultimate sacrifice. Mr. Speaker, I urge my colleagues to support this resolution, and I urge the Senate to act in a

quick manner to resolve this unfortunate situation.

□ 1500

Mr. PENCE. Mr. Speaker, in closing, let me simply rise again on behalf of many of my colleagues on the House Judiciary Committee to commend to the attention of all Members H. Con. Res. 175 regarding the payment of survivor benefits to family members of deceased service personnel.

It is a highly formalistic sounding bill, highly technical, but I think you could sense, Mr. Speaker, the emotion in the voice and the countenance of its principal author. I would expect that Mr. LATHAM of Iowa is here on this floor for Kayla and for the children of those 143 soldiers who find themselves caught in a confused bureaucracy and unable to access the benefits to which they are entitled and to which the hero that they lost as a parent and a loved one intended them to enjoy.

So, again, I urge my colleagues to support H. Con. Res. 175, and I rise with a humble sense of gratitude for the tireless work of the gentleman from Iowa in bringing this legislation so quickly and so thoughtfully to the floor of this Congress.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to rise and yield myself such time as I may consume to thank Mr. LATHAM for his sensitivity and leadership.

Mr. Speaker, let me acknowledge that there are men and women as we speak on the front lines in the battle for their Nation. Many in Iraq and Afghanistan but many lose their lives elsewhere around the world in the Nation's uniform.

This is an instructive and important legislative initiative, but can we imagine being lost in battle, a fallen soldier who's not able to provide for his or her family or his child? H. Con. Res. 175 and the backdrop of those who are now losing their lives in battle will help the children of these fallen soldiers by providing necessary guidance to the courts about how to treat the expressed desires of a deceased servicemember when it comes to the distribution of a death gratuity.

Hopefully, the constituent of Mr. LATHAM and many others will find refuge and relief. It is certainly not the Nation's desire to leave them wanting and destitute.

This particular bill provides comfort to those who need comfort and financial support for those who are suffering.

I ask my colleagues to join me in supporting this resolution so the wishes of the soldiers are given proper respect and consideration and a grateful Nation is truly grateful.

Let me also thank the ranking member, Mr. SMITH; the full committee chair, Mr. CONYERS; Mr. BERMAN and Mr. COBLE of which this particular amendment and legislation has come through. And we ask that the legislation be passed with great support in this body.

I ask my colleagues to support it.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today in strong support of H. Con. Res. 175, which helps children of fallen soldiers access military death benefits. I would like to express my deep appreciation to my friend, Congressman LATHAM, for taking the lead on this issue. I am proud to be a cosponsor of this important legislation.

On June 5th, 2006, Navy Petty Officer 2nd Class Jaime Jaenke was killed in Iraq when her Humvee was hit by a roadside bomb. Ms. Jaenke, from Iowa Falls, was the first female from Iowa to die in the Iraq conflict.

Jaenke left behind a daughter, Kayla, who is cared for by Jaenke's parents. She had designated her mother, Susan, as the beneficiary of a $100,000 death benefit intended to help survivors. However, under law, only spouses or children are allowed to receive the benefit, so it must be kept in a trust for Kayla until she turns 18.

But the Jaenkes need the money now. They incurred unanticipated expenses such as hiring a lawyer to get legal guardianship and obtaining health insurance for Kayla. They also had funeral costs and other expenses, even as their horse stable was losing money.

Congressman LATHAM's resolution would express the sense of Congress that courts should have the discretion to redistribute death benefits to caretakers if the service member left clear intent for the use of these funds. This would be a Godsend to the Jaenkes and the at least 143 identical cases where other families are affected by these same circumstances.

Mr. Speaker, Congress needs to act, and they need to act fast, to help the families of those who have given so much for their countries. These families already have to face the anguish of losing a son or a daughter. They should not have to worry about the financial strain of dealing with unexpected expenses. I urge all of my colleagues to send a strong message to our military families that we understand the need for flexibility in protecting these families from unintended consequences.

Mr. LOEBSACK. Mr. Speaker, I rise today to voice my support for House Concurrent Resolution 175, of which I—along with the entire Iowa delegation—am a cosponsor.

I would also like to thank the gentleman from Iowa for his leadership on this issue.

This resolution expresses the sense of Congress that courts should take into consideration the expression of clear intent by a member of the United States Armed Forces regarding the distribution of death gratuity payments to their surviving children.

Such payments are intended to provide for the immediate needs of the survivors of deceased servicemembers. However, under current law, children cannot directly receive the payments until the age of 18, even if they are designated as the recipient by the servicemember.

The wishes of those who serve our country should be honored to the greatest extent possible. As a member of the Armed Services Committee, I am proud that the fiscal year 2008 National Defense Authorization Act passed by this House allows servicemembers to designate up to 50 percent of their benefit payment to someone other than a spouse or child, thereby assuring that children under the care of individuals or family members other than the servicemember's spouse are properly provided for by the gratuity system.

This resolution reaffirms the commitment of Congress to providing for the children of those who have served our country, and I strongly urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Con. Res. 175.

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

A motion to reconsider was laid on the table.

MODIFYING DEADLINE RELATING TO ELECTION BY INDIAN TRIBES

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3095) to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3095

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

SECTION 1. ELECTION BY INDIAN TRIBES.

Section 127(a)(2)(B) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16927(a)(2)(B)) is amended by striking ''within 1 year of the enactment of this Act'' and inserting ''by July 27, 2008,''.

The SPEAKER pro tempore (Mr. COHEN). Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Indiana (Mr. PENCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

First, let me thank Mr. KILDEE for moving this legislation and thank him for his leadership. Two years ago, the Adam Walsh Child Protection and Safety Act was enacted. The act was a major advance in our Nation's efforts to protect our children from sexual and other violent crimes, to prevent child pornography, and to make the Internet safer for our sons and daughters.

Among its provisions, the act includes a mandate that each tribe either

affirmatively opt-in to the new sex offender requirements enacted as part of that act, or cede its authority for enforcement to the State in which the tribe is located. The act requires all tribes register their intentions by July 27, 2007.

While initially this deadline appeared to be reasonable, the tribes' ability to comply with it has been made virtually impossible in light of the fact that the Justice Department has taken much longer than expected to issue the necessary guidelines that will help implement the new requirements under the Adam Walsh Act.

In fact, we are advised that these guidelines will not be finalized until after the registration deadline. Under these circumstances, it only stands to reason that the tribes should be given additional time to make the necessary certification.

H.R. 3095, offered by Mr. KILDEE, addresses this problem by simply extending the registration deadline for one year until July 27, 2008. Without this brief extension, the sovereign authority of countless tribal lands will be substantially undermined.

I commend my colleagues, from Michigan Mr. KILDEE and Mr. RENZI of Arizona, for their leadership on this measure. H.R. 3095 goes a long way toward protecting the sovereign authority that historically has bestowed upon tribal lands.

Accordingly, I strongly urge my colleagues to support this bipartisan, commonsense proposal.

Two years ago, the Adam Walsh Child Protection and Safety Act was enacted. The act was a major advance in our Nation's efforts to protect our children from sexual and other violent crimes, to prevent child pornography, and to make the Internet safer for our sons and daughters.

Among its provisions, the act includes a mandate that each tribe either affirmatively opt-in to the new sex offender requirements enacted as part of that act, or cede its authority for enforcement to the State in which the tribe is located. The act requires all tribes to register their intentions by July 27, 2007.

While initially this deadline appeared to be reasonable, the tribes' ability to comply with it has been made virtually impossible in light of the fact that the Justice Department has taken much longer than expected to issue the necessary guidelines that will help implement the new requirements under the Adam Walsh Act.

In fact, we are advised that these guidelines will not be finalized until after the registration deadline. Under these circumstances, it only stands to reason that the tribes should be given additional time to make the necessary certification.

H.R. 3095 addresses this problem by simply extending the registration deadline for 1 year until July 27, 2008. Without this brief extension, the sovereign authority of countless tribal lands will be substantially undermined.

I commend my colleagues from Michigan (Mr. KILDEE) and Arizona (Mr. RENZI) for their leadership on this measure. H.R. 3095 goes a long way toward protecting the sovereign authority that historically has been bestowed upon tribal lands.

Accordingly, I strongly urge my colleagues to support this bipartisan, commonsense proposal.

H.R. 3095 offers a commonsense solution that respects the historically recognized sovereignty of our Nation's tribes while not compromising the critical objectives of the Adam Walsh Child Protection and Safety Act with respect to protecting our Nation's children from sexual and other violent crimes.

This bipartisan measure warrants our support.

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

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

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

Mr. PENCE. Mr. Speaker, I rise in support of H.R. 3095 which, simply put, will provide Indian tribes a 1-year extension in which to decide how to comply with the requirements of the Adam Walsh Protection and Safety Act of 2006. It's extremely important to note to colleagues looking in on this debate, H.R. 3095 does nothing to weaken the requirements of the Adam Walsh Act on Indian tribes. The children who live on Indian reservations deserve just as much protection as children in other communities.

The reality is that this important legislation simply creates an opportunity for Indian tribes to obtain 1-year extension to decide how to live under those requirements.

The Adam Walsh enacted new requirements for States and Indian tribes to maintain sex offender registration information, post such information on the Internet and share such information among States and other Indian tribes.

It allows Indian tribes one year to decide whether the Indian tribe itself will implement the sex offender registration and notification, or whether the tribe will rely on the registration and notification programs operated in an adjacent State to comply with the act's requirements.

H.R. 3095 simply extends the deadline for one year for Indian tribes to elect how they want to comply. The Justice Department recently proposed detailed regulations for States and Indian tribes to comply with the Adam Walsh Act, but those regulations are not yet final. The Indian tribes cannot make an informed decision on how to comply with the act until those regulations are final. And this year 1-year extension will give Indian tribes sufficient time to make that choice.

Again, let me say, H.R. 3095 does nothing to weaken the requirements of the Adam Walsh Act on Indian tribes. I urge my colleagues to support the bill as an important, somewhat technical amendment to this legislation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great pleasure to yield to the author of this legislation, along with his cosponsor, Mr. RENZI, distinguished member of the House Education Committee, subcommittee chairman and a great leader on Native American issues in this Congress and in America, Mr. KILDEE of Michigan for 3 minutes.

Mr. KILDEE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, as the co-chairman and founder of the Congressional Native American Caucus, I rise in support of H.R. 3095, a bill amending the Adam Walsh Child Protection Act of 2006.

Indian tribes are faced with a deadline established in the act that requires tribal governments to affirmatively elect to comply with the mandates of the act by July 27, 2007, or cede their authority for enforcement to the States.

My bill authorizes a 1-year extension of the deadline by which tribes are required to opt into the national sex offender registration and notification system.

Mr. Speaker, tribes strongly support the Adam Walsh Act, and they share the Federal Government's commitment to protecting their communities from sexual predators. However, tribes are asking us to extend the deadline so that they can make an informed decision on how to implement the mandates of the Adam Walsh Act.

The Department of Justice is still in its comment period on the proposed guidelines, which does not close until August 1. It is simply too early to force tribal governments to make a decision based on incomplete information and without guidance from the administration.

Mr. Speaker, I have received numerous requests from tribes across the Nation urging our support for a 1-year extension. I have letters from the National Congress of American Indians and the National Criminal Justice Administration supporting the request, also.

I'm pleased that this bill has received bipartisan support. I want to thank my colleagues from across the aisle for supporting this legislation.

I want to thank my chairman, Judiciary chairman, JOHN CONYERS; and Ranking Member LAMAR SMITH especially for their support as well.

I urge my colleagues to support final passage of this bill.

□ 1515

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I might consume.

This is a very wise and important judgment that has been made by this legislation. H.R. 3095 offers a commonsense solution that respects the historically recognized sovereignty of our Nation's tribes, while not compromising the critical objectives of the Adam Walsh Child Protection and Safety Act with respect to protecting our Nation children's from sexual and other violent crimes.

I ask my colleagues to support this bipartisan measure. It is deserving of

our support. I would ask that this measure be supported.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 3095.

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

A motion to reconsider was laid on the table.

CAMPAIGN EXPENDITURE TRANSPARENCY ACT

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to amend the Federal Election Campaign Act of 1971 to prohibit authorized committees and leadership PACs of a candidate or an individual holding Federal office from making payments to the candidate's or individual's spouse, to require such committees and PACs to report on disbursements made to the immediate family members of the candidate or individual, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2630

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 ''Campaign Expenditure Transparency Act''.

SEC. 2. PROHIBITING USE OF CAMPAIGN FUNDS TO COMPENSATE SPOUSES OF CANDIDATES; DISCLOSURE OF PAYMENTS MADE TO SPOUSES AND FAMILY MEMBERS.

(a) PROHIBITION; DISCLOSURE.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by adding at the end the following new subsection:

''(c) PROHIBITING COMPENSATION OF SPOUSES; DISCLOSURE OF PAYMENTS TO SPOUSES AND FAMILY MEMBERS.—

''(1) PROHIBITING COMPENSATION OF SPOUSES.—Notwithstanding any other provision of this Act, no authorized committee of a candidate or any other political committee established, maintained, or controlled by a candidate or an individual holding Federal office (other than a political committee of a political party) shall directly or indirectly compensate the spouse of the candidate or individual (as the case may be) for services provided to or on behalf of the committee.

''(2) DISCLOSURE OF PAYMENTS TO SPOUSES AND IMMEDIATE FAMILY MEMBERS.—In addition to any other information included in a report submitted under section 304 by a committee described in paragraph (1), the committee shall include in the report a separate statement of any payments, including direct or indirect compensation, made to the spouse or any immediate family member of the candidate or individual involved during the period covered by the report.

''(3) IMMEDIATE FAMILY MEMBER DEFINED.—In this subsection, the term 'immediate family member' means the son, daughter, son-in-law, daughter-in-law, mother, father, brother, sister, brother-in-law, sister-in-law, or grandchild of the candidate or individual involved.''.

(b) CONFORMING AMENDMENT.—Section 313(a)(1) of such Act (2 U.S.C. 439a(a)(1)) is amended by striking ''for otherwise'' and inserting ''subject to subsection (c), for otherwise''.

SEC. 3. IMPOSITION OF PENALTY AGAINST CANDIDATE OR OFFICEHOLDER.

(a) IN GENERAL.—Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

''(e) In the case of a violation of section 313(c) committed by a committee described in such section, if the candidate or individual involved knew of the violation, any penalty imposed under this section shall be imposed on the candidate or individual and not on the committee.''.

(b) PROHIBITING REIMBURSEMENT BY COMMITTEE.—Section 313(c) of such Act (2 U.S.C. 439a(c)), as added by section 2(a), is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) PROHIBITING REIMBURSEMENT BY COMMITTEE OF PENALTY PAID BY CANDIDATE FOR VIOLATIONS.—A committee described in paragraph (1) may not make any payment to reimburse the candidate or individual involved for any penalty imposed for a violation of this subsection which is required to be paid by the candidate or individual under section 309(e).''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to elections occurring after December 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. Mr. Speaker, I have a parliamentary inquiry. My understanding of the rules is that the time may be controlled by someone who is in opposition.

I do not know if the Republican representative is in actual opposition to this bill.

The SPEAKER pro tempore. Would the gentleman from California like to state his position for the record?

Mr. MCCARTHY of California. Mr. Speaker, I support the bill, but oppose the process.

Mr. GOHMERT. Mr. Speaker, I am opposed to the bill and, when asked under the rules, would claim the time in opposition.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Texas (Mr. GOHMERT) will control the 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I stand with the House leadership in full support of H.R. 2630, the Campaign Expenditure Transparency Act.

This legislation will help to reassure Americans that their public officials are working in their interest and not for personal gain. This bill will amend the Federal Election Campaign Act to protect candidates or Federal officeholders from either directly or indirectly compensating their spouses with funds from any authorized political committee under their control.

H.R. 2630 also creates an important new requirement to disclose any compensation paid from campaign coffers to the immediate family members of the candidate or officeholder. The bill ensures that the rigid penalties for violations are enforced personally against the candidates or officeholders. It would prohibit political committees from reimbursing candidates or officeholders for any penalties.

Some may say this legislation may prevent some from running for office because they will run the risk of accidently violating the law. This is not the case. These penalties may only take effect if the candidate or officeholder is aware of the violation.

H.R. 2630 is another way we can restore the confidence that the people's House is working for all Americans. I urge all Members to support this legislation.

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

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

The majority says they want to end the culture of corruption. There has been both the appearance of impropriety here in Congress and, in some cases, actual impropriety. These improprieties, despite any demagoguery, know no party bounds.

But the big elephant in the room that no one wants to talk about, in recent years, has involved other issues, issues like spouses going to work for major companies who have large government contracts and benefit from having an employee in the lawmaker's home. Does the Democratic majority seek to end this problem with this bill? No, they don't. That might step on important toes.

Another major problem that is not transparent is spouses themselves who lobby. Does the Democratic majority seek to end or regulate that by this bill? The answer is, no, they do not. That might step on too many important toes here in Washington.

So who will be affected by this bill in which the Democratic majority avoided any hearings to gather evidence and thereby prevented any opportunity for people like me to come forward with evidence and move toward this lack of transparency in this back-room process to shove it down our throats here on the floor?

It is said that they want to stop officeholders from enriching themselves or their families. I am one of those who would be affected, and it may be helpful to know exactly what kind of an effect it will have.

My story is this: While practicing law in Tyler, Texas, it became apparent that we had a major problem in one of our highest-level trial courts. I tried for months to find someone with the

experience and qualifications who would step up and run against this incumbent Republican.

I could not find anybody, since people said, well, he was the first Republican elected in our county, so let's just let him stay. No one is owed a public office.

I was reluctant to take a pay cut and go to work at the courthouse, but in November of 1991, having found no one at that point who was willing to step up, my wife and I decided that that was our lot in life, for me to bring in less money, but help by making our community a better place in which to live. There was a tremendous backlog of felony cases in which the defendants were out on bond and had not gone to trial.

I got elected. Though the backlog was staggering, and new cases continued to pour in in record numbers, within 10 years I had helped, and with the good help of a good district attorney, we moved and reduced the number of pending cases, trying cases, record numbers, moving cases. We reduced the number of backlog cases by 80 percent or more.

Some years later one of my daughters said, while I was still on the bench, ''Daddy, we have to watch our spending, and you could make a lot more money. Why don't you?'' I said, ''Sweetheart, if I have not taught you that there are some things more important than money, then I have failed.'' She said, ''I know, but it would be nice to have some big money come in from time to time anyway.''

My wife and I felt our best contribution that we could make to our community, our State and our country was for me to be a judge, and that's what we did. After years on the bench, it became clear that we desperately needed some legislative changes, and I believed it a constitutional violation to legislate from the bench.

When a term to which I was appointed to finish as chief justice of an appellate court expired, I had to decide whether or not to stay on the bench in a justice role or wait and potentially run for Congress. Again, my wife, my partner, and I made the joint decision to step out in faith, not take a sure job, and potentially run for Congress.

After leaving the bench, I successfully completed the ruling training and testing to become a recognized international arbitrator as well as a mediator, and was told I had the potential of making in a month what a Congressman makes in a year. But this country needed help, and it seemed to my wife and me, after much consideration, consultation and prayer, that this was a place, once again, where I could help.

□ 1530

My wife Kathy has an MBA in accounting, had done excellent accounting work and had done so before she was invited to substitute at a high school for students with problems. She loved, as she said: ''Seeing the light come on in these young people,'' and she taught there for years before I began to run for Congress.

She gave up her teaching job and worked for months without pay toward our goal. She is an incredible organizer and the most trusted friend I could have. We had the same goals of making this a better country. She knows our district; my supporters know her and love her and trust her. She makes constant appearances for me when I can't be there because of conflicts here in the District. She is invaluable to my reelection and works tirelessly, including in the evenings, when the day's appearances do not allow her to do her job then.

As far as my family situation, we have one daughter who graduated in May from college and two more to go.

The laws are such now that you really have to have at least one campaign employee even in nonelection years, and that hardworking confidante has been my wife. We began to pay her what she could make teaching, and it was completely transparent. Everything, as both sides know, has to be filed, and the public knows we are a campaign team with full transparency because of existing laws requiring transparency by campaigns. She gets paid much less than she could in business and has been offered more money in another job, and that is also why this has been a mutual sacrifice.

One other thing: when we committed to make this run for Congress in 2003, which we knew would be over a 1½-year process, we gave all the energy, all the effort, all the work. We truly pledged, as was put in the Declaration of Independence, our lives, our fortunes, and our sacred honor.

Because I was running and could not provide the money production I had been before being a judge, my wife and I struggled with the decision, and ultimately decided to cash out my judicial retirement as well as her teacher retirement to live on while we pursued this dream of making America better.

As most of America does not know but Members of Congress here do know, there is no great big fat cat retirement for Members of Congress, despite the emails people may read at this time unless someone has been here for many years. And, yes, Mr. Speaker, America should know that we are all enrolled in Social Security here in Congress. It may have not always been true, but it is now.

An article recently indicated that, according to financial disclosure reports, I am the poorest Texan in Congress. As one other Texas Member of Congress said just a couple of weeks ago when he heard my wife and I both cashed out our hard-earned retirements to make a run for Congress, he said, Wow, you really did come here for all the right reasons. And I would certainly like to think so.

But if this bill becomes law, there will be no rich Members of Congress reined in, no blatant abuses will be ended. None of the people who have gotten enormously wealthy while in public office will feel any pinch at all. If this bill becomes law, I will now have to fire my comparatively low paid but imminently trusted and qualified, actually overqualified, and currently only campaign employee despite the complete transparency and financial disclosures that are currently required. This bill doesn't drain the swamp, as has been represented, but protects the big swamp while adding another hurdle for anyone who does not have wealth to get here.

In this job, it is important to have a spouse who can make campaign appearances when necessary or helpful. A couple in which both need to work to put kids through college will have more difficulty in getting elected, because you can't afford to have one or both not work still make appearances and put kids through school.

My wife, as said earlier, works long and late, often at home at night to fulfill the requirements of a job which keeps getting more and more difficult because of the burdens placed by this body in an effort to look like we are reining in corruption. This bill does show, though it does not affect anything that is already transparent, it does show when it comes to doing something meaningful to end this corruption, the majority is going to look the other way and not talk about the elephant in the room.

This bill, as I say, will not affect the major problems in Congress; but if it were to become law, it will end a beautiful partnership.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. SCHIFF) such time as he may consume.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 2630, the Campaign Expenditure Transparency Act. This is legislation that I introduced to my colleague, Representative CASTLE, in early June in order to ensure that Federal officer holders and candidates are not personally enriched from expenditure of campaign funds. I want to thank Mr. CASTLE, the majority leader, the chairman of this Committee on House Administration for working to bring this bill to the floor today.

Numerous Members of Congress employ their spouses and family members for campaign activity, and the vast majority of them do this work appropriately and ethically. Unfortunately, others have not, and this practice has shown the potential to foster corruption and invite abuse. I joined my colleague, Mr. CASTLE, in introducing this legislation because I believe it will help preserve the integrity of the institution and end the perception that office holders and candidates can benefit themselves financially from their campaigns or service.

The Campaign Expenditure Transparency Act would end the practice where Federal office holders and candidates employ their spouses in their

campaigns and financially benefit from contributions to the campaign. The bill also requires a separate disclosure to the FEC of all of the payments, including direct and indirect compensation which are made to immediate family members.

Specifically, H.R. 2630, as amended, would prohibit any Federal office holder or candidate from directly or indirectly compensating his or her spouse from any political committee he or she controls for services to the committee. This language was used to ensure that someone could not get around this prohibition by acting as a subcontractor or vendor to another individual or company receiving payments from the political committee.

Additionally, this would ensure that the legislation does not prevent a spouse from being employed by a company that provides a service to a political committee, unless the spouse's compensation is increased as a result of that business. For example, a spouse could be employed by a phone company that the campaign contracts with so long as the spouse's compensation is not increased based on that contract.

Similarly, a spouse that is a shareholder of a publicly traded company could receive dividends from that company notwithstanding the fact that a committee purchased services from that company.

The legislation also does not prohibit committees from paying for legitimate travel and campaign expenses that are incurred by a spouse, as long as the FEC has determined the expenses to be appropriate campaign expenditures. The bill recognizes that spouses are often properly involved in campaign activity and that committee funds can be used to reimburse appropriate expenses.

The Campaign Expenditure Transparency Act, as amended, stipulates that the penalty for violation of the provisions of the bill, if the candidate knew of the violation, would be imposed on the candidate and not on the committee. The amended version of the bill also clarifies the penalty is not a reimbursable expense by the committee.

The legislation has the strong support of a number of reform-oriented organizations, including Democracy 21, the Campaign Legal Center, League of Women Voters, Common Cause, Public Citizen, and U.S. PIRG.

I would also like to stress that many of our colleagues again have employed their spouses or immediate family members in their campaigns and have done so lawfully and ethically. Our family members are frequently our most trusted advisers and are willing to put in long hours for little compensation. However, we are aware of cases in which this practice has been abused, and it is for this reason that this legislation is regrettably necessary. Given the low public confidence in all public institutions at this point, this legislation is one important way to begin restoring the public's faith that elected officials are working in the public's interest and not in their own. I encourage my colleagues to support this legislation.

I want to take just a minute to address some of the comments that my friend from Texas has made.

First, of course, there is nothing in this legislation that would break up a good team. There is nothing in this legislation that prohibits spouses from working. And where, like most families these days, both members of the household need to work to support that family, there is nothing in this bill that would stop it.

It does provide that a spouse that has CPA skills or other skills employ those skills on someone else's behalf for compensation. They are more than welcome to provide those skills, as many of our spouses do, I think almost all of our spouses do, on a volunteer basis to help our campaigns. But the appearance of propriety, and in some cases the actual impropriety, of having spouses working on commissions where a percentage of everything the campaign raises effectively goes into the household of the office holder is one of the driving forces behind this legislation.

I should mention that in my colleague's own home State of Texas, the State legislature and the Governor have passed and signed legislation prohibiting this practice in Texas. So if you were running for the State legislature in Texas or you were an office holder in the State legislature in Texas, you would not be able to employ your spouse and pay your spouse out of campaign funds. That is a misdemeanor in Texas. So there are States that are really leading the way in terms of making sure that we avoid any appearance of impropriety. And I think that Congress, given the problems have been manifest in this institution as well, needs to follow the example of some of those forward-thinking States.

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that Mr. SCHIFF be allowed to control the balance of the time on our side.

The SPEAKER pro tempore. Without objection, the gentleman from California now controls the time.

There was no objection.

Mr. SCHIFF. I thank the gentleman for yielding the time.

At this point, I am happy to yield to my colleague, Mr. CASTLE, the cosponsor of this legislation, for 3 minutes.

Mr. CASTLE. Mr. Speaker, I thank my friend and colleague from California for his work on this bill. I think that Congressman SCHIFF has done a wonderful job in putting together and listening to what needs to be done on H.R. 2630, the Campaign Expenditure Transparency Act, to end the practice of making campaign payments to a candidate's spouse; and I am in agreement to the legislation.

While I support going one step further to prohibit the same payments to immediate family members and introduced legislation to do so, I am pleased to lend my support to H.R. 2630, which I believe takes us in the right direction.

Some Members of Congress employ their spouses and family members for campaign activity without abusing the system; however, the practice of paying spouses and family members creates the potential for campaign finance and ethics abuses.

I listened carefully to the gentleman from Texas, who I think is very persuasive, anyhow, and understand his point of view, and as a matter of fact raises a couple of valid points. One is that the bill did not go through normal committee systems, which I think is a valid point. Another is the issue of lobbying by spouses and family members, which I think is perhaps even more abusive than what we are talking about here today and is something to be taken into consideration. But I do feel that if payment to a spouse becomes part of the Member's family income, the Member for all practical purposes is receiving a direct personal financial benefit of campaign funds, and I do believe that should be stopped.

Obviously, if the spouse wishes to work in some other capacity, that certainly would be allowed, but not directly involved with the campaign.

I believe there is a transparency issue here, and I believe that 2630 does move us in the direction of increased transparency, which I think is important; and I urge my colleagues on both sides of the aisle to join me in supporting this legislation. This may not end all abuses in campaign circumstances and in many instances there would not be an abuse, but it does end the possibility of it and certainly the transparency end of it, which I think is very important, as well. And I appreciate the gentleman yielding time.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for his support.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, at this time I would like to yield to the gentleman from the 22nd District of California, an outstanding Member of Congress, KEVIN MCCARTHY, for 4 minutes.

Mr. MCCARTHY of California. Mr. Speaker, while I agree with the intent and substance of the bill, I have to object to the process of bringing this bill to the floor under suspension in the time frame established without committee debate.

There have been three versions of the bill. The committee received notice of the bill intent action by the majority just last Thursday when we all left town. Since then, the bill has been amended twice, and we just received the final version at 11:30 a.m. today when Members were just returning. H.R. 2630 has not been the subject of any debate or questioning by the committee. There is clarification needed as we go through on this debate.

While I would support the bill, and I sit on the committee, I have only been

in this House and this body for 6 months, and already I see we are repeating our old mistakes. As I sat on this floor when we debated H.R. 6, the ethics reform which I fully supported, voted for, passed with 430–1, to my amazement right afterwards we found that when we thought we were doing a good deed, we thought we were changing what we thought was wrong about flying around on these planes, having individuals be able to donate planes to fly around, soon we found out that those who are pilots on this floor, those who had their own plane, we said they couldn't even fly on their own. Why? Because we did not go through the process that we have set up; we did not debate it in committee; we did not have clarification; we did not have light of day.

While I am the first one to stand up and want the reform, I am also the first one to stand up and say going around the process is just as wrong. We should have the debate, we should have a bipartisan bill, we should have common sense, and we should learn from our mistakes.

Our ratings are low, yes. Our ratings are low probably because of this action that we are trying to change. But they are also low because they see inaction. Don't hurt the bill by going around the process. The end does not justify the means.

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

Mr. SCHIFF. I thank the gentleman for his comments, but it is hard to avoid the irony of my colleague's objection that the bill is going too fast. For weeks now, we have been hearing the objection that the ethics reform measures in the House have been moving too slow; that we passed the lobbying reform bill in the House, that it hasn't gone through the Senate, we haven't gone through the conference committee. We are not progressing with the process of trying to clean up the institution.

□ 1545

It's going too slow. Well, today we're hearing the problem with this bill is it's going too fast. It seems like we can't get the speed exactly quite right. It's either too slow or too fast.

The reason that we're here today and moving quickly on this bill is that the bill was the subject of an amendment by my colleague in a separate bill introduced by a Republican Member, an amendment introduced by myself, a Democratic member on the Rules Committee. The bill itself was introduced by Members on both sides of the aisle. The subject matter is very straightforward. Should we pay spouses out of campaign funds, or should we not pay spouses out of campaign funds? Should we disclose whether family members are getting paid, or should we not disclose whether family members are getting paid out of campaign funds?

There is, I think, a fairly broad, almost unanimous agreement on the merits of the bill. Even my friend that just stood up to object to the bill says he agrees with the substance and the intent of the legislation. So it's a consensus work product, a bipartisan work product, and given the criticism that we haven't moved fast enough, we're trying to move fast. This is an effort to move fast, but also to move thoughtfully, and that's why we're here today.

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

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume. And I do appreciate the comments that have been made from my friend from California. And I would agree. I was not aware that anyone had ever been paid commissions or a spouse or a Member of Congress had ever been paid commissions. That's entirely inappropriate. And I would agree on any measure that would go forward on that basis, making such a process inappropriate.

I do find it troublesome that, at the same time, we want to demonize paying somebody less than what would be the going market value for services for the most overqualified person and the most trusted person to do that job.

I always appreciate allusions to my home State of Texas, but Texas does have a lot of things that I think would be good for us to adopt here. They're only in session 180 days every other year. That may be something else we want to look at doing in following Texas.

But also, in Texas, the campaign laws do not necessitate, as I believe the Washington, the Federal laws do, a full-time, every-year campaign office.

Mr. MCCARTHY, though, I would point out, never said anything about speed. His objection, and one of my objections, is about process. We were promised the most open government in history when the Democratic majority took over. That was something to which I was looking forward to, even though we were not going to be in the majority, and so far this is yet one other straw on the camel's back that indicates that's just not going to happen.

But let's face it. There are problems with improprieties in Congress, but there are so many requirements with campaigns regarding transparency that if someone is actually working there and making an appropriate wage, that appears to me to be about the most transparent thing a candidate and a spouse can do. It's nothing behind the scenes, there's no behind-the-scenes lobbying. There's no in-home lobbying. There's nothing of that nature. You have a partnership, and I think that can be a good thing, although I agree if there are abuses, as the gentleman pointed out, those should be addressed.

So, in any event, I know that my friend Mr. SCHIFF and my friend Mr. CASTLE are both honorable men, and we disagree on what should be done on this bill. But I came forward today because I just could not simply get on the rah-rah bandwagon that I felt like many people would be getting just to make it look like they wanted to end improprieties, when really what this is dealing with is something to say there's something being done about ethics. The bottom line is that the elephant's still sitting in this Chamber, big as ever, getting bigger, and so far that elephant has not been addressed.

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

Mr. SCHIFF. Mr. Speaker, I just want to address very quickly the comments by my friend, and then reserve the balance of our time. I don't have any remaining speakers.

I think that, if anything, there's a more compelling case here in Congress than there is in my friend's home State of Texas to enact a prohibition like the one contemplated in this bill. Texas may be in session only 180 days of the year. My guess is that the Texas members of the legislature are paid probably substantially less than we're paid in Congress, and the financial burden on those members of the legislature is probably, therefore, greater than the financial burden that we face. Whether they have to have a full-time campaign office or not probably depends on what kind of a district they're running in. If it's a very competitive district, then they probably pretty much have to be in campaign mode all the time. So if Texas can do it, where their members are paid less, where the financial pressures are probably greater, we should be able to do it here.

It's not often, I have to say, that I point to Texas as the example to follow, but when Texas gets it right, I'm more than happy to acknowledge it.

There is also, I think, a certain irony with my friend's argument that the Democratic majority promised an open government, and then here we're offering this bill, and we're moving quickly on this bill, and his stating opposition to a bill that is designed to bring transparency to the process.

I don't know how you can argue in favor of open government and be opposed to a bill that offers greater transparency. Part of the reason the present system is inadequate is people do pay family members, but there's no way for the public to know that they're family members because they may not have the same last name, or they may pay a business that is controlled by the family member. And so there's no transparency, and the public doesn't know that that money is really going to the family; that when the candidate is out there, or the officeholder, asking for contributions for their campaign, that a certain percentage, whether it's explicitly on a commission, or it's just by virtue of a paycheck, that a certain part of that money is going into either the candidate's own pocket or the officeholder's own pocket because it's going to their spouse, or it's going to their son-in-law who doesn't bear the same name, and people aren't aware that it's going to the candidate's son-in-law and daughter.

So this does bring about greater transparency. I think it's needed.

There are Members that have been very open also. And this is why we've gone to a prohibition vis-a-vis spouses. There are Members who have been very open about the fact that they pay their spouse on a commission for every dollar they bring into the campaign, and they make the same argument my friend makes, which is it's very out in the open. Everybody knows about it. People that contribute to my campaign know that a certain percentage of that is going to go to my spouse, and they make the same argument; it must be fine since people are aware of it.

But part of the problem is that people making the contributions are aware of it, and so they know that by giving an officeholder a contribution, they're also giving that officeholder a personal contribution through their spouse. And maybe that interest that wants to curry favor with that Member thinks, what better way than giving a contribution where I know actually a part of that's going to go directly into the pocket of the officeholder.

So that's part of the reason why we're here. And I urge my colleagues to support the bill.

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

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

I'm not sure that I would say that the financial pressures we're holding off in the State legislature in Texas is greater. They have a great deal more flexibility in many ways.

But the gentleman, as I understood to say, indicated there's no way to know when a campaign is paying family. And we just had to file financial disclosures. I had to list the sources of income for my wife. And as I understand it, there's also, you would, even if your children or other immediate family members have different names, I can see if there's something that's not required for disclosure in that financial disclosure form that we could have legislation and make that so that it heightens the transparency.

What I disagree with is the overall ban on allowing two people who sacrifice their lives, their fortunes, their sacred honor to be able to work together full time to continue to run for office. And there apparently are areas that need to be addressed, that need to be considered. But I come back to the fact that apparently the reason this seems to be rushed into the room is because people more powerful would say, we'll do the little things that may make people feel like we're doing something, but we're not going to address the big issues that really are hurting this body.

But anyway, there are some things that apparently do need addressing. I'm all for transparency. I think sunlight is truly the best disinfectant. But since this bill goes much further than that, then I do urge a ''no'' vote on this bill.

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

Mr. SCHIFF. Mr. Speaker, I'll close very briefly.

I appreciate the points that my colleague is making. There is a need for the transparency, even in the case of a spouse, particularly a spouse that may not carry the same last name as the officeholder.

But more particularly, if a spouse even has the same name, or a son with the same name sets up a company, the company doesn't bear the officeholder's name, there's no way for the public to know that that money is actually going to the family.

But more than that, you know, I think sometimes we get in the habit of thinking about how does this affect us; how does this affect our family; does this seem right to us, rather than how does the rest of the country view this. What does the rest of the country think about this? What does someone out in California or Texas or any of our 50 States think about this?

And I don't think they view it the same way we're discussing here today. I think they look at this and they say, gosh, when I send a contribution to this Presidential candidate or this Senate candidate or this congressional candidate, I expect that to go to the campaign. I don't expect that to go to their family. That's not right. And I don't think they would be moved by saying, well, you know, those officeholders, they often have a difficult financial situation themselves, and certainly many do. But I think that the public has the right to expect that when they support a campaign, when they support a candidate, that the funds go to the campaign, they don't go the candidate or their family. Or if they're going to go to the family, outside of the spouse, that there's very broad disclosure so that the public can make an informed decision about how they want to use their resources.

That's the purpose of the bill. I urge my colleagues to support it.

Again, I want to thank my colleagues Mr. CASTLE and Mr. PLATTS on the other side of the aisle. I want to thank our chairman and our majority leader and our Rules Committee Chair for their support, as well as the Speaker.

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the Campaign Expenditure Transparency Act. I am proud to be a cosponsor of this bill, which prohibits candidates' spouses from being compensated for campaign work.

To put it simply, no candidate or their spouse should ever use campaign contributions for personal gain. To do so would be to break the trust American citizens place in our country's political process.

While most candidates run their campaigns ethically and responsibly, even the suggestion that a single candidate has violated campaign finance regulations or has acted unethically in any way, taints the confidence the American people have in their elected officials. I strongly believe that we must act decisively to bring greater transparency and oversight to the campaign finance system.

I also support fully transparent and publicly financed campaigns. The priorities of my constituents are my priorities as a Member of Congress, and the political process should belong to them. Greater oversight and regulation is vital to ensuring the integrity of the electoral system. This bill is an important step, and I strongly urge its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 2630, as amended.

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

The title was amended so as to read: A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes.''.

A motion to reconsider was laid on the table.

FEDERAL CUSTOMER SERVICE ENHANCEMENT ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 404) to require the establishment of customer service standards for Federal agencies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 404

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Customer Service Enhancement Act''.

SEC. 2. DEVELOPMENT OF PERFORMANCE MEASURES AND STANDARDS FOR CUSTOMER SERVICE PROVIDED BY FEDERAL AGENCIES.

(a) REQUIREMENT.—

(1) PERFORMANCE MEASURES AND STANDARDS.—The Director of the Office of Management and Budget shall develop—

(A) performance measures to determine whether Federal agencies are providing high-quality customer service; and

(B) standards to be met by Federal agencies in order to provide high-quality customer service.

(2) REQUIREMENT TO TAKE INTO ACCOUNT CERTAIN INFORMATION.—The standards under paragraph (1) shall be developed after taking into account the information collected by Federal agencies under subsection (b).

(b) CUSTOMER SERVICE INPUT.—The head of each Federal agency shall collect information from its customers regarding the quality of customer services provided by the agency. The information shall be collected through a survey, focus groups, or other appropriate methods. Each Federal agency shall include this information in its performance report submitted under section 1116 of title 31, United States Code.

(c) ANNUAL REPORT.—The Director of the Office of Management and Budget shall issue

an annual report on the success of Federal agencies in meeting the customer service performance measures and standards developed under subsection (a).

SEC. 3. IMPLEMENTATION OF CUSTOMER SERVICE STANDARDS.

(a) CUSTOMER RELATIONS REPRESENTATIVE.—The head of each Federal agency shall designate an employee to be the customer relations representative of the agency. Such representative shall be responsible for implementing the customer service standards developed under section 2 and the agency requirements under subsection (b).

(b) AGENCY REQUIREMENTS.—

(1) GUIDELINES AND CONTACT INFORMATION.—

(A) IN GENERAL.—The head of each Federal agency, acting through its customer relations representative, shall—

(i) issue guidelines to implement the customer service standards developed under section 2 within the agency, including specific principles of customer service applicable to that agency; and

(ii) publish customer service contact information, including a mailing address, telephone number, and e-mail address.

(B) AVAILABILITY.—The guidelines and the customer service contact information required under this paragraph shall be available on the agency's public website.

(2) STATIONERY REQUIREMENTS.—Each Federal agency shall include its address and phone number on any agency stationery. In the case of correspondence originating from a regional or local office of a Federal agency, the agency shall include the address and phone number of the regional or local office on the stationery.

SEC. 4. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) REPORT REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report analyzing the information reported by agencies under section 2(b).

(b) MATTERS COVERED.—The report shall include—

(1) whether agencies are implementing the customer service standards;

(2) whether there is an increase in overall quality in customer service in the Federal Government; and

(3) any recommendations the Comptroller General may have to improve performance measures and standards for customer service in the Federal Government.

(c) USE OF REPORT.—The report may be used by Congress as well as the Director of Office of Management and Budget to update performance measures for customer service.

SEC. 5. INCENTIVES FOR CUSTOMER SERVICE.

(a) AWARD PROGRAM.—The head of a Federal agency may establish an awards program to pay a cash award under chapter 45 of title 5, United States Code, to employees for demonstrated excellence in customer service.

(b) PERFORMANCE APPRAISAL.—Compliance with customer service standards developed under this Act shall, to the extent practicable, be an element of a performance appraisal system referred to in section 5307(d) of title 5, United States Code.

SEC. 6. DEFINITIONS.

In this Act:

(1) The term ''customer'', with respect to a Federal agency, means any individual or entity, including a business, State or local government, other Federal agency, or Congress, to which the agency provides services or information.

(2) The term ''Federal agency'' has the meaning given the term ''Executive agency'' by section 105 of title 5, United States Code, except that the term does not include an agency if the President determines that this Act should not apply to the agency for national security reasons.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. TOWNS. Mr. Speaker, the Federal Customer Service Enhancement Act will require Federal agencies to set higher performance standards in delivering customer service. Sometimes we complain about how we are treated, but do not take any action. This legislation is a step in the right direction, and we are doing something about the attitude of government employees.

□ 1600

We have worked with the GAO, OMB, and the minority, and in particular the gentlewoman from North Carolina (Ms. FOXX) to improve this bill. We have also incorporated the language from H.R. 2324, a bill sponsored by the gentleman from Tennessee (Mr. DUNCAN), who shares the same birthday with me.

This bill is important to highlight the importance that the Congress puts on better customer service. I support its passage and urge my colleagues to do the same.

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

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

First of all, I would like to commend Chairman WAXMAN and my colleague from New York, my longtime friend (Mr. TOWNS), with whom, as he noted, we share the same birthday, for bringing the Federal Customer Service Enhancement Act to the floor today. I also appreciate their efforts as it moved through committee, and I certainly want to thank him for accommodating comments and concerns we raised during the process. As Chairman TOWNS noted, he has included and the chairman has included in this legislation concerns that the gentlewoman from North Carolina (Ms. FOXX) raised and also has included legislation that I introduced, H.R. 2324, in this bill. As a cosponsor of this legislation, I fully support this bill, and I want to commend the gentleman from Texas (Mr. CUELLAR) for his hard work on this, and we will hear from him in just a few minutes.

The Oversight and Government Reform Committee has always sought to improve the performance of the Federal Government, and as anyone who has ever worked in the private sector knows, customer service is the lifeblood of any organization.

As we often look to the private sector for best practices, I think it is important, Mr. Speaker, that we in the Federal Government are able to capture data on how each and every agency is doing in regard to customer service. The administration continues to work with us on this bill so no unnecessary bureaucratic hurdles are created.

This bill recognizes the importance of the agencies within the Federal Government to be responsive to their various constituencies and for the government to remain accountable to the American taxpayer. Responsiveness and accountability are the things that really are behind this legislation.

I particularly appreciate section 2 in which the Director of the Office of Management and Budget shall develop standards and measures of customer service performance. I think that is very important and is a first. It has not been done before within the Federal Government. And especially, also, the parts in section 3, which incorporate much of my legislation and require customer service information such as a mailing address, phone number, and e-mail address. It requires the appointment of a customer relations representative. And one thing I have noticed, I have gotten letters from Federal Departments and agencies in the past, and there has been no mailing address, no phone number on there, almost as if the people within that Department or agency really didn't want to be bothered by their bosses, bothered by the American people calling on them or finding out how to contact them, and making it very difficult for many people to do so.

Section 5 is another good section of this bill and really is the result of the work of the gentlewoman from North Carolina (Ms. FOXX), and that includes some incentives in there to do better jobs. Bonuses to Federal employees will now be based, at least in part, on customer service.

So with all of these things, I think this is good legislation. I ask my colleagues to join me in support of H.R. 404.

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

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CUELLAR), who has worked very hard on this legislation. And let me also add, it has been a delight to work with him and his staff to bring this legislation to the floor.

Mr. CUELLAR. Mr. Speaker, I thank the gentleman for yielding the time on H.R. 404.

First of all, I want to start off by thanking Chairman TOWNS and his staff. The outstanding work that the chairman has done on moving this bill forward, I certainly want to thank him very much for the work that he has done. I also want to thank Mr. DUNCAN for the work that he has done because

apparently he has done a lot of work on customer service, and I thank him for putting those provisions in my bill also. I also want to thank the gentlewoman from North Carolina, VIRGINIA FOXX. I don't see her here. I know she has put a lot of time in, she and her staff, so I want to thank her in making this a bipartisan bill.

Today Congress takes a major step towards improving how Federal Government interacts with the American people. I think we all want a government that works with the people. I think we all want results-oriented government, and part of the results-oriented government is customer service.

H.R. 404 will raise the level of attention given to how the Federal Government responds to the American public. The bill requires the Director of the Office of Management and Budget, the OMB, to develop performance measures to determine whether Federal agencies are providing high-quality customer service to all the agencies to make sure that they have those customer service standards in place. It sets in place standards for Federal agencies to increase the quality of customer service and enhances the access to Federal information and services, like Mr. DUNCAN said a few minutes ago. It is important to know whom we are dealing with at the Federal Government and to make sure that people can access that information and get the quality of customer service that they deserve.

The legislation includes accountability provisions as well as incentives to Federal employees who go above this requirement. H.R. 404 also ensures that the initiatives outlined in this bill achieve their objectives through the use of both external and internal reviews by Congress. That is the oversight that Congress will provide on the customer service provisions that will be provided by the Federal agencies to the American public.

I believe that this bill improves Federal customer service, and this is something that is long overdue. I ask for a ''yes'' vote on this bipartisan bill, H.R. 404.

Again, Mr. TOWNS, thank you for the outstanding work you have done on this bill.

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

Mr. DUNCAN. Mr. Speaker, I would like to just simply once again thank Chairman TOWNS and also thank the primary author of this legislation, Mr. CUELLAR, for their work in bringing this bill to the floor.

I urge my colleagues to support what I think is very worthwhile and timely legislation.

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

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

Let me point out when complaints are not promptly resolved, frustrated customers seek redress in different agencies or at different parts or level of the same agency, resulting in duplicate effort and compounding costs and a waste of time.

Just as costs rise when citizens do not receive reliable information in a timely manner, trust also erodes as citizens become frustrated with a nonresponsive bureaucracy. Indeed, there has been a cumulative erosion of public confidence in government.

Please, let's work together to create a more responsive and more accountable government. So I urge my colleagues to support this legislation.

I would also like to thank some folks. I would like to thank Congressman WAXMAN, who is the Chair of the full committee, in terms of his support and what he has done to help move this legislation forward. I would like to thank the ranking member of the full committee, Mr. DAVIS from Virginia, in terms of all of his support and help in moving it. I also, I think, indicated earlier on my colleague, Mr. DUNCAN, who has worked very hard to make this a reality. And, of course, I would like to thank Congressman BILBRAY, who is the ranking member on the subcommittee, for all of his support as well, and all the staff members who worked so hard, along with Congressman CUELLAR from Texas, along with Congresswoman FOXX. There have been a lot of people that really put a lot of time and energy into this to try to strengthen this bill. It might not be perfect, but I think it is a giant step in the right direction.

I urge all of my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 404, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

COMMEMORATING THE 300TH ANNIVERSARY OF NEW MILFORD, CONNECTICUT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 528) commemorating the 300th anniversary of the Town of New Milford, Connecticut.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 528

Whereas New Milford is located in Litchfield County, on the western border of Connecticut, in the Housatonic Valley;

Whereas the settlement of New Milford began in 1706, when John Noble, Sr., purchased a portion of land known as Weantinogue;

Whereas in 1707, Noble and his daughter settled in New Milford, followed by 12 other families;

Whereas beginning in 1774, New Milford demonstrated its support for the Revolutionary War by providing financial support to the servicemen and sending 285 of its 2,700 inhabitants to battle;

Whereas New Milford was a center of Underground Railroad work in Connecticut, with many of its residents offering their homes as places for slaves to take refuge on their journey to freedom;

Whereas the late 1800s marked the arrival of many new industries and businesses in New Milford, including the manufacturing of furniture, paints, and pottery;

Whereas in 1902, New Milford's worst disaster occurred when a raging fire completely destroyed the town's main business district on Bank Street;

Whereas the population of New Milford stood at 3,000 in 1880 and has grown to nearly 30,000 today;

Whereas at 64 square miles, New Milford is the largest town in Connecticut; and

Whereas New Milford has been modernized through commercial and industrial growth, while retaining its deep sense of history, scenic beauty, and traditional New England character throughout the past 300 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Town of New Milford, Connecticut, on the occasion of its 300th anniversary; and

(2) honors the Town of New Milford for its significant history, impressive growth, and considerable contributions to the State of Connecticut and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H. Res. 528, a bill that commemorates the 300th anniversary of the Town of New Milford, Connecticut. H. Res. 528, which has 53 cosponsors, was introduced by Representative CHRISTOPHER MURPHY on June 28, 2007. H. Res. 528 was reported from the Oversight Committee on July 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague, Representative CHRISTOPHER MURPHY, for seeking to commemorate the 300th anniversary of New Milford, Connecticut. I urge swift passage of this resolution.

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

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

H. Res. 528 commemorates the Town of New Milford, Connecticut, on its 300th anniversary. New Milford is not the largest city, but under the definitions of the State, it is the largest town within the State, with a population of nearly 30,000 residents. This quaint and friendly community is home to thriving businesses and manufacturing industries and has abundant historical roots.

New Milford was established and founded in 1707 when John Noble, Sr. of Westfield, Massachusetts, purchased a large portion of land for his family. More families arrived in the new community soon afterwards, and the settlement began to flourish. Over time, new churches and schools were founded, and in 1774, the town saw 285 of its men leave to serve in the Revolutionary War.

In its 300 years, New Milford has seen weather-related tragedies, devastating illnesses, and damaging fires hit the town. But it has overcome these tragedies and events and today has many successful industries and businesses.

New Milford educates its residents and visitors each year through cultural tours, concert events, art fairs, and camps. It has witnessed much history and seen tremendous growth in its 300 years and is certainly one of the most pleasant places to live in this Nation today.

I am pleased to support H. Res. 528 to honor this historic 300th anniversary.

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

□ 1615

Mr. DAVIS of Illinois. Mr. Speaker, it's my pleasure to yield such time as he might consume to the author of this legislation, Representative CHRISTOPHER MURPHY from the Fifth District of Connecticut.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to thank my friend from Tennessee and from Illinois for supporting the resolution here today.

I think it's fitting, in part, that we are here in the House of Representatives on this august floor in order to celebrate a town, New Milford, Connecticut, which is, in part, responsible for our very existence here today.

The first citizen of New Milford is often referred to as Roger Sherman, whose statute sits not far outside this body. Why is that? Because after being an entrepreneur in New Milford, Connecticut, Roger Sherman came to the Constitutional Convention and was one of the authors, the primary author, of the Connecticut Compromise, which was responsible for the United States Government having a bicameral legislature with both the House and the Senate.

We're very proud of him. We're very proud of the incredibly rich historical tradition in New Milford. As was referenced, the number of people who rose from New Milford to fight in the Revolutionary War is remarkable, given its small size. It also became a central stop, a central hub on the Underground Railroad in the 50 or 60 years after the Revolution.

It has grown over time from a community that was founded first by only 12 families to now a town that not only enjoys one of the largest land masses in Connecticut, but also has 30,000 people there and still has retained its small-town charm.

I really urge anyone who has plans to travel throughout the northeastern section of this great United States, to try to divert a little bit of your trip to see the quaint village of New Milford. Not only does it have a small, but bustling, downtown of quaint shops on the side streets off of the green, but a growing commercial industrial sector as well.

I was privileged to be able to march in a very festive 300th anniversary parade a few weeks ago, and I'm very pleased to join my colleagues here to celebrate its 300th anniversary on the floor of the House of Representatives today.

I urge passage of the resolution.

Mr. DUNCAN. Mr. Speaker, I will simply close by congratulating the town of New Milford on this historic anniversary, its 300th anniversary. And I commend the gentleman from Illinois (Mr. DAVIS) and also the gentleman from Connecticut (Mr. MURPHY) for bringing this matter to the attention of the House.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time and urge passage of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 528.

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

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF FORMER FIRST LADY, LADY BIRD JOHNSON

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House suspend the rules and agree to the resolution (H. Res. 553) mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 553

Whereas Lady Bird Johnson was born Claudia Alta Taylor in Karnack, Texas on December 22, 1912, the daughter of Minnie Pattillo Taylor and Thomas Jefferson Taylor;

Whereas Lady Bird Johnson received her nickname ''Lady Bird'' from a nurse who thought she was as ''purty as a lady bird'';

Whereas Lady Bird Johnson was known for her academic accomplishments, graduating from high school at 15 years of age and graduating from the University of Texas in Austin in 1933 as one of the top 10 students in her class;

Whereas Lady Bird Johnson married President Lyndon Baines Johnson on November 17, 1934;

Whereas Lady Bird Johnson was a dedicated wife to President Johnson and a devoted mother to their two daughters, Lynda Bird Johnson and Luci Baines Johnson;

Whereas Lady Bird Johnson served with honor and dedication as the wife of President Johnson throughout his service as a congressional secretary, United States Representative, United States Senator, Vice President of the United States, and President of the United States;

Whereas Lady Bird Johnson was known for expanding the position of First Lady by taking a visible role in President Johnson's administration;

Whereas Lady Bird Johnson served as President Johnson's personal adviser throughout his career, and was a champion of civil rights and programs for children and the poor, including the educational Head Start programs;

Whereas Lady Bird Johnson was known for her passion for environmental causes and the preservation of native plants and wildflowers;

Whereas Lady Bird Johnson paved the way for the environmental movement of the 1970s through her efforts to replace urban blight with flowers and trees;

Whereas Lady Bird Johnson established the capital beautification project and played a major role in the passage of the 1965 Highway Beautification Act, which was the first major legislative campaign initiated by a First Lady;

Whereas Lady Bird Johnson and President Johnson retired to their ranch located near Austin, Texas following the completion of President Johnson's term as President;

Whereas Lady Bird Johnson continued her dedication to education through her service on the Board of Regents for the University of Texas and through her work planning the Lyndon B. Johnson Library and Museum at the University of Texas in Austin;

Whereas Lady Bird Johnson was awarded the Medal of Freedom in 1977 and the Congressional Gold Medal in 1988;

Whereas Lady Bird Johnson co-founded the Lady Bird Johnson Wildflower Center in 1982 in order to protect and preserve North America's native plants and natural landscapes;

Whereas Lady Bird Johnson leaves behind an honorable legacy that represents her gentle nature and strong spirit though her dedication to her family and her passion for the environment; and

Whereas Lady Bird Johnson died on July 11, 2007, at 94 years of age at her home in Austin, Texas, and was survived by her 2 daughters, 7 grandchildren, and 10 great-grandchildren: Now, therefore, be it

Resolved, That the House of Representatives mourns the passing of former First Lady, Lady Bird Johnson, and celebrates her life and contributions to the people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleague in the consideration of H. Res. 553, a bill that mourns the passing of former First Lady, Lady Bird Johnson, and celebrates her life contributions and achievements.

H. Res. 553, which has 58 cosponsors, was introduced by Representative EDDIE BERNICE JOHNSON on July 17, 2007. H. Res. 553 was reported from the Oversight Committee on June 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague and Representative EDDIE BERNICE JOHNSON for seeking to honor the former First Lady, Lady Bird Johnson, and celebrating her life contributions to the people of the United States.

I urge swift passage of this bill.

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

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

Mr. Speaker, it is certainly a pleasure to honor a remarkable First Lady and great conservationist, Lady Bird Johnson. And it is with much sadness that the House continues to note her recent passing.

Born in 1912 in Karnack, Texas, in an era when women were not expected to accomplish great things, Mrs. Johnson came to represent strength of character that was the hallmark of her life.

After graduating from the University of Texas in 1933, she married Lyndon Baines Johnson. Mrs. Johnson became the mother of two daughters, certainly her most important work, Lynda Bird and Luci Baines Johnson. She spent the next few decades raising her children and supporting her husband in his political career, which, of course, led him to the Presidency. She was a trusting sounding board for her husband through all his years in the House and Senate and in the White House.

Mrs. Johnson led a nationwide effort to call attention to the beauty and the goal of highlighting historical sites and highways by planting flowering plants and wildflowers. While First Lady, she visited numerous public sites and scenic areas, thus bringing local and national attention to her beautification and conservation initiatives.

As we all have seen each spring in Washington, Mrs. Johnson has left a lasting legacy for all American and foreign visitors to this great city, who can now see incredible numbers of flowers throughout the area. She not only helped beautify Washington, but was also responsible for the 1965 Highway Beautification Act, calling for control of outdoor advertising, as well as the clean-up of junkyards along the national highways.

It is partly because of her efforts that we now have the Surface Transportation and Uniform Relocation Assistance Act of 1987, requiring at least one-quarter of 1 percent of funds expended for landscaping projects in the highway system to be used to plant native flowers, plants and trees.

After leaving Washington, Mrs. Johnson enthusiastically continued her conservation efforts throughout her beloved home State of Texas right up until the date of her death on July 11, 2007.

I urge my colleagues to please join me in honoring this great woman of Texas and First Lady of the United States, Lady Bird Johnson, for her untiring efforts in educating a Nation on the benefits of conservation and beautification throughout her lifetime.

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield 2 minutes to the author and sponsor of this resolution, the gentlewoman from Texas, Representative EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me thank these two distinguished gentlemen on the floor, Mr. DAVIS of Illinois and Mr. DUNCAN of Tennessee, for helping us with this today.

I rise today to honor the life and accomplishments of Lady Bird Johnson. I would like to thank my colleagues Mr. HALL, Mr. BARTON and Mr. ORTIZ for their sponsorship, and the entire Texas delegation for joining me in sponsoring and honoring Mrs. Johnson.

Mrs. Johnson was known as a woman of class and integrity. She was strong in spirit and always represented herself with dignity and grace.

For decades Lady Bird Johnson served with honor and dedication as the wife of President Lyndon Baines Johnson, throughout his service as a staffer to Representative Kleberg, as he served in the U.S. House of Representatives, as a U.S. Senator, as Vice President, and as President of the United States. She served as President Johnson's personal adviser throughout his career and was known for expanding the position of the First Lady by taking a visible role in President Johnson's administration.

Lady Bird Johnson dedicated much of her life to the preservation of our environment. Perhaps she could be considered the first environmentalist in this era. This passion led her to create the Capital Beautification Project to improve physical conditions in Washington, DC, both for residents and tourists. Her efforts inspired similar programs throughout the country. She also played a major role in the passage of the 1965 Highway Beautification Act. This was the first legislative campaign begun by a First Lady. The trees and flowers we see along our American highways today are a testament to her work and her dedication.

After leaving Washington, President and Mrs. Johnson moved back to Austin, Texas, where Mrs. Johnson continued to work for environmental causes. And that is, perhaps, the most environmentally sensitive city in Texas right now. Today we can all admire her legacy through the Lady Bird Johnson Wildflower Center in Austin, Texas.

Mrs. Johnson died on July 11, 2007, at the age of 94 at her home in Austin, and was survived by her two daughters, seven grandchildren, and 10 great-grandchildren.

I would like to extend my deepest condolences to the Johnson family. I urge my colleagues to support this resolution to honor Lady Bird Johnson's incredible life and legacy.

Mr. DAVIS of Illinois. Mr. Speaker, I know that Representative GENE GREEN had intended to be here. Unfortunately, he hasn't been able to make it yet.

It is my pleasure to yield 1 minute to Representative CHET EDWARDS from the 17th District of Texas.

Mr. EDWARDS. Mr. Speaker, Lady Bird Johnson was a true Texas treasure. She graced the Lone Star State, our Nation, and the world with her beauty and grace.

While she is no longer with us, the masterpiece of her vision can be seen along the highways and byways of America. Lady Bird's wildflowers symbolize her life, a quiet, enduring beauty that will enrich our lives for generations to come. With our highways as her canvas, she painted with a brush of God's hand a landscape that brings peace to us in our day-to-day lives.

The beauty of Lady Bird Johnson's vision did not stop with the highways and parks of our Nation, for she also envisioned a world not blighted by the ugliness of poverty and discrimination. As a partner to the President who fought for a great society, she helped make ours a better society. For that we are all her beneficiaries. I thank God for the life and spirit of Lady Bird Johnson.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to Lady Bird Johnson's Representative, the gentleman from Texas, Representative LLOYD DOGGETT.

Mr. DOGGETT. With heavy hearts, the thousands of Texans who participated in memorials to Lady Bird Johnson, especially those who filled the streets of Austin, Dripping Springs and Johnson City, attest to our affection and respect for her compassion, warmth and leadership. And with unusually heavy rainfall this year, Texas is literally alive with her legacy, the beautiful wildflowers along our roadways, and filling the photo albums and scrapbooks with children smiling in a bed of bluebonnets or Indian paintbrush for one family after another.

She knew a better America was one that gives all of its citizens an opportunity to succeed. And with the reauthorization this year of Head Start, more young Americans can access quality early education, ensuring that no child starts behind.

When my predecessor, Representative Jake Pickle, spoke on this floor after the death of President Johnson, he said that Mrs. Johnson was her husband's ''wisest adviser'', and that her daughters, Lynda Bird and Luci, had brought ''so much credit to their family and to our country.''

Of her many gifts, perhaps her most meaningful legacy is her spirit of giving that lives on in her children and grandchildren. In Austin, her daughter Lucy and her grandchildren, Catherine Robb and Nicole Covert, among others, give their time, support and leadership to causes such as SafePlace, Seton, the University of Texas, and the Children's Medical Center Foundation.

Mrs. Johnson promoted native species. They have strong roots and improve and beautify our land. The same, and more, can be said of the human legacy that she leaves.

Mr. DUNCAN. Mr. Speaker, let me just close by saying it has been a privilege for me to handle this resolution on our side.

I know that most of us heard and read and saw some of the beautiful and moving tributes that were made to Mrs. Johnson in her funeral ceremony just a few days ago, especially the tributes from her daughters. And so I think this is a very fitting and appropriate resolution. I commend my good friend, the gentlewoman from Texas, Ms. JOHNSON, for bringing this resolution to the floor, and also my friend Mr. DAVIS.

I urge passage of this resolution.

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

□ 1630

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I want to personally thank both the gentleman from Tennessee and the gentleman from Illinois, Chairman DAVIS, for allowing me this opportunity. I also want to take this opportunity to thank the Honorable Congresswoman EDDIE BERNICE JOHNSON for bringing forth this resolution.

Mr. Speaker, I rise today in honor of Claudia Taylor ''Lady Bird'' Johnson. Mrs. Lady Bird Johnson was a woman of incredible caliber, a woman whose contributions of admirable causes have bettered not only Texas, but the entire Nation as a whole.

She redefined what it meant to be a First Lady. Along with championing the environment, Lady Bird Johnson was a confidante to her husband, Lyndon Baines Johnson, and was invaluable to his efforts, improving not only health care but education. She, like no one else, understood the importance of early intervention when it came to education. Her efforts in Head Start to this day are there to show that Head Start has been a program that reaches out to these poor youngsters. Head Start has also proven that those youngsters that participate in Head Start are less likely to drop out than those that don't. She understood that from the very beginning.

Lady Bird Johnson knew and had that Texas charm and wit. Her passion for the environment has left a lasting mark on America. Thanks to her tenacious effort in initiating beautification projects, the Nation's highways are more pleasant to drive on and the Nation's Capital is a lovelier sight. The city of San Antonio, where Lady Bird married President Johnson, has also benefited from the First Lady's efforts.

Her highway beautification projects had a lasting impact not only in San Antonio, but throughout Texas. The Texas Department of Transportation says Lady Bird Johnson's Highway Beautification Act that became law in 1965 annually dispenses over 5.6 billion wildflower seeds of some 30 varieties, including our State flower, the bluebonnet. Lady Bird devoted much of her later life to beautifying her home and the State of Texas with admirable work.

With eternal gratitude from all of us, I ask you to join me today in remembering the magnificent work Lady Bird Johnson has done for all of us. I want to thank her for what she has done for all of us.

Let me just say that every spring as we go along the highways and as the flowers bloom, we will remember her for what she has done for all of us. She now rests near the Pedernales River in Texas. Her legacy will forever be with us.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2 minutes to another son of Texas, the chairman of the Intelligence Committee, the Honorable SILVESTRE REYES.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to add my condolences to Lady Bird's family and tell everyone that while she will be missed, her legacy lives on in Texas.

I think her contribution to Texas gives us a unique insight into who the former First Lady was; a person who used her gifts, her position, her talents and her status to expand the world for everyday people, to make the world better for the inner city residents of D.C., and for the public that was traveling along the interstates of our great country, and, of course, for Texas.

She had vision and gave people a reason to be proud of their surroundings, to take ownership of their neighborhoods and communities, and to make them better places to live. This is meaningful and important on so many different levels for all of us that are Texans. In doing this, she was ahead of her time. She helped bring the cause of conservation to the forefront and drew our Nation's attention to the importance of creating and nurturing beauty.

I am honored and privileged that I met Mrs. Johnson many years ago when I was a college student at the University of Texas at Austin. I am proud of the legacy that she created and that she leaves with all of us. May she rest in peace among the hills, the streams, and especially the flowers that she so loved in Texas.

Mr. DAVIS of Illinois. Mr. Speaker, I simply want to thank the gentleman from Tennessee (Mr. DUNCAN) for his participation in processing this legislation. I want to thank all of the Members from Texas who spoke.

Mr. Speaker, I urge passage of this resolution.

Mr. BARTON of Texas. Mr. Speaker, today, we honor the memory and celebrate the life of former First Lady, Claudia Taylor (Lady Bird) Johnson, and the contributions she has given to the people of a country she so dearly loved. I had the privilege of knowing Lady Bird through the White House Fellows program and as anyone who knew her as an individual would agree, she was a person of grace, charm, and an absolute delight to know. As a native Texan, a wife, a mother, a businesswoman, and First Lady, she emitted beauty through her presence and through her actions leaving a legacy that will not soon be forgotten.

Lady Bird met Lyndon Baines Johnson in 1934 and in seven short months, had captured his heart as he asked for her hand in marriage. Mrs. Johnson stood by her husband and supported his endeavors with a perseverance and tenacity that one rarely finds. When LBJ volunteered for naval service during World War II, Lady Bird stepped in and kept his congressional office running and except for voting, served the need of every constituent. She again came to the rescue in 1955 helping staff keep things under control when her husband suffered a severe heart attack while serving as Senate Majority Leader. The former President once remarked that voters ''would happily have elected her over me.''

In 1960 Mrs. Johnson traveled over thirty-five thousand miles of campaign trail as she pushed LBJ towards a successful bid for the Vice-Presidency. During this tenure, she visited thirty-three foreign countries as an ambassador of goodwill. Lady Bird again stood by and supported her husband as he became the thirty-sixth President of the United States and helped console the hearts and minds of an entire country as they mourned the loss of President John F. Kennedy.

As First Lady, Mrs. Johnson was highly involved in the President's initiatives supporting education and working to alleviate poverty. Under her own ambition, she created a First Lady's Committee for a More Beautiful Capital which later expanded to include an entire nation. Lady Bird was also the inspiration behind the Beautification Act of 1965 which transformed the landscape of our national highways. Never tiring in her life's work, at the age of 70, Mrs. Johnson founded the National Wildflower Research Center which is dedicated to the preservation and re-establishment of native plants in natural and planned landscapes.

Lady Bird Johnson should be remembered by all as a person with elegance, grace and a tireless work ethic. She dedicated her life in service to others and gave so much of herself in support of her husband, family, and country. Today, as we celebrate the life of Lady Bird Johnson, we honor her contributions to the people of the United States and recognize that we have lost a great American that will be dearly missed.

Mr. LAMPSON. Mr. Speaker, when Texans think of their home state, and frankly non-Texans do as well, a few key symbols come to mind. There is the instantly recognizable outline of Texas, along with the Lone Star, the Alamo, cowboy hats, barbecue, and so many other great traditions and institutions. Among them is the Texas state flower, the bluebonnet. The bright blue bloom of that flower throughout the roads and lands of southeast Texas is instantly recognizable. The reason why, of course, is that Lady Bird Johnson led the beautification movement to protect and grow our state flower, setting a fine example of state pride for all Texans. We Texans feel the loss of the former First Lady when we think of this symbol, but as future flowers bloom, so too will her memory live on for our great nation.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of H. Res. 553, to pay special tribute to Lady Bird Johnson. I am proud to recognize the accomplishments of a fellow Texan and a true Renaissance woman.

For much of her life, Lady Bird Johnson acted as the graceful wife of a congressional secretary, U.S. Representative, Senator, Vice President and President. She devoted herself to her husband's political campaigns and lived in the public eye throughout the turbulent 1960s and Vietnam War Era.

But, Lady Bird Johnson was also a scholar, a writer, a politician, and an advocate for education issues. At the University of Texas in Austin she studied journalism and qualified as a public school teacher. Later in life, she wrote A White House Diary and served as a University of Texas regent.

Lady Bird demonstrated her remarkable talents for public speaking while on the campaign trail through Southern states, where, as a product of an East Texas town steeped in traditional southern values, she was an invaluable spokesperson for the 1960 Kennedy-Johnson Presidential ticket.

While her husband served as President, Lady Bird Johnson acted as honorary chairwoman of the national Head Start program. As my colleagues may note, I am a strong proponent of the Head Start program, which can make immense differences in the lives of underprivileged pre-school children by preparing them to enter elementary school on a par with their peers. Thus, I celebrate Lady Bird's contributions to this invaluable program.

During this time, Lady Bird Johnson has also been credited with holding luncheons spotlighting women of assorted careers. As a strong supporter of women's rights and pay equality, I believe that her efforts to applaud young women's advancements into traditionally-male-dominated careers have had a profound effect on women's equality in general.

Lady Bird was also an adept businesswoman who purchased a small radio station in 1942 in Austin and built a multimillion-dollar radio corporation. In today's society, young women interested in business and the telecommunications industries may look to Lady Bird Johnson as a trailblazer and a success story.

While Lady Bird's conservation work in our Nation's Capital is widely-known, Lady Bird's efforts to beautify our great State of Texas should also be applauded. In 1969, she founded the Texas Highway Beautification Awards, and hosted 20 annual awards ceremonies, where she presented personal checks to the winners. And, on her 70th birthday, she founded the Lady Bird Johnson Wildflower Center, to which she donated acres of her own land.

Lady Bird has indeed left her mark upon Texas, as the namesake of a golf course, a municipal park, a walking trail, and a street.

Mr. Speaker, I am proud to join my colleagues in support of H. Res. 553, celebrating the life of Lady Bird Johnson. She was a remarkable First Lady, businesswoman, environmental advocate, and trailblazer of women's rights. She has left a grand legacy of strength of character and service upon Texas and upon the entire nation.

Mr. FARR. Mr. Speaker, the death of Lady Bird Johnson was a sad day for the country. It was also a sad day for my district, and for me personally.

Mrs. Johnson also played a key role in drawing my father, California State Senator Fred Farr, to Washington. She successfully lobbied for his appointment as the Federal Highway Administration's first Highway Beautification Coordinator, wisely drawing his energy and insights to Washington.

Lady Bird was a fervent supporter of so many of the values my constituents and I hold dear. She was a lifelong supporter of the environment, an advocate for preserving the special places in communities around the country. Lady Bird visited California's Central Coast in 1966, where she dedicated Highway 1—now known to all as the Big Sur Coast Highway—as the first scenic route in the state. She even helped plant a redwood tree near Monterey's historic Colton Hall.

Mrs. Johnson was a passionate environmentalist. She argued against the blight of roadside billboards, instead calling for more trees and her beloved wildflowers. And many of the beautification projects that make Washington a gorgeous capital city were the product of Mrs. Johnson and my father. She was responsible for raising hundreds of thousands of dollars for the city's streets.

Mrs. Johnson's beautification projects and scenic designation programs were so important to drawing attention to areas that deserve protection. I encourage all of our communities to continue her work. We need more people like Mrs. Johnson in the world, more people who appreciate the beauty that is around us and who strive to preserve it.

Mr. BOSWELL. Mr. Speaker, I rise today in support of House Resolution 553 recognizing the passing of Lady Bird Johnson and her contributions to the United States.

Lady Bird Johnson, the wife of the late President Lyndon B. Johnson, passed away last week at the age of 94. We will remember this former First Lady as a woman deeply committed to her husband and his presidency, as well as a calm and elegant figure during a tumultuous time in American history.

Lady Bird took an active role during her husband's time in the White House. Before environmentalism was a part of American political life, she lobbied Congress to clean up the landscape of the United States. Through her efforts, the National Highway Beautification Act and the Clean Air Act became law and the Nation's Capital received a much-needed makeover to its landscape. After she left the White House, she founded the National Wildflower Research Center in Austin, Texas, which was later named in her honor. The center continues Lady Bird's efforts to preserve this country's natural landscape and beauty.

Lady Bird also influenced many other policies and initiatives during the Johnson administration, including the War on Poverty, Head Start, and the landmark 1964 Civil Rights Act. She was awarded the Presidential Medal of Freedom by Gerald Ford in 1977 for her efforts both in and out of the White House. Through her numerous accomplishments, we will continue to remember her as a wife, mother, and passionate and dedicated American. While it is with sadness that I mark the passing of this wonderful individual, I am proud to be able to commemorate her incredible contributions to our nation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 553, which puts the House of Representatives on record in mourning the passing of Lady Bird Johnson, the former First Lady of the United States. Claudia Alta ''Lady Bird'' Taylor Johnson was the wife of U.S. President Lyndon B. Johnson. Throughout her life, she was an advocate for beautification of the nation's cities and highways and conservation of natural resources. The former First Lady was a recipient of the Presidential Medal of Freedom and the Congressional Gold Medal.

Lady Bird Johnson studied journalism and art at St. Mary's Episcopal School for Girls, a junior college in Dallas. She graduated with honors from the University of Texas with a Bachelor's degree in Arts in 1933 and a degree in Journalism in 1934—a time when women were hard pressed to have a career of their own, let alone a college education. Her goal was to become a reporter but her media career was deferred when a friend in Austin introduced her to Lyndon Baines Johnson, a young up-and-coming political hopeful.

On their first date, which was breakfast the next morning at the Driskill Hotel and a long drive in the country, Lyndon Johnson proposed. Lady Bird did not want to rush into marriage, but Lyndon Johnson was persistent and did not want to wait. The couple married on November 17, 1934, at Saint Mark's Episcopal Church in San Antonio, Texas.

Three years later, when Lyndon decided to run for Congress from Texas' 10th district in the Hill Country, Lady Bird provided the money to launch his campaign. She took $10,000 of her inheritance from her mother's estate to help start his political career. They had two daughters, Lynda (born in 1944), whose husband Charles S. Robb went on to become governor of Virginia and a U.S. Senator, and Luci (born in 1947), who married, firstly, Pat Nugent and, secondly, Ian Turpin.

As First Lady, Lady Bird Johnson started a capital beautification project (Society for a More Beautiful National Capital) to improve physical conditions in Washington, D.C., both for residents and tourists. Her efforts inspired similar programs throughout the country. She was also instrumental in promoting the Highway Beautification Act, which sought to beautify the nation's highway system by limiting billboards and by planting roadside areas. She

was also an advocate of the Head Start program.

Johnson's press secretary from 1963–1969 was Liz Carpenter, a fellow University of Texas alumna. Carpenter was the first professional newswoman to be press secretary to a First Lady, and she also served as Lady Bird's staff director.

In 1970, A White House Diary, Lady Bird Johnson's intimate, behind-the-scenes account of Lyndon Johnson's presidency from November 22, 1963 to January 20, 1969, was published. Beginning with the tragic assassination of John F. Kennedy, Mrs. Johnson recorded the momentous events of ber times, including the Great Society's War on Poverty, the national civil rights and social protest movements, her own activism on behalf of the environment, and the Vietnam War. Indeed, Lady Bird Johnson and her husband were champions of civil rights and were instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. I know that her comforting words and her encouragement were part of the decision making of President Johnson as he made some critical decisions during some difficult times regarding the civil rights of individuals who had been discriminated against for most of the history of this country. Long out of print, the paperback edition of A White House Diary will be available again through the University of Texas Press in Fall 2007.

She was acquainted with a long span of fellow First Ladies, from Eleanor Roosevelt to Laura Bush, and was protected by the United States Secret Service for forty-four years, longer than anyone else in history.

Lady Bird Johnson was awarded the Presidential Medal of Freedom by Gerald Ford on January 10, 1977. The citation for her medal read:

"One of America's great First Ladies, she claimed her own place in the hearts and history of the American people. In councils of power or in homes of the poor, she made government human with her unique compassion and her grace, warmth and wisdom. Her leadership transformed the American landscape and preserved its natural beauty as a national treasure."

Johnson then received the Congressional Gold Medal on May 8, 1984. In addition to the Lady Bird Johnson Wildflower Center, her name has been lent to the Lady Bird Johnson Park on Columbia Island in Washington, D.C., which was founded as a result of her efforts as First Lady to beautify the capital.

After former President Johnson died in 1973, Lady Bird Johnson remained in the public eye, honoring her husband and other Presidents. In the 1970s, she focused her attention on the Austin riverfront area through her involvement in the Town Lake Beautification Project. From 1971 to 1978, Johnson served on the board of regents for the University of Texas System.

On December 22, 1982 (her 70th birthday), she and actress Helen Hayes founded the National Wildflower Research Center, a nonprofit organization devoted to preserving and reintroducing native plants in planned landscapes, located east of Austin, Texas. The Center opened a new facility southwest of Austin on La Crosse Avenue in 1994. It was officially renamed The Lady Bird Johnson Wildtlower Center in 1998. On June 20, 2006, The University of Texas at Austin announced plans to incorporate the 279 acre Wildflower Center into the University.

For twenty years Lady Bird Johnson spent her summers on the island of Martha's Vineyard renting the home of Charles Guggeinheim for many of those years. She said she had greatly appreciated the island's natural beauty and flowers.

On October 13, 2006, Lady Bird Johnson made a rare public appearance at the renovation announcement of the Lyndon Baines Johnson Library and Museum. Sitting in a wheelchair and showing signs of recent health problems, Lady Bird seemed engaged and alert, and clapped along with those present at the ceremony.

Mr. Speaker, in the last year the state of Texas has lost several of its greatest sons and daughters: Governor Ann Richards; Senator and Treasury Secretary Lloyd Bentsen; columnist and progressive icon Molly Ivins; and now Lady Bird Johnson.

The Lone Star State mourns the loss of our favorite daughter and it will be grieving for some time. But the memory of Lady Bird Johnson will never be forgotten so long as the flowers bloom in the capital city of our nation and along the highways and byways of the several states, especially her beloved Texas.

I strongly support H. Res. 553 and urge my colleagues to do the same.

Mr. DAVIS of Illinois, Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 553.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HONORING THE LIFE AND ACCOMPLISHMENTS OF RENOWNED ARTIST TOM LEA ON THE 100TH ANNIVERSARY OF HIS BIRTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 519) honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 519

Whereas, 100 years ago on July 11, 1907, Tom Lea was born in El Paso, Texas, to former El Paso Mayor Tom Lea, Sr., and his wife Zola Utt Lea and spent the majority of his life in El Paso;

Whereas Tom Lea served as an accredited war artist correspondent for Life magazine during World War II, traveled over 100,000 miles as an eye-witness reporter, landed with the First Marines on Peleliu during 1942, and accompanied American forces in the North Atlantic during 1941, fighter pilots aboard the USS Hornet in the South Pacific during 1942, and American forces in China during 1943;

Whereas many of Tom Lea's paintings from World War II are in the United States Army Center for Military History in Washington, DC, and are loaned to exhibitions worldwide;

Whereas, when accepting the Republican nomination for President of the United States in 2000, George W. Bush quoted Tom Lea about living on the "sunrise side of the mountain";

Whereas Tom Lea's painting Rio Grande today hangs in the Oval Office at the White House;

Whereas Tom Lea's works are found throughout Washington, DC and Texas, including in the Rayburn House Office Building, which displays his portrait of Sam Rayburn; the Smithsonian American Art Museum; the Dallas Museum of Art; the El Paso Museum of Art; the University of Texas at El Paso; Texas A&M University; and the University of Texas at Austin;

Whereas Tom Lea painted several notable murals, including the Texas Centennial mural and, under the Department of Treasury's Section of Fine Arts mural competition programs, The Nesters mural for the Benjamin Franklin Post Office in Washington, DC; the Pass of the North mural for the Federal Courthouse in El Paso, Texas; the Stampede mural for the Odessa, Texas Post Office; the Comancheros mural for the Seymour, Texas Post Office; and the Back Home mural for the Pleasant Hill, Missouri Post Office;

Whereas Tom Lea was also an accomplished author and illustrator whose works included the two-volume annotated history The King Ranch (published in 1957), in addition to four novels and two non-fiction books, of which, The Brave Bulls (published in 1949) and The Wonderful Country (published in 1952), were adapted as screenplays for motion pictures;

Whereas Tom Lea during his life was honored with several awards, including the Navy Distinguished Public Service Award, the United States Marine Corps' Colonel John W. Thomason, Jr. Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award;

Whereas President and Mrs. George W. Bush are serving as Honorary Chairs of the International Advisory Board for the 2007 Tom Lea Centennial Celebration, a month-long series of events in the Southwest that seeks to ensure that the richness and diversity of Tom Lea's legacy will nourish generations to come; and

Whereas Tom Lea's war diaries are to be published by Texas A&M Press in 2008: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Tom Lea.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Res. 519, a bill that honors the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

H. Res. 519, which has 79 cosponsors, was introduced by Representative SILVESTRE REYES on June 26, 2007. H. Res. 519 was reported from the Oversight Committee on June 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague, Representative SILVESTRE REYES, for seeking to honor the life and accomplishments of renowned artist Tom Lea, and urge the swift passage of this bill.

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

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

Mr. Speaker, in celebration of the 100th anniversary of the birth of Tom Lea, I ask Members to join me in honoring the life and accomplishments of this remarkable American. Tom Lea was a painter, muralist, illustrator, writer and war correspondent, whose work continues to captivate and inspire us today.

Born in El Paso, Texas, in 1907, he showed an early talent for art and left home to study at the Art Institute of Chicago. While this began a pattern of world travel he continued throughout his life, Tom Lea's home was always Texas and the American Southwest. His paintings capture the spirit of the West and show a vibrant life that thrives in seemingly barren land.

Lea put his education to good use as a muralist for the Works Progress Administration. His works include the award winning ''The Nesters,'' which adorns the Post Office Department Building here in Washington, and the portrait of Sam Rayburn on display in the Rayburn House Office Building, and I think on display right now in this Chamber. Additionally, the Smithsonian American Art Museum, numerous public buildings in Missouri, and educational and government facilities throughout Texas exhibit his work.

In 1942, Time magazine hired Lea to cover the war in the Pacific. Finding paint inadequate to capture the full story, Lea began his career as a novelist while on assignment. He continued writing after the war, and published six works of fiction and nonfiction, including a two-volume annotated history of the King Ranch.

Fans of his work are numerous and include President George W. Bush, who honored Lea by using a quote from an autobiography while accepting the Republican nomination for President in 2000. Shortly before his death in January of 2001, Lea had the great satisfaction of delivering one of his paintings, ''Rio Grande,'' to the President, so he could hang it in the Oval Office. The painting remains there today.

In addition to great critical acclaim, Lea's lifetime of work has earned him the Navy Distinguished Public Service Award, the United States Marine Corps Colonel John W. Thomason, Jr., Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award.

Therefore, let us show our respect and gratitude for this great American by passing H. Res. 519 to honor the life and accomplishments of Tom Lea.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Texas (Mr. REYES), the sponsor of this resolution.

Mr. REYES. Mr. Speaker, I thank the chairman and the ranking member for their support of this resolution.

As a representative of the 16th District of Texas, I rise today in honor of a great El Pasoan and a great American.

I have on the floor beside me two pictures of paintings by this great American. His name is Tom Lea. He hails from my district of El Paso, Texas, and has left a lasting impression on the Nation as a whole.

One of these paintings, ''Rio Grande,'' this one right here, was specifically chosen, as has been stated by my good friend from Connecticut, by President Bush to hang in the Oval Office. As you can see, this is a beautiful representation of the rugged landscape and the environment of our wonderful Southwest.

The other is a portrait of Sam Rayburn. It is probably the most familiar to many of you, as it hangs in the foyer of the Rayburn House Office Building. I venture that you would be hard-pressed to find another artist who could so capture the tenacity and formidable nature of this great Texas lawmaker and former Speaker of the House of Representatives.

Mr. Lea's legacy extends beyond the paintings that you see here, and I rise today because this month marks the 100th anniversary of the birth of this acclaimed El Pasoan. The 2007 Tom Lea Centennial Celebration, which is a month-long series of events, is currently underway all along our beautiful Southwest.

Mr. Lea is a celebrated illustrator, novelist, historian, war correspondent and muralist. His assignment with Life magazine in the 1940s to draw a cavalry trooper at El Paso's Fort Bliss led to his role as an accredited artist correspondent during World War II. Traveling over 100,000 miles through very dangerous and faraway theatres of war, he captured the American forces in the North Atlantic, the South Pacific, China, and Peleliu for the American public and for those of us that appreciate his great artistry today. While overseas, he also painted a portrait of China's Chiang Kai-shek.

From painting national and world leaders to his celebrated painting of his wife, Sarah, which includes El Paso's Franklin Mountains as the backdrop; from his critically acclaimed novels to motion pictures based on his written works; from his depictions of the heroism and harrowing circumstances of World War II to his award-winning murals in post offices in El Paso and across the country, Tom Lea has left a lasting impact on our Nation as a whole.

Obviously, Tom Lea is a national treasure and a creative genius. I want to thank my 79 colleagues who have signed on as cosponsors to this legislation.

So today, Mr. Speaker, I urge all colleagues to join me in honoring him by passing this resolution. My community of El Paso, Texas, was lucky to be home for such an icon, and the Nation as a whole is a richer, more interesting and more beautiful place because of his vision and his mastery.

□ 1645

Mr. SHAYS. Mr. Speaker, I yield such time as the most distinguished gentleman from Texas (Mr. SESSIONS) would like to use.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Connecticut. I also rise with my colleagues who are here from El Paso, Texas, and also the gentleman from Illinois (Mr. DAVIS) to celebrate the 100th anniversary of Tom Lea's birth. As a person who lived in El Paso, Texas, for a number of years, I also became aware of Tom Lea from living in San Antonio. Much of his artwork was displayed in San Antonio on a regular basis.

Tom Lea for many years painted pictures of the mountains and beauty that surrounds not only west Texas, but southern New Mexico also. El Paso is the beginning of what is called The Pass of the North, where two great countries come together, the history of Mexico and the history of the United States, and where these two great countries meet at the Rio Grande River. Tom Lea spent a lot of time writing, talking, thinking, pushing forward thoughts and ideas about these two great nations, and embodied a lot of that in artwork that I have several copies of. I have bought Tom's books over the years.

So today it is right and fitting that the United States Congress in its looking back, as we do on a regular basis, over many great Americans who have added not only to the artwork of America and the thought process, but also to the lives that they lived. Tom Lea, a great Texan and American, who added not only a spirit to the men and women who fought for this country in World War II, but also brought that beauty forward in artwork, the Franklin Mountains and places in New Mexico with just stunning beauty that have sustained so many people. It gives us an idea about why America is a great Nation and why we must continue to protect her.

Mr. Speaker, I stand today in support of this 100th anniversary of Tom Lea, a great man from El Paso and a great community, and people who loved him a great deal and miss him even more. It is a great day to say thank you to Lady Bird Johnson and Tom Lea, both great Texans, on a beautiful day in Washington, D.C.

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

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 519.

The question was taken.

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

Mr. DAVIS of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 345) commemorating the 200th anniversary of the Archdiocese of New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 345

Whereas it is a tradition of the House of Representatives to honor and pay tribute to those places and institutions within the United States whose historic significance has contributed to the culture and traditions of our citizens;

Whereas, in accordance with this tradition, the House of Representatives is proud to commemorate the 200th anniversary of the Archdiocese of New York and its history of faith and service;

Whereas the Archdiocese of New York has planned a year-long series of events beginning in April 2007 to celebrate their bicentennial;

Whereas the Archdiocese of New York is also coordinating with Catholic Charities of New York to institute an Archdiocese of New York Day of Service, to celebrate its history of serving the broader community;

Whereas, on April 8, 1808, Diocese of New York was established with the Most Reverend R. Luke Concanen as its first Bishop, and was elevated to an Archdiocese in 1850;

Whereas, on March 15, 1875, His Eminence John Cardinal McCloskey, the second Archbishop of the Archdiocese of New York, became the first Cardinal Archbishop of the Roman Catholic Church in America;

Whereas the Archdiocese of New York has welcomed three Papal visits, Pope Paul VI on October 5, 1965 and Pope John Paul II on October 7, 1979 and again on October 5, 1995;

Whereas Elizabeth Ann Seton, a member of the Archdiocese of New York and founder of today's Catholic education parochial school system, was named the first American-born Saint on September 14, 1975; her name appears on the front doors to St. Patrick's Cathedral describing her as a ''Daughter of New York''; and several schools are named after her, including Seton Hall University in South Orange, New Jersey;

Whereas the Archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was installed on June 19, 2000, and elevated to Cardinal on February 21, 2001;

Whereas the Archdiocese of New York was originally comprised of the entire states of New York and New Jersey, an area that now covers twelve dioceses;

Whereas, with 2,500,000 Catholics in its fold, the Archdiocese of New York consists of 402 parishes, 278 elementary and high schools, and 3,729 charitable ministries, which include Catholic Charities, hospitals, nursing homes, and outreach programs; and

Whereas, throughout its rich historical past and up to the present day, the Archdiocese of New York has been sustained by the beneficent efforts of countless parishioners and ministries, past and present, who have generously supported their community with abundant kindness and good deeds: Now, therefore, be it

Resolved, That the House of Representatives commemorates the 200th anniversary of the Archdiocese of New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of H. Res. 345, a resolution that commemorates the 200th anniversary of the Archdiocese. H. Res. 345, which has 61 cosponsors, was introduced by Representative VITO FOSSELLA on April 30, 2007. H. Res. 345 was reported from the Committee on Oversight and Government Reform July 19, 2007, by a voice vote.

Mr. Speaker, I commend my colleague Mr. FOSSELLA for seeking to commemorate the 200th anniversary of the Archdiocese of New York, and urge swift passage of this bill.

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

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

Mr. Speaker, today we honor the 200th anniversary of the Archdiocese of New York, an institution that has contributed to the good of the region it covers as well and the Nation in a way that people of all political and religious backgrounds can join in applauding.

Founded on April 8, 1808, the Diocese of New York has grown to over 2.5 million Catholics who are led by nearly 1,500 priests. The Diocese of New York was established with the Most Reverend R. Luke Concanen as its first bishop, and was elevated to an Archdiocese in 1850. Upon its origination, the diocese included the entire State of New York and New Jersey, an area that now covers 12 dioceses. In this vast organization, the Archdiocese of New York includes 402 parishes, 278 schools, and 3,729 charitable ministries including Catholic Charities, nursing homes, and outreach programs.

The Archdiocese of New York has been the site of three papal visits and is home to the first Cardinal Archbishop of the Roman Catholic Church of America, John Cardinal McCloskey. The first American-born saint, Elizabeth Ann Seton, was a member of the archdiocese and founder of today's Catholic education parochial school system.

In commemoration of their bicentennial, the Archdiocese of New York has planned a year-long celebration of activities to bring together the entire community, including an Archdiocese of New York Day of Service.

It is with great respect for the ongoing service to their parishioners and the greater community of New York that I ask you to join in commemorating the 200th anniversary of the Archdiocese of New York.

Mr. Speaker, I reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to thank my friend from Connecticut for managing the time on the minority side for this important resolution. In particular, I want to thank my good friend from New York State, Vito Fossella, for introducing this important resolution commemorating and celebrating the 200th anniversary of the Archdiocese of New York, a history that is replete with so many tales, not tales but facts, about the contribution of Catholics in New York, in particular about the institution known as the Archdiocese of New York, having at one time encompassed the entire State of New York and New Jersey, and now having a smaller imprint, but no less significant an imprint today.

We think of the storied individuals who fervently shepherded their flock in the Archdiocese of New York, starting with R. Luke Concanen in 1808–1810; to present day, Edward Michael Cardinal Egan, who took the reins of control in 2000 and continues to this day.

We look back historically, particularly during the Civil War, the Archdiocese had a very long history going back to that point in time, and during

the war Archbishop John Hughes, who was a fervent defender of the Union and a personal friend of then-President Abraham Lincoln, he wrote to President Lincoln and Secretary Seward about the most effectual means for carrying on that war. At the Union's request, he visited Europe to exert his personal influence, especially in high circles in France, for the benefit of the national cause at that time.

Another national cause the Archdiocese was strongly involved in was with the first wave of immigrants, predominantly Irish immigrants, to New York. The archdiocese developed programs to care for and assimilate those new immigrants to America, and was a precursor to the Irish Emigrant Savings Bank, later to become known as the Emigrant Industrial Savings Bank and Emigrant Savings Bank today.

These organizations over the years have developed into a strong base of charitable giving to keep the traditions of protecting the poor and the neglected, something that the Archdiocese of New York continues to do today. In fact, the Cardinal and the archdiocese have been very outspoken proponents of comprehensive immigration reform to help those least amongst us in society today, something they continue to do in the strong 200-year tradition of the Archdiocese of New York.

It was also mentioned before that Elizabeth Ann Seton, the first saint born in the United States, also a New Yorker and the founder of the New York City Catholic school system, and the contributions that system has made to our country. Speaking as a product of there, having graduated from Power Memorial High School in 1980, which is no longer with us, but there are still many high schools that bear the names of the many cardinals and leaders of the archdiocese throughout the years, and others who have made significant impacts on the Archdiocese of New York, a tremendous system that to this day continues to produce some of the brightest minds in not only the city of New York, but in the country, and also continues to provide access to the least amongst us to give them opportunities that others had before them.

So I stand here on the floor congratulating Mr. FOSSELLA for introducing this resolution and to commemorate the 200th anniversary of the founding of the Archdiocese of New York, a diocese that will go on for many, many years to come. We congratulate Cardinal Egan, Cardinal O'Connor, Cardinal Cooke, and all those who came before them, and all the men women who have contributed in so many ways to its survival and its flourishing throughout the history of New York City and our country.

Mr. SHAYS. Mr. Speaker, I recognize the gentleman from Staten Island, who has been a real advocate for all of New York, Vito Fossella, for such time as he may consume.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of H. Resolution 345 honoring the 200th anniversary of the Archdiocese of New York. I thank Chairman WAXMAN and Ranking Member DAVIS for helping pass this resolution. And I thank the gentleman from Queens, Mr. CROWLEY, for helping spearhead this through, as well as Mrs. MALONEY from Manhattan, who were instrumental getting this passed last week out of committee.

Let me briefly say at the outset, it was somewhat of a bumpy road to arrive at today's vote. We are nevertheless here to honor the Archdiocese of New York. When we introduced the resolution in May and set about to secure the 50 cosponsors, we got it pretty quickly. It was heartening to see the outpouring of support. Initially the committee balked because of the reference to Cardinal Egan. And on a personal level, I thought it was insulting to the cardinal and professionally, by extension, I thought it was insulting to the millions of Catholics who comprise the archdiocese.

Cardinal Egan is the head of the archdiocese and is a significant spiritual leader of Catholicism in the United States and a man of great integrity and honor. Like those who have come before him, Cardinal Egan has carried forward the mission of his Catholic Church and helped to provide spiritual guidance to millions. I am proud to say the committee realized and recognized the appropriateness of recognizing the role of the archdiocese, and today the Congress has an opportunity to pass this resolution honoring the Catholic Church and the Archdiocese of New York in particular.

□ 1700

Mr. SHAYS provided some very compelling statistics about the archdiocese so I won't repeat them.

We know that the resolution pays tribute to the dedication and character and compassion and values that embody the archdiocese; and, by extension, I think it honors the service and deeds of so many Catholics who have enriched this Nation.

And you really can't tell the American story without telling the story of Catholics who have come to this country and enriched and made this country better and stronger. Lord knows, over the last couple of hundred years, there have been some great, not just contributions, but some great controversies.

In the 1800s there was a political party that was formed in large part, called the Know Nothings, rooted in anti-Catholicism. Fortunately, they have gone away, and the archdiocese of New York, like so many across the country, have remained steadfast and have been institutions that uphold the dignity of life.

Mr. CROWLEY mentioned Elizabeth Seton, and Seton Hall University is named in her honor in part. The Seton Foundation for Learning, for example, on Staten Island is a school that is principally designed to help children with developmental disabilities and all disabilities and are a strong reminder of the value and wonder of all human life.

The archdiocese includes over 3,700 charitable organizations, touching practically every neighborhood across New York City's region, and we know that Catholic Charities alone provides 5 million free meals annually to the less fortunate.

As I mentioned, you can't tell this American story without telling the Catholic story. There is probably no more rich archdiocese in this country than the one in New York, and you can't tell the New York story without knowing the archdiocese of New York.

So many people who have served in private life have also served their church through faith and in the local neighborhoods I mentioned, and so many police officers and firefighters and civil servants, who not only serve this country with honor and distinction but also serve through their faith the archdiocese. And we saw that very clearly on 9/11 when firefighter after firefighter and their families were laid to rest in the Catholic Church.

Those are some of the stories by which we can tell a compelling tale for America; but, today, the Congress, I say thank you to Mr. DAVIS and Mr. SHAYS and all who essentially set a little time aside to honor a great institution and celebrate 200 years of serving the poor, the less fortunate with dedication, compassion, and pure social outreach.

Mr. DAVIS of Illinois. I reserve, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume. I'd like to just make further comments.

This resolution has a special meaning to me, as the archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was elevated to cardinal on February 21, 2001.

In 1988, Cardinal Egan was appointed bishop of Bridgeport by Pope John Paul II. During his tenure in Bridgeport, I had the pleasure of working with him on a variety of issues, including developing housing for senior citizens.

Cardinal Egan guided the diocese of Bridgeport and earned a reputation of demonstrated leadership and success in meeting both the physical and spiritual needs of the church's parishioners, and I want to say that he reached out to so many people, Catholic and non-Catholics alike, when there were specific needs that they had. He is such a respected individual in the district I represent, and we were so proud of his elevation to cardinal in New York and believe that he is doing a tremendous job.

I will conclude by saying I was in his office after his appointment but he had not yet become a cardinal. He just kind of shook his head and said, I wish I was 10 years younger.

So many demands are made on a leader like Bishop Egan, and he gives every day of his life to this service. So when I vote for this resolution I'm going to be voting for the 200-year anniversary of the diocese and for a really remarkable leader that they have in Bishop Egan.

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

Mr. DAVIS of Illinois. Mr. Speaker, we have no further requests for time, and I was just thinking that I spent last evening with about 800 black Catholics at the Knights of Peter Claver at their convention in Detroit. Of course, many of them were indeed from the east coast, from New York and New Jersey and Connecticut, and we just simply had a wonderful time. So I join in support of this resolution and urge its passage.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 345.

The question was taken.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3074 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The gentleman from Vermont (Mr. WELCH) is recognized for 1 hour.

Mr. WELCH of Vermont. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today, the House will take up the ninth of 12 appropriation measures where we will continue the effort to take America in a new direction, where we focus on priorities of concern to average Americans throughout this country.

Through these bills, the new Congress is restoring our focus on a domestic agenda that helps all Americans, not just the wealthy few and not just the well-connected corporations.

We will make sure, as we have, that our veterans have the care they need. We'll reverse neglect in environmental protection that's been abandoned, been neglected for the past several years, and we'll fund housing programs for low- and moderate-income Americans. We will provide resources to ensure that children arrive at school ready to learn and have the health care that they need, and we will make certain that our law enforcement officials have the tools that they need to protect our citizens.

Madam Speaker, House Resolution 558 provides for consideration of H.R. 3074, the Transportation and Housing and Urban Development Appropriations Act for 2008. This will be done under an open rule. This is a bipartisan bill that was presented before the Rules Committee by Chairman OLVER and Ranking Member KNOLLENBERG. It was a pleasure, frankly, to see the cooperation of these two gentlemen and the members of that committee coming together to present to the House for its consideration a very impressive plan to meet our infrastructure and housing needs in the future.

As you know, demographic changes and growth patterns in the United States over the next decade will continue to have a major impact on transportation networks and the need for affordable housing. This bill seeks to ensure that our Nation's transportation system is safe and efficient and that our citizens have access to safe and affordable housing. The bill does so in a way that strengthens the economy and is environmentally and fiscally responsible.

The bill safeguards the regional needs of our Nation by rejecting administration proposed cuts that provide air service to rural communities, and it invests in transit projects for our urban areas that will help our commuters save time and money getting to work. The bill also rejects administration cuts to Amtrak, protects national rail service, and fully funds the highway and transit guarantees set forth in the SAFETEA-LU authorization bill.

The Transportation and Infrastructure Committee recognized the need to support rural airports, something very important to people like me from a rural State like Vermont. Investments in airports, like the Rutland State Airport in Vermont, are critical to rural States and an effective transportation system. The bill includes $110 million for essential air service to continue service to small and/or rural communities as well as $10 million for the Small Community Air Service Development Program that will continue the Department of Transportation grant program to help our small communities to attract commercial air services.

Among other things, the committee also includes $75 million for the FTA's Clean Fuels Grant program, $26 million above 2007 for clean fuel bus technology. Public transportation companies like the Chittenden County Transportation Authority in Vermont are taking responsibility for their fleet's emissions by making investments in new, fuel-efficient, low-carbon-emitting buses; and this legislation supports those efforts.

In housing, the bill rejects a $2 billion cut proposed by the administration to eliminate housing programs for the poorest citizens in this country and, instead, aims to make sure that all Americans have adequate shelter. The proposed cuts that this bill would reject include deep cuts to HUD, Community Development Block Grants and programs that provide housing for the elderly and disabled. Funding is included so that anyone with a voucher will not lose it. The President's proposed cuts come at a time when fully three-quarters of households that are

actually eligible for HUD assistance are not receiving that assistance.

And more than 1 million low-income households across New England, including elderly, disabled and families, live in federally assisted housing. Most of these households have annual incomes of less than $8,000, and they're obviously at serious risk of homelessness. Even larger numbers of households are struggling to survive in a private housing market and are paying more than 50 percent of their income for rent.

□ 1715

The Community Development Block Grant is a valuable resource for cities and States struggling to ensure opportunities for residents to live in safe and affordable communities. It's a tool that helps our local officials do, locally, something that builds up their communities. This program has funded projects that improve the quality of life across the country, including infrastructure improvement and economic development.

In 2007, again using Vermont as an example, we received $8.4 million in CDBG funds. This bill provides $4 billion for CDBG grants across the country. That's $228 million above the 2007 appropriation.

The need to recommit to housing and transportation priorities is necessary in every State in the country. It's a priority we must address head on in this body. This bill takes a big step in the right direction.

I also commend the committee for including very strong language requiring HUD to incorporate strong green building and rehabilitation standards into its housing program, particularly focusing on improved energy efficiency, good for the environment, a pretty quick payoff and good for keeping costs down. While green building is relatively new, it's clearly vital to our Nation's homes and buildings, and to our country, that those homes and buildings become more environmentally friendly.

Finally, this bill also reinforces the link between housing and transportation. It establishes a new interagency working group to coordinate transportation and housing policies on the Federal, State and local level.

I again applaud Chairman OLVER and Ranking Member KNOLLENBERG for their hard and cooperative work in crafting this excellent bill, and thank them and their staffs for their attention to the needs of the people of Vermont and all States in this country.

I will be urging all of my colleagues to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

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

I rise today in opposition to the rule and the underlying legislation, which spends $3.2 billion more than last year's Republican-crafted legislation. It also spends $2.8 billion, almost 6 percent, more than requested by President Bush for this year's transportation and housing funding.

Madam Speaker, I insert for the RECORD the President's Statement of Administration Policy pledging a veto of this legislation due to its fiscal irresponsibility.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3074—Transportation. Housing; and Urban Development. and Related Agencies Appropriations Bill, 2008

The Administration strongly opposes H.R. 3074 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions.

The President has proposed a responsible plan for a balanced budget by 2012 through spending restraint and without raising taxes. To achieve this important goal, the Administration supports a responsible discretionary spending total of not more than $933 billion in FY 2008, which is a $60 billion increase over the FY 2007 enacted level. The Democratic Budget Resolution and subsequent spending allocations adopted by the House Appropriations Committee exceed the President's discretionary spending topline by $22 billion, causing a 9 percent increase in FY 2008 discretionary spending. In addition, the Administration opposes the House Appropriations Committee's plan to shift $3.5 billion from the Defense appropriations bill to non-defense spending, which is inconsistent with the Democrats' Budget Resolution and risks diminishing America's war fighting capacity.

H.R. 3074 exceeds the President's request for programs funded in this bill by $3.4 billion, part of the $22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's top line and cover the excess spending in this bill through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if H.R. 3074 were presented to the President, he would veto the bill.

The President has called on Congress to reform the earmarking process that has led to wasteful and unnecessary spending. Specifically, he called on Congress to provide greater transparency and full disclosure of earmarks, to put them in the language of the bill itself, and to cut the cost and number by at least half. The Administration opposes any efforts to shield earmarks from public scrutiny and urges Congress to bring full transparency to the earmarking process and to cut the cost and number of earmarks by at least half.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration. The Administration strongly objects to increasing funds for the Federal Aid Highway program based on adjustments determined through a revenue aligned budget authority (RABA) mechanism. At authorized levels, the Highway Account is spending beyond its means and will be insolvent by 2009. Providing additional funding through RABA adjustments only exacerbates the situation, making the highway account oversubscribed by an additional $500 million before the end of the SAFETEA–LU authorization in FY 2009. Further steps will ultimately be needed, but withholding RABA is an important first step to avoid the threat of gas tax increases or a raid on the general fund.

Amtrak. The Administration strongly objects to providing $1.4 billion for Amtrak, which will perpetuate a flawed model for intercity passenger rail. While the bill provides some funding for Intercity Passenger Rail Capital Grants, which will help encourage sustainable, demand-driven service, the bill fails to include reform provisions proposed by the Administration to improve accountability and encourage competition.

Federal Aviation Administration (FAA). The Administration is disappointed that the Committee did not adopt the President's proposal to align FAA's budget accounts with its lines of business and to delineate the specific uses of the General Fund contribution. These proposals would provide greater transparency, improve management of resources, and complement the reforms proposed by the Administration in the NextGen Financing Reform Act of 2007.

Aviation Insurance Revolving Fund. The Administration opposes the one-year extension for the war risk insurance program for domestic air carriers, which crowds out private sector mechanisms for diversifying risk. The Administration has proposed reforms in the NextGen Financing Reform Act that ensure that air carriers more equitably share in the risks associated with this program.

US.-Mexico Cross-Border Trucking Pilot. The Committee report highlights a number of issues related to the U.S. Mexico Cross-Border Trucking Pilot. The Administration assures the Committee that the pilot will be conducted in compliance with the conditions and reporting requirements set forth in P.L. 110–28. However, the Administration would strongly oppose any amendment that is intended to delay or restrict the pilot program.

Reduction Proposals. The Budget proposed reductions in some programs, such as DOT's Essential Air Service program, FAA's Airport Improvement Program, and the Federal Transit Administration's Capital Investment Grants. These reductions are programmatically justified and would reduce Federal spending. In addition, the House should consider reductions to unrequested items, such as the Rail Line Relocation and Improvement Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

The bill exceeds the request for HUD programs by more than $3.5 billion. The President's Budget provides increases for high-performing and high-priority programs, ensures effective implementation of HUD programs, and reduces funds for lower performing programs.

Community Development Block Grant (CDBG). The Administration objects to the $1 billion increase for the CDBG program through a formula that is long outdated and, in many cases, provides more money to wealthier communities than poorer ones. The Administration urges Congress to pass the CDBG legislative reform proposal that was transmitted on June 5, 2007, which improves targeting to the neediest communities and provides incentives to expand economic growth more strategically. In addition, the Administration recommends eliminating the $180 million in funding for congressional earmarks.

HOME/American Dream Downpayment Initiative. The Administration objects to the more than $200 million reduction to the request for the HOME Investment Partnerships Program. In spite of the growing need for affordable housing, the House bill would cut this high-performing program with an effective track record of housing production for

low-income families and flexibility for communities to tailor housing assistance to their unique needs. Moreover, the Administration objects to the lack of funding for the American Dream Downpayment Initiative, which provides crucial assistance to increase first-time homeownership.

Tenant-Based Rental Assistance. The House bill reflects support for the Administration's proposal to reform the Housing Choice Voucher program. This includes tying Public Housing Authority (PHA) administrative expense payments to the number of assisted families, maintaining rental assistance to the 2007 allocations based on the prior-year's actual expenditures, and providing incentive funds for smaller PHAs to consolidate. The House bill should also eliminate the cap on the number of families PHAs can assist to unlock PHA funds to permit greater housing assistance. The Administration's request would aid significant numbers of additional families and renew approximately 1.9 million vouchers currently in use, without the Committee's addition of $330 million in unrequested funds.

Reducing Chronic Homelessness. The bill supports the Administration's goal of reducing and ending chronic homelessness; however, the House should also fund the Prisoner Re-Entry program.

Federal Housing Administration (FHA). The bill supports the Administration's proposal to increase multifamily loan limits in high-cost areas and lift the statutory cap on the number of Home Equity Conversion Mortgages that HUD can insure through the end of FY 2008. However, the Administration would prefer to permanently lift the cap to allow HUD to continue assisting the market in providing this financial vehicle. The Administration also is concerned that the Committee report purports to direct HUD to reverse its implementation of certain recently enacted asset disposition reforms for FHA multifamily programs, which would increase the deficit by $38 million in FY 2008.

Other Housing Programs. The Administration's request provides a program base funding level for public housing that can be sustained in future years and, hence, the Administration does not support the substantial increases for these programs in the reported bill. The Administration also objects to the funding provided for the HOPE VI program. HOPE VI has accomplished its original goal. The Administration also opposes the unreasonably high amount of new section 202 and 811 housing unit construction in the bill, which simultaneously reduces resources dedicated to tenant services, threatens future preservation, and exacerbates a large and growing fiscal responsibility.

Working Capital Fund. The Administration strongly objects to the $95 million reduction. HUD has made significant improvements in strategically and responsibly investing its IT system resources, with demonstrated success The requested funds are needed to continue to improve HUD financial management and provide proper program delivery and compliance. In addition, the requirement for Committee approval of E-Government funding transfers should be removed. These systems support HUD's core mission and operations.

Lower Performing Programs. The Administration opposes the funding provided for lower performing programs such as section 108 loan guarantees, Brownfields, and Rural Housing. These programs are duplicative, lack long-term outcome measures, and have been unable to produce transparent information on results.

Exemption from Credit Reform. The Administration opposes section 218, which would prohibit using funds provided in this or any other act to implement the requirements of the Federal Credit Reform Act of 1990 beyond those already being implemented by the Government National Mortgage Association. Congress enacted credit reform in 1990 to more accurately budget for the full cost of credit programs and to bring greater transparency to credit programs in the budget process. This provision of the bill begins to unravel this important reform by setting a precedent that could undermine ongoing efforts to accurately estimate and report the costs of credit programs in the Federal budget and Federal financial statements.

EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM

The Administration supports the use of the Employment Eligibility Verification System, previously known as the Basic Pilot Program, but urges the Congress to provide for a transition period to permit agencies to effectively implement acquisition policies and procedures.

CONSTITUTIONAL CONCERNS

Sections 405 and 406 purport to require approval of the Committees prior to Executive Branch action. Since these provisions would contradict the Supreme Court's ruling in INS v. Chadha, they should be changed to require only notification of Congress.

This year House Republicans proposed an alternative budget that would have achieved balance by 2012 and ended the raid on Social Security without raising taxes, simply by raising a strong economy, reforming currently unsustainable entitlement programs and exercising accountability in government spending.

Unfortunately, this proposal was rejected by the majority of Democrats who have, instead, chosen to pass a budget containing the second largest tax increase in history and one that spends more than $22 billion more than President Bush had proposed for our Nation's priorities.

While today's legislation does find a number of worthy projects across the country, it also spends $1.4 billion, or $600 million above President Bush's request, for a program that has proven to be one of the Federal Government's worst fiscal black holes, Amtrak.

For the last few years, I have worked to address the rampant cost overruns and fiscal mismanagement in Amtrak by offering amendments and legislation to cut funding for the 10 worst money-losing lines and to competitively source some of Amtrak services so that the private-sector efficiencies could be used to help fix this broken system.

This week I am going to take a much narrower approach to fixing the fiscal disaster at Amtrak by offering a very simple amendment to cut funding for the most fiscally wasteful train line in the country, the Sunset Limited, which runs from New Orleans, Louisiana, to Los Angeles, California.

If a passenger were to ride the Sunset Limited from New Orleans to Los Angeles, it would take 46 hours and 20 minutes to complete the journey, assuming, of course, the train runs on time, which is highly unlikely, as this happens only 10 percent of the time. According to Amtrak's most recent performance report, the Sunset Limited ranks as the third most delayed route in 2007.

Perhaps because of this poor performance, this route lost a staggering $117 million between 2003 and 2006, losing an average of $29.27 million a year for the last 4 years. Taxpayers across the country are being asked to subsidize the fares of each passenger on this train by a whopping 57 cents per mile for each passenger.

In 2006, the Federal Government spent $524 per passenger getting these passengers from New Orleans to Los Angeles, meaning it would have been far cheaper, and, I'd add, faster, if we would just buy each passenger a plane trip ticket for their travel. The Federal Government could come out way ahead.

If my amendment were approved last year, Congress would have saved taxpayers $20.4 million. I believe it is not too much to ask for Congress to show a small bit of common sense and fiscal restraint by prohibiting funds to continue to be spent on the absolute worst line in Amtrak's system.

Madam Speaker, I look forward to debating this amendment and many others that have been proposed on the Republican side of the aisle to pare down the excessive spending contained in this bill and to bring some fiscal sanity back to the appropriations process that will ultimately increase discretionary spending by $82 billion, or a whopping 9 percent increase in spending if all the new spending proposed by the Democrat majority is signed into law.

This Congress must do better, especially for a large group of people who have been jumping up and down talking about how spending money and balanced budgets are important. But, once again, I know what happens here on this floor of the House of Representatives. Democrats want to tax, and they want to spend. What they want to do is they want to grow the Federal budget, and what I want to do is keep it from encroaching on family budgets and taxpayers from my home State of Texas and those all across the United States.

I oppose this rule and the underlying legislation as it's currently drafted.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, to respond to a couple of comments that my friend from Texas said, this bill complies with PAYGO. It absolutely meets the commitment that this Congress made to pay the bills that go along with the legislation we propose. It is a commitment to fiscal responsibility.

The past Congresses, as is well known and is just factually beyond dispute, abandoned PAYGO, and it has resulted in the largest deficit of this country. That's number one.

Number two, there really is a bipartisan desire to keep taxes as low as possible and spending as low as possible, but this bill also reflects a bipartisan commitment to build our infrastructure, to provide our citizens with the transportation that they need and

the housing that we need. It was passed on a very strong voice vote, bipartisan work by this committee.

Madam Speaker, I yield 4½ minutes to the distinguished Chair of the subcommittee, Mr. OLVER from Massachusetts.

Mr. OLVER. Madam Speaker, I thank the gentleman from Vermont for yielding time and for his good work along with Chairwoman SLAUGHTER, Ranking Member DREIER and Members on both sides of the aisle in granting this open rule for the debate governing the fiscal year 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

We requested an open rule with some necessary waivers. The Rules Committee has granted that, and for that we are grateful. The Transportation, Housing and Urban Development bill is a bipartisan, nonpartisan bill, as it should be. I urge the adoption of the rule and passage of the bill.

Let me briefly summarize the highlights of the bill. With regard to Transportation, the bill meets the highway and transit funding guarantees mandated by the authorizations, SAFETEA–LU. In meeting the guarantees, we were required to increase above the President's request the highway obligation limit by $631 million and funding for transit programs by $334 million.

Airport development grants are funded at $3.6 billion, which represents an increase of $850 million over the budget request, but only $85.5 million over the last year. The Essential Air Service program is funded at $110 million, which will preserve all existing air service at small and rural communities.

The President's request for Amtrak was woefully inadequate and would have resulted in the loss of intercity passenger rail service to many communities. Therefore, this bill includes $1.4 billion for Amtrak in order to preserve a national system and to assist the railroad in making capital investments to improve the railroad's overall service and reliability.

For the first time, the bill includes $50 million for State matching grants for intercity passenger rail and $35 million for the Rail Line Relocation and Improvement Program.

With regard to HUD, each year the President's HUD budget arrives at severe cuts to vital programs, such as the Community Development Block Grant Program, known as CDBG, housing for the elderly and disabled, and Hope VI. In the face of this, the committee has done its best to restore the cuts to the programs that serve our most vulnerable citizens. In some cases we have frozen funding at last year's funding levels. In other places we have targeted increases where the people served by HUD programs were particularly harmed.

Funding is included to renew all current section 8 tenant-based vouchers so that no one who has a voucher will lose it. To that end the bill provides an increase of $330 million from the President's request for tenant-based rental assistance and nearly $667 million increase for project-based rental assistance. Included within this amount is $30 million for 4,000 incremental housing vouchers designated for nonelderly disabled individuals, but which will simultaneously serve 1,000 homeless veterans.

We have funded CDBG at $4.18 billion, which is $400 million over last year, but still $400 million below the CDBG budget for fiscal year 2001. We have restored funding to last year's level of $735 million for section 202 elderly housing construction and to $237 million for section 811 housing construction for the disabled. We have also provided $120 million for the redevelopment of severely distressed public housing through the Hope VI program, a slight increase over the last year.

Once again I would like to thank our colleagues on the Rules Committee for their assistance in moving this bill forward, and I urge the adoption of the rule.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the ranking member of the Appropriations Committee, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I thank the gentleman for yielding me this time.

Madam Speaker, as we consider the rule for H.R. 3074, that's the bill, of course, that makes the appropriations for the Department of Transportation, Housing and Urban Development, crafting the underlying bill before us has not been easy. While there are both certain funding and policy issues in the bill that I have concerns with, this bill represents a reasonable approach at funding our highways, transit systems, airports and housing programs.

The chairman from Massachusetts and I have worked together to resolve our differences as best possible. While we don't agree on everything, this bill is something, I believe, I can support.

Under this bill, highway programs will receive $40.2 billion. This meets the level guaranteed in the highway authorization bill called SAFETEA–LU, as required under House Rules.

Now, this is the next and most important line I am going to present this evening. For those that don't fully grasp the significance of this, if the bill does not meet the authorization levels, the bill can be struck on a point of order.

□ 1730

Further amendments that ultimately underfund the authorization levels will sink the bill.

One specific area I would like to highlight is the $75 million for FTA's Clean Fuels Grant program, a $26 million increase above fiscal year 2007. Promoting clean fuel bus technology such as hybrid buses can be an important aspect to reducing our carbon footprint, and I thank the chairman for working with me to include this additional funding.

I also want to point out that all specific projects included in the report were requested and certified by Members. This open rule will provide Members with the opportunity to offer amendments that would strike some projects. I would just say that both the majority and the minority reviewed all requests closely and required certifications from requesting Members.

These projects are important for local communities. I am sure, if there is a mayor city council member, or county administrator who doesn't want these funds to improve their communities, I haven't met them; and I thank again the chairman for making that inclusion.

I would conclude by saying that I look forward to the debate on the underlying bill.

Mr. WELCH of Vermont. Madam Speaker, I yield 4½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I am pleased to stand in support of the rule and the underlying bill.

I deeply appreciate the work that the subcommittee has done, producing a critical piece of legislation for times of escalating energy costs, congestion, pollution. The work that the committee has done, in particular putting the big picture together looking at the intersection between transportation, land use, and energy, is to be commended.

I am particularly pleased of the work that the committee has done in zeroing in on three particular areas. One that is of a particular interest to me has been the Small Starts program, which permits things like street cars to be reintroduced into American communities. It was something that I was able to work on and insert in the last reauthorization. Sadly, it has been 3 years since that bill was enacted, and the Federal Transit Administration has been unable to get the rules together to be able what should have been a simpler small scale program to be able to operate.

I deeply appreciate the work that the committee has done to be able to make clear that the FTA needs to get its act together; that, rather than using a single means of cost effectiveness and disregarding all the other factors required under the underlying legislation, that the FTA must weigh economic development and land use effects of the project. This is critical. It is something that 82 communities across the country are now looking at for the reintroduction of street car and Small Start. This committee language is an important step in that direction, to help the administration obey the law, something they have been unable to do for 3 years.

I am also pleased that there is clarification of the utilization of the CMAQ, the Congestion Mitigation Air Quality.

The administration has unfairly limited the application of this funding simply to new bus services, leaving out rail transit all together. There are projects in my district and others around the country that would be unfairly impacted by the narrow implementation of this rule. It would be the wrong thing to do in a time of rising oil costs, transportation congestion, and the economic and environmental concerns. I appreciate that the committee directs the Federal Highway Administration to reinstitute the CMAQ eligibility regarding operating assistance for New Starts projects for up to 3 years. This is back to the original intent, it is a great step forward, and I appreciate them doing it.

Last but not least, ''location efficiency,'' particularly as relates to HOPE VI programs, is very, very important to where a project is located and how it is constructed. The committee has taken some pioneering work to be able to look at the application, to be able to deal with the implementation in a location-efficient way that will stretch transportation dollars. It will make a huge difference for low-income families who spend more on gasoline in many cases than they do on food, on education, or any other major discretion. In fact, many low-income people actually spend more on transportation than on housing.

I must conclude by noting that there are still some who hold on to the pathological notion that the United States should be the only country in the world with unsubsidized rail passenger service. I would note that the airline industry has made a net profit of zero in its 75-year history despite massive Federal subsidies. I think this legislation is a step forward by simply giving a little bit of what is necessary for a national rail passenger network. It is cost effective, it is energy efficient. It brings us in line with where the rest of the civilized world is. And I commend the committee for it.

Mr. SESSIONS. Madam Speaker, at this time I yield 6½ minutes to the ranking member of the Transportation and Infrastructure Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding me time. And I appreciate the work that the Rules Committee has done on this. I also appreciate the work of the Transportation, HUD, and related agencies appropriations subcommittee, and Mr. OLVER, the gentleman from Massachusetts, and also the distinguished gentleman from Michigan, Mr. KNOLLENBERG.

And I am not here to criticize their work product. I am here, though, to set a marker, partly a historical marker; and I will speak in opposition to this rule and also the way the rule was crafted.

Madam Speaker, while the Committee on Rules calls this resolution an open rule, it is unfortunately extremely restrictive in nature. While the rule will allow for most amendments, unfortunately it weighs most points of order against consideration of the bill.

Under clause 2 of rule XXI, the rules of the House allow for a point of order to be raised against any provision that is considered authorizing on an appropriations bill; however, this resolution that we are considering now waives that point of order.

Now, again, I come here because, as the ranking member, the Republican leader on the House Transportation Committee, I said we need to set a marker. I was checking with the Parliamentarian, and as far back as we can look, the Founding Fathers and those that preceded us in these Chambers separated the authorizing process, authorizing projects and policy, from the appropriations policy. And here, tonight, we abandon the prerogative of the authorizing committee to cite a point of order that should be raised against a number of provisions in this legislation that in fact authorize on an appropriations matter. What good is the transportation and infrastructure authorizing committee? It is the largest committee in the House of Representatives, and the action we take here tonight makes really chopped liver out of that process. I think that is unfair, and it also sets a bad precedent.

There are several provisions of the bill that we will consider tonight that are authorizing, as I said, in nature and that would be subject to a point of order if this is truly an open rule tonight. The most egregious of these provisions is the proposed rescission of $3 billion of unobligated highway contract authority. A rescission of this size will have a very severe impact on the ability of our State departments of transportation to implement their highway programs throughout the Nation. To compound the effect of this rescission, the provision also restricts how a State can apply the rescission. During consideration of H.R. 3074 this evening, I will offer an amendment that will address this issue.

My amendment is simple. It will seek to provide the State departments of transportation maximum flexibility in how the rescissions should be administered. It is nice for us to make these rescissions, but we should give the States some prerogative in how they apply those rescissions to their own States and their priority of projects.

If the rule was truly an open rule and did not waive points of order, then I would not have to offer this amendment. I could have simply raised a point of order, which I have done in the past. Mr. YOUNG, who was the chairman, would have taken the same measure. He would have been out here if he was in the majority and Chair, Mr. SHUSTER before him, and the language would have been stricken from the bill. However, this rule waives that point of order, and for this reason I will vote against the rule this evening, and I encourage all of my colleagues to do the same.

I would insert in the RECORD at this point a letter from Chairman OBERSTAR of the T&I Committee dated July 18, 2007, to Mr. OBEY, and it states a whole series of concerns that he raised about, again, authorizing on a legislative appropriations.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Washington, DC, July 18, 2007.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations
Washington, DC.

DEAR CHAIRMAN OBEY: I would like to share my views on several issues related to H.R. ____, the Transportation, Housing and Urban Development (''THUD'') Appropriations Act for fiscal year (FY) 2008, as ordered reported by the Committee on Appropriations last week. Although these issues include provisions that violate Rule XXI of the Rules of the House of Representatives, I have not asked that the Committee on Rules allow me to raise a point of order against these provisions. I would like to work with you to resolve these issues.

HIGHWAYS

I regret that the bill rescinds $3 billion in unobligated balances of funds that have been apportioned to States under the Federal-aid highway program. However, I understand the funding constraints that led to this decision, and I appreciate that the bill requires the rescission to be applied proportionally to all Federal-aid highway programs, consistent with the approach taken in H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007, as ordered reported by the Committee on Transportation and Infrastructure.

Throughout the bill, there are a number of other rescissions of highway, motor carrier safety, highway safety, and transit funds that raise concerns for the Committee on Transportation and Infrastructure. In particular, section 124 rescinds $172,242,964 of unobligated balances of contract authority for research programs conducted by the Federal Highway Administration (FHWA). Earlier this year, the House passed H.R. 1195, which provides additional resources to ensure that the FHWA research program receives the funding necessary to continue essential programs. Under SAFETEA–LU, the contract authority for research programs is available for a period of three fiscal years. A portion of this unobligated balance of contract authority is needed to conduct research programs in FY 2008. H.R. ____, the THUD Appropriations Act, rescinds some of these necessary research funds.

AVIATION

The Committee on Transportation and Infrastructure recently ordered H.R 2881, the FAA Reauthorization Act of 2007, to be reported. Section 404(b) of H.R. 2881 amends section 41742(b) of title 49, United States Code, to require overflight fee collections in excess of $50 million to be distributed as follows: one-half to the Small Community Air Service Development (''SCASD'') program, and one-half to the Essential Air Service (''EAS'') program, or if not needed for EAS, then for rural air safety improvements. In addition, section 121 of H.R. 2881 requires the Federal Aviation Administration to increase the overflight fee rates beginning on October 1, 2008. This provision will result in a significant increase in overflight fee collections in the future.

These provisions of H.R. 2881 could be undermined by the proviso on page 15, lines 1 through 5, of the Committee Print of the FY 2008 THUD appropriations bill. This proviso waives section 41742(b) of title 49, United

States Code, and instead requires overflight fee collections in excess of $50 million to be carried over to FY 2009 and used to help satisfy the $50 million funding requirement for EAS in FY 2009. With this language, and steadily increasing overflight fee collections, a balance of unexpended overflight fees would quickly build up over time, a situation I would strongly oppose. As the aviation reauthorization and FY 2008 appropriations processes continue to move forward, care must be taken to ensure that contradictions such as this do not remain in the final legislation.

Similarly, Title VII of H.R 2881 extends the aviation war risk insurance program through 2017, followed by a transition to an airline industry-sponsored risk sharing arrangement after 2017. These provisions could be undermined by section 115 of the FY 2008 THUD appropriations bill, which extends the program for a much shorter period of time. This is another case in which the aviation reauthorization and FY 2008 appropriations bills must be carefully coordinated.

Aside from these issues related to the FAA reauthorization bill, there are several other aviation-related provisions in the FY 2008 THUD appropriations bill that are of concern to me. The paragraph beginning on page 5, line 23, of the Committee Print appropriates $60 million for the EAS program. These funds are in addition to the EAS funding from overflight fees. While I support funding for this program, this is an unauthorized appropriation from the Airport and Airway Trust Fund. The EAS program does not exist for the benefit of aviation system users. Rather, it exists to help small communities maintain their link to the national aviation system and, therefore the economic life of this nation. As such, there is no compelling policy reason to fund the EAS program from the Airport and Airway Trust Fund, rather than the General Fund. Furthermore, the uncommitted cash balance in the Airport and Airway Trust Fund has dropped significantly over the past several years. The remaining balance in the Trust Fund must be preserved for expenditure on programs that are authorized to be funded from the Trust Fund. Therefore, I request that you consider deriving this appropriation from the General Fund, rather than the Trust Fund.

Regarding the Airport Improvement Program (''AIP''), I have three areas of concern. First, the proviso on page 13, lines 2 through 10, of the Committee Print earmarks AIP funds for several activities that, under H.R. 2881, are not authorized to be funded from AIP and would be a violation of the aviation capital funding guarantee. I am particularly concerned about the earmarking of AIP funds for research programs, and the expansion of this practice to include a new program—Airport Technology Research.

Second the bill rescinds $185.5 million of AIP contract authority that remains unobligated due to the failure of the Revised Continuing Appropriations Resolution, 2007 (P.L. 110–5) to fully fund the AIP program. I will not object to this rescission because I do not want to further constrain the funding that is available for transportation programs in FY 2008. However, this AIP contract authority is within the guaranteed levels and should not be rescinded.

Third, the report accompanying the FY 2008 THUD appropriations bill includes a listing of 72 airport projects which the FAA is directed to fund. The law governing the AIP requires the FAA to establish a priority system to decide which projects will receive funding. The FAA's National Priority System, which has been in use for many years, gives highest priority to projects that will bring airports into compliance with safety standards. Second priority is given to projects that are necessary to meet security requirements. Third priority is given to reconstruction or rehabilitation projects that are needed to preserve existing airport infrastructure. Fourth priority is given to projects needed to achieve compliance with current FAA standards. Fifth priority is given to capacity enhancement projects. Aviation projects are not like projects in other modes of transportation. For example, an improvement to a highway project in one city does not necessarily benefit highway users in any other city, but in the national system of integrated airports, an improvement in one airport, particularly a major hub airport, could benefit aviation travelers throughout the system. For this reason, the FAA should have, and does have, discretion to fund improvements to increase capacity, to improve safety, to meet standards, and reduce bottlenecks. To limit the FAA'S discretion in this regard would only worsen the congestion and delays we are already experiencing today.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General on a similar situation. The Comptroller General wrote: ''It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies.''

Throughout my career, I have steadfastly resisted designating airport improvement projects in authorizing legislation and will continue to resist such designations. I urge you to resist including such earmarks, as well.

RAILROADS

The proviso beginning on page 39, line 22, of the Committee Print requires leases and contracts entered into by Amtrak to be governed by the laws of the District of Columbia. I recognize that this is intended to address a specific situation in Maryland, and I agree that there is a compelling reason to address that situation. In fact, a similar provision that is specific to Maryland was included in the rail security bill, and is expected to be included in the 9/11 Conference Report. However, this proviso is much broader and would preempt all state and local laws (except the District of Columbia's laws) dealing with contracts and leases with respect to Amtrak. To avoid any unintended consequences that may result from such a broad approach, this issue should be considered under regular order, and addressed in the Amtrak reauthorization bill currently being developed by the Committee on Transportation and Infrastructure.

Finally, I would like to comment on the proviso beginning on page 40, line 8, of the Committee Print which prohibits Amtrak from using Federal funds for supporting any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare. Oftentimes passenger travel providers will seek to maximize revenue on certain routes or travel times by offering travel discounts. For example, the airline industry has developed sophisticated pricing practices that maximize revenues by ensuring that seats that would otherwise fly empty (contributing nothing to revenues), are filled at whatever price point the market will support. Restricting Amtrak from employing similar pricing practices seems unfair, and contrary to the notion that Amtrak should operate in a more business-like fashion.

Thank you for your consideration of these views. Although there are numerous other legislative provisions that are included in the THUD Appropriations Committee Print, my principal concerns are with the provisions discussed above. I look forward to working with you to resolve the critical issues outlined in this letter.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

May I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Florida has 45 seconds remaining.

Mr. MICA. I think in 45 seconds let me cite for the record, then, verbally here the provisions authorizing in nature and rescissions in this bill:

In addition to the $3 billion in Federal Highway Contract Authority, a rescission of $172 million in Highway Research Funding; a rescission of $50 million in the Federal Motor Carrier Safety Administration; a rescission of $20 million from the Highway National Traffic Safety Administration; a rescission of $30 million from the Federal Transit Administration; a rescission of more than $200 million from the Federal Aviation Administration; and, finally, there is authorizing for Amtrak that was poorly crafted in this bill that deals with the problem with MARC in Maryland.

In this poorly crafted authorizing on an appropriations legislative measure, they poorly drafted a provision that deals with the problem with MARC in Maryland, their transit system; and the bill requires that all leases and contracts entered into by Amtrak be governed by the laws of the District of Columbia, drafted in error, but authorizing that step in this important bill. So these are the points that I would raise and need to be addressed.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ARCURI).

Mr. ARCURI. I thank the gentleman from Vermont, my friend from the Rules Committee, for yielding.

Madam Speaker, I rise today in strong support of the rule and the underlying legislation for the fiscal year 2008 Transportation, Housing and Urban Development Appropriations Act.

I want to thank the distinguished chairman of the Appropriations Committee and the ranking member for reporting out the bill. It does not pay lip service, but makes critical investments in our Nation's transportation and infrastructure at the levels guaranteed under SAFETEA-LU.

Madam Speaker, this bill rejects the administration's proposed funding cuts to the FAA Airport Improvement Program, highway programs, and Critical Housing in Community Development programs. The bill provides $140 million more than current funding for the Federal Aviation Administration, and $850 million more than the President's

request for the FAA Airport Improvement Program, which provides grant and aid for airport planning, construction, and development.

Recipients of the AIP funds, such as Griffis Park Airfield in my Upstate New York district, have benefited greatly from the program. Over the last few years, AIP funds have helped Griffis continue to fully develop as a regional aviation facility, become the new home to Oneida County Airport, and create long-term regional economic growth for a region often strained to attract new investment.

□ 1745

The bill also maintains our commitment to keeping our airways safe by providing $7 billion, 219 million more than the current funding, to hire more than 1,400 new air traffic controllers to replenish the workforce as the rate of retiring air traffic controllers continue to grow.

This bill also provides $20 million more than the President's request to hire and train more safety inspectors and other aviation safety activities.

The bill boosts funding for the Federal Transit Administration by providing $288 million more than the President's request for mass transit programs. Local transit authorities such as Central New York Regional Transit Authority and CENTRO in my district will now be able to expand their hybrid bus fleet and continue to provide low-cost, convenient, clean, energy-efficient transportation services to commuters in both upstate and New York City.

The President's budget request seeks to eliminate funding for the Hope VI program, but I am so pleased that this legislation will maintain our commitment to providing affordable housing for the many disadvantaged individuals across the country, individuals that still struggle daily to meet their families' needs, even while working full-time jobs.

H.R. 3074 restores funding for the Community Development Block Grant Program, which this administration has cut since 2001 by nearly 35 percent. This bill provides $1.1 billion more than the President's request for CDBG grants, which allows local governments in cities such Utica, Rome and Auburn, New York, to provide critical services to revitalize neighborhoods, promote economic development and improve quality of life for those starved of financial resources.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from the Land of Enchantment, New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. For those of you sitting in your offices tonight, and for those staff members who are watching this debate, I'd like you to listen real carefully to what I have to say because I think it's important, probably more important than many of the things that we do around here.

We are going to have a vote tonight on the previous question on this rule. And if the previous question is defeated, I will immediately bring to the floor an amendment that will update important elements of the foreign intelligence surveillance law.

On May 1, in an unclassified session in front of the Senate Intelligence Committee, Admiral Mike McConnell, who's the Director of National Intelligence, urged the Congress to modernize this law. And he said this: ''We are actually missing a significant portion of what we should be getting.''

And today the Attorney General of the United States wrote to the Congress and said that merely adding resources will not solve the critical problem that we face.

We are providing protections to foreign targets overseas. The law in this country should not require a warrant to use our communications systems to protect this country, and the irony is that is exactly what we're doing. Terrorists who are trying to kill Americans are using our communications networks, and we are forcing our intelligence agency to jump through hoops and get warrants to listen to foreigners in foreign countries communicating with each other.

We must update this law to protect Americans. Intelligence is our first line of defense in the war on terrorism. The administration has told us it is critical. The Members, Democrat and Republican, in the intelligence committees know that I'm telling the truth, and the leadership, both Democrat and Republican, know the same thing.

I would urge my colleagues to defeat the previous question, to immediately change these laws, and to protect Americans from terrorist attack.

Mr. WELCH of Vermont. Madam Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Vermont has 9½ minutes remaining, and the gentleman from Texas has 12½ minutes remaining.

Mr. WELCH of Vermont. Madam Speaker, I'm the last speaker on this side. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, for the last 2 years, I've worked to kill funding for the bridges to nowhere, one connecting Alaska to an island with 50 people and the other to an island with just 22. These federally funded structures would be almost as long as the Golden Gate Bridge, and would be taller than the Brooklyn Bridge. Never in the history of the Congress has so much money been spent for so few.

Now, last year the House Appropriations Committee backed my amendment and put this House on record against funding the bridges to nowhere. We also completely deleted the Federal earmark that required spending on these projects, and that was the right decision.

The Federal Government spends too much, and higher spending leads to higher taxes, higher taxes to a smaller economy and fewer jobs, and we should not follow that road. But that is the direction that the Bridge to Nowhere leads.

This year was different. A new party and a new leader promised change here in Washington. Amazingly, under the Republicans, this House came out against funding the Bridge to Nowhere. But under the Democrats, the Appropriations Committee now voted to block an amendment cutting off funding for the bridges.

Under this Congress, leaders promised to kill pensions for Members of Congress convicted of a felony, but after 7 months, no such reform has been enacted.

And now, under this Congress, many Members promised back home to kill the bridges to nowhere, but under this bill, they will be funded, and funded for years to come because these bridges will take at least $400 million to build the structures. And one of the bridges is already $37 million over budget, a number that will likely rise.

Madam Speaker, my amendment to kill the funding for the bridges to nowhere is technically out of order because, according to our Parliamentarian, he says it violates clause 3 of rule XXI because it would trigger Alaska losing funding guaranteed by the previously enacted transportation bill.

The Appropriations Committee, my committee, is at its best when it decides to appropriate taxpayer money and also when it decides not to appropriate taxpayer money.

Amazingly, it is not in order to offer an amendment to this appropriations bill to deny appropriations. Our rules do not make sense, of course, unless you support the Bridge to Nowhere or like government spending.

We will be at this again next year, and we'll look closely at the cost overruns already with the bridges to nowhere and their burden on American taxpayers. But today, a simple amendment to block funding for the bridges to nowhere, an amendment that would be overwhelmingly approved if offered, cannot be offered because a point of order would be leveled against it.

Americans should know that, despite promises to reform this House under new leaders, the new leaders of this House has flipped the House of Representatives from being anti-Bridge to Nowhere to now being for the waste of taxpayers' money.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I rise in opposition to the rule for the Department of Transportation, HUD and related agencies appropriations.

The ranking member of the Transportation Committee, Mr. MICA, has made compelling and passionate remarks regarding the objections shared by many members of the committee on both sides of the aisle. Numerous provisions in the underlying bill constitute

legislating on an appropriations bill and fall within the jurisdiction of the Transportation and Infrastructure Committee.

As the ranking member of the Railroad Subcommittee, pipelines and hazardous materials, I would like to voice my opposition waiving points of order under clause 2, rule XXI, which is the rule against authorizing on appropriations bills.

In House Resolution 558, I'm especially concerned about the language that places all Amtrak contracts and leases that make them subject to the Washington, D.C., law. This language should be removed from the bill because it is authorizing on an appropriations bill.

This provision was apparently intended to help resolve a pending Amtrak negotiation with the State of Maryland. That negotiation involved a dispute of a disputed clause in the MARC commuter railroad operating agreement. Amtrak wants all disputes handled under D.C. law, but Maryland State requires that it's handled under their jurisdiction, which is appropriate.

Instead of a narrowly tailored provision, this provision is unlimited in scope and states that all leases and contracts entered into by Amtrak shall be governed by D.C. law. This could be construed to include all D.C. laws, including building codes, environmental permits and security deposits, et cetera, et cetera.

In addition, Amtrak trackage agreements with computer railroads such as the New Jersey Transit, Long Island Railroad, Virginia Railway Express and freight carriers would ultimately be placed under D.C. law. This could lead to many unintended consequences such as changing the law on all rail leases, contracts and perhaps rail labor contracts.

Again, I voice my opposition for House Resolution 558 and the waiver of the point of order based on clause 2 of rule XXI.

Since the Democratic majority has taken over the House, we've seen a chipping away of the authority and the jurisdiction of the Transportation and Infrastructure Committee. So I would urge the chairmen of the committee to join together in a bipartisan fashion to oppose this rule which continues to erode the jurisdiction of the Transportation Committee and thus, I believe, sets a precedent for all committees in the House, all authorizing committees, to continue to see their authorities and their jurisdictions to erode and given away to the Appropriations Committee.

So again, I rise in opposition to this rule and urge my colleagues on both sides of the aisle to stand for the continuing erosion of our authorities and our jurisdictions to these committees that were given historically to these committees.

Mr. SESSIONS. Madam Speaker, under the agreement that we just had with the gentleman from Vermont (Mr. WELCH), I'm going to go ahead and close, and then we are now through with our speakers and allow the gentleman to do the same thing.

Madam Speaker, I will be asking for a recorded vote on the previous question for this rule. Our country is facing a very serious problem that must be addressed before the House adjourns in August, and, to date, the majority Democrats have not shown a commitment to deal seriously nor quickly enough with one of the most serious threats facing America.

If the previous question is defeated, I will offer an amendment to the Foreign Intelligence Surveillance Act that clarifies one very simple and critical thing; that the United States Government will no longer be required to get a warrant to listen to foreign terrorists who are not even located in the United States.

The Director of National Intelligence, Michael McConnell and the Director of the Central Intelligence Agency, Michael Hayden, have testified to Congress that, under current law, their hands are tied. As Director McConnell recently testified, FISA is outdated and has been made obsolete by technology. Today our Intelligence Community is forced to obtain warrants to listen to terrorists outside of our Nation, and, as a result, ''We are actually missing a significant portion of what we should be getting.'' I'll say it in my own way: The things that we would expect our government to know and be prepared for.

We simply cannot allow ourselves to be deaf and blind to terrorist communications that threaten our very existence because of a law that is woefully outdated. All of us have heard public reports from the Department of Homeland Security that terrorist chatter is at record levels that we have not seen since 2001. We have to open our ears, we have to open our eyes to keep this Nation safe. It can be done tonight with our part of this, Madam Speaker.

If my colleagues on both sides of the aisle are serious about facing down the threat, they will join me in defeating the previous question so that the House will be able to address this very real and very serious threat immediately.

I ask unanimous consent to include my amendment and extraneous material in the CONGRESSIONAL RECORD immediately prior to the vote on the previous question.

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

There was no objection.

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

Mr. WELCH of Vermont. Madam Speaker, I have a newfound respect for the Chair of this committee and the ranking member, Mr. OLVER and Mr. KNOLLENBERG. They have an incredibly difficult job, and that is to take the responsibility that this House of Representatives has, Democrats and Republicans, to put together a transportation infrastructure program and a housing program, and to do that when they have 435 Members of Congress tugging on their arms every day asking them to include projects in their districts because the Members from those districts sincerely believe that those are essential to the economic development and the transportation needs and the housing needs of the people who live there.

□ 1800

And they managed to do it. They came in, treated every Member of this body with enormous courtesy and patience, listened to what our requests were, and then put together a bill that was bipartisan. It was quite extraordinary. And it was a pleasure to be a member of the Rules Committee and to see these two gentlemen come up and be mutually complimentary after a hard process of allocating $50 billion of taxpayer money for infrastructure and housing improvement in this country. They are to be commended for that.

We then come down to the floor and we get into the back and forth about specific projects and try to pick and cherry pick examples of what is bad when it was the recommendation of the chairman of the committee that this be an open rule; so anybody who has got a problem with any particular project is going to have an opportunity to offer amendment to strike that project and make whatever arguments they want.

This issue of how we restore the transportation infrastructure of our country is vital. The fact is we spend too little, not too much, and it is the funding issue that is a challenge in every Congress. But our infrastructure compared to many of the countries with which we compete economically is woefully behind what the economy of our country needs and the citizens of our country deserve.

I applaud the work of this subcommittee, bipartisan work. And why it is that we have to beat up on the work of the committee by claiming it is partisan, Democrat and Republican, really escapes me. There is nothing partisan about meeting the infrastructure needs of our country. There may be fierce debates about the best way to do it, which projects should get funding, how much you allocate towards the air system versus rail; but the fact is we have got an obligation to improve a crumbling infrastructure in this country, and the bill that has been presented to this Congress on a bipartisan basis, under the leadership of Mr. OLVER and Mr. KNOLLENBERG, takes us a solid step forward.

I urge a ''yes'' vote on the previous question and on the rule so that the House can consider H.R. 3074.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 558

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution insert the following:

SEC. 3. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment printed in section 4 of this resolution if offered by Representative Hoekstra of Michigan or his designee. All points of order against consideration of the amendment printed in section 4 are waived.

SEC. 4. The amendment referred to in section 3 is as follows:

At the end of the bill (before the short title), insert the following: Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows—

'(f) 'Electronic surveillance' means—

'(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

'(2) the intentional acquisition of the contents of any which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.'.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

VACATING ORDERING OF YEAS AND NAYS ON H. RES. 535, COMMENDING DAVID RAY RITCHESON AND RECOGNIZING HIS EFFORTS IN PROMOTING FEDERAL LEGISLATION TO COMBAT HATE CRIMES

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motion to suspend the rules and agree to H. Res. 535 to the end that the Chair put the question de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 535.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–255) on the resolution (H. Res. 562) providing for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1849

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas) at 6 o'clock and 49 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 404, by the yeas and nays;

H. Res. 553, by the yeas and nays;

H. Res. 519, by the yeas and nays.

The vote on H. Res. 345 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FEDERAL CUSTOMER SERVICE ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 404, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 404, as amended.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 48, as follows:

[Roll No. 687]

YEAS—383

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—48

Bachus
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Everett
Fortenberry
Goode
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Langevin
Marchant
Marshall
McKeon
Musgrave
Pryce (OH)
Radanovich
Roybal-Allard
Shadegg
Shea-Porter
Smith (WA)
Sullivan
Tancredo
Terry
Upton
Watson
Weiner

□ 1915

Mr. ADERHOLT changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF FORMER FIRST LADY, LADY BIRD JOHNSON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 553, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 553.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 50, as follows:

[Roll No. 688]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg

Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—50

Bachus
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Cardoza
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Everett
Fortenberry
Goode
Gordon
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Lamborn
Marchant
Marshall
McKeon
Melancon
Pryce (OH)
Radanovich
Rogers (MI)
Roybal-Allard
Shadegg
Shea-Porter
Smith (WA)
Tancredo
Terry
Upton
Watson
Weiner

□ 1922

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING THE LIFE AND ACCOMPLISHMENTS OF RENOWNED ARTIST TOM LEA ON THE 100TH ANNIVERSARY OF HIS BIRTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 519, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 519.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 47, as follows:

[Roll No. 689]

YEAS—384

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—47

Bachus
Bean
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Cantor
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Fortenberry
Goode
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Mahoney (FL)
Marchant
Marshall
McKeon
Pryce (OH)
Radanovich
Shadegg
Shea-Porter
Smith (WA)
Sullivan
Tancredo
Terry
Upton
Watson
Weiner

□ 1929

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BEAN. Madam Speaker, on rollcall No. 689, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that the proper standard of dress in the Chamber is business attire, which includes both coat and tie for gentlemen.

PROVIDING FOR CONSIDERATION OF H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on House Resolution 558, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This 15-minute vote on the previous question will be followed by a 5-minute

vote, if ordered, on the adoption of the rule.

The vote was taken by electronic device, and there were—yeas 210, nays 179, not voting 42, as follows:

[Roll No. 690]

YEAS—210

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—42

Bachus
Berman
Bishop (UT)
Brady (TX)
Brown, Corrine
Burgess
Campbell (CA)
Carter
Clarke
Clay
Clyburn
Cubin
Davis (KY)
Davis, David
Davis, Jo Ann
Delahunt
Engel
Fortenberry
Goode
Green, Gene
Gutierrez
Herger
Higgins
Hinchey
Honda
Hunter
Johnson (IL)
Jordan
King (IA)
Kucinich
Marchant
Marshall
McNerney
Pryce (OH)
Radanovich
Shadegg
Shea-Porter
Smith (WA)
Tancredo
Upton
Watson
Weiner

□ 1947

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CARTER. Madam Speaker, on July 23, 2007, I was unable to be present for all rollcall votes because I was returning from Iraq where I was able to meet with soldiers from Fort Hood.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 687 on H.R. 404, the Federal Customer Service Enhancement Act—"yea."

Roll No. 688 on H. Res. 553, Mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States—"yea."

Roll No. 689 on H. Res. 535, Commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes—"nay."

Roll No. 690 on Previous Question on H. Res. 558, Providing for consideration of the bill making appropriations for the Departments of Transportation, and Housing and Urban Development—"nay."

PERSONAL EXPLANATION

Mr. KING of Iowa. Madam Speaker, unfortunately I was detained due to official Congressional business. Had I been present, I would have voted "yea" on the following rollcall votes: "yea" on H.R. 404—Federal Customer Service Enhancement Act; "yea" on H. Res. 553—Mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States; "yea" on H. Res. 519—Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

Additionally, had I been present, I would have voted "nay" on the following rollcall votes: "nay" on the Previous Question—H. Res. 558 for H.R. 3074; "nay" on H. Res. 558, the Rule for H.R. 3074—Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Act, 2008.

PERSONAL EXPLANATION

Mr. FORTENBERRY. Madam Speaker, on Monday, July 23, 2007, I was unavoidable detained due to transportation delays and thus I missed rollcall votes Nos. 687, 688, 689, and 690. Had I been present, I would have voted "yea" on Nos. 687, 688, and 689, and "nay" on No. 690.

(By unanimous consent, Mr. BLUNT was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. BLUNT. Madam Speaker, I would like to ask my friend, the majority leader, for any information about the schedule for the rest of the day today.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

We will have another vote, and then it will be our intention to go to debate on the Transportation-HUD bill. We will go to debate after the votes until 10 o'clock. We will then end the debate on the bill at that time, have no further proceedings on the bill after 10 p.m. tonight, and go back to it tomorrow morning after 1-minutes.

Mr. BLUNT. I appreciate that. On our side, I would tell the gentleman, we would not intend to call for a vote on the rule vote, which I think is the remaining business for the day, other than a voice vote.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I yield.

Mr. HOYER. If that's the case, then we would expect no additional votes tonight for the Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2750

Mr. VISCLOSKY. Madam Speaker, I ask unanimous consent that my name

be removed as a cosponsor of H.R. 2750, the NASA and JPL 50th Anniversary Commemorative Coin Act.

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

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. PETERSON. Madam Speaker, I ask unanimous consent that the Committee on Agriculture be permitted to have until midnight tonight, July 23, 2007, to file a report on H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2720

Mr. ROTHMAN. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2720.

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

There was no objection.

PERSONAL EXPLANATION

Mr. LANGEVIN. Madam Speaker, I was unavoidably detained on the vote on passage of H.R. 404. Had I been present on rollcall vote No. 687, I would have voted ''aye.''

GENERAL LEAVE

Mr. OLVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3074, and that I may include tabular material on the same.

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

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3074

Mr. OLVER. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 3074 pursuant to House Resolution 558, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 558 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3074.

□ 1955

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I'm pleased to present to the House the fiscal year 2008 Transportation and Housing and Urban Development appropriations bill.

I thank Members for their input and work on this bill. I especially recognize the important contributions of my ranking member Mr. KNOLLENBERG in putting this bill together. As former chairman of this subcommittee, he had numerous valuable insights that make the bill and report stronger, and I have appreciated his advice and counsel during this process.

I also thank the chairman of the Appropriations Committee Mr. OBEY and the ranking member of the full committee Mr. LEWIS for their support.

I must also recognize the hard work of the staff on both the majority and minority side. Kate Hallahan, Cheryle Tucker, David Napoliello, Laura Hogshead, Alex Gillen, Mark Fedor and Bob Letteney with the majority staff, and Dena Baron, David Gibbons and Jeff Goff with the minority have spent many late nights putting this bill together, and we would not be here today without their great dedication.

This is a bipartisan and fiscally responsible bill. Indeed, this bill should not be partisan because a broad consensus affirming the great needs for transportation infrastructure investments and for affordable housing exists countrywide.

The bill provides $50.7 billion in discretionary funding for transportation and housing programs, and is within the subcommittee's 302(b) allocation.

Nonetheless, due to current budgetary constraints, the subcommittee was forced to either flat-fund or reduce numerous programs. Furthermore, there are no major expansions of existing programs and only a handful of new initiatives.

Our first hearings this year sought a broad assessment of the future challenges this country faces in transportation and housing. Not surprisingly, our hearings showed that there's a great and growing need for transportation infrastructure and affordable housing, particularly in metro areas experiencing explosive growth, such as Atlanta, Dallas, Phoenix and Las Vegas; but also in older metropolitan areas such as Boston, New York, Cleveland and Pittsburgh, whose infrastructure is aging and in need of extensive repair; and even in rural communities and counties suffering from a loss of population and disinvestment in both housing and transportation.

To meet these challenges we have restored the President's deepest cuts and have continued important investments in transportation and housing started by my predecessors. In short, we've tried to make our core programs whole and function better, rather than start a lot of new initiatives.

With regard to transportation, our bill fully funds the highway and transit guarantees contained in the current transportation authorization bill known as SAFETEA-LU.

The bill contains $40.2 billion for highways, which is $631 million over the President's request; and $9.7 billion for transit investments, $334 million over the President's request.

Adequate investments in our highways and transit systems are critical to the economic and social future of our country. Vehicle miles traveled on our Nation's roads have doubled since 1980.

While we have fully funded the highway guarantees this year, I must warn my colleagues about the future solvency of the Highway Trust Fund. The Office of Management and Budget recently estimated that by the end of the fiscal year 2009, the Highway Trust Fund will have a $4 billion deficit. This deficit is far greater than any other previous projection and will inhibit our ability to fully fund the highway guarantees in the future without additional transportation revenues which must be provided through the authorization process.

Our bill also continues to make critical investments in aviation. In 1995, our aviation system handled 545 million passengers, but that system must handle 1 billion passengers by 2015. We must provide adequate infrastructure to deal with that growth.

Our bill includes $3.6 billion for the Airport Improvement Program, restoring the President's $765 million cut, and adding $85 million above fiscal year 2007. The bill restores funding for the Essential Air Service Program so that no existing service will be lost.

□ 2000

We have also invested over the President's request for transportation safety. Specifically, an increase of $20 million for critical aviation safety inspectors and engineers; a $2 million increase for additional investigators for the National Transportation Safety Board; a $3 million increase to preserve highway safety staff at the National Highway Traffic Safety Administration; and a $6.2 million increase for staffing and research programs related to pipeline and hazardous materials safety.

Investments in intercity passenger rail, especially in high-density travel corridors, must also be part of a valid transportation system. The bill provides $1.4 billion for Amtrak, plus $50 million for a new intercity passenger rail State matching grant program requested by the administration; thus, the bill leverages a total of $1.5 billion for intercity passenger rail. This funding will help create a faster, safer, and more reliable intercity passenger rail system.

With regard to housing, four major categories of HUD programs provide assistance for very low-income families, the elderly, the disabled, and their communities. First, HUD provides our 3,200 public housing authorities funding for the operation and capital needs of the Nation's public housing stock. Public housing is home to 2.6 million people, more than half of whom are seniors and persons with disabilities.

Second, HUD administers rental assistance programs, largely under the section 8 tenant- and project-based programs. Section 8 tenant-based rental assistance serves about 1.9 million low-income families, seniors, and people with disabilities, while the project-based section 8 assists more than 1.4 million households, two-thirds of which include elderly or disabled persons. Both the tenant- and project-based programs serve very low-income individuals and families, overwhelmingly those whose incomes are below 50 percent of the median household income for their area.

Third, HUD administers housing production programs, including the HOME program; the HOPE VI program, which revitalizes or replaces severely distressed public housing; and construction programs for the elderly and disabled.

Finally, HUD administers a number of community and economic development programs, the largest being Homeless Assistance Grants and Community Development Block Grants.

My colleagues are all very familiar with CDBG, the Community Development Block Grant program. But many of our constituents may be unaware of the importance of CDBG in their communities. CDBG funds are used by communities to rehabilitate and construct affordable housing; to construct public facilities improvements, such as streetscaping and community centers; and to promote local economic development and job creation. About 70 percent of CDBG dollars go directly to communities with populations of about 50,000 or more. The remaining funds go by formula to the States and are distributed to smaller towns and rural communities. Taken together, HUD programs address the large unmet need for affordable housing throughout the country.

The Joint Center for Housing Studies at Howard University has documented that, from 1993 to 2003 alone, we lost 1.2 million affordable housing units. In fact, approximately three-fourths of American households which, by household income, are eligible for HUD assistance receive none.

In the face of this, we have done our best to restore the President's cuts to housing. Some accounts we have only been able to freeze at last year's funding level. In other accounts we have targeted increases where the people served by the HUD program were particularly harmed. Funding is included to renew all current section 8 tenant-based vouchers so that no one who has a voucher will lose it. To that end the bill provides an increase of $330 million above the President's request for tenant-based rental assistance and nearly double that increase for project-based assistance.

Within the section 8 funding provided in the bill, we have $30 million for 4,000 incremental housing vouchers for non-elderly disabled individuals, some of whom will be homeless veterans.

The President's fiscal 2008 budget request cut CDBG by over $700 million from the 2007 enacted level, cut housing for the elderly by $160 million, cut housing for disabled by 50 percent below fiscal year 2007, and for HOPE VI zeroed the program out for 2008 and rescinded 2007 funding.

Our bill rejects all of these cuts for our Nation's most vulnerable citizens. We have funded CDBG at $4.18 billion, which is $400 million over the enacted 2007 budget but still $400 million below the CDBG budget for fiscal year 2001, 6 years ago. We have restored funding to last year's level of $735 million for elderly housing, the 202 program, and $237 million for housing for the disabled, the 811 program, as well as provided $120 million for HOPE VI, a small increase from last year.

With our funding decisions, we have also promoted sustainability by encouraging more environmentally friendly transportation and housing practices. We have restored the President's cuts to transit and to our intercity passenger rail system, which are more fuel efficient than other transportation modes. Thanks to Mr. KNOLLENBERG's leadership, we have increased funding for the clean fuel bus program by $26 million.

In the area of housing, we have included language in urging HUD to incorporate stronger energy efficiency standards into the HOPE VI program as well as other HUD programs.

Madam Chairman, this bill is a compromise, and we have had to balance a number of competing needs. There are areas where I would have liked to provide more dollars. However, we have done our best with limited dollars to invest in our transportation networks and affordable housing. I hope my colleagues will join me in supporting the bill.

Madam Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I yield myself such time as I may consume.

The bill before us, H.R. 3074, the fiscal year 2008 Transportation, Housing, and Related Agencies funding bill is, as the chairman noted, a balanced bill and a bill that I can support.

I am not going to repeat the funding proposals described by the gentleman from Massachusetts, but I will say that the vast majority of the legislation and the principles behind the funding levels are very similar to prior year House-passed bills for housing and transportation.

Crafting this bill is not for the faint of heart. There is no easy formula when you consider the authorizations and expectations of both the housing and the transportation communities. Neither group is shy about vocalizing what it wants, and both communities have needs and issues that need attention. Some of these needs are intertwined, however, and we do have different approaches for the solution. The chairman proposes that these issues need to be handled at a Federal level and has even included funds for a commission between DOT and HUD to coordinate housing and transportation policies.

I am of the school that the Federal Government needs to be aware of these issues and provide guidance on these issues, but we need to recognize that housing and transportation decisions are local decisions made by cities and metropolitan planning organizations, or MPOs. I don't think any of our districts would appreciate the Federal Government's telling our cities where a bus should run or where housing should be located. The majority of these funds in this bill, from highways and transit to Section 8 and the Community Development Block Grant program, even flows to the States and localities without a lot of specific input from the Federal Government on how these funds are spent.

I want to thank the chairman for his wise and steadfast decision to keep new authorizing matters off this bill. There are a number of ideas in both housing and transportation being considered in the various committees of jurisdiction in both houses of Congress, and I agree that we need those committees to do their work and present to the Congress what might be the best proposal. I will work with the chairman and oppose any authorizing amendments to this bill.

In transportation, I thank the chairman for keeping the Amtrak pro-reform language in the bill. I am optimistic that with continued oversight

from the committee, the IG and the GAO, we can find a sensible operating scheme for Amtrak.

In highways, I know SAFETEA–LU and the budget resolution support the inclusion of the highway RABA funds. I don't know of any State that could not use more highway funding; however, as we have discussed in numerous hearings, the highway trust fund is speeding towards bankruptcy, and the mid-season review shows that receipts are down even further than originally anticipated. For the first time ever, the number of vehicle miles traveled declined. Eventually the rubber will hit the road, and this committee does not have jurisdiction over the income and expenditures of the highway trust fund, nor does this committee have the general funds to make up for any shortfall in the trust fund.

I do have some concerns about the size of the highway trust fund rescission. I will not deny that in the past we have used the rescission to ensure that programs in this bill are funded at an acceptable level; however, we did not propose a rescission of this magnitude so early in the game. I am hopeful that as we move through the conference, this number will go down.

In housing, I support the chairman's decision to bring the programs up at least to last year's level where the budget request proposed to make cuts, especially in CDBG, assisted housing, and housing for the elderly and disabled.

I am most appreciative of the chairman's decision to keep the Section 8 program a budget-based program in fiscal year 2008. I firmly believe that we need to see some continuity in the programs after the change is mandated in the fiscal year 2007 CR before we can evaluate what direction the program should go in the future.

In Section 8, the bill proposes adding 4,000 new vouchers, as I think the chairman referenced, of which 1,000 are directed by law to homeless veterans. The remainder of the new vouchers are for nonelderly disabled people, the so-called ''Frelinghuysen vouchers,'' as we used to call them thanks to Mr. FRELINGHUYSEN's work on behalf of this community. We are supportive of the increase, but we cautiously remind the Congress that the cost increase each year to maintain the vouchers is substantial. The program baseline increases by $30 million each year into the future. This is not an increase to sneeze at.

Again, I want to thank the chairman of the subcommittee, my friend Mr. OLVER, and his staff for their willingness to work with us to address my concerns and the concerns of many on my side of the aisle. He and his staff have been very fair and accommodating, holding true to a process that has been in place for years as he has crafted this bill. While we may agree to disagree on some specific policies, we agree on this introduced bill. I appreciate very much his decision to leave authorizing issues with the authorizers, and the directives and funding levels in this proposal are ones that I can support.

I also thank the staff on both sides of the aisle for their continued hard work during this past year. I know this has been a tough year on them, but I think their hard work is demonstrated in this decent and, I think, very thoughtful bill.

Madam Chairman, I reserve the balance of my time.

Mr. OLVER. Madam Chairman, I yield 3 minutes to the distinguished vice chairman of the Appropriations Committee's HUD Subcommittee, Mr. PASTOR.

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

Mr. PASTOR. Madam Chairman, I thank the chairman for yielding time. And since this is his first bill as chairman, I congratulate him on doing an excellent job, and I also thank the ranking member.

Madam Chairman, this bill addresses two of the most basic and very important aspects of every American citizen's life: transportation and housing.

Unfortunately, the President's budget proposed severe funding reductions for transportation which could not be realistically sustained without negative impacts on the Nation's economy.

□ 2015

The budget's proposal in housing would have cuts that harm those most in need, including the disabled and the elderly.

I am proud to say that, based on extensive hearings, this bill rejects those short-sighted proposals in a fair and measured manner and balances national priorities with fiscal realities.

One of the most difficult issues discussed this year involved the long-term health of the Highway Trust Fund. Because the resolution of the Highway Trust Fund requires the cooperation of the administration and the authorizers, the problem could not be solved solely by appropriators. But this bill grants all parties a reasonable starting point for the resolution of this problem.

With regard to aviation, the committee found itself challenged with the Federal Aviation Administration's authorization about to expire at the same time with the severe air traffic congestion which requires an entirely new approach in technology. The committee has responded to this situation in a very deliberate manner geared to ensure an open path to future solutions as we look forward to the passage of the FAA reauthorization bill in the coming months.

On the issue of housing assistance, the committee has rejected the President's proposal to substantially reduce much-needed housing options for the economically disadvantaged, disabled and senior citizens. While we, regretfully, do not have the resources to fully address all the needs of these people, today's bill aims to leverage funding in a way that stretches Federal dollars to the maximum extent possible.

This is a fiscally sound bill. It employs none of the financial gimmicks to distort Federal investment. I am proud of this legislation, and I urge my colleagues to support its passage.

Mr. OLVER. Madam Chairman, I yield 3½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), a valuable member of our subcommittee.

Ms. KAPTUR. I thank our fine chairman from Massachusetts for recognizing this Buckeye. And I thank Chairman OLVER for doing a phenomenal job on this bill. And also Ranking Member KNOLLENBERG of Michigan, my sister State, thank you so very much for your fine work.

To both these gentlemen, let me thank them for their outstanding leadership and for their commitment to investments in America. We see so much money going abroad, indeed billions, hundreds of billions of dollars, and these gentlemen have done something for our country, for our fundamental infrastructure, for transportation, and for housing, the most important investment any American has, their most important form of savings.

In the transportation area, I want to just focus in one area important to Ohio, and that is Amtrak. This bill is funded at a level of $1.4 billion. And the funding in this bill is providing critical capital and operating assistance to maintain our national passenger rail system in a manner that is environmentally friendly and necessary. No major industrial country in the world does not have a modern rail system. We need a ways to go in order to make ours better. This bill takes a step in that direction. Though President Bush and some of his allies in Congress were trying to kill passenger rail service in the country, they cannot succeed, because Amtrak is far too important for the Nation.

In 2006, more than 24 million passengers traveled on Amtrak. More than 67,000 passengers ride on up to 300 Amtrak trains per day. And just in our section of Ohio, 57,000 riders make their way through Toledo, Ohio, as a part of that. I wish we could do more for our high-speed rail corridors and for alternative fuels for the large trains. That is for the future, but at least we make investments in the fundamental system.

Secondly, in the area of housing, I'm really proud of what the committee has done, particularly to meet our Nation's most essential housing community development programs. Mayors around this country will appreciate the increase of nearly $1 billion above the President's request for the Community Development Block Grant program, the most important program for over 1,180 communities to get some of their tax dollars back to do what they must to run their own communities, their own cities.

In addition to that, housing for the elderly is maintained at $735 million, $160 million above the President's request. For every single available unit of affordable housing, there are 10 seniors on the waiting list. So we don't meet the need, but we take a step in the right direction.

Housing for the disabled is funded $236.6 million above the President's request. For U.S. housing markets which are in distress, in some areas literally dead in the water, HOPE VI is funded. The program is not killed to demolish deteriorating public housing, develop mixed-income housing and otherwise help revitalize our distressed neighborhoods. And importantly, the bill provides for proper administration and maintenance of our public housing stock.

I urge all my colleagues to support this very well-balanced bill for investment in the United States of America. Isn't it time?

And again, thank you, Chairman OLVER, for your fantastic work that touches every single corner of our Nation.

Mr. OLVER. Madam Chairman, at this time I yield 2 minutes to the gentleman from Florida (Mr. BOYD), also a member of this subcommittee.

(Mr. BOYD of Florida asked and was given permission to revise and extend his remarks.)

Mr. BOYD of Florida. I thank my friend Chairman OLVER.

Madam Chairman, I rise in support of the FY08 Transportation and Housing and Urban Development Appropriations Act.

This is a bill, Madam Chairman, that the American people can be proud of. This bill's spending levels fall within the fiscally responsible budget resolution passed earlier this year by providing $50.7 billion for the Transportation Department and Housing and Urban Development.

Our tax dollars are well used by investing in our road and airway infrastructures. I'm very supportive of the $1.5 billion this bill provides for Amtrak, and I'm hopeful this money can provide for the reinstatement of the Sunset Limited line that crossed into north Florida and traveled throughout the State.

This bill also invests $4.2 billion in economic development which folks all across our Nation find essential for their communities' well-being. The improvements made with these funds serve all of the American people, whether it be the overnight delivery of important documents to our workplaces, or the timely travel to and from schools, or the arrival of fresh produce at our grocery stores across the country.

Efficient state-of-the-art transportation infrastructure ensures that our economy continues to be the strongest economy in the world, and that our citizens continue to have the highest quality of life throughout the world. The Federal Government is fulfilling the role envisioned by the Founding Fathers by providing these community benefits with our tax dollars.

I want to thank Chairman OLVER, Ranking Member KNOLLENBERG and their staff for their hard work in producing this legislation.

I urge an ''aye'' vote.

Mr. OLVER. Madam Chairman, at this time I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the chairman's courtesy in yielding time.

I see what the subcommittee has done here is not an effort to somehow dictate to local governments what they have to do, but instead, structuring how to get more out of scarce Federal investments.

As has been noted on the floor by people on both sides of the aisle, we are approaching a transportation infrastructure funding crisis in this country. There is not enough money remaining in the trust fund to deal with the existing level of programming, let alone what is going to be required as we move it in the next three authorizations. And countries around the world are spending trillions of dollars in China, in the European Union, in Japan, while we're falling behind.

I appreciate the big-picture approach that the subcommittee has taken in terms of dealing with location efficiencies, with balanced transportation, with initiatives to green the infrastructure. I am hopeful that the instruction that the subcommittee has given to some of the Federal transportation agencies on how to have maximum impact by weighing factors of economic development and trip reduction to stretch more of those scarce dollars.

I applaud funding the $1.4 billion for Amtrak, which hints at efficiencies that we can have in the long run. Because adequate funding of our rail passenger infrastructure is the cheapest, fastest way to increase airport capacity and reduce congestion, it's the cheapest, fastest way to get additional highway capacity while saving energy and reducing greenhouse gases.

This is an unprecedented effort on behalf of the subcommittee to look at the big picture under its jurisdiction in the appropriations process. I think it's going to have a dramatic impact in the years to come. I appreciate what they're doing, and I look forward to working with them in the future.

Mr. OLVER. Madam Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts controls 8½ minutes. The gentleman from Michigan controls 24½ minutes.

Mr. OLVER. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Madam Chairman, I want to commend Chairman OLVER, Ranking Member KNOLLENBERG and Chairman OBEY for their hard work in crafting this bill.

One thing I want to specifically focus on here is the provision of $35 million for the Rail Line Relocation and Improvement Program. This was authorized under the SAFETEA–LU transportation bill, but has not been funded up until now.

Under this program grants would be provided to a wide range of rail projects throughout the Nation that would fill various critical needs, including safety improvements, congestion mitigation, quiet zone creation, and the facilitation of local economic development.

For far too long our Nation's rail infrastructure has gone without adequate investment, and the needs continue to mount. By funding this program, we are taking an important step toward modernizing our Nation's antiquated rail system and helping communities who are dependent on rail lines. Any community with a rail line in it knows the good and the not so good with having that line there. This bill will help them to do more with the good that these rail lines can provide for communities.

I would also like to thank Ms. MATSUI, my colleague from California, for her work in moving this provision forward.

I urge my colleagues to support this bill.

Mr. OBERSTAR. Madam Chairman, I rise in support of H.R. 3074, the Department of Transportation, and Housing and Urban Development, and Related Agencies, THUD, Appropriations Act of 2008. First and foremost, I am pleased that the bill fully funds the Federal highway, transit, and highway safety programs at the levels guaranteed by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU.

At the same time, I regret that the bill rescinds $3 billion in highway funds that have been apportioned to the States, but are not available for obligation. However, I understand the significant funding constraints faced by the Committee on Appropriations in crafting the fiscal year 2008 THUD appropriations bill. If the Committee did not rescind this excess contract authority, it would have had to make real cuts in Amtrak funding, Federal Aviation Administration operations, and other critical programs. Given the Committee on Appropriations' limited choices, I have refrained from objecting to this rescission.

I appreciate Chairman OBEY's and Subcommittee Chairman OLIVER's willingness to work with me on this issue. The Committee on Appropriations did agree to my request that this rescission be applied proportionally to all Federal-aid highway programs. I have been very concerned with the way States have been implementing previous rescissions, and language included in H.R. 3074 would ensure that the rescission contained in this legislation will not undermine the priorities established in SAFETEA–LU.

I am particularly concerned with the treatment of the Congestion Mitigation and Air Quality Improvement, CMAQ, program under previous rescissions. The CMAQ program provides funding for projects and programs that reduce transportation-related emissions in

areas that do not meet Clean Air Act air quality standards (i.e., nonattainment and maintenance areas). While representing about 4–5 percent of highway apportionments each year, CMAQ funds have accounted for about 20 percent of total highway funds rescinded in recent years. In FY 2006 alone, States rescinded $881 million in CMAQ funds, an amount that is equal to 55 percent of the total amount apportioned to the States for the CMAQ program that year.

Comparing the treatment of CMAQ to other highway programs further illustrates the disproportionate effects of these rescissions. In FY 2006, looking at rescissions as a percentage of the amounts apportioned for each program, the rescission of 55 percent of CMAQ funds compares to a rescission of only 12 percent of Interstate Maintenance funds and seven percent of National Highway System funds.

The Transportation Enhancements program has also received disproportionate contract authority cuts under the rescissions. The Transportation Enhancements program provides funds for bike paths, pedestrian walkways, historic preservation, and other activities that expand transportation choices and enhance the transportation experience.

In FY 2006, States rescinded $602 million in Transportation Enhancements funds, 15 percent of all rescissions in that year. Texas alone rescinded $223 million of Transportation Enhancements funding and the Texas Department of Transportation stated that it would not fund any transportation enhancement projects in that fiscal year. Texas' actions are directly contrary to our Federal efforts to develop a balanced, multimodal surface transportation system.

The language of H.R. 3074 is consistent with the approach taken in H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007, as ordered reported by the Committee on Transportation and Infrastructure, and will ensure that the priorities set by Congress in SAFETEA–LU are implemented as intended. I greatly appreciate the Committee on Appropriations' willingness to address my concerns on this issue.

Throughout the bill, there are a number of other rescissions of highway, motor carrier safety, highway safety, and transit funds that raise concerns for the Committee on Transportation and Infrastructure. In particular, section 124 rescinds $172 million of unobligated balances of contract authority for research programs conducted by the Federal Highway Administration. Earlier this year, the House passed H.R. 1195, the SAFETEA–LU Technical Corrections Act, which provides additional resources to ensure that the highway research program receives the funding necessary to continue essential programs. Unfortunately, section 124 of the bill before us today rescinds some of these necessary research funds.

The final concern I would like to address today is the earmarking of Airport Improvement Program funds. The report accompanying H.R. 3084 includes a listing of 72 airport projects which the Federal Aviation Administration, FAA, is directed to fund. The law governing the Airport Improvement Program requires the FAA to establish a priority system to decide which projects will receive funding. The FAA's National Priority System, which has been in use for many years, gives highest priority to projects that will bring airports into compliance with safety standards. Second priority is given to projects that are necessary to meet security requirements. Third priority is given to reconstruction or rehabilitation projects that are needed to preserve existing airport infrastructure. Fourth priority is given to projects needed to achieve compliance with current FAA standards. Fifth priority is given to capacity enhancement projects.

Aviation projects are not like projects in other modes of transportation. For example, an improvement to a highway project in one city does not necessarily benefit highway users in any other city, but in the national system of integrated airports, an improvement in one airport, particularly a major hub airport, could benefit aviation travelers throughout the system. For this reason, the FAA should have, and does have, discretion to fund improvements as it deems necessary to improve the aviation system as a whole. To limit the FAA's discretion in this regard would only worsen the congestion and delays we are already experiencing today.

I want to make it clear that the language in a report cannot override a priority system established under the governing law. I would like to quote from the decision of the Comptroller General on a similar situation. The Comptroller General wrote: "It is our view that when Congress merely appropriates lump sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should be or are expected to be spent do not establish any legal requirements on Federal agencies."

Throughout my career, I have steadfastly resisted designating airport improvement projects in authorizing legislation and in report language, and will continue to resist such designations. I urge the Committee on Appropriations to do so as well.

Mr. KNOLLENBERG. Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $90,678,000, of which not to exceed $2,305,000 shall be available for the immediate Office of the Secretary; not to exceed $724,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,753,000 shall be available for the Office of the General Counsel; not to exceed $12,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,903,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,382,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,568,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,984,000 shall be available for the Office of Public Affairs; not to exceed $1,498,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,314,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,737,000 for the Office of Intelligence and Security; not to exceed $12,273,000 shall be available for the Office of the Chief Information Officer; and not to exceed $5,137,000 shall be available for the Office of Emergency Transportation: *Provided,* That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further,* That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further,* That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further,* That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUMENAUER:

Page 2, lines 8 and 19, after the first dollar amount insert "(reduced by $6,200,000)".

Page 4, line 6, after the dollar amount insert "(increased by $6,200,000)".

Mr. BLUMENAUER. Madam Chairman, I have earlier indicated my appreciation of what the subcommittee has done, looking at the big picture and trying to squeeze additional efficiencies out of transportation and housing initiatives. And in that regard, I offer this amendment and hope to inquire of the Chair and ranking member to see if there is something we can do to move this forward.

I'm prepared to withdraw the amendment, but I at least would like my 3½ minutes here to put it before the committee and seek their assistance as it moves forward.

□ 2030

My amendment deals specifically with the Conserve by Bike program.

This was unanimously adopted in the Energy Policy Act of 2005 and subsequently signed into law. It was authorized at $6.2 million, a program that would establish 10 pilot projects across the country. These projects would utilize education and marketing tools to encourage people to replace some of their car trips with bicycle trips.

The law also directs the Transportation Research Board of the National Academy of Sciences to conduct a national study to help us understand the benefits from converting cars to bike and how to educate people about these benefits.

Nationally, less than 1 percent of trips are by bicycles currently. But in many bicycle-friendly communities, the percentage is much higher. In my home town of Portland, Oregon, like yours, Madam Chairman, that percentage is 2 or 3 percentage points. In our community of Portland, we have the highest percentage of bicycle commuting in the country, despite the fact that it rains all the time.

Were we to increase bicycle trips by just 2 percent nationally, we would save more than 693 million gallons of gasoline per year, up to $5 billion. Increasing bicycle usage has additional benefits of reducing our dependence on foreign oil and improving public health. When we are concerned about an obesity epidemic among our young people, having bicycles is an opportunity to reduce vehicle emissions; and combating adult and childhood obesity would seem to be a logical step.

For all of these reasons, Congress had the foresight to include the Conserve by Bike program in the 2005 energy policy. Unfortunately, the program has not yet been implemented, because the Department of Transportation does not have the contract authority to fund the program. This appropriation is necessary to get the program off the ground.

Given its modest price tag and innumerable benefits, I was disappointed to see that the program did not receive funds under the Secretary's account for Transportation Planning and Research, especially considering the committee's laudable commitment to other green and efficiency measures.

Many cities and nations, particularly in Europe, have seen how converting car trips to bike trips can have measurable benefits for all its citizens. We have all perhaps been reading about Paris's recent inauguration of their bike-sharing program featuring over 10,000 bikes across the city to demonstrate that people will ride bikes when the infrastructure exists.

Madam Chairman, I would strongly urge that the committee consider working with me to make sure that this important authorized program find funding in the conference report. As I say, I deeply appreciate the work that the committee has done. This is a relatively low-cost, high-impact area. Given the fact that we have come forward with over $5.5 billion in transportation infrastructure for bicycles, for trails, and for pedestrian activities, this would seem to be a relatively modest program to be able to jump-start the Conserve by Bike.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I would like to make a comment on the gentleman's amendment since the gentleman has indicated that he is willing to withdraw the amendment. I appreciate that. The gentleman and I have worked for several years now together on biking and rail-trail issues, so I can remember just a few years ago that we actually were closely involved in saving the transportation enhancement program on this very bill.

We both recognize the environmental and public health benefits of bicycling. Even though I have stopped bicycling, I watch the Tour de France rather than bicycling myself these days. So I applaud the gentleman's concern and support for the Conserve by Bike program.

As we move toward conference, I will do my very best to try to accommodate this, and just remind the gentleman that we have language in the bill to make certain that enhancements are not disproportionately cut in the case of rescissions, which is a balancing act in any case. The gentleman may wish to take part in that discussion, which may occur later this evening.

Ms. ROYBAL-ALLARD. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in support of H.R. 3074. As a new member of the subcommittee, it has been an honor to work with Chairman JOHN OLVER and Ranking Member JOE KNOLLENBERG. I commend them for crafting a quality, bipartisan bill in the face of serious budgetary constraints. I also commend clerk Kate Hallahan and the committee staff on both sides of the aisle for their professionalism and hard work on this bill.

Madam Chairman, the bill before us is carefully crafted to make important investments to meet our Nation's crucial housing and transportation needs. For the first time in over 5 years, this bill provides new section 8 vouchers to help address our Nation's housing shortage. It also fully funds authorized section 8 housing vouchers, essential to States like California, where there are over 300,000 vouchers in use. This number is more than one-seventh the national total.

While there still remains a great need for additional vouchers, I am pleased that this bill is an important step forward in helping to meet the housing needs of our most vulnerable populations.

I am also pleased that this bill has restored funding for the Public Housing Capital fund. The administration's proposed cut would have had a severe impact on the ability of public housing authorities to renovate our Nation's dilapidated housing facilities, including those in my Thirty-fourth Congressional District. By restoring funding to last year's level, public housing authorities can continue critically needed renovations.

Under the leadership of Chairman OLVER, this bill also funds our Nation's transportation systems in a way that reaffirms the natural link between housing and transportation. The bill directs HUD and the Transportation Department to better coordinate public transportation with housing policies and programs. Improved coordination will help ensure that affordable housing is located closer to public transportation systems and job centers. The bill supports that directive through increased funding for transit.

To enhance the public's use of mass transit and alleviate congestion on our Nation's highways and city cores, the bill provides additional Capital Investment Grants for commuters and light rail transit systems. Funding for these Capital Investment Grants is expected to generate as many as 17,400 new jobs and yield $1.8 billion in economic benefits to State and local communities.

Our highways remain a critical element of our Nation's transportation system. This is especially true in my community of Los Angeles. To improve and maintain our Nation's aging highway infrastructure, the bill includes increased investments designed to ease automobile traffic and improve the flow-of-goods movement from our seaports to communities across the Nation. The investment in highway infrastructure will create over 59,000 additional jobs across all sectors of our economy.

The passage of this bill is essential to maintaining our Nation's transportation infrastructure to keep America moving, our economy strong and our country's most vulnerable sheltered. I urge my colleagues to support this bill.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,140,900.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,515,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund,

not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $523,000

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,970,000, to remain available until September 30, 2009: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the remaining unobligated balances under section 101(a)(2) of Public Law 107–42, $22,000,000 are cancelled.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,716,606,000, of which $6,317,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,958,413,000 shall be available for air traffic organization activities; not to exceed $1,076,103,000 shall be available for aviation safety activities; not to exceed $12,549,000 shall be available for commercial space transportation activities; not to exceed $100,593,000 shall be available for financial services activities; not to exceed $89,101,000 shall be available for human resources program activities; not to exceed $286,848,000 shall be available for region and center operations and regional coordination activities; not to exceed $162,349,000 shall be available for staff offices; and not to exceed $38,650,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,515,000,000, of which $2,055,027,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $140,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of

chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2007, and prior years under sections 48103 and 48112 of title 49, United States Code, $185,500,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 111. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.

SEC. 112. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 113. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 114. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 115. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking ''2006,'' each place it appears and inserting ''2008,''.

(b) Section 44303(b) of such title is amended by striking ''2006,'' and inserting ''2008,''.

(c) Section 44310 of such title is amended by striking ''March 30, 2008'' and inserting ''December 31, 2008''.

SEC. 116. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $384,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: *Provided*, That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2008: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the funds authorized pursuant to section 110 of title 23, United States Code, for the motor carrier safety grant program, and the obligation limitation associated with such funds provided under this heading, shall be transferred to the Federal Motor Carrier Safety Administration: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,000,000,000 are rescinded: *Provided*, That such rescission shall be distributed within each State, as defined in section 101 of such title, among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year: *Provided further*, That funds set aside under sections 133(d)(2) and 133(d)(3) of such title shall be treated as being apportioned under chapter 1 of such title for the purposes of this provision.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

□ 2045

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 18, beginning on line 9, strike the colon and all that follows through line 21 and insert a period.

Mr. MICA. Madam Chairman and Members of the House, I offer an amendment tonight to try to alleviate some of the pain that I believe will be inflicted on State departments of transportation across the United States, and that pain will be inflicted by a $3 billion rescission in highway contract authority that is included in this bill tonight.

My preference would be to strike this rescission from the bill altogether. I did not have an opportunity to do that the way the rules were crafted. A $3 billion rescission of highway contract authority will have an adverse effect on State highway work across the country and plans all across the country for construction projects. However, I do think we do have the votes to eliminate the rescission provision from this bill in its entirety.

If this bill were being considered pursuant to the rules of the House, we would not have to vote on striking this rescission. This rescission is authorizing in nature and actually under normal circumstances would have been subject to a point of order which I would have offered pursuant to clause 2 of rule XXI, authorizing on an appropriations measure. However, the rule that was adopted earlier this evening governing this debate waived this point of order; therefore, I am forced tonight to offer this amendment.

This amendment is designed to make it easier for our State departments of transportation to handle rescissions of this size and magnitude. This amendment strikes language in the bill that requires the State departments of transportation to apply part of their rescission proportionately across all highway programs.

I know you will hear some others say that this is going to not assist CMAQ and some of the air quality programs and all that. But when you have a rescission of this magnitude in this bill of $3 billion in size, this is going to dramatically affect some of the work projects in many of the districts of many of the Members who are listening tonight.

By striking this provision in the bill, this amendment will restore the flexibility of the State departments of transportation they had in applying rescissions contained in previous appropriations measures.

The current language in the bill will force all State departments of transportation to apply the rescission in the same way. Each State would have to rescind funding from its highway programs in the same ratio that it receives from the Federal Highway Administration.

Unfortunately, this cookie-cutter approach does not work for every State. Some States have very little balances in certain highway programs from which they will be required to apply this mandated rescission. This will have, unfortunately, a really severe impact on a State's highway work plan, many of them, as I said, in progress. Projects in every one of our districts will be impacted.

I have a letter here from the American Association of State and Highway Transportation Officials supporting my amendment. Attached to this letter is a table showing how this rescission will impact every State. I include these documents for the RECORD.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS,

Washington, DC, July 23, 2007.

Hon. JOHN MICA,
House of Representatives, Rayburn House Office Building,
Washington, DC.

DEAR MR. MICA: I am writing on behalf of the American Association of State Highway and Transportation Officials (AASHTO), which represents the departments of transportation in the 50 states, the District of Columbia and Puerto Rico.

As we indicated to the Committee last month, we are alarmed that the Fiscal Year 2008 spending bill contains a provision that would rescind $3 billion in apportioned contract authority from the unobligated balances of total apportionments. Since 2002, Congress has rescinded a total of $9.822 billion in state apportioned highway contract authority. This most recent proposal would bring the total to almost $13 billion.

These recurring rescissions of already apportioned contract authority are likely to have a severe and immediate effect on some States. How the States will be affected will vary to some degree because the amount of unused contract authority varies widely from State to State and among categories within each State. However, after almost $13 billion in rescissions, all States will be affected.

A provision in the bill that would require the States to distribute the rescission proportionately among all program categories would further interfere with States' ability to manage their highway programs, set priorities and craft long-term financial strategies. Therefore we urge you to adopt an amendment which we believe will be offered by Rep. JOHN MICA to strike this provision.

In the future we would like to work with Congress to identify alternatives which would not be detrimental to continuing the long-term financial stability of the federal-aid highway program.

Sincerely yours,

JOHN HORSLEY,
Executive Director.

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

[Estimated rescission of FY 2007 unobligated balances pursuant to H.R. 2701, section 252]

State	Interstate maintenance	National highway system	Surface transportation program					Bridge	Congestion mitigation improvement	Metropolitan planning	Recreational trails	Equity bonus	Share of rescission
			Transportation enhancements	Areas by population			Available for any area						
				>200K	<200K	<5K							
ALABAMA	$11,765,147	$13,325,688	$1,646,465	$2,477,606	$1,254,493	$5,115,442	$5,311,325	$9,376,464	$1,123,330	$270,095	$147,743	$6,705,165	$58,518,963
ALASKA	4,839,975	5,888,342	630,651	0	0	0	5,306,245	3,171,608	1,768,289	140,070	106,001	5,490,181	27,341,362
ARIZONA	13,846,913	15,812,556	1,573,151	6,256,429	1,015,687	1,576,861	5,312,089	2,001,372	4,706,700	543,773	151,038	7,153,791	59,950,360
ARKANSAS	7,851,869	8,963,213	1,062,060	859,864	1,135,148	3,776,535	3,464,935	5,829,472	1,028,379	140,070	112,522	3,434,529	37,658,596
CALIFORNIA	43,002,378	60,612,413	7,088,017	28,738,341	2,546,925	5,046,502	21,813,142	38,781,177	39,076,416	4,176,863	528,405	14,016,756	265,427,335
COLORADO	8,630,375	11,853,852	1,096,822	3,812,237	1,133,170	1,224,216	3,704,097	2,797,057	3,056,116	447,046	128,383	2,369,324	40,252,695
CONNECTICUT	6,005,429	5,567,549	840,647	2,733,881	423,291	827,447	2,179,754	14,155,980	4,131,526	396,333	87,046	4,110,161	41,459,044
DELAWARE	572,823	4,829,075	330,829	1,092,876	304,344	446,245	1,106,813	1,600,501	892,324	140,070	75,855	504,447	11,896,202
DIST. OF COL	240,956	4,878,277	301,418	1,664,200	0	0	999,254	3,326,364	803,511	140,070	69,155	0	12,423,205
FLORIDA	29,840,702	43,321,856	4,691,123	19,113,924	1,591,674	5,681,972	15,839,948	12,611,715	1,260,673	1,874,199	283,441	21,940,067	158,051,294
GEORGIA	25,784,599	23,544,967	3,196,254	8,892,481	1,645,146	6,721,709	10,360,721	7,710,565	5,433,362	697,096	180,586	13,717,373	107,884,859
HAWAII	906,134	4,833,948	351,993	0	0	0	2,972,372	2,075,371	900,961	140,070	78,648	589,951	12,849,448
IDAHO	4,876,974	6,522,359	521,972	592,375	756,295	1,462,316	1,687,486	2,340,258	1,117,331	140,070	116,292	2,546,833	22,680,561
ILLINOIS	24,040,962	20,621,254	2,618,032	10,642,902	1,734,744	2,348,784	8,841,196	14,500,387	8,613,891	1,354,849	185,051	7,241,932	102,743,984
INDIANA	18,369,239	18,928,485	2,127,377	5,146,842	1,424,392	5,395,263	7,183,465	7,075,373	4,304,971	474,589	120,208	9,946,949	80,497,153
IOWA	6,429,057	9,475,225	906,594	986,519	1,277,015	2,836,057	3,061,908	6,307,632	837,809	155,109	118,924	508,853	32,900,702
KANSAS	6,002,504	8,196,712	1,009,464	1,896,313	1,200,065	2,080,643	3,108,463	5,348,008	822,062	168,055	112,791	308,180	30,253,260
KENTUCKY	10,833,854	12,593,382	1,215,493	2,120,692	1,254,698	3,225,317	3,962,807	6,835,583	1,121,829	217,995	116,957	3,470,914	46,969,521
LOUISIANA	8,243,528	7,614,874	1,100,166	2,207,351	1,016,744	2,369,619	3,358,480	17,245,502	894,422	352,799	145,608	2,017,876	46,566,969
MAINE	2,484,659	2,949,509	326,517	0	529,665	1,204,052	1,040,997	3,231,812	804,554	140,070	104,475	0	12,816,310
MARYLAND	9,457,381	10,616,959	1,170,312	4,535,997	602,983	1,405,302	3,928,949	8,692,461	5,184,640	598,306	105,068	3,446,876	49,745,234
MASSACHUSETTS	8,080,825	8,177,563	1,133,561	4,724,088	631,870	279,149	3,383,435	16,981,797	5,767,012	784,059	116,713	1,258,248	51,318,320
MICHIGAN	16,589,188	20,270,721	2,551,170	7,726,955	1,812,466	4,542,828	8,454,310	13,090,381	7,016,977	915,328	204,762	7,252,195	90,427,281
MINNESOTA	9,798,443	11,931,707	1,527,276	4,171,220	1,496,055	2,923,652	4,711,001	4,142,497	2,658,804	377,307	159,857	3,508,643	47,406,462
MISSISSIPPI	6,944,918	9,167,487	1,012,057	1,105,330	1,108,799	3,358,148	3,345,486	6,205,762	936,422	140,070	128,551	2,061,052	35,514,082
MISSOURI	14,385,613	16,240,862	1,789,707	4,916,131	1,626,068	3,516,718	5,512,445	14,727,219	1,919,154	430,025	140,269	5,561,382	70,765,593
MONTANA	7,215,081	9,711,458	549,580	0	1,115,111	1,968,225	1,850,943	1,784,441	1,159,066	140,070	118,545	3,524,775	29,137,295
NEBRASKA	4,249,488	7,330,986	633,623	1,625,494	950,235	948,543	2,116,027	2,697,071	852,591	140,070	99,215	561,701	22,205,044
NEVADA	5,128,096	5,685,131	522,412	2,379,444	559,126	0	1,764,188	1,217,351	2,146,956	233,238	96,293	1,630,067	21,362,302
NEW HAMPSHIRE	2,095,059	3,815,331	369,451	148,396	304,344	1,455,265	1,145,538	2,650,444	927,698	140,070	90,443	781,553	13,923,592
NEW JERSEY	11,249,797	16,955,778	1,725,170	8,698,642	560,094	445,344	5,825,766	21,639,208	9,555,408	1,078,844	115,304	7,438,901	85,288,256
NEW MEXICO	7,119,338	9,508,149	676,714	1,306,879	1,005,049	1,494,589	2,285,279	1,676,469	989,589	140,070	119,943	2,251,221	28,573,289
NEW YORK	19,440,788	22,137,553	2,751,031	11,059,892	1,845,520	1,182,360	8,458,202	44,548,025	16,481,001	2,157,276	171,897	6,573,402	136,806,947
NORTH CAROLINA	16,625,710	19,668,122	2,250,514	4,134,958	1,901,896	6,622,284	7,599,512	12,674,525	4,641,438	523,279	161,011	9,313,725	86,116,974
NORTH DAKOTA	2,979,202	8,252,505	415,180	0	721,623	1,539,299	1,357,457	1,087,852	887,749	140,070	85,392	734,172	18,200,501
OHIO	22,889,407	22,595,065	2,753,977	8,912,079	1,933,436	4,645,608	9,299,891	16,777,142	8,925,176	1,017,276	165,577	10,424,730	110,339,364
OKLAHOMA	8,636,614	11,438,681	1,380,999	3,048,771	1,198,153	3,311,761	4,537,917	7,644,351	991,081	206,430	125,184	3,671,878	46,191,820
OREGON	5,968,159	8,590,614	856,550	2,366,532	1,042,247	1,271,549	2,810,139	8,665,328	1,428,693	274,953	117,251	934,939	34,326,954
PENNSYLVANIA	20,162,242	21,300,856	2,662,892	7,985,354	2,302,975	3,284,153	8,148,592	45,640,965	9,785,802	1,142,457	170,832	8,328,833	130,915,953
RHODE ISLAND	1,001,136	3,965,331	306,942	1,469,726	190,343	0	909,418	6,494,816	841,767	140,070	75,570	0	15,395,119
SOUTH CAROLINA	11,730,513	11,385,043	1,461,531	2,573,436	979,895	4,667,782	4,935,251	6,696,688	1,126,032	260,719	110,759	5,844,226	51,771,875
SOUTH DAKOTA	3,763,591	7,335,794	497,853	0	786,971	1,930,238	1,488,681	1,528,588	957,691	140,070	87,853	1,351,540	19,868,870
TENNESSEE	14,622,882	15,916,658	1,764,329	3,966,094	1,432,502	4,345,080	5,648,639	6,665,666	3,031,078	412,504	128,964	6,159,258	64,093,654
TEXAS	53,363,790	67,225,761	7,240,656	23,761,651	3,845,557	13,121,484	24,449,666	19,079,799	13,416,341	2,058,662	330,397	30,916,854	258,810,618
UTAH	7,591,648	5,142,238	585,706	2,338,048	672,680	233,774	1,947,918	1,236,926	944,318	243,224	123,984	1,335,408	22,395,872
VERMONT	1,550,310	3,334,214	301,418	0	304,344	1,361,142	1,000,026	3,274,366	804,524	140,070	83,816	0	12,154,230
VIRGINIA	17,800,251	17,391,796	2,150,287	6,839,247	1,370,369	3,885,746	6,633,146	10,528,408	5,015,455	655,798	126,970	8,428,116	80,825,589
WASHINGTON	9,356,868	10,727,524	1,201,406	3,819,675	1,058,758	1,879,479	4,057,525	14,579,704	3,082,792	598,821	160,953	1,341,135	51,864,640

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

[Estimated rescission of FY 2007 unobligated balances pursuant to H.R. 2701, section 252]

State	Interstate maintenance	National highway system	Surface transportation program					Bridge	Congestion mitigation improvement	Metropolitan planning	Recreational trails	Equity bonus	Share of rescission
			Transportation enhancements	Areas by population			Available for any area						
				>200K	<200K	<5K							
WEST VIRGINIA	5,033,122	5,142,248	567,261	0	777,821	2,413,020	1,749,590	5,965,550	1,017,622	140,070	101,286	2,118,597	25,026,187
WISCONSIN	10,864,418	18,006,043	1,759,290	3,059,446	1,390,944	5,445,616	5,940,664	3,428,288	2,341,543	395,498	153,427	7,102,388	59,887,565
WYOMING	5,005,208	8,643,797	341,927	0	732,299	1,159,261	937,243	1,128,600	921,002	140,070	108,552	1,080,736	20,198,695
Total	$575,267,163	$707,945,511	$77,545,827	$225,908,318	$56,504,029	$135,976,379	$256,848,341	$479,472,889	$198,453,878	$28,014,065	$7,053,767	$251,009,833	$3,000,000,00

Madam Chairman, these State departments of transportation have asked us to give them the maximum flexibility in how they will be required to implement this very onerous rescission provision. They would like to eliminate the rescission altogether, as I would, but they are forced to, unfortunately, accept the rescission as offered, and we have no chance to alter that. All they are asking for here is flexibility.

This amendment gives them that flexibility. Your State departments of transportation, fellow Members, support this amendment, and I will ask all of my colleagues to support it as well.

Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I rise in opposition to the amendment. This amendment strikes the language on page 18 of the bill that delineates how the rescission will be applied. I remind the gentleman from Florida, although I suspect he does already know this, that the rescission in the 2006 bill was $3.8 billion. The rescission in the 2007 bill was $4.2 billion. The first of those was passed by the Republican majority, and the second was in its final form through the CR that came in the Democratic majority.

Mr. MICA. Would the gentleman yield briefly?

Mr. OLVER. Surely.

Mr. MICA. It is my understanding that is the case, but they were allowed the flexibility to decide on how the funds would be expended.

Mr. OLVER. That is correct. The gentleman is correct, the flexibility was there. But what we find out in that process is that the States very disproportionately focused that rescission upon enhancements and took enhancements in some places completely out of the budget, which, under the highway fund, we are supposed to be giving 10 percent of the highway formula moneys to enhancements.

So this language was, in fact, exactly or very similar to language which was passed out of the T&I Committee of which the gentleman is the ranking member a couple of days after we had marked up in committee. So the T&I Committee already has agreed to the idea that enhancements should not be disproportionately targeted for rescissions when they occur when they are required by the legislation.

In fact, we were asked by the T&I Committee to do something very similar to this, if not exactly this, which we have done, in making certain that there would not be disproportionate cuts to enhancements in the process of applying rescissions. And those data do not really affect what has happened to the 2007 or 2006 bills because we don't have the final numbers on those, but the data that I am describing is all through the rescission process in every year that there has been rescissions, that those have in sum total gone heavily against the enhancement parts of the formula funds. So we have striven to correct that in the language that we have put in at this point, and I would ask the membership to oppose this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Madam Chairman, I rise in support of the Mica amendment.

I understand that there is a lot of meat to what you just discussed, Mr. Chairman, but I think the real problem is, if you look at the AASHTO letter, the acronym for the State group, they recognize this as something that should be done.

We need to maintain the rescission to meet the funding requirements of the bill. I do support giving States the greatest flexibility to meet that rescission.

I yield to the gentleman from Florida for his closing comments.

Mr. MICA. I think the gentleman raised some good points on the other side. We had a vote on this, and it is a closely divided question. But I think all Members will hear from their State department of transportation. We have granted flexibility in the past. I am a great supporter of enhancements. I think we need things that some people may consider not asphalt and concrete, but things that enhance the beauty of our highways and transportation system in this country.

But when you take a rescission of $3 billion, and States have obligations, and we have done this in the past to them, we have rescinded money in the past to them, I think we need to give them as much flexibility as possible to make the decisions, to make those cuts and to adjust their budgets.

They get obligated for huge amounts of money and significant projects that are underway. And Members throughout this body will hear from their State department of transportation that they have projects underway that will have to be put on hold, that will be delayed, and that will cause a great disruption in their transportation planning and construction projects. So that's the reason that I think we should give them the same flexibility that they have had in the past. I am not asking for any more or any less.

Mr. KNOLLENBERG. Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The amendment offered by the gentleman from Florida (Mr. MICA), the ranking member of the committee, is misguided and an inappropriate amendment.

As the gentleman has already acknowledged, we discussed this in committee on our climate change legislation. We had a voice vote in which the gentleman's amendment failed.

It would strike the provision that is in this appropriation bill to require States to implement their future rescissions on a proportional basis; rescissions, that is cuts of unobligated contract authority, to make those reductions proportional.

States have applied previous rescissions in a disproportional way. They have disproportionately cut funding from the Congestion Mitigation and Air Quality Improvement Program that helps cities clean their air and move people more expeditiously.

They have disproportionately cut funds from the bridge program, from transportation enhancement funds, all of which play critical roles in creating mode choices and options and alternatives for moving people in our major metropolitan areas and in rural areas.

Flexibility, States have an enormous amount of flexibility under the current SAFETEA–LU law. They have the ability to transfer up to 50 percent of their programmatic apportionments to other apportioned programs. The National Highway System, States can transfer 100 percent from NHS funds to surface transportation.

This language will not in any way restrict States' flexibility in implementing the highway programs to meet

their priorities. It will restrict the practice of targeting specific programs for disproportionate cuts to meet their rescission requirements.

Now, the Equity Bonus Program, here is an example of the enormous flexibility States have under the current highway law. Funds under Equity Bonus are distributed to eligible States and apportioned to the interstate maintenance, the National Highway System, to the Bridge Program, to the Surface Transportation Program, Highway Safety Program and to CMAQ. States can use those funds to distribute the Equity Bonus account around to the eligibilities of these programs as they see fit to the needs of their specific State.

In fiscal year 2007, States got $8.327 billion in Equity Bonus accounts. They have a lot of flexibility with that amount of money. States have significant unobligated balances of contract authority available in all categories of the Federal-aid highway program.

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As of May 31 of this year, States had a total of $46.5 billion in unobligated funds. That's $3.16 billion in the CMAQ program, 2 years' worth of apportionments.

They have got plenty of flexibility. They can use this money where they choose. Yet States have consistently chosen to target specific programs for disproportional cuts. Example, congestion mitigation and air quality improvement. That's only 4 or 5 percent of the total SAFETEA–LU program. But CMAQ funds account for 20 percent of the total rescissions in recent years.

States rescinded $881 million in CMAQ funds in 2006. That's $1 out of every $4 out of this one little program that metropolitan areas have to reduce congestion and pollution.

In 2006, rescissions were distributed this way. They cut 55 percent out of CMAQ. They cut 12 percent out of interstate maintenance. They cut 7 percent out of the national highway system.

In 2006, they cut $602 million out of the enhancements program. It was specifically set up to benefit communities that want to provide other transportation opportunities for their people. That's 15 percent of the rescissions just out of enhancements.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Madam Chairman, in Texas, for example, of the $305 million assigned to Texas under the 2006 rescission, a total of $241 million of their cuts came from CMAQ and transportation enhancements. That's 79 percent of the amount that Texas alone cut out of these very small proportion programs.

Now, we should not allow States to just target certain programs. We have created a structure within the Federal-Aid Highway Program of categories of funding. We all voted for it. It's now law, and if they're going to cut, their cuts ought to be proportional across the board.

The Association of Metropolitan Planning Organizations supports our position, National Association of Counties, regional councils, Rails-to-Trails Conservancy, Surface Transportation Policy Partnership. The gentleman's amendment is unnecessary, it should not pass. States have enormous amounts of flexibility. We ought to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MICA. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2008, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a),

the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Of the unobligated balances made available under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107, and 1108 of Public Law 102–240, $1,292,287.73 are rescinded.

SEC. 123. Of the unobligated balances made available under section 1602 of Public Law 105–178, $6,138,880.54 are rescinded.

SEC. 124. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109–59, and under section 608(a)(1) of such title, $162,253,000 are rescinded.

SEC. 125. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.

SEC. 126. Of the unobligated balances made available under title 5 of Public Law 109–59, for the implementation or execution of programs for transportation research, $172,242,964 are rescinded.

SEC. 127. Of the amounts made available for ''Highway Related Safety Grants'' by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $11,314 in unobligated balances are rescinded.

SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, Public Law 106–346, Public Law 107–87, and Public Law 108–7, $4,753,687.26 are rescinded.

SEC. 129. Funds authorized under section 110 of title 23, United States Code, for fiscal year 2008 shall be distributed in accordance with the distribution set forth in section 110(b)(4) (A) and (B) of such title, except that before such allocations are made, $219,250,000 shall be set aside for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. at 1177–1179) and administered in accordance with section 1117(g)(2) of such Act.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $228,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $228,000,000, for ''Motor Carrier Safety Operations and Programs'', of which $10,296,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That $3,469,553 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for ''Motor Carrier Safety Grants''; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That $11,260,214 in unobligated balances are rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $32,187,720 in unobligated balances are rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this hearing in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to

traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $125,000,000, of which $26,156,000 shall remain available until September 30, 2010: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $107,750,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $131,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,250,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $6,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $6,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.

SEC. 142. Of the amounts made available under the heading ''National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $10,528,958 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $148,472,000, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $33,250,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $35,000,000.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $475,000,000 to remain available until expended: *Provided*, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following

their submission to the appropriate entities: *Provided further*, That the leases and contracts entered into by the Corporation in any year that the Corporation receives a Federal subsidy after the date of enactment of the Act, regardless of the place the same may be executed, shall be governed by the laws of the District of Columbia: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.

AMENDMENT OFFERED BY MRS. BACHMANN

Mrs. BACHMANN. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BACHMANN:

Page 38, line 10, after the dollar amount, insert ''(reduced by $106,000,000)''.

Page 83, line 16, after the dollar amount, insert ''(increased by $106,000,000)''.

Mrs. BACHMANN. Madam Chairman, the proposed amendment that I'm bringing before the body today removes $106 million from Amtrak funding, restoring it back to the fiscal year 2007 level, and it adds that amount to the Homeless Assistance Grants.

Madam Chairman, Amtrak has run a deficit for over $1 billion every year. It is now funded at $1.4 billion for fiscal year 2008 in the Democrats' THUD bill, an increase of $106 million over the fiscal year 2007 levels. It's $600 million over the President's request.

Much of this deficit stems from Amtrak's long-distance routes, which carry only 15 percent of Amtrak's passengers, but that creates 80 percent of its cash operating losses.

Although Congress has made several attempts at getting Amtrak to reform itself, these attempts have resulted in very little improvement, I'm afraid, and tax dollars are continuing to be wasted on a service that is used by only a very small fraction of our American population.

It just seems to me that rather than pouring money into this colossally losing investment, we should stop pouring good money after bad, and Congress ought to be funding programs that are proven to help people that are in need and deliver results. We need to help poor people. We shouldn't help poor programs. I think we should be saying no, Madam Chairman, to poor programs because we should not be saying no to poor, homeless people just to continue to prop up a bloated government bureaucracy.

One such program is the Homeless Assistance Grants program. It has been awarding competitive grants to cities, to counties, to nonprofits, to housing authorities to provide transitional and permanent housing for the homeless.

In Minnesota, we have some great programs. Grants have gone to Lutheran Social Services in Minnesota, the Amherst H. Wilder Foundation, the Tubman Family Alliance, great groups. These have proven themselves to be very successful in housing programs in Minnesota.

The problem with Amtrak is not that rail is bad, but this program again has been running in the red. It's been bleeding, it's been hemorrhaging, and it needs transfusion, a big transfusion of over $1 billion in tax money every year. It's running in the red. We do not want to be owners of a loser of a program. It requires Federal assistance to cover these losses and the losses from their capital investment. Clearly, for all the years it's been in existence, Amtrak would not survive without this Federal funding.

In Minnesota, we have an old Lakota Indian proverb, and it says, if your horse is dead, get off. And the wisdom of our Native American is pretty clear, and I think that we should follow our Lakota elders when they have enough sense to dismount.

This bill would fund Amtrak again at $1.4 billion for fiscal year 2008. That's $106 million more than the 2007 level, $600 million over the President's request. $1 billion is worth a lot. If you fraction it out, it it's $1,000 a day every day, including Sundays, for 2,440 years. Even for government, that's a lot of money, and still after 35 years, Amtrak hasn't been able to get it right, Madam Chairman.

The Federal Government has provided $30 billion to Amtrak. On average, that's a Federal subsidy of over $210 per passenger per thousand miles that are traveled. It seems that the Federal Government can't even get people to ride Amtrak, so we almost pay them to ride the line. In fact, in 2005, the Sunset Limited route connected L.A. with Orlando. That route required a subsidy of $433 per passenger each way. That's on top of the round-trip fare of about $950 that each passenger paid. That's more than enough to buy a plane ticket for each passenger and save them a trip lasting 68 hours, but that's only if the trains run on time, and only 41 percent of the time do the trains run on time.

It gets worse, though, Madam Chairman. The passengers on sleeper cars are the most heavily subsidized. The average passenger in a sleeper car gets an additional $206 subsidy. That reaches an extra $358 per passenger depending on the route. So that means that the highest government subsidies go to passengers sitting in first class. We could be giving this money to homeless people, and that's our priority.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I rise in opposition to the amendment offered by the gentlewoman from Minnesota.

First of all, I think that the subcommittee and the full committee, this legislation was passed out of full committee unanimously without dissent, by voice vote but without dissent, and we've tried to strike an appropriate balance in funding the transportation and housing problems in the bill.

As in previous bills in previous years, I've opposed amendments that take funding from housing to increase the funding for transportation programs, and similarly, I've opposed amendments which take funding from transportation and transfer those funds to housing programs.

□ 2115

I think that's entirely appropriate. We have this bill where we cannot have one portion. Each has its important features, and we cannot have one portion of this bill taking sizeable funds from another portion, which has equally important priorities within the bill.

I would point out to my colleagues that in the bill before us, the appropriation for the homeless is $1.56 billion. That's $119 million already above the 2007 enacted sum for the Homeless Grant Program. That's 8 percent already above the level of the 2007 enacted program from just last February.

The amendment that the gentlewoman has proposed would move another $106 million into that, which would then put it far over the President's request, that program. I don't think that that's really necessary here.

What we do have is a situation where year after year the Amtrak program has gone through reform, substantial reform, to try to reduce their cost and to provide greater service, as has been requested by this Congress over the last several years. To take that money away from them at a time when the other body, the Senate, has passed authorization legislation or has reported out of committee authorization legislation, and our own T&I Committee is working on authorizing legislation for Amtrak, which is considerably higher than even the level of the funding that we have in this bill.

For both of those reasons, the balance of the legislation not moving money from housing into transportation or vice versa, which I will oppose at every point that it comes up, because I think we are trying to keep a reasonable balance of the priorities in each of those very important areas, and because the homeless program is already funded at almost $120 million above the 2007 funded amount, that this is not a necessary amendment, not an appropriate amendment. I hope that we will not pass this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

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

Mr. OBERSTAR. Madam Chairman, this same amendment was offered in the last Congress and got 60 votes. It's as misguided now as it was then.

The Committee on Appropriations for the first time in a dozen years has provided a net increase in funding for Amtrak. We are not going to be here tonight or tomorrow when we vote on this and cut those funds and reduce Amtrak to the beggar position that it has been in for the last dozen years.

For the last 12 years, supporters of Amtrak have been reduced to pleading to just restore the funding; not to increase, not to advance the cause of Amtrak, but simply restore to where it was with the inadequate amounts that this administration has proposed. Most of the time they proposed to cut Amtrak.

In fact, when I hear Amtrak reform, I know what it means. It means cut the funds, tie their hands, submit Amtrak to a board that's going to run it into the ground, not run it into the 21st century.

As the gentleman, the chairman of the subcommittee, has said, the committee bill provides nearly $120 million increase in funding for the homeless. That's the first time in 4 years. A 23 percent increase, that's substantial. I'm for it. We don't need to take money out of Amtrak to increase funds for the homeless. Amtrak needs help.

I hear this old saw time and again. Oh, Amtrak is bleeding money, and we are subsidizing it. What do you do for the airlines? What do you do for highways? We provide funds for the highway program. We provide funds for aviation.

Amtrak is the residue of what was left when the railroads abandoned their passenger service in the 1960s and to the eve of 1970 when Amtrak was created. Time and again, they conspired with the Postal Service to take the railway post office off the passenger service so that then they would have a losing proposition, and they could apply for discontinuance to the Interstate Commerce Commission, and they did. They shut down passenger rail service to small towns, and they also lost less-than-carload service, and towns went out of business because they didn't have a small shipping service on freight rail with passengers to move their goods.

So what did Amtrak get? When we created Amtrak in 1970, we got the dregs of what was left of intercity passenger rail service, and the Congress for several years was trying to build up Amtrak to provide funds for improved rail, and railbed and rolling stock. But over the last 12 years, we haven't had the funds to do that with Amtrak.

Every industrialized Nation in the world has high-speed intercity passenger service. In France you can travel on the TGV a distance from International Falls to Minneapolis-Saint Paul, 185 miles an hour, 220-some miles, in 80 minutes, 80 minutes, in France. They can do that in Spain on the Talgo. They can do it in Germany on the ICE. They can do it in Japan on the Shinkansen. We don't have a high-speed, 185-mile-an-hour passenger rail service anywhere in America. The best Amtrak can do is 150 miles in a few segments of its track.

But if we make the investments, if we invest in improving the tracks, if we invest in the catanaries and improve the patographs on the existing locomotives in the Northeast corridor, we can have that high-speed rail service. We should have it. We should have it on the Northern Tier. We should have it from Chicago down to New Orleans. With we ought to have it all through the Southwest and the Southeast.

We need Amtrak rail passenger service in this country. We need a high-speed, modern, intercity rail passenger service in this country. We are a proud industrialized Nation. We have the highest mobility of people in the world.

In the aftermath of September 11, what did people take? They couldn't fly, and the highways were crowded. They took Amtrak.

We need to upgrade Amtrak. We need to invest in Amtrak. We need to invest in its future. This is where America has an opportunity to move from this highway-dependent economy of ours, reduce our dependence on imported oil, move people more efficiently and more effectively with high-speed intercity passenger rail, as every industrialized nation in the world does except the United States.

This is a misguided amendment. I regret that my dear friend, the lovely gentlewoman from central Minnesota, has offered this amendment, one of her first offerings in the House, but I have to say, it is misguided, it is the wrong thing to do. We need to defeat this amendment as we did in the last Congress.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. BACHMANN. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 38, strike line 5 and all that follows through page 41, line 18.

Mr. OLVER. Madam Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. FLAKE. Madam Chairman, this amendment would eliminate funding for the operating subsidy grants to the National Railroad Passenger Corporation, or Amtrak, and save the taxpayer $475 million.

The FY 2007 funding level was $490 million. The President requested to eliminate funding for this grant program in the FY 2008 budget.

According to the committee report, operating subsidy grants allow the Department of Transportation to make quarterly grants to Amtrak after receiving and reviewing a grant request for each train route. This would be accompanied by a detailed financial analysis, revenue projection and capital expenditure projection. Receipt of these grants also requires Amtrak to achieve savings through operating efficiencies, yet Amtrak has been plagued by inefficiencies and debt since its inception.

Amtrak's model for providing intercity rail service has been a failure since it began in 1971. Historically Amtrak has carried has less than 1 percent of the traveling public. It is it has required annual Federal subsidies to cover operating losses and capital costs in every year since its existence, some $29 billion in taxpayer resources to date.

It lacks adequate cost controls. It has deferred capitalized repair projects, and it confronts increasing debt-service costs.

Now, we were told 30 years ago that Amtrak started from the ruins of what was then passenger rail service. Whatever its origins, the market has simply apparently vanished for passenger rail service of this kind. The Heritage Foundation reported that even if Amtrak increases its passenger load, for every passenger that is increased, the taxpayer pays more in subsidies. So, it's like the retail shop owner saying that I am losing money with every sale, but I am going to make up for it in volume. The taxpayers are making up for it in volume every time.

There has been a slight increase in passenger service in terms of passengers served over the past couple of years, or at least there was from 2001 to 2004, and still it bleeds red ink all over.

Now, contrast this with some cargo service provided by rail. It's largely free of subsidy. It's done by the private sector. There are huge profit margins there. In many routes they do very well. But Amtrak, passenger rail service, simply can't get there. There simply isn't a market for it.

Now, those providing cargo service wouldn't want to provide passenger service, because there is no market. But we continue to let the taxpayer subsidize it. As the last speaker mentioned, some routes the subsidy is between $400 and $500 per ticket. The Federal taxpayer could buy each person on a long-distance Amtrak service on some of the routes a plane ticket for what it costs to subsidize their Amtrak

travel. That's after they have paid a lot more than a plane ticket would cost in the first place.

There simply isn't a market for it. How long will we go on not recognizing it, not recognizing that we need some competition from the private sector to allow it to take it over? If there isn't a market at some point, the taxpayers shouldn't be forced to subsidize it any longer.

Let me just finish. We will hear that we need passenger rail service. We will need to catch up to countries like Germany and Japan who are doing it. Apparently they are doing a better job than we are.

Who among us here thinks that with the current model of government subsidizing a private corporation like this is going to get us where Germany is or Japan is? As has already been noted, people who study this issue note that with every new passenger added, every net increase in passengers, it's actually more subsidies. So under the current model, unless they change or reform somehow, if they increase ridership, we actually have to pay more in subsidies.

That simply doesn't work. It wouldn't work in the private sector. No private businessman would stand it. But the taxpayers are simply on the hook for about $1.2 billion a year. It continues year after year after year. I have been here 6 years. I have heard it every year. I suppose if we go the next 25 years, we will hear it again. It will just be an increase in subsidies, like we are doing this year.

Madam Chairman, I yield back the balance of my time.

□ 2130

The CHAIRMAN. Does the gentleman from Massachusetts continue with his reservation?

Mr. OLVER. I withdraw my reservation.

The CHAIRMAN. The reservation is withdrawn.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, this is an effort to bring Amtrak to a stop, simply. Over the last couple of years, we have had the President recommend no funding for Amtrak. We have refused that and funded them so they could continue service at the level that they were. We have added reform programs to them to require substantial savings out of the first-class service and the meals service and things of that sort, which have been quite substantial, and they have saved each year $80 million to $100 million a year on that program. So we are moving to make the system more efficient, though there is not any passenger rail system anywhere in this world that operates without some operating subsidy.

Where we have public transportation systems, any subway system, the fares never get to as high as 50 percent of the cost of the service, and the remaining service is then part of a subsidy for the operation of that service. In fact, most of our transit programs function at considerably less than a 50-percent fare box amount. So Amtrak is not any different from any other rail program which provides great energy efficiency in the movement of large numbers of people, and it is very important in our very densely populated corridors.

We as a Congress have then added the idea of having a national rail system that covers long-distance rail. And those even require a greater subsidy, but it has been our decision to do that over the years.

We have to have a rail program in this country. We have somehow to get over making Amtrak ultimately, somehow, to morph Amtrak into a system that will provide high-speed passenger rail in corridors of relatively short distance. But in the meantime, we also have to keep Amtrak running, and this amendment would take the operating monies completely away from a system which cannot operate without that operating subsidy.

The rest of the money, the gentleman believes most of the remainder was in there for capital improvements. Well, there isn't any point in having the capital improvements if you are not going to have an operating subsidy unless you can move the monies around, and then you have to cut seriously the total amount of service that is being provided by Amtrak with the amendment that the gentleman has offered. So it is really a killing amendment for Amtrak.

Amtrak cannot function with the amendment that the gentleman from Arizona has offered in this instance. We have gone through this fight time and time again, and each time the end result is that Amtrak is supported because Amtrak service is provided in over 40 of the States. In some cases, it is the only rail passenger service that is available to people in some of those States on some of the very long-distance rail lines that people complain are the ones that carry the highest subsidy. And those are supported the strongest because they are the only rail service, passenger service that is available in a good number of those States.

So I think that this amendment should be defeated, I think it will be defeated, and I hope it will be defeated.

Madam Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. This is, as the chairman of the subcommittee has said, a shutdown amendment. It would totally eliminate operating grants for Amtrak and guarantee a shutdown. I suppose that is what the gentleman wants as he offers the amendment. He knows what he is doing. He is a very astute Member of this body. But I want to widen the perspective here.

The effects would ripple through our economy, through our national transportation system, stranding millions of passengers and force them onto already congested roadways and airways.

People in 106 cities served by Amtrak who are without air service would have to find new means of transportation; 19,000 Amtrak workers would lose their jobs. Their local economies, businesses would suffer. The railroad retirement and unemployment programs that cover employees of freight rail as well as passenger rail would eventually be depleted. We would be scrambling around here trying to restore the railroad retirement fund. It would disrupt commuter operations with whom Amtrak has contractual arrangements, stranding millions more passengers. GAO has reported to our committee that an abrupt cessation of Amtrak would result in major disruptions or shutdowns of commuter rail service throughout the country, stranding and straining regional transportation systems as hundreds of thousands of regular commuter rail passengers would have to look for alternative transportation.

It would increase costs for our freight rails. If Amtrak were to shut down, the freight rail industry would lose some $5.3 billion over the next 6 years. That would also include the loss of $57 million Amtrak pays each year to the four class I railroads for access to their infrastructure and increase tier II taxes to keep the railroad retirement system solvent. It would shut down operations of freight railroads in the northeast corner. Norfolk Southern relies on Amtrak's dispatch and infrastructure systems throughout that corridor to provide rail service to major mid-Atlantic markets. Without Amtrak, cost of the freight rails to maintain operations on those lines would be very substantial.

The real issue with Amtrak is it has been on a starvation diet practically since the time that we created Amtrak in 1970. But little by little, people are seeking alternative operations. They learned in the aftermath, as I said a moment ago, of September 11, that the only option to travel without air was inner-city passenger rail.

Amtrak, in 2006, had 24.3 million passengers. President Alex Kummant of Amtrak told us very recently on the Transportation and Infrastructure Committee that they expect 2007 to far surpass 2006 ridership levels. So far this year, just in the first quarter of this year, Amtrak had 2.17 million passengers. That is nearly a 7 percent increase over the previous year.

So keep funding Amtrak, give it an opportunity to breathe, give it this additional investment that it needs. Soon our committee will come to the floor with a substantial increase in funding for Amtrak to put it on course to be a real world-class competitor in inner-city passenger rail service.

When I was a student just graduating from college in St. Paul, the College of St. Thomas, I won a scholarship to study at the College of Europe in Belgium. I traveled from my home in Chisolm by bus to the Twin Cities, and there I talk the Milwaukee 400: 400 miles to Chicago in 400 minutes. And in Europe, I took the train from Paris to Brussels and then on to Brugge in Belgium for this program. That was a 6-hour trip. Today, that 6-hour trip is 80 minutes traveling at 185 miles an hour on the TGV.

Today you can't get to Chicago in 400 minutes from Minneapolis, not even by air. By the time you travel, drive to the airport, park your car, go through security, wait for the plane, get off the plane, try to get to your destination, you can't do it. We need a restructure, a rebuild, a reinvigorated Amtrak. Don't kill it with this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Ms. WATERS. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Madam Chairman, I rise today in strong support of H.R. 3074, the fiscal year 2008 Transportation, Housing and Urban Development appropriations bill.

The distinguished chairman, Mr. OBEY, and Chair of the Subcommittee on Housing, Mr. OLVER, had to make many difficult decisions in drafting this bill, and I am pleased that most of our vital housing programs see increases over the President's budget request for funding year 2008. As Chair of the Subcommittee on Housing and Community Opportunity, I believe this bill will preserve many of the housing programs we have fought for over the years.

On July 12, the House passed H.R. 1851, the Section 8 Voucher Reform Act, by an overwhelming bipartisan majority. A central purpose of H.R. 1851 is to provide reliable, adequate funding for the Nation's largest subsidized housing program, buffeted in recent fiscal years.

In light of this, I am troubled that the President once again grossly underfunded section 8 in his budget request, asking for a mere $8 million above last year's funding level for the renewal of section 8 housing vouchers, an amount that won't even cover the cost of inflation. I commend Chairman OLVER for rejecting this abysmal funding level and putting the dollars needed back into the section 8 program.

I also urge my colleagues in the Senate to take up the Section 8 Voucher Reform Act and to pass the companion bill so that we can make needed reforms and bring stability and security to this critical program.

I am honored to be an original cosponsor of the National Affordable Housing Trust Fund Act of 2007, H.R. 2895, which will provide for the preservation and construction of 1.5 million units of affordable housing over the next 10 years. Because preservation begins with funding the units we have now, I am pleased that the bill increases the funding for project-based rental assistance by $667 million over the President's request; however, I am dismayed at the news that the Department has not paid some project-based owners for the month of July. It isn't enough for us to appropriate the dollars; HUD has to get them out of the door. I urge the Department to make these payments on time so that we do not risk losing owners of precious affordable housing units.

For too many years, the Nation's public housing program has been grossly underfunded. In 2007, PHAs will only receive between 82 cents and 85 cents for every dollar it costs to run public housing, impacting their ability to repair and maintain public housing units. By increasing funding for public housing programs to levels above the President's request, this bill maintains our investment in public housing. I am also pleased that the committee has rejected the administration's attempt not only to kill the HOPE VI program, but to take back prior-year funds appropriated by this House. The HOPE VI program needs to be updated, but it is a valuable program. That is why we'll soon introduce a bill to reauthorize and improve HOPE VI providing for, among other things, one-for-one replacement and the right of residents to return to a revitalized public housing unit.

Again, I want to applaud the committee for ensuring that the CDBG program is not severely underfunded. The CDBG program is funded at $3.396 billion, representing a $225 million increase compared to funding year 2006 funding level and $959 million above the President's funding year 2008 request. CDBG is vital to communities all over the country, providing valuable resources for almost every program imaginable from seniors programs to gang violence eradication programs. Without this increased level of funding, one of the Federal Government's only poverty fighting tools would have been stretched to the limit, leaving many communities desperate.

In addition, the bill provides funding for other key programs the administration sought to zero out, including the Brownfields, the Section 108 Loan Guarantee Program, and rural housing and economic development. The bill also maintains critical funding for the HOME program, Native American and Hawaiian housing grants, fair housing enforcement, and housing counseling.

□ 2145

Some of these important programs were scheduled to expire without reauthorization, but reauthorization without funding is the equivalent of killing a program.

Finally, the House today passed a resolution that I was pleased to cosponsor with Congressman SHAYS commemorating the 20th anniversary of the McKinney-Vento Homeless Assistance Act of 1987. While this is not a birthday for any of us we would prefer to be celebrating, these programs remain effective and desperately needed. Therefore, I am pleased that the bill funds the McKinney-Vento Homeless Assistance Grant at $1.561 billion, a full $234 million over funding year 2006.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $925,000,000 to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: *Provided further*, That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: *Provided further*, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further*, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: *Provided further*, That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a ''state of good repair'' on the Northeast Corridor and report its

findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 41, line 26, after the dollar amount, insert ''(reduced by $425,000,000)''.

Mr. FLAKE. Madam Chairman, this amendment would reduce funding in the bill by $500 million for capital grants to Amtrak, reducing the funding level to the President's fiscal year 2008 request from $925 million to $500 million.

Here the same arguments really apply that were made in the last amendment debate, so I won't go over them all again, but let me respond a little to what was said before.

It was mentioned that these amendments are just designated to kill Amtrak. If these accounts were funded at the levels that we're talking about here, certainly there would be a restructuring somewhere. There has to be. It is likely that in some of the corridors, some of the corridors there is only a per-passenger subsidy of around $3 per ticket. In some corridors it's up to $466. I suppose that what would happen is that in those corridors, there are a lot of assets sitting with Amtrak now. If it wasn't shielded from private competition, others would come in and be able to run that service effectively and without subsidy in some of the corridors. Perhaps there'd be a smaller subsidy on some of the corridors.

But I can tell you on the corridors where we're having a subsidy of $466, in addition to the per-passenger ticket price of, in some cases, $900, I don't think that that would run at all, nor should it in any reasonable place where you believe in free markets or even limited subsidies.

There is no more call for passenger rail service to some places in this country than there is for stagecoach service. At some point you've got to say, how much can we subsidize? Four hundred sixty-six dollars per ticket probably is above that threshold somewhere.

So, under any reasonable system, yes, this would cause significant restructuring with Amtrak for that system, and that's what we're calling for. That's what we should be calling for. We can't continue to go down this road, because, as mentioned, even if you increase the number of passengers per train, if you increase ridership, it simply means more subsidy.

In any reasonable system that wouldn't be the case, but we have a system here that doesn't respond to market forces. Part of the problem with Amtrak, and we can't just blame the system there, but it's the requirements that we've placed on it. You have politicians in this small town here or this small town here designating routes that Amtrak has to follow, routes that can't even come close to being economical.

As mentioned, not many passenger rail or public transit systems anywhere in the world go unsubsidized. It's one thing to subsidize public transit; it's another to be paying $466 per ticket when the passenger is already paying $900. That simply doesn't pass any test of reasonableness. And unless we come in and really strike funding here and force change, it's simply not going to happen.

Who here in this body or who listening tonight thinks that Amtrak is suddenly going to become better and provide better service, more efficient service, given the numbers that we've given them here?

Some will call it a starvation diet. They've been on a starvation diet, but we've increased funding significantly many times. It hasn't improved. It's because we're shielding them from market forces, in some cases, and subsidizing routes that have no business running in others.

So I would offer this amendment to strike funding, or to actually bring it down to the President's level, what he has requested.

I've heard the chairman of the Appropriations Committee say many times and point out that the administration is wasting money here and there and everywhere. They are. Here's one case where we should say, there's too much money being wasted by the agencies. Let's direct them, let's exercise the oversight that this body is supposed to exercise and actually say, let's pull some funding back, let's force Amtrak to go through the restructuring that they're going to have to go through at some point. We're simply delaying the inevitable and forcing the taxpayer to subsidize at higher levels than they should until that time is reached.

Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I again oppose this amendment. This is just a continuation of the effort to strangle Amtrak.

In this instance I think that what I'd like to do is to just try to review with the, whoever is still listening at this hour of the night what the President's budgets have looked like over the last several years. I may be slightly wrong, because I maybe have 1 year misplaced as to what happened, but I have been the ranking member for 2 years, the last 2 years, in the 2006 and 2007 budgets. My recollection is that the 2006 budget that the President provided no money, and we had to fill the hole completely to keep whatever was functional functioning in the case of Amtrak.

And then in the 2007 budget, that year we ended up providing between, by the time the conference process was complete, $1.3 billion for a mixture of operating subsidies and capital programs. In the 2007 budget, the administration came up with a number which was much lower than what had been appropriated the previous year, and again we had to, it was around 8- or $900 million in total, and we, again we had to come up with a higher sum of money, back to the $1.3 billion, in order to complete, to keep the level of service where it was, which includes the whole of the Northeast corridor, which carries half of all the passengers and is trackage that is owned by Amtrak, and all the services that go out of Chicago and the other metropolitan areas, and the long-distance services on the west coast and across the country.

So what we have this year is that the President came up with an amount of $500 million for capital, and $300 million for efficiency incentive grants, which is sort of an oxymoron because in the previous year, we had provided some sort of incentive grants which Amtrak, after they had provided the savings and made serious savings in the accounts, they then found that they got exactly nothing in the way of incentive grants that were released to them. So what's the point, really, of trying to save money?

But we've included that language, included the mandate essentially, that they are to continue to look for savings in the system. In the meantime we provided, again, the $1.3-, now up to $1.4- because of inflation, a total of $1.4 billion of which now the amount was put up to $925 million for capital, which the gentleman wishes to reduce to $500 million for capital, which was never adequate in the first place.

On the Northeast corridor, we have done so little upkeep, we are nowhere close to a state of good repair, which is dangerous. It is causing safety problems in the Northeast corridor, where more than half of our total passengers are being handled, so that the gentleman's amendment takes away capital monies now. This is the second hit at it, the capital monies that would be necessary to make progress on dealing with the backlog of capital deficiencies that have been built up over a period of years.

There are tunnels and bridges and trackage and the cantanary lines, the electric lines and so forth that go with it, all of which are in need desperately of capital repair and a steady infusion of money to bring that up to date. These are expensive propositions when nothing has been done or so little has been done over a period of time.

So first the gentleman has made an effort to reduce the operating subsidy, which no rail system anywhere in the world can function without it, and now he's reducing the capital grant program down to a level which leaves us with an ever-worsening state of safety and repair on the part of the system that is actually owned by the Federal Government.

So this should not be done. This is a bad amendment. This is another killer amendment for Amtrak, and I hope that the amendment will be defeated.

Mr. OBERSTAR. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The chairman has said it very well. The gentleman from Arizona first wants to cut the operating account, and then, after Amtrak is unable to operate, then cut their capital and debt service funds, and then, I guess, bury passenger rail service in America. He doesn't provide for a burial service, however, and we're not about to do that.

This would cut the $425 million in capital and debt service grants that would go below the level recommended by Amtrak's Board of Directors, who haven't been known to be generously supportive of their own organization. It would undermine the solvency of Amtrak. The capital needs are critical to operating Amtrak, to bring it to a state of good repair and maintain it in a state of decent and good repair. The capital overhead program on rolling stock is critical to keep aging equipment in safe working order and minimize failures.

You should go out sometime to the Amtrak repair facility in Indianapolis and see the highly skilled technicians who are working to repair and restore locomotives and passenger cars and the dining service cars. They are meticulous workers who are saving Amtrak hundreds of thousands and even millions of dollars a year by restoring old equipment, putting it into a good state of operation. This amendment would cut the guts out from that operation. That doesn't make any sense whatever.

Amtrak has been investing in its deferred capital needs since 2003, incrementally, with not enough money, by far too little to reach the goals that they must attain, but they're doing it nonetheless. And the result is that with those very skilled workers, 70 percent of Amtrak's passenger car fleet and 85 percent of its locomotives will be in a state of good repair by the end of fiscal 2007.

Now, if you cut this money out, they'll never be able to bridge the gap and go on to make the other improvements that are needed.

I heard the gentleman say, well, we need to cut the funding and force change, and subject Amtrak to market forces. Well, in a hospital you don't cut off the blood supply to a patient and say, we're going to push the patient into a state of good health. That idea went out with applying leeches to the body and draining the body's fluids and essential operations. It doesn't make any sense.

And the gentleman, as many others have misguidedly said, we need to subject Amtrak to market forces. That implies that there's some other competitive passenger rail service in this country. There isn't. The railroads abandoned it in the 1960s. They didn't want to operate passenger rail service. It was much easier to carry freight than to carry people in this country. And they ran the passenger rail service into the ground, and then they handed it over to the Federal Government and said, here you take it. You do it. You do something good for the country.

□ 2200

Well, Congress did. I was here on the staff at the time when Amtrak was created. There was great hope for it. There were going to be capital investments made. The rail was going to help out with all the support that was needed for the infrastructure of intercity passenger rail. None of that happened.

Freight rails last year earned $4.5 billion net after-tax profit hauling freight. Amtrak is on a starvation diet made worse over the last 12 years by this previous leadership in Congress refusing to provide funding. But with a few enlightened Members on the other side supporting us over here, we were able to keep Amtrak alive, just keep it moving along, just hand-to-mouth existence.

Well, no more. There's a new leadership in this Congress. The gentleman from Massachusetts has seen the need, seen the opportunity to make investments. He has provided the funding in this bill. We need to move ahead. We should not cut the operating funds nor the capital grants. We ought to be doing far more than we are doing already in this bill. But this is at least a start and moves us in the right direction. We have to defeat this amendment.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. OLVER. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 60, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of that portion of the bill is as follows:

INTERCITY PASSENGER RAIL GRANT PROGRAM

To enable the Secretary to make grants to States in support of intercity passenger rail, $50,000,000 as authorized by section 26101 of title 49, United States Code, to remain available until expended: *Provided*, That States may apply to the Federal Railroad Administration for grants up to 50 percent of the cost of planning and capital investments necessary to support improved intercity passenger rail service that either requires no operating subsidy or for which the State or States agree to provide any needed operating subsidy: *Provided further*, That priority shall be given to planning and infrastructure improvement projects that improve the safety, reliability and schedule of intercity passenger trains, reduce congestion on the host freight railroads, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by States of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates, and that protect and enhance the environment, promote energy conservation, and improve quality of life: *Provided further*, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of Statewide transportation planning as required under 23 U.S.C. 135: *Provided further*, That the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify.

ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $92,500,000: *Provided*, That of the funds available under this heading, not to exceed $1,504,000 shall be available for travel and not to exceed $20,719,000 shall be available for the central account: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $7,872,893,000 in fiscal year

2008: *Provided further*, That $28,660,920 in unobligated balances are rescinded.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,500,000, to remain available until expended: *Provided*, That $9,300,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,900,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,700,000,000, to remain available until expended of which $200,000,000 is for section 5309(e): *Provided*, That $17,760,000 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' and bus and bus facilities under ''Federal Transit Administration, Formula and bus grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2007, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2008, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 100 percent of the net capital costs of a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants to carry out 49 U.S.C. 5308 of Public Law 109–59, $26,000,000, to remain available until expended.

SEC. 166. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $118,646,000, of which $24,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $14,139,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $10,500,000 shall remain available until expended for maintenance and repair of schoolships at State Maritime Schools.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $17,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,408,000, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $3,526,000 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. No obligations shall be incurred during the current fiscal year from the construction fund established by section 53716 of title 46, United States Code, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $18,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $28,899,000, of which $1,829,000 shall remain available until September 30, 2010: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $78,875,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which $60,065,000 shall be derived from the Pipeline Safety Fund, of which $32,683,000 shall remain available until September 30, 2010: *Provided*, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,000,000, of which $6,036,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $66,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act (5 U.S.C. App. 3),

to investigate allegations of fraud, including false statements to the government under 18 U.S.C. 1001, by any person or entity that is subject to regulation by the Department: *Provided further,* That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,495,000: *Provided,* That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than $25,245,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.

SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 190. Funds provided in Public Law 102–143 in the item relating to ''Highway Bypass Demonstration Project'' shall be available for the improvement of Route 101 in the vicinity of Prunedale, Monterey County, California.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 191. Funds provided under section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346, 114 Stat. 1356, 1356A–41), for the reconstruction of School Road East in Marlboro Township, New Jersey, shall be available for the Spring Valley Road Project in Marlboro Township, New Jersey.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

At the end of title I, insert the following:

SEC. 192. Out of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), the Board shall consider any activity involving the receipt, delivery, sorting, handling or transfer in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste to be an activity over which the Board does not have jurisdiction.

Mr. SMITH of New Jersey (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OLVER. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. SMITH of New Jersey. Madam Chairman, in 1995 the Congress passed and President Clinton signed the Interstate Commerce Commission Termination Act, Public Law 104–88. As a direct consequence, the Surface Transportation Board created by the law is now in the business of facilitating solid waste transfer stations that are not subject to local or State environmental laws or regulations.

This Federal preemption of local environmental laws is fraught with danger to the public and must be reversed, which would be accomplished if my amendment or a similar amendment that has been proffered by Senator LAUTENBERG and already adopted in committee were to become law.

During the past several years, small rail companies, many apparently formed for the expressed purpose of securing Federal exemption from local and State regulations, have filed numerous verified notices of exemption with the STB for the purpose of establishing solid waste transfer stations along rail lines and spurs. In one case in North Bergen, New Jersey, the New Jersey Department of Environmental Protection fined the New York Susquehanna & Western Railway Corporation $2.5 million for violation only to have this year a Federal judge nullify that important State enforcement. Thus far the STB has not acted on New Jersey's complaints of health, environmental, and fire risk and concerns the State raised concerning high levels of lead, arsenic, mercury, and copper.

Now at the property in my district in Freehold, New Jersey, a small class 3 rail company, Ashland Railroad, has filed a verified notice of exemption with the STB to operate a 1.5 mile track for the establishment of another solid waste transfer station. The proposed site would be situated right next to a wetlands area that poses significant hazards to the health, safety, and well-being of my constituents. This is especially important in light of the fact that the wetlands feed directly into the Manasquan Reservoir, the source of the potable water for hundreds of thousands of people in the Monmouth County area. The proposed site is also adjacent to residential housing, again raising serious concern, especially because there are many prevailing winds and other issues concerning the health and safety of those folks.

A waste transfer station, Madam Chairman, should not be established without significant local input. Preemption voids numerous meaningful State health and safety environmental laws, including those enacted in my State. I believe that people deserve the protection of these laws and the protection that these policies do provide.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I support the gentleman's effort here. The Surface Transportation Board has attempted to insert itself into a matter that the gentleman has very well and thoroughly described, but it is sadly mistaken in its effort to preempt State rights in this arena. So I strongly support the gentleman's amendment.

Mr. SMITH of New Jersey. Madam Chairman, I thank the distinguished chairman for that support.

Mr. OLVER. Madam Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to my friend.

Mr. OLVER. It has been my understanding that you were going to withdraw the amendment.

Mr. SMITH of New Jersey. I understand. I thought you might be persuaded by Mr. OBERSTAR's very eloquent intervention, but I understand this is legislating on appropriations.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I think we got a little bit confused by the chairman of the authorizing committee's involvement here. But in any case, I very much sympathize with the gentleman from New Jersey's point of view. There is language in our report that deals specifically with businesses using railroad properties as waste transfer handling points and urges the Surface Transportation Board to ensure that these types of operations are subject to local, State, and Federal regulations as other solid waste facilities are.

So, again, I sympathize with the gentleman from New Jersey and Members from other affected States. My subcommittee will work with the STB to close this legal loophole and prevent instances of illegal handling of solid waste on railroad facilities. But it is an authorizing issue, and we have not allowed authorizing issues in the legislation this year. My ranking member has been particularly insistent and I have been insistent about that as we have moved thus far. And so I would have insisted on my point of order, and I appreciate the gentleman's withdrawing the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of Transportation Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $16,330,000,000, to remain available until expended, of which $12,137,000,000 shall be available on October 1, 2007, and $4,193,000,000 shall be available on October 1, 2008: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $14,744,506,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary of Housing and Urban Development for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on the amount public housing agencies received in calendar year 2007, by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to Family Self-Sufficiency Program escrow accounts or the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budgets not later than 45 days after enactment of this Act: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: *Provided further*, That up to $75,000,000 shall be available for additional rental subsidy due to unforeseen exigencies as determined by the Secretary and for the one-time funding of housing assistance payments resulting from the portability provisions of the housing choice voucher program: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract.

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: *Provided*, That additional section 8 tenant protection rental assistance costs may be funded in 2008 by utilizing unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Housing Certificate Fund'', and the heading ''Project-Based Rental Assistance'', for fiscal year 2007 and prior years; *Provided further*, That not more than $12,000,000 may be used for section 8 assistance to cover the cost of judgments and settlement agreements.

(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act.

(4) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, for other nonelderly disabled families, of which remaining amount such amount as is necessary shall be made available to provide 1,000 vouchers for rental assistance for homeless veterans in accordance with section 8(o)(19)(B)(ii) of the Act: *Provided*, That incremental vouchers made available under this paragraph for nonelderly disabled families or for homeless veterans shall, to the extent practicable, continue to be provided to such families or veterans, respectively, upon turnover.

(5) $6,494,000 shall be transferred to the Working Capital Fund.

(6) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $5,000,000 shall be available as an incentive bonus as determined by the Secretary for administrative expenses for public housing agencies that voluntarily consolidate, and of which up to $35,000,000 shall be available to the Secretary to allocate to public housing

agencies that need additional funds to administer their section 8 programs with up to $30,000,000 for fees associated with section 8 tenant protection rental assistance: *Provided,* That not less than $1,351,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle to public housing agencies on a basis as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further,* That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'', the heading ''Housing Certificate Fund'', and the heading ''Project-Based Rental Assistance'', for fiscal year 2007 and prior years: *Provided further,* That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8 of the Act, including related development activities.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Page 61, line 10, after the dollar amount, insert ''(reduced by $330,000,000)''.

Page 61, line 12, after the dollar amount, insert ''(reduced by $330,000,000)''.

Page 61, line 16, after the dollar amount, insert ''(reduced by $330,000,000)''.

Mr. CHABOT (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Madam Chairman, the section 8 program is a program I believe is in serious need of fundamental reforms, not more money.

Two weeks ago, the House debated H.R. 1851, the so-called Section 8 Voucher Reform Act. But rather than making the program more effective for the individuals who use it and more accountable to the taxpayers who fund it, the bill will create 100,000 more vouchers at a cost of $2.4 billion over the next 5 years.

I offered several amendments to strengthen the bill and bring about some much-needed responsibility to the program, to add, for example, work requirements and time limits and to stop the creation of new vouchers. Unfortunately, those amendments were voted down. And now 2 weeks later, we find ourselves considering a bill that would reward this flawed program by increasing its funding by hundreds of millions of dollars.

When we committed ourselves sometime ago to welfare reform, it was with the understanding that the program should no longer be a tax-funded handout but should instead offer people a way out of poverty, helping them obtain job and education skills they needed to become self-sufficient. Ending welfare cycle of dependencies have cut the welfare rolls in half, promoted individual responsibility, and saved billions of tax dollars in the process. Sadly, current housing programs closely resemble the failed welfare policies of the past.

Like the old welfare programs, the section 8 housing program discourages work and allows people to stay on the program indefinitely. It is also too often mismanaged by local governments or housing authorities.

I represent most of the city of Cincinnati, its western suburbs and few townships in Butler County, Ohio. Too many neighborhoods in my district have had to witness the crime, despair, and hopelessness that are inherent in a government program that asks virtually nothing of the recipients and that encourages dependency rather than responsibility and waste rather than work.

Whether it is the funding provided by the Federal Government or mismanagement of the program by local governments and agencies, section 8 has failed those who use it and those who pay for it: the American taxpayers.

It is also important to point out that the dependency that section 8 has created is so great that there are long waiting lists to get vouchers. Why? Because too many of those who gain access to the program don't leave. They don't really have an incentive to. The average stay is about 7 years.

Madam Chairman, this is a very modest, straightforward amendment. My amendment would simply reduce section 8 vouchers, the funding, by $330 million to bring it in line with the administration's budget request. This bill would spend $16.3 billion on vouchers, asking virtually nothing of its recipients.

On behalf of the American taxpayers, I don't think it is asking too much of this Congress to settle for a smaller increase to a program that spends far too much with too little accountability.

Madam Chairman, I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairman, I rise in strong opposition to the gentleman's amendment to cut the $330 million from the Tenant-based Rental Assistance account will not hold the program steady at the fiscal 2007 level. It will actually cut somewhere between 40,000 and 80,000 families that are currently in the program. That means that somewhere between 40,000 and 80,000 families, that is a large margin but that is families, that is real people, that currently have a section 8 voucher will find themselves without a home in fiscal year 2008.

Now, we know that rents increase each year. This is a market-based program, and market-based programs do escalate, are subject to inflation.

□ 2215

And that's what this $330 million amount was. It was a deficiency in the President's budget, where the President's budget was presented to the Congress before the actions in this continuing resolution in February of this year were acted upon, were taken by the Congress, and the President signed, ultimately, that legislation in the continuing resolution.

So, his original amount of money was for an entirely different set of circumstances because there was a restructuring of the section 8, the tenant-based section 8 program in the continuing resolution. And keeping the people with the number of vouchers, the vouchers that have been out there, we had to come up with the additional money in this bill which only allows the same number of people to have vouchers.

There is one $30 million amount in here for the first incremental vouchers added to the system in about 6 years; $30 million to be used for new vouchers for nonelderly disabled people and homeless veterans. As my ranking member pointed out, while we were affording 4,000 new vouchers, 3,000 of them go to nonelder disabled people, and 1,000 of them go to nonelder disabled people who also happen to be homeless veterans. That's how the 4,000 is structured. It's a very good, one of only a handful of initiatives in this bill for new vouchers for that particular program.

I can't really fathom why anybody would want to deny thousands of people with disabilities and homeless veterans a chance to live in a safe, affordable home.

I strongly oppose this amendment and urge a ''no'' vote.

Madam Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KNOLLENBERG. Madam Chairman, the thing that I have a problem with is we seem to be, and I know the gentleman is well-intentioned in terms of what he's doing, but we're losing more and more vouchers, and this is one way we're going to lose a substantial amount. If you reduce it by 330 million in tenant-based vouchers, you would have an adversive impact, a significant impact on the number of families that would receive assistance in 2008. So I must rise in opposition to this amendment.

The program today is administered based on the number of vouchers that are under lease. Currently, 13 percent

of the 2 million vouchers authorized turn over each year. This means that about 240,000 vouchers are relinquished each year and provided to new families or individuals.

The amendment, if adopted, would mean that about 47,000 vouchers could not be renewed upon turnover nationwide. And after years of trying to increase the use of vouchers so more families could receive assistance, this amendment would greatly undermine that effort.

While it is true that in 2007 the appropriations bill provided significantly more funding than was called for or was needed, reducing next year's funding level will offset the overage provided in 2007. Instead, 2007 funds should be recaptured and used by the Congress. So therefore, I must stand in opposition to this amendment.

Mr. OLVER. Will the gentleman yield?

Mr. KNOLLENBERG. I would be happy to yield.

Mr. OLVER. I thank the gentleman for yielding.

I would also like to point out to the gentleman from Ohio that we have available about, under authorization, 2.1 million vouchers of which this bill only funds 1.9 million of them at the level that we have provided the money with the 4,000 additional vouchers.

I would like to remind that the authorizing committee just brought out legislation and has added 20,000 in authorization for each of the next 5 years. Whether we will have the funding next year to actually provide that money, I do not know, but they're asking for us not only to move upward toward filling the vouchers that presently are authorized, but also adding some additional ones.

And the reason for that is that we have 8 million families roughly, 8 million households in this country which are living at incomes below 30 percent of the median income in their areas, and we are only providing somewhere in the range of 2 million, a little bit less even in this funding, of money for rental assistance for those people. So we're not coming anywhere close to dealing with the poorest people who are eligible under the law as it is written for that rental assistance because their income lies below 30 percent of median income in the area involved.

Mr. KNOLLENBERG. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. HIRONO) having assumed the chair, Ms. BALDWIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HIRONO). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Illinois (Mr. DAVIS) is recognized for half the time until midnight as the designee of the majority leader.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks and include any extraneous material.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank you for the opportunity to address the House.

I want to, first of all, thank Speaker PELOSI for granting to the Congressional Black Caucus this time on this evening.

I also want to thank our chairperson, Representative CAROLYN KILPATRICK, for deciding that each Monday members of the Congressional Black Caucus will come to the floor with a message to address issues, issues that affect not only African Americans, but issues which are pertinent to the quality of life in these United States of America.

This evening we have chosen to take a look at something called Second Chance, and that is we've chosen to take a look at how do we help successfully reintegrate the more than 650,000 people who come home from jail and prison each year back into a normal setting so that they can become contributing members of society, so that

they can become assets and not liabilities, and so that they can be the productive citizens that they have the potential of being.

We all know that it's common knowledge that people being released from prison and jail have complex needs, and that's why Second Chance is so important. Three out of four have a substance abuse problem, but only 10 percent in State prisons and 3 percent in local jails receive formal treatment prior to release. Fifty-five percent have children under 18, and about 2 percent of all United States minors either have or have had a parent in prison. Two out of three lack a high school diploma. And 40 percent have neither a diploma nor GED, and only about one out of three gets vocational training at any point during their incarceration.

Nearly half of those in jail earned less than $600 a month just prior to incarceration, and more than one of three jail inmates reported some physical or mental disability. About one out of five prisoners is released from prison without any real supervision or without any kind of help.

And so when we look at this enormous problem, it is essential that we provide all of the assistance. We know, for example, that those individuals who come out of prison and receive no help, within a 3-year period of time, 67 percent of them would have done what we call reoffend. About 53 percent of them will be back reincarcerated after having used up thousands of dollars of public resources just to get them back in jail or back in prison, not to mention the enormous cost of maintaining them during their stay.

□ 2230

That is why we believe that it makes far more sense to help these individuals return.

You know, it is not easy to get people to come over on a Monday night at 10:30. But one Member of the Congressional Black Caucus has come this evening. Not only has he come this evening, but he comes often. He comes often in terms of the kind of representation that he has provided in this House during his entire tenure, but also the kind of representation that he has provided throughout America trying to make sure that people experience equality, equal opportunity, a sense of justice, and a sense of hope. So I am very pleased that Representative BOBBY SCOTT has joined me.

Madam Speaker, it is my pleasure to yield to him to further discuss this issue.

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman from Illinois for yielding.

Madam Speaker, I want to thank the gentleman from Illinois for scheduling this special order on the Second Chance Act and for his long and diligent labors to move the bill forward as part of his lifetime of dedication to protecting and serving the public's interest.

He has been a dedicated public servant on this issue, ensuring that those who are in prison have a chance to turn their lives around and become productive citizens. That is why he is the chief sponsor of the Second Chance Act.

Congressman DAVIS' efforts not only benefit the offenders, because for everyone who comes out and establishes a law-abiding and productive life, one or more potential victims of crime never become victims, and the taxpayers have to pay less in prison expenses because one less person is not going back to prison.

This is the third Congress in a row that we have been working on this bill on a bipartisan basis. I believe this year we will be successful in passing the bill.

Madam Speaker, over the last decade we have seen an unprecedented explosion in our prison and jail populations. Now there are more than 2.2 million people incarcerated in Federal and State prisons and local jails, a tenfold increase since just 1980. Moreover, the annual expenses for corrections have increased from $9 billion in 1982 to more than $65 billion today. The figures continue to grow. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims of crime.

As a result of this focus in incarceration, the United States leads the world in per capita incarceration rates. The United States locks up 726 inmates for every 100,000 in population, according to 2004 data.

The international average is about 100 per 100,000. 142 in England and Wales, 117 in Australia, 116 in Canada, 91 in Germany, 85 in France. So the United States average is more than seven times the international average of about 100 per 100,000. The closest competitor is 532 inmates per 100,000 in Russia. That is 726 in the United States, Russia, second place, 532 per 100,000.

This year, more than 650,000 people will be released from State and Federal prisons to communities nationwide, along with more than 9 million people leaving our local jails. According to the Department of Justice, 67 percent of offenders leaving State and Federal prison will be rearrested within the next 3 years.

There is a pressing need to provide ex-offenders with education and training, drug treatment and medical and mental health services necessary to afford them the ability to obtain and hold steady jobs.

The statistics underlying the needs of our prison population are staggering. For example, 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison, with some estimates going as high as 84 percent of alcohol or drug use at the time the offense occurred.

Furthermore, one-third of all jail inmates will have some physical or mental disability. Twenty-five percent of jail inmates in fact have been treated at some time for mental or emotional problems. And as has been detailed by many researchers, other deficiencies include limited education and few job skills or job experience.

Evidence from the Department of Justice indicates that the needs for prison population are not being met under the current system. If we allow them to return to their communities with few economic opportunities where they were actually involved in crime and where their friends and associates may still be involved in crime and substance abuse, if we allow them to return to those communities without support, we can only expect to see the extension of the cycle of recidivism.

With bipartisan support in this legislation, we are set to build a broad web of programs which will help break the cycle of recidivism laying at the heart of our prison population explosion. The Second Chance Act provides a host of evidence-based approaches designed to reduce the high rate of recidivism that we are now experiencing.

If we are going to continue to send more and more people to prison with longer and longer sentences, we should do as much as we reasonably can to assure that when they do return to their communities, they don't turn around and commit new offenses and have to go back to prison.

Madam Speaker, let's be clear: The primary reason for supporting the Second Chance Act is not to benefit the offenders, although it does benefit the offenders. The primary reason for doing so is it better assures us that we and other Members of the community will not be victims of crime in the future and because the taxpayer will have to pay less in services under the Second Chance Act than we now have to pay because of the high recidivism rate and having people go back to prison.

So I want to thank again the gentleman from Illinois for holding this special order to bring attention to this important issue and the legislation that has been carefully drawn up to address it. I thank Mr. DAVIS for being the chief sponsor of the Second Chance Act. We are going to work as hard as we can to make sure it passes the House and the Senate.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank Representative SCOTT again for leading the charge in the Judiciary Committee to make sure that this legislation was in fact passed. It has passed out of Judiciary. Without your leadership and the leadership of Chairman CONYERS and the help of individuals like Representative WATERS and Representative WATTS and Representative SENSENBRENNER and a number of others, it never would have happened. So we definitely appreciate that.

Mr. SCOTT of Virginia. If the gentleman will yield further, I would also like to point out it is bipartisan. Representative CHABOT from Ohio and many Republicans on the committee

have been strong supporters of the Second Chance Act. That is how it received such an overwhelming vote in the committee.

Mr. DAVIS of Illinois. And definitely Representative Chris Cohen was very helpful and was a chief Republican sponsor of the legislation.

Let me also indicate that I agree with what you just said about America having more of its people in prison than any other developed nation in the world. But the vast majority, 95 percent of those individuals, will eventually return to the community. That is, they will return to the communities from whence they came. That means that every year about 650,000 are released. These men and women deserve a second chance. Their families, spouses and children deserve a second chance, and their communities indeed deserve a second chance. ''Second chance'' really means an opportunity to turn a life around, a chance to break the grip of a drug habit, a chance to support a family, to pay taxes, to be self-sufficient.

Today, few of those who return to their communities are prepared for their release or receive any supportive services. When the prison door swings open, an ex-offender may receive a bus ticket and spending money for a day or two. Many leave prison to return to the same environment which saw them offend in the first place. But, as they return, they often face additional barriers to reentry: Serious physical and mental health problems, as you just indicated; no place to stay; a lack of education or qualifications to hold a job.

As a result, two out of three will be re-arrested for new crimes within the first 3 years of their release. Youthful offenders are even more likely to re-offend. One-third of all correction departments provide no services to released offenders, and most departments do not offer a transitional program, placing a heavy burden on families and communities.

Considering the cost of incarceration, as much as $40,000 per year, and all the social and economic costs of crime to the community, it is just plain common sense to act to help these individuals reenter, become useful and reduce the level of recidivism.

When we think about it, the Second Chance Act will provide transitional assistance to assist ex-offenders in coping with the challenges of reentry. It will help reunite families and protect communities. It will enhance public safety and save taxpayer dollars. It is the humane thing to do, it is the responsible thing to do, and it is indeed the right thing to do.

The bill has the support of more than 200 criminal justice, service provider, faith-based, housing, governmental, disability and civil rights organizations, and President Bush has signaled his support for the legislation as well.

No single piece of legislation is going to solve the reentry crisis we are facing, but the Second Chance Act is a good start. I believe that with its passage, then we put the spotlight not just on the problem, but on the opportunities for solutions.

I am convinced, however, that any serious effort to facilitate the reentry of men and women with criminal records to civil society must be prepared to do two things: First we must be prepared to help with drug treatment on demand for everyone who requests it; secondly, we must find work for ex-offenders. Programs won't supply jobs. And after ex-offenders have undergone rehabilitation and receive appropriate training, employers will have to open their hearts and put these men and women back into the workforce, or they will surely and certainly end up back in prison.

I hope that everyone watching does in fact agree. I hope that everyone listening does in fact agree. And I certainly hope that all of the Members of this body and all of the Members in the other body will agree. Because when we help a person successfully reenter, we are not really just helping them, we are helping ourselves. I would much rather help an individual get rid of a drug problem than have to watch behind me when I walk down the street, or have to wonder whether or not I am going to be under attack because some person is in need of a $15 fix.

Madam Speaker, this legislation is legislation for America.

Madam Speaker, I include for the RECORD the following statistics on adults on parole.

Adults on Parole, by Race/Ethnic Origin, 2005

State	Parold population, 12/31/2005	White	Black/African American	Hispanic or Latino	American Indian/Alaskan Native	Asian	Native Hawaiian/other Pacific Islander	Two or more races	Unknown or not reported
New Jersey	13,874	2,906	6,679	2,563	19	25	53	0	1,629
New York	53,533	8,770	24,467	18,739	225	312	0	0	1,020
Pennsylvania [a]	75,678	39,517	28,271	6,022	62	295	3	56	1,452
Illinois [b]	34,576	10,124	20,386	3,923	30	90	**	**	23
Michigan	19,978	9,170	10,209	309	132	38	0	0	120
Minnesota	3,966	2,350	996	319	201	0	0	0	100
Missouri	18,374	12,246	5,665	356	55	37	0	0	15
Ohio [b]	19,512	9,717	9,580	156	39	20	0	0	0
Wisconsin [a]	15,505	6,983	6,712	1,209	432	122	**	**	47
Alabama [b]	7,252	2,503	4,670	32	2	8	0	2	35
Florida	4,785	1,940	2,725	105	5	0	0	**	10
Georgia	22,851	7,979	14,872	**	**	**	**	**	0
Louisiana	24,072	8,519	15,432	4	4	2	**	**	111
Maryland	14,271	3,617	10,602	**	13	17	**	**	22
Mississippi	1,970	847	1,104	11	4	2	0	0	2
North Carolina	3,101	1,096	1,801	126	50	9	1	**	18
South Carolina	3,155	1,029	2,081	20	8	1	0	**	16
Texas	101,916	34,561	39,718	26,920	70	163	0	0	484
Virginia [b]	4,499	2,144	2,243	0	2	0	0	0	110
California	111,743	34,535	27,825	44,135	897	1,018	193	0	3,140

** Not known.
[a] See Explanatory notes for more detail.
[b] Some or all detailed data are estimated for race.

Mr. DAVIS of Illinois. Representative SCOTT, I don't know if you have anything else you would like to add. If so, please feel free to do so.

□ 2245

Mr. SCOTT of Virginia. Mr. Speaker, I would like to thank you for introducing the legislation. It not only helps individuals, but saves taxpayer money and reduces crime in a cost-effective manner. Everybody wins with passage of this legislation. I thank you for your leadership.

Mr. DAVIS of Illinois. I thank the gentleman.

Madam Speaker, I hope the next time we come to the floor to talk about ex-offender reentry, we will be congratulating ourselves, we will be congratulating the House, the Senate and the President for having put into play a meaningful piece of legislation that is going to be good for America.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong support of the Second Chance Act, and I thank Mr. DAVIS for introducing this important piece of legislation.

In American we have more than 2-million people in prison. Of these, over 600-thousand are released each year.

Very few of these individuals are prepared to return to their communities or receive support services to ease their transition.

These ex-offenders face serious impediments in obtaining employment, and often have serious mental or physical ailments that remain unaddressed.

Today, approximately half of all black men are jobless. Amongst ex-offenders this number is even higher.

There is revolving door of ex-offenders into many of our neighborhoods.

With few opportunities two-thirds of all ex-offenders are arrested for new crimes within a few years of their release.

We must give these individuals the opportunity to become productive citizens.

The Second Chance Act will go a long way towards this goal by providing transitional assistance to ex-offenders reentering their communities.

It will work to reunite families and provide the appropriate training and rehabilitation for these individuals.

This bill will increase public safety and give millions of ex-offenders a chance to be positive productive citizens. I strongly urge my colleagues support.

Ms. LEE. Madam Speaker. I would also like to thank Congressman DAVIS for his leadership on this issue, and for introducing H.R. 1593, The Second Chance Act, which injects a much needed dose of reality into this debate.

The reality is, recidivism rates continue to rise with nearly 70 percent of released offenders returning to prison within 3 years. By releasing ex-offenders back into our communities without arming them with the necessary tools for survival, we are condemning them to repeat their past mistakes. And this does nothing to reduce the crime rate and provide for safe communities.

Today, we can change the landscape of ex-offender re-entry programs in this country. We need to make rehabilitation a reality not just an abstract proposal. By providing all formerly incarcerated individuals with greater access to education, health care, job placement, and drug treatment we will reduce recidivism rates across the board.

Re-entry programs are critical to reintegrating ex-offenders into civil society. Up to 60 percent of ex-offenders are unemployed a year after their release and up to 30 percent go directly to homeless shelters upon their release. The incidence of drug use among ex-offenders is over 80 percent, twice the rate of the United States population. It's more than clear that something needs to be done.

Madam Speaker, this legislation is especially important to me due to large number of formerly incarcerated prisoners in my district. I am currently helping those who qualify to legally clean up their records. Following the lead of my colleague from Illinois, Congressman DANNY DAVIS, I have hosted two Record Remedy summits in my district. These summits are a resource for the nearly 10,000 people who come back to my District every year after having served their time in jail. We have a vested interest in making sure that people reentering our community do so successfully. Help with cleaning their records provides an opportunity for a second chance to read an application, get a job or go back to school.

Madam Speaker, our criminal justice systems are sorely in need of reform. We must provide formerly incarcerated individuals with the required skills to successfully reenter our communities. And, we must end the cycle of injustice that is perpetuated by a system that continues to punish people, long after they have paid their debt to society. H.R. 1593, the Second Chance Act, is a critical step forward. No one condones criminal activity but I tell you once one serves their time, they should be able to feed their family and move on with their lives.

I urge my colleagues and support the Second Chance Act.

Mrs. JONES of Ohio. Madam Speaker, I have been waiting nearly 30 years for Congress to enact meaningful reentry legislation, as I have been deeply involved in prisoner reentry issues since my days as a judge and county prosecutor in Cleveland, Ohio before serving in Congress. While Cuyahoga County Prosecutor, I helped establish the ''Pretrial Diversion Program,'' as well as the ''Municipal Drug Court.'' Both programs, I am proud to say, still exist and continue to help ex-offenders move on with their lives and become productive citizens of society.

Prisoner reentry is not a Democratic issue. It is not a Republican issue. It is a common sense issue. The facts are clear—meaningful reentry programs significantly diminish the chances that ex-offenders will return to prison. That saves taxpayer dollars and increases public safety. So why not invest in enhancing reentry programs in order to end the cycle of recidivism? That is exactly what the Second Chance Act does.

In 2002, two million people were incarcerated in all federal and state prisons. Each year, nearly 650,000 people are released from prison to communities nationwide. Nearly two thirds of released prisoners are expected to be re-arrested for a felony or serious misdemeanor within three years of their release.

The State of Ohio has one of the largest populations of ex-offenders re-entering the community, with about 24,000 ex-offenders returning to their respective communities annually. Of those ex-offenders, about 6,000 will return to Cuyahoga County and almost 5,000 will re-enter in the City of Cleveland. Statewide, about 40 percent of ex-offenders will return to prison. In Cuyahoga County, about 41 percent will return to prison. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner reentry efforts.

Today, I am proud to stand with my colleague Representative DANNY K. DAVIS as an original co-sponsor of the ''Second Chance Act of 2007. This legislation allocates $360 million towards a variety of reentry programs. One of the main components of the bill is the funding of demonstration projects that would provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring services. This broad array of services would provide stability and make the transition for ex-offenders easier, in turn reducing recidivism.

This legislation is critical to successful reentry of offenders. The bill provides as a beginning the essential ingredients necessary to assure public safety and recovery. It will help begin the process of breaking down barriers to successful re-entry and allow offenders and their families the tools necessary to break the cycle of criminality.

This is first-of-a-kind legislation that is critical to successful reentry of ex-offenders. It provides as a beginning the essential ingredients necessary to assure public safety and recovery. It will help begin the process of breaking down barriers to successful reentry and allow offenders and their families the tools necessary to break the cycle of criminality.

A key component of the Second Chance Act is that it makes funds for reentry services directly available to state and local governments and non-profit organizations that offer reentry services. This is important because these are the groups that are committed to reentry and are ''on the ground.'' And if one thing is true, it is that that state and local governments and non-profits need more funds in order to provide reentry services more effectively.

Let me highlight two entities that do wonderful reentry work in my State of Ohio and would stand to benefit from the Second Chance Act: (1) Community Reentry in Cleveland, Ohio, led by Charles See, and on which I sit on the Board of Directors, and (2) the Ohio Department of Rehabilitation and Correction, formerly headed by Reggie Wilkinson, who devoted 33 years of public service to the Department.

Community Reentry, which is part of the Lutheran Metropolitan Ministry, has served the City of Cleveland since 1973 by resettling people who have been involved with the justice system to reduce recidivism and enhance the quality of their lives and the life of the community.

Community Reentry also provides prevention and intervention social services to youth in low-income public housing facilities who are at high risk for involvement in drug or gang activity and future incarceration.

Community Reentry administers a variety of reentry services that benefit the Cleveland community. Let me underscore a few of their programs, all of which are comprised of ex-offenders.

Care Team. Care Team members, also known as ''Red Jackets,'' that serve elderly people and people with disabilities who live in apartments managed by Cuyahoga Metropolitan Housing Authority (CMHA). Care Team members escort residents to the market, doctor's offices and the bank, run errands and assist with light chores.

When one elderly woman was asked how she feels about two of the members of her building's Care Team, she replied, ''They're not criminals. They are just like my sons!''

Care Team members are paid employees of Community Reentry. Full time employees receive a full benefits package that includes vacation, health insurance, and pension that is fully vested after 1 year. The recidivism rate for Care Team members is less than 5 percent.

Friend to Friend. The Friend to Friend program recruits, trains and coordinates volunteers to visit men and women in prison. Male volunteers are matched with men at Lorain Correctional and Grafton Prison—both located in Lorain County, Ohio. Female volunteers are matched with women at the Pre-Release Center in Cleveland. The purpose of the program is to reduce social isolation of people who are incarcerated and to help prepare them for reentry into the community.

Volunteers are not asked to do anything they don't already know how to do, and their only job is to be a friend to someone who needs one.

Women's Re-Entry Network (WREN). WREN's mission is to enhance the quality of life for women involved in the criminal justice system, their families, and the community, by helping participants reenter society. The program enhances self-sufficiency and access to resources, increases positive social supports and family ties, overcomes barriers to goal achievement, and reduces the risk of recidivism.

WREN provides a holistic network of mental health, education, employment, family and supportive services in a safe and welcoming

environment. It is a place where women can begin the process of rebuilding their lives, reconnecting with family and reclaiming their place as productive members of the community.

As a member of Community Reentry's Board of Directors, I can tell you that these reentry programs work, and investing in their expansion makes sense. I urge you to contact your Representatives and Senators so that they support the Second Chance Act and see that it passes the House and Senate as soon as possible.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Madam Speaker, I want to thank my leadership on the Republican side of the aisle for allowing me to address the House this evening. It is always an honor to come before the House of Representatives and to discuss issues of importance to this Chamber, to this Capitol and to the Nation.

This is a truncated version of the Official Truth Squad because of the hour of the evening. The Official Truth Squad is a group of individuals who come to the floor of the House and try to shed a little light, try to shed a little truth, if you will, on the deliberations going on here in our Nation's Capital and hopefully bring a perspective that will allow Members of the House and this Chamber and men and women across our Nation to be able to gain a little greater perspective on exactly what is going on here in Washington as we struggle with the challenges that we have facing the issues that we have in our Nation that demand so much of our attention and demand, frankly, a greater level of cooperation than is frequently seen here in Washington.

It is one of the things that I strive, along with my colleagues, try to bring about, and that is a greater sense of urgency to solve the challenges that we have, and to address honestly and openly and truthfully the issues we have before us.

We have one special quote that I like to quote that I think kind of puts it all into perspective, especially when you are talking about issues that are so complex in Washington. It comes from Senator Daniel Patrick Moynihan. He used to say everybody is entitled to their own opinion, but they are not entitled to their own facts.

So often here in Washington, people want their opinions to be facts. It is one of the items or issues that the Official Truth Squad attempts to address, and that is trying to talk about facts, trying to bring facts to the table as it relates to any particular issue.

Tonight we are going to talk about at least one issue that is in great need of facts. Madam Speaker, we are in appropriation season. During this period of time, the House works on its multiple appropriations bills and tries to determine exactly how we as a Nation ought to set priorities from an appropriations or a spending standpoint, what level of spending ought to go into the various programs of the Federal Government. And so often, and we just heard it this evening, many people come to the floor and they say, if we just had more money, if we just had more money for this program or that program, that would solve the problem.

And so often it is not money that is needed for programs, especially out across our Nation, because what is needed most often is to free up the wonderful enthusiasm of the American people and the wonderful ingenuity of the American people. What happens is along with the money that comes from Washington comes rules and regulations and strings and stipulations, and makes it that those individuals who are trying as hard as they can to make ends meet and improve their communities and make certain that they are providing for their families, so often what Washington does is ties their hands behind their back and makes it so they are not able to realize the kinds of dreams that they would otherwise be able to realize.

We cite often the Golden Rule. You know what that is. Most folks know what that is, but the Golden Rule of Washington is not what most people across this Nation know. The Golden Rule across this Nation is to do unto others as you would have them do unto you. But the Golden Rule here in Washington is he who has the gold makes the rules. That is especially true during appropriation season because we put all kinds of strings attached to the money that the Federal Government spends.

We often forget, as I am fond of reminding my friends here in the House, of whose money it is, because it is not government's money, it is the people's money. It is hard-earned American taxpayer money.

We have had individuals come even to this well and say, ''Keep your hands off my money.'' My money. It is phenomenal when you hear that, when I go home to the Sixth Congressional District in Georgia, and my constituents ask incredibly insightful questions about that kind of mindset that exists here in Washington. ''How can politicians believe it is their money?'' This is so important as we are in this appropriation season and as we determine exactly how to spend that hard-earned taxpayer money, and we ought to do it more responsibly, I would suggest, Madam Speaker.

I want to talk tonight about an issue that is near and dear to my heart, and to the heart and well-being of every single American, and that is the issue of health care. Before I came to this body, I was a practicing physician. I was an orthopedic surgeon and practiced for over 20 years in the Atlanta area.

One of the things that drove me into politics or had me stand up and volunteer to get into politics was the recognition and the appreciation that year after year after year would go by as I tried the best I could to care for my patients and worked with my colleagues to provide the best and highest quality of health care we could provide, and year after year, and month after month, and day after day each of us appreciated that there were more individuals in our State capital and in this Capital right here who were making decisions about health care that affected very directly what I could do for and with my patients than anybody I ever met in medical school and anybody I met in residency and training as I was training to become an orthopedic surgeon. That was true for every specialty that I talked to, every single colleague.

If you talk to your doctor, Madam Speaker, or if the Members of Congress would speak to their physicians and to their neighbors, they would appreciate readily that there are so many rules and regulations that are coming from Washington and from State capitals around this Nation that tie the hands, that make it more difficult, not easier, more difficult for physicians and other health care providers to be able to take care of patients. And that's wrong. That is wrong because what it means is we have a lesser quality of health care system than we would otherwise have if the government weren't involved in the way that it is.

And there are all sorts of programs that you can talk about that would lend truth and credibility to that statement, but I want to talk about one specifically this evening that is going to get a lot of discussion, Madam Speaker, here over the next week or two and maybe number of months as we move forward in Washington, and that is the program known as SCHIP, or the State Children's Health Insurance Program.

That is a program that was begun 10 years ago. It was part of the Balanced Budget Act of 1997. It was a program that had wonderful goals. The goals were, specifically, there was a recognition that low-income individuals who weren't eligible for Medicaid, they made too much money to be eligible for Medicaid, but they didn't make enough money to be able to afford health insurance for their families, those individuals ought to be able to have some sort of assistance provided by States and the Federal Government in a complex formula that would allow those families to be able to have health insurance for their children. So hence the name State Children's Health Insurance Program. And it was a laudable goal, without any doubt. And it was passed by a significant majority, and the goal was to increase the enrollment of children who were below 200 percent of the poverty level. That is what was selected as the limit at the time.

Over the last 10 years what happened, however, is a distortion, a significant

distortion, of the program so that it covered not just children up to 200 percent of the poverty level, but in some States covered up to 350 percent of the poverty level, and it covered not just children. The State Health Insurance Program covered hundreds of thousands of adults. So like other government programs, it grew.

Government programs in the area of health don't just grow, as I started this conversation talking about, they insert themselves in terms of rules and regulations into the process and make it extremely difficult for those who are charged with the administration of the program, charged with caring for patients in this instance, to be able to care appropriately for them.

So what we saw between 1998 when the State Children's Health Insurance Program was instituted and became effective, at that time there were about 28 percent of the children of this Nation on some sort of government-run health care. In 2005, that number had grown to 45 percent. It is a little more than that right now, but about 45 percent.

The proposal that will be on the floor of the House or certainly in Committee of the House is to move it so that in a relatively short period of time, another 5 years, we will have 70 to 75 percent of children on government-run health care.

We will talk a little bit more about the consequences of that and why many of us believe that is the wrong direction to head, because most of us, most people, most Americans, I believe, are not interested in having a Washington-controlled, bureaucratic medical model be the one that is making those kinds of personal health care decisions for themselves and their families, and especially for their children.

That is what we are going to talk a little bit about tonight. I am so pleased to be joined by one of my good friends and colleagues, the gentleman from New Jersey (Mr. GARRETT), who has great insights into both fiscal responsibility issues and issues where government tends to intervene in ways that most of us would desire that it not. I am happy to have the gentleman join us this evening, and I yield to the gentleman.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia for coming to the floor this late hour, although on the west coast it is just early evening, and so we welcome all those who partake in these forums that we have that are educational to not only the American public, but also to our colleagues who may be in their chambers learning a little about SCHIP as we go along.

I was listening to your opening comments, and you were right on point on this one, as you are always right. I have great respect for your ability to have a strong grasp of the situation on a whole slew of topics. I sort of focus on certain areas like the U.N., which is one of my pet peeves, or financial services, or education and No Child Left Behind. But I know whether on the floor or at home, I can watch and be assured that you are covering thoroughly a topic of importance to the American people. And SCHIP is one of those topics.

You were just beginning to address the issue of the number of children that will be on SCHIP and the direction that the government is going in this area. Your chart makes the point abundantly clear.

Red is usually a warning sign to people. When the red flashers go off or the red lights flash, you know something is amiss, and I guess you chose the appropriate coloration of your charts that something is amiss.

We see back in 1998, less than a decade ago, a little over a quarter of the kids in this country were under a government-run plan, and now we are looking to see almost three-quarters of the children in this country under a government-run plan.

□ 2300

That is fine. That would be fine if you thought that the U.S. government, if Washington is in the best position to take care of and administer the health of our children.

But you know, you don't have to listen to The Official Truth Squad here on the floor each week to know that things are oftentimes amiss when it comes to the efficiency and the accountability of the Federal Government.

Heck, just look a couple of years ago when the whole issue of Katrina was coming on, there was railing from both sides of the aisle, rightfully so, when we realized that the Federal Government couldn't get into an area where it had an obligation to, and that is, to help out people in a tragic situation, whether it's home settings or others or in a health situation.

Likewise, I think I recall there was railing again against the Federal Government when, again, in an area that the Federal Government does have a distinct responsibility, and that is taking care of our veterans and our men and women who are in the military or returning back from the military to the facility just down the road a piece from here, and there was a question as to the conditions of those medical facilities and whether we're giving those brave men and women all the facilities and care and comfort and proper medical care that they deserve.

Yet, when we know that all those problems exist, there are some, especially from the other side of the aisle in this House and certainly on the other side of the aisle in the Senate, who would say that the solution to the health dilemma in this country is not by turning it back to a patient-doctor relationship, but instead of turning it to a Federal Government/doctor-patient relationship. So we are going in the wrong direction with regard to that.

I'd like to come back to that in a moment or two, but at this point I yield back to gentleman if he would like to speak.

Mr. PRICE of Georgia. I appreciate your comments in pointing out a number of different areas where the government has been intimately involved in health care issues specifically and ones where most individuals across this Nation I believe, Madam Speaker, have questions about the advisability of governmental involvement and the effectiveness of governmental involvement.

We're pleased to be joined by another good friend, the gentleman from Wisconsin, who has been chair and now is ranking member of the Budget Committee, an individual who has great perspective on both fiscal responsibility and the issue of health care as a member of the Ways and Means Committee. We are pleased to have Mr. RYAN join us this evening and I'm happy to yield to him.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding, and I thank the gentleman for his leadership on health care issue, not only the fact that you're practicing physician, but also your leadership here in Congress, and the gentleman from New Jersey as well.

I just listened to this conversation you're having in my office, and I wanted to come down and just add maybe a few facts. I missed part of your debate as I walked over here.

But we're looking at all these various SCHIP bills to renew this program, and we looked at what the other body is doing over in the Senate. They propose a new $35 billion expansion of the program, but what we find in their legislation is that, not only do they provide a $35 billion expansion, they provide another $35 billion expansion after that in 5 years. Then to contort their budgets to make it all work, they actually say that we will cut off 4.5 million children off of SCHIP insurance to make their numbers work, meaning they have a budget gimmick.

The budget gimmick is, they're going to put as much money into this program as possible, but to fit in their contorted budget window, they will just assume that in about 9 years everybody's knocked off of health insurance.

Both you and I know that that's not going to happen, but what we have over here in this body is an even larger SCHIP expansion, a $50 billion SCHIP expansion which translates into $100 billion SCHIP expansion if their full 10-year ambitions are realized.

And what does that mean? What they're talking about is having all families at 400 percent of poverty, a family of four earning $80,000, being on government health care. What they're talking about is the largest expansion of Washington-controlled bureaucratic health care we have seen in decades, and this expansion of Washington-controlled bureaucratic health care is not the recipe for America.

All of us know from the fact that we represent Americans that the cost to health care and the cost of health insurance is an enormous crisis in America today. Finding good quality, affordable health care is a big problem.

And so what the majority is doing is, rather than attacking the root cause of health care inflation, rather than looking at what is producing these high costs, they're simply saying we will just pay for more of that from the government. They simply want to take more control in Washington and go down the same path, the same path where, today, we spend two-and-a-half times per person on health care of any other industrialized world; yet, today, we have 46 million people who have no health insurance.

We have a system today where all the fiscal experts in Washington and across America from the left and the right are telling us health care's unsustainable, the entitlements in this country are bankrupting America, that our children and grandchildren simply won't be able to pay for the government of tomorrow because of the cost of health care today and the trajectory it's on.

We believe in a different philosophy, a different alternative. We believe we can have affordable, accessible health care that is patient-centered, that is patient-driven and patient-controlled health care.

And so that is why we have a very different vision of this Washington-controlled bureaucratic health care, where the patient and his or her doctor are making the decisions in health care, where we actually go at the root cause of health care inflation and attack those causes so that people get affordable health care at a good price and good quality, and that the patients are the ones who are the drivers of the system.

Today, under the third party payment system we have today, either an HMO bureaucrat or a government bureaucrat's making the decisions, and we as consumers really don't care what things cost because someone else is paying the bills. We can't shop around based on quality and price because we don't know what quality and price is or we're told who and where we've got to go to by our closed network. That's a system that's unsustainable. That's a system that we have today, but this is the system that the majority wants to not only expand, but they want to turn more of it over to Washington, more of it over to government bureaucrats making our health care decisions which will cost us even more money, $50 billion to be specific, in this bill that's going through the Ways and Means Committee and Commerce Committee this week.

But the key here is that we have 16 percent of the GDP, 16 percent of the economic output of this country is dedicated to just health care. The Democrats want that to grow and grow and grow. What's ironic about this is the other 84 percent of health care doesn't work like the 16 percent of GDP that health care consumes, because the other 84 percent of our economy operates on the basic free market premise of competition, competition on price, competition on quality. If you don't do a good job, you don't get more business. If you're not price competitive, people aren't going to buy your product.

Unfortunately, that is not how health care works today, and those are the reforms that we want to inject into health care so that people can get affordable, accessible health insurance coverage, health care that is very high quality and that doesn't grow at 6, 10, 20, 18 percent of price increases every single year.

So we have two different philosophies, two different visions of where we want to go to with health care. We very much believe in putting the patient at the center of the equation, giving the patient and their physician control over the health care system so health care providers, rather than oligopolistic pricing, rather than just raising prices on everybody, will compete again for our business on price and quality.

What the majority wants to do is continue this system, where providers continue to raise prices over and over and over, third parties make the decision whether it's a bureaucrat at an insurance company or a bureaucrat in Washington, and they simply want to raise more taxes to pay for more of this.

In this particular bill, they want to cut Medicare patients. They want to raise taxes on low-income individuals in order to pay for this unprecedented expansion of Washington-controlled bureaucratic health care. To me, that's not the right way to go. It's not the right priorities, and what it will do will be to get more difficult for small businesses, individuals, families and even large businesses to be able to afford health insurance.

That's not the path to take. That's the way that's going to bankrupt this country. That's going to raise our taxes and that's going to take health care decisions away from individuals and families.

That's the approach that we want to go, and I just am pleased to see that my colleague from Georgia and New Jersey have joined in this debate on the floor because it's a very important debate. I would argue that the cost and affordability and accessibility of health care is the largest domestic crisis facing America today, and it's high time we do something about this.

I just want to thank the gentleman for including me in this debate.

Mr. PRICE of Georgia. I thank the gentleman for his comments and really succinct presentation of the issue of health care and the philosophical difference between the two parties, philosophical difference between the majority party and our party at this point.

The majority party believes that Washington-controlled bureaucratic medicine, bureaucratic health care is exactly what the country needs, and we don't believe that. We believe firmly in patient-centered health care and patient-centered decisions as it relates to health care.

So I thank you very much, and you point out as clearly as anybody could ever do the philosophy on that side of the aisle, once again, that is, if we just give it more money, give it more money, it will somehow miraculously improve.

You know as well as anybody as the ranking member on the Budget Committee that when the estimates are a certain amount, it's never that amount. So if $50 billion is the estimate for the first 5 years and $100 billion for the 10-year period of time, it will never remain at that level. When folks across America hear that kind of comment, they just better say I better hold on to my wallet.

I'm pleased to yield to you once again if you have any other comments.

Mr. RYAN of Wisconsin. All I would say is I think most Americans realize, if you're spending someone else's money, you are not going to be judicious with that money like you are with your own, and that is what we do here in government.

And in health care, by asking Washington to spend our taxpayer dollars, they are not spending it like it's their own money. Think of what's happening in health care. In health care, they're spending someone else's money, our money, and they're spending it in a very irrational way, and it's giving us high health care costs. That is the basis of this third party payment system.

And so by simply saying we're going to raise taxes to spend more money in Washington on health care in a system that takes control of health care out of the hands of the patient, him- or herself, is just wrong.

I can't think of a more intimate and personal decision you experience in your life than making a decision over your own health care. Yet, they want more bureaucrats to make that decision than individuals. They want Washington to control this system. They want HMO bureaucrats to control this system and not the patient and their doctor.

That is the real core of the issue here, who you trust. Do you trust Washington with your money to make personal decisions for you or do you trust individuals to make them for themselves?

I would argue, and I think the evidence is clear, that when individuals make the decisions for themselves, when they're spending their own money, when they're talking to their doctor and making decisions on their own treatments, with affordable insurance, that the system's going to be far better, people are going to be much more satisfied, and we're going to save a lot more money and we'll have healthier outcomes.

So it's a real difference in philosophy, and where we see competition working, prices go down and quality goes up, even in health care.

I will just give one final conclusion. I used to have really bad eyes. I had 8.5 in this eye and 8.0 in this eye, which means you have really bad eyes, about 2800 vision. In the year 2000 after years and years of wearing contacts, I decided I'm going to get this LASIK surgery, and that LASIK surgery cost me $2,000 an eye for a total of $4,000 out-of-pocket discretionary spending in elective surgery. They used this Excimer Laser at the time, and it went very well. I can see your charts extremely well. I can even see the detail on your tie. You're standing about 20 feet away me, and the LASIK worked well.

Well, what is LASIK procedure now in the year 2007 where it was in the year 2000? It costs $800 an eye at the same place, and they've revolutionized this procedure, revolutionized this Excimer Laser they use four times over. So the procedure is much better in quality, it's much better in recovery, and it costs $800 an eye instead of $2,000 an eye. $1,600 instead of $4,000 seven years ago. Better quality, lower price, because of competition.

So, even in health care, with complicated things like eye surgery, you can see where competition is allowed to work, is allowed to flourish, that good results can occur, and that is the way out of this. That is the way forward, and that is the lesson that we need to learn as we go through this, instead of raising taxes on Americans and having more Washington-controlled bureaucratic health care, which has given us this double digit inflation on health care.

And with that, I'd be happy to just yield back to the gentleman, and I thank him for including me this time debate.

Mr. PRICE of Georgia. Thank you ever so much for your comments and, once again, succinctly pointing out the rationale for why it doesn't make sense for Washington to be controlling health care.

And sometimes I get the question as a physician, what does it mean specifically? What kind of issues would the government insert themselves into? If I think back on personal experience that I have, there are a number of issues where Washington and governments insert themselves into health care. The reason that it sometimes isn't easy to see is because patients don't often see it.

□ 2315

I worked for a period of time in a veterans hospital in Atlanta, and every quarter there were a certain number of joint replacements that were allowed to be done at the hospital. When we got to the end of that number, even though it wasn't the end of the quarter, there were more patients that needed joint replacements, we couldn't do them. We weren't able to do them because the resources weren't there to be able to fund them.

Now, the patients that didn't get their joint replacement in May or June because they were rescheduled to July didn't know that the reason they didn't get their joint replacement in May or June wasn't because there wasn't anybody to do it, or there weren't any prostheses to implant, or the nurses weren't there, or the operating rooms weren't functioning, no. They didn't know that the reason they weren't getting it is because the Federal Government wouldn't pay for it. That was the reason.

So, the government inserts itself in so many ways into the practice of medicine. Medicaid programs are a classic example. Medicaid programs across this Nation, which are government-run health care for lower-income individuals, the vast majority of States have formularies for drug prescription plans in Medicaid, which means that the government is deciding which drugs are available for folks at the lower end of the economic spectrum. That's wrong. That's simply wrong.

Now, there is a way to solve that without the heavy hammer of the government, because when the heavy hammer of the government comes in, what happens is that they just put more restrictions on, or they make a change, and for 2 months it's the right change to make.

But government isn't nimble, it isn't flexible, it can't change easily. Even if it made the right decision at one point in relatively short order, it would be the wrong decision, because science moves on, medicine moves on, health care moves on. There is no way the government can catch up, which is why the importance of having patient-centered decisions, patients and their families making decisions in concert with the consultation with the physician, is so incredibly important.

I yield to my good friend from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. The last point you make as far as the area of intrusiveness of the Federal Government and how they are sometimes basically out of step with what is appropriate between the normal doctor-patient relationship, maybe that's because the Federal Government and all governments in general always lag behind the private sector, whatever field you might consider, as far as innovation and moving ahead and new areas.

I mean, think about it. You can go to the store tonight and buy any item that you possibly want, whip out your credit card and slip it through a machine. Within seconds that transaction is created, and they know your credit rating and whether you have money in that bank account to pay for that item. It's all done just in the blink of an eye.

Go to your local town hall or go to the IRS or go to anybody else like that and see whether they are up to date with that technology, and you will find out they are not. Those are okay, because that's not a life-and-death situation. But you, as a physician, know that when it comes to a life-and-death situation, or we all know, that we want our children and our spouses to be able to have the most up-to-date, the most innovative, the most advanced technology available to them.

I think that is going to be found on the marketplace of ideas that is in the general marketplace, as opposed to the convoluted, Byzantine system that we call this, the Federal Government.

Mr. RYAN just stated that what the Federal Government is attempting to do here, with the expansion of this program, as we come to the floor tonight, we mark approximately the sixth month of control of the Federal Government under Democrat leadership. As we mark this sixth month, we have seen the largest expansion in taxes, the largest tax increase in U.S. history. I guess, as we discussed here on the floor tonight about the Democrat plan for the expansion of the SCHIP program, we see the largest expansion intrusion into the family and personal life by the health system, by the expansion of the SCHIP system.

The point I just wanted to make, though, is take a look at how the system has worked so far with respect to the system, the distribution of money to the States. If you go back to I guess it was 1968 or 1969, the first couple of years under the Nixon administration, and he came up with a program of distributing money to the States that was called revenue sharing. That was a new idea at the time, and after a time we realized it didn't really work exactly the way Nixon intended it to do. In fact, he tried to do it in certain areas like education and was never able to get it into legislation. Yet the same sort of idea here, in the original version and the version that will be coming out in the Senate as well.

In a similar situation that we can all relate to, say you have four kids in your family, and you are going to give them all $40 to spend each week. So you give each one of your children $10 each. So here, Child One, Two, Three, Four, presumably you have better names than that for them, here is $10 each. You each get to spend it on anything you want during the course of this week. But, mind you, when the weekend comes, if you don't spend it, if one of the other ones here happens to go over their budget, and you didn't spend it all, what we are going to do is redistribute those funds to the other child there.

What do you think that your kids are going to do? I would imagine that each one of them is probably going to go out as soon as they possibly can, spend that full $10, and maybe even spend $11 just hoping that there will be some money left over from their siblings there to spend it.

Well, children, not to make the comparison here to the States, but the States here are a lot like children in

this situation. This system was set up with $40 billion initially spread out to all the States. It was done, you might say, as fair as the Federal Government goes, as far as how many children may be in the program versus how many children are under other programs. But what happened immediately after that, when they told the States, now, look, if you don't spend your money, we are going to take your leftover money and send it to the other States? Well, initially, in the first couple of years, a number of States did not spend all their money. In 2001, only 12 States exhausted their entire allotment. However, once they saw how that all came down, in 2006, 40 States used all available funds. In that same period of time, unused State funds dropped from $2 billion to only $170 million.

So, finally, in this past appropriations, we had to step in, because there was too few States not spending all their money, too many States spending it. So we had to come up with spending of an additional $393 million that was recently appropriated to address the 2007 shortfall. That just goes to show you one of the inherent problems in the system and the way it has been administrated in the past and, I believe, will continue under this system as well.

Mr. PRICE of Georgia. I thank the gentleman for pointing out the shortfall of Federal Government rules, because they can't ever catch up.

My State, Georgia, was one of those States that spent too much. It spent too much, we would argue, in Georgia, because we were too efficient at signing up children in the program.

Because the formula wasn't flexible, wasn't nimble enough, couldn't accommodate for a State that overperformed, if you will, then it wasn't able to be able to get the match that it was promised. Whether or not that should have happened in the first place is a different question. But the fundamental challenge that we see in all of this is that the Federal Government can't respond, and it can't respond in so many different ways.

But what we see with this chart here that my colleagues know very, very well, and that is that there are all sorts of children out there right now across our Nation that are covered by private insurance. What happens when the Federal Government and the States get involved and they say, let's put this carrot in front of you; let's entice you to come and join government-run health care? What happens?

The fact of the matter is that there is a crowd-out phenomenon, that individual families who currently have private insurance, either they or their employer looks at the program and they say, well, we could save that money by having you enroll your children in government-run health care.

Mr. RYAN of Wisconsin. So what the gentleman is saying is because you have so many families and children with private health insurance, with this new expansion, taxpayers will be replacing that private health insurance and paying for families who already have health insurance?

Mr. PRICE of Georgia. That's exactly right. That's what we saw with the previous program. It happens every time when you have a government program that potentially can supplant the private program.

In 1998, 28 percent of the children in our Nation were covered by some sort of government-run health insurance. In 2005, 45 percent. This is a combination of SCHIP and Medicaid.

Now, the problem is that when you look at the number of children that are covered by private health insurance in our Nation, up to 200 percent, 50 percent of them are already covered by private health insurance. If you go up to 300 percent, which is what the Senate proposes, 70 percent of the children in America whose families have incomes less than 300 percent have some form of private health insurance.

Mr. RYAN of Wisconsin. At 400 percent?

Mr. PRICE of Georgia. At 400 percent it's nearly 90 percent.

Mr. RYAN of Wisconsin. So in the bill that's coming to the House which takes SCHIP to have government, Washington-controlled, bureaucratic health care, for all children at 400 percent poverty, those families, 89 percent of those family already have health insurance. We are talking about having the government step in, raising taxes on taxpayers, and having the government take over the provision of health care for a group of families, 89 percent of whom right now have private health insurance?

Mr. PRICE of Georgia. That's exactly right. That is the crux of the matter. If everything else were equal in the system, if it were to allow for the same kind of ability for patients and families and doctors to make decisions, that might be one thing. But as we have talked about, and as everybody across this Nation knows, that's not the case.

When you have government get involved in the provision of health care, government is going to make decisions about where you can be treated, who can treat you and what kind of treatment you can have. That's where the personal health care decisions go away from the individual. I don't believe, and I know you don't believe, that that's what the American people want. It's up to you.

Mr. RYAN of Wisconsin. So just to expand on this point a little bit further, we have here a situation where 89 percent of the children in these families are already covered by private health insurance that their parents had purchased, that their parents and employers probably had provided them. So what we are proposing here in this bill is that we raise taxes on the American taxpayers, and that we pay for government-controlled health care to replace that health insurance that they already have.

Mr. PRICE of Georgia. Yes.

Mr. RYAN of Wisconsin. So we are going to pay for a system that we already have coverage of so that we can raise taxes and have the government control their health care system. That is a system, that is a sense of priorities that just doesn't square with the American people that I know. That is not what people in Wisconsin sent me to Congress to do.

I don't believe the American people, if they really know the truth and the facts surrounding this issue, want to see their taxes raised so that Washington controls the health care for all of these families, for all of these children, especially when they already have health care provided to them.

I think people understand that if we truly have uninsured poor children, that they ought to get health insurance. I think there is no disagreement here about making sure that uninsured low-income children receive health insurance.

But talking about providing government-controlled health care to families that already have health insurance and raising taxes to do that, that just doesn't jive with the priorities of the American people and the American taxpayer, in my opinion.

Mr. PRICE of Georgia. No, it doesn't make any sense at all. It lays bare the true motive and the true philosophy, which, on the other side of the aisle, at least the true leadership who are pushing this legislation, their belief is that government knows better how to spend people's money than the people themselves. This stretches all the way into the area of health care, which, as you mentioned, are very personal, personal, health care decisions.

Mr. GARRETT of New Jersey. I know that the gentleman from Wisconsin would be able to elaborate on this in much more detail, but in the best case scenario, would that the Federal Government be awash with cash right now, and would that we had no mandatory spending problem going on in the Federal Government right now, maybe some people would want to sit down right now and say, how can we spend our extra dollars around the country?

But as the gentleman can elaborate in much detail, and we have seen in the Budget Committee for the first months of this year, testimony after testimony after testimony, expert after expert after expert from all spectrums of authority, we are now in that situation where we find ourselves with the Federal Government and mandatory spending going out of control. There are legitimate groups within that that the American public would agree with, or those that we should be targeting, to make sure that they do.

The aged, the poor, the infirm, who desperately need medical care and are not able to cover it by themselves and are not fortunate enough to be able to work any longer, and who are not working now and covered by an employer plan, and did not unfortunately

work for a company that provides for a company-sponsored plan after their termination at work, those are the people that the American public would ask that's where our focus would be.

But do we find ourselves in our situation right now where we can say that we have all the other mandatory spending under control that we can address this now?

Mr. RYAN of Wisconsin. All three entitlement programs that are in place today, Medicare, Medicaid Social Security, all go bankrupt in about 10 years. It's because we are doubling the amount of retirees in this country at a time where we were only increasing those taxpayers into the program by 17 percent.

So we are seeing a 100 percent increase of the consumers of those three entitlements, while only experiencing a 17 percent increase of the taxpayers in these entitlements. That's why these three programs are going bankrupt. That's why these three programs will consume 100 percent of our budget by about 2030. By about the year 2040, when my kids are my age, they will have to pay twice the level of taxes we pay today just to keep today's Federal Government going at that time.

□ 2330

We have run this Federal Government remarkably constant at about 18 percent of GDP. We have had to tax the U.S. economy at about 18 percent of the output of the economy just to run the Federal Government for about the last 40 years. And what we are on the trajectory today because of the aging of America and way the entitlement programs are designed and the baby boomers retiring, my children will have to pay 40 percent of GDP just to keep today's Federal Government going when they are at my age group. You can't have a strong growing economy, a high standard of living.

So what we are in the middle of doing here, we are deciding whether or not we are going to sever that American legacy to our children and grandchildren. And the American legacy that I was taught by my parents was that you leave the country better off for the next generation than when you received it. You leave a standard of living better off for your children and grandchildren than that which you received from your parents. We are at risk of severing that legacy for our children and grandchildren if we are going to confound them to a system to where they will literally have to pay twice the amount of taxes to just the Federal Government than we do today.

At a time when we are in tough competition and globalization with China and India, it is impossible to pretend that we are going to be able to enjoy this kind of standard of living if we are requiring our kids and our grandkids to pay double the amount of taxes they pay today to Washington when they are in our age bracket. It will just be fundamentally irresponsible if this is the future we would confine them to, yet that is exactly the trajectory we are on today.

Mr. PRICE of Georgia. You are absolutely right. And to give some credibility to that from a pie chart standpoint, these are the mandatory spending programs, and all of what you said happens unless we act. Unless we act as a Congress, all of these things happen.

In 1995, those three programs were this yellow portion, about percent 48.7 percent of Federal spending. In 2005, about 53.4 percent. In relatively short order, 2017, 62.2 percent. And, as you mentioned, in 2030 the yellow portion of that will be the entire pie.

Mr. RYAN of Wisconsin. And if the gentleman will yield, so the blue portion, which is what we call discretionary, that is national defense, the Department of Education, the Department of Commerce, the Department of Energy, Transportation, roads, bridges, the Pentagon, all of those things are the blue portion. There won't be any money left for those, Will there?

Mr. PRICE of Georgia. You are absolutely right. And that is why you mentioned the significant increase in taxes that would be required, and that is if we don't do anything. That is why it is so imperative that we act, which is why it was so astounding to me that this new majority that came in with this ''new direction'' that they were going to take us on for our Nation. You know what happened when they had the opportunity to bring about some entitlement reform.

What happened with the bill that they passed this year in their budget was no entitlement reform, in spite of the fact that we worked as diligently as we could back in 1997 with the Balanced Budget Act, about $130 billion of entitlement reform, and fought like the dickens, as you remember, in 2005 with the Deficit Reduction Act to get about $40 billion in entitlement reform.

But this new majority comes in with the previous chart that we saw, increases in Social Security spending, increases in Medicare spending, increases in Medicaid spending, the prospect of another $100 billion entitlement with the SCHIP program if they have their way, and no reform. Can you imagine what that is going to do to our economy?

Mr. GARRETT of New Jersey. If the gentleman would yield, And lest anyone following this get confused when we talk about the tax increases, the gentleman from Wisconsin set it out and you followed up with quite some detail, as far as the tax increase necessary in order to pay for those entitlement expansions over time. That would be in addition to what we have already seen has occurred during this first 6 months in office.

In other words, we have already seen the largest tax increase in U.S. history. And the current tax increase means that 115 million taxpayers are going to see a $1,716 increase in their tax bill in just a couple years; 84 million women would see their taxes go up by $1,970; 42 million families with children, which is what we are down here talking on the floor about right now, those children, trying to be sure they have health insurance. Those 42 million families with children will see an increase of over $2,000 in their taxes already this year because of what the Democrats have done. And what you are speaking of is going to be in addition to and on top of that.

In trying to just throw some numbers to the percentages that you were throwing out there before as far as this expansion of children that will come under this program now, those children who may be just living across the street from us who their dads or moms work for a company right now that provides them insurance, all of a sudden those companies don't provide it anymore because now the government, we are going to pay for it.

Or those children who have parents who have retiree benefits and are getting insurance for them now, they will no longer have to get it from their retirement pension programs; the government, meaning taxpayers, will pay for it.

The CBO just came out with some numbers on this, and real numbers means that for the first, just the expansion of the program as far as additional dollars means 600,000 new children who used to yesterday have coverage under the private sector will now look to the taxpayer to pay for it; and another 600,000 children yesterday who had insurance, whether through pensions or their parents' employers, will now look to the Federal taxpayers. So 1.2 million children. Now, that is under the House version. That number, I haven't gotten a CBO estimate yet, would be even greater under the Senate version as far as children expanded into this program who are already covered.

Mr. PRICE of Georgia. I appreciate your pointing out the issue of taxes, because there has also been work that has laid out the tax increase for the average citizen in every State across this Nation. And in Georgia, that average increase is $2,700 average tax increase when those tax increases go into effect if they are not changed. They were included in this budget that included no entitlement reform. In Wisconsin, the average number was $2,964. And New Jersey is a big winner, average increase $3,779.

Mr. GARRETT of New Jersey. We are number one in a number of things, in the number of taxes that we pay and the number of taxes that the Democrats are going to make us pay in the future as well.

Mr. PRICE of Georgia. I want to thank you all for joining us tonight. I do want to close on a positive note, and that is that there is an alternative. And the alternative, as we talk about, is patient-centered health care. And patient-centered health care, as you know, puts the opportunity and the

right and the privilege and the responsibility for decisionmaking among patients and their doctors, among families and their doctors. And the way to do that is to structure a tax system that allows individuals, incentivizes individuals to purchase health insurance, through whether it is tax deductions or tax credits, or advanceable refundable tax credits, through high-risk pools, through risk pools that allow people to pool together, making certain that individuals have the same kind of tax treatment for the purchase of health insurance as employers do now, as businesses do now, all sorts of wonderful ways to bring about the opportunity for folks to purchase health insurance.

So it is not whether or not you have the current system or whether you march down the road to more Washington-controlled bureaucratic medicine. There is another way. And I know my good friend from Wisconsin has worked on this extensively on Ways and Means, and I would be pleased to hear your comments.

Mr. RYAN of Wisconsin. I just think that we have a different vision, and that vision is that we believe we can provide a system that gives us universal access to affordable health insurance for all Americans, where they and their physicians are the nucleus of the medical system. What the majority is offering is a bankrupting entitlement system, massive tax increases unprecedented, in addition to the largest tax increase in American history that they have already passed here on the floor this year, and more Washington-controlled bureaucratic health care, where bureaucrats, either HMO bureaucrats or government bureaucrats make the decisions in health care rather than patients and their physicians. We can come up with a system that is patient centered, where every American has access to affordable health insurance, where we have universal access to affordable health insurance throughout America. Or that person who has a risky health care profile, may be overweight and has diabetes, has a history of cancer in the family, we can come up with a system where that person, too, can get affordable health insurance and get access to it without having the government run the entire system, without have to go through a government or an HMO bureaucrat to make decisions on how you get your care. You ought to be able to go to your doctor and come up with a good treatment plan that works for you, and that is where the decisions ought to be made.

And more important to that, all the health care providers, the hospitals, the physicians, all those who are in charge of providing care in the health care system will compete against each other for the consumers and the patients' business. That is the vision we see, where everybody has access to affordable health care and it is a patient-centered system, not a government-driven, government-run, bureaucratically controlled system. And I just thank the gentleman from Georgia and the gentleman from New Jersey for taking this time to address this incredibly important issue.

Mr. PRICE of Georgia. I appreciate the gentleman's comments from Wisconsin. And this is what we believe, patient-centered health care, and we going to work on putting some limbs and leaves on the tree of this over the next number of weeks and number of months, and make certain that the American people understand, Madam Speaker, that there is an alternative and it is a positive alternative. Because we live in a wondrous and a grand Nation, and a Nation where when individuals are allowed to encourage their own visions and their own dreams and their own entrepreneurship and their own work, that they can decide what is best for themselves, not government.

Nobody across this Nation I believe is truly interested in having Washington-controlled bureaucratic medicine, yet that is the road that we are about to march down if this new majority has their way. Our alternative is patient-centered, patient-centered health care and allows individuals to make decisions with their families and with their physicians and with their health care providers.

I look forward to working with colleagues on both sides of the aisle to make certain that as we move forward on this issue, that we move forward in a way that ensures that those decisions, those very personal decisions are able to be made in a very personal way without the government limiting care, without the government determining where you can be seen and who can see you and what kind of treatment you would receive.

Madam Speaker, on that positive note and looking forward to patient-centered health care across this Nation, I want to once again thank the leadership for allowing us to spend this time on the floor.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE (at the request of Mr. HOYER) for today and through August 3, 2007.

Mr. ENGEL (at the request of Mr. HOYER) for today on account of a delayed flight.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today on account of family medical reasons.

Mr. KING of Iowa (at the request of Mr. BOEHNER) for today on account of official business.

Mr. JORDAN of Ohio (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. CHABOT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 27 and 30.

Mr. JONES of North Carolina, for 5 minutes, July 27 and 30.

Mr. BURTON of Indiana, for 5 minutes, today and July 24, 25, 26, and 27.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

ADJOURNMENT

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 24, 2007, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2604. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Nomenclature Changes; Technical Amendment [EPA-HQ-OPP-2002-0043; FRL-8131-3] received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2605. A letter from the Publications Control Officer, Department of Defense, transmitting the Department's final rule — Law Enforcement Reporting (RIN: 0702-AA56) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2606. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Amendments to Bank Secrecy Act Regulations Regarding Casino Recordkeeping and Reporting Requirements (RIN: 1506-AA84) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2607. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting and Secondary Copper Smelting Area Sources [EPA-HQ-OAR-2006-0510; FRL-8334-4] (RIN: 2060-AO46) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2608. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Lancaster 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2006-0840; FRL-8333-6] received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2609. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Tioga County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2006-0862; FRL-8333-7] received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2610. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact [EPA-HQ-OAR-2003-0090; FRL-8332-2] (RIN: 2060-AO05) received June 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2611. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Grapeland, Elgin, Burnet, Cameron, Calvert, Junction and Mason, Texas) [MB Docket No. 03-149 RM-10725] received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2612. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Burmese Sanctions Regulations — Recieved June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2613. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Locality Pay Area (RIN: 3206-AL27) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2614. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Locality-Based Comparability Payments and Evacuations Payments (RIN: 3206-AL09) received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2615. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-123-FOR] received June 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2616. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of Trips in the Closed Area II Yellowtail Flounder Special Access Program [Docket No. 070427094-7113-02, I.D. 042407A] (RIN: 0648-AV50) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2617. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Highly Migratory Species Fisheries [Docket No. 070110003-7111-02; I.D. 112006A] (RIN: 0648-AS89) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2618. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York and Vicinity [CGD01-06-023] (RIN: 1625-AA01) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Peru, IL. [Docket No. FAA-2007-27110; Airspace Docket No. 07-AGL-1] received July 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Data Breaches (RIN: 2900-AM63) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2621. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Exclusions from Gross Income of Foreign Corporations [TD 9332] (RIN: 1545-BG00) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2622. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 355. Distribution of stock and securities of a controlled corporations 26 CFR 1.355-3: Active Conduct of a Trade or Business (Rev. Rul. 2007-42) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Uunder clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 31. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects (Rept. 110–243). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 50. A bill to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; with an amendment (Rept. 110–244). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 465. A bill to reauthorize the Asian Elephant Conservation Act of 1997; with an amendment (Rept. 110–245). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 716. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; with an amendment (Rept. 110–246). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 761. A bill to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; with an amendment (Rept. 110–247). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1239. A bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes; with amendments (Rept. 110–248). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1285. A bill to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, and for other purposes; with an amendment (Rept. 110–249). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1388. A bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; with an amendment (Rept. 110–250). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1503. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; with an amendment (Rept. 110–251). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1526. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; with an amendment (Rept. 110–252). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2400. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, and for other purposes; with an amendment (Rept. 110–253, Pt. 1). Ordered to be printed.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 176. A bill to authorize assistance

to the countries of the Caribbean to fund educational development and exchange programs; with an amendment (Rept. 110–254). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 562. Resolution providing for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–255). Referred to the House Calendar.

Mr. PETERSON of Minnesota: Committee on Agriculture. H.R. 2419. A bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; with an amendment (Rept. 110–256, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 2844. A bill to promote United States emergency and non-emergency food and other assistance programs, to promote United States agricultural export programs, and for other purposes; with an amendment (Rept. 110–257, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 2400 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Foreign Affairs discharged from further consideration. H.R. 2419 referred to the Committee of the Whole on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 2844 referred to the Committee of the Whole on the State of the Union.

TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on July 20, 2007]

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than September 7, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself and Mr. HINOJOSA):

H.R. 3122. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself, Mr. RAMSTAD, Mr. CONYERS, Mr. WALBERG, Ms. ZOE LOFGREN of California, Mr. PENCE, Mr. LANGEVIN, and Mr. BLUNT):

H.R. 3123. A bill to extend the designation of Liberia under section 244 of the Immigration and Nationality Act so that Liberians can continue to be eligible for temporary protected status under that section; to the Committee on the Judiciary.

By Mr. ABERCROMBIE:

H.R. 3124. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ:

H.R. 3125. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that their income, estate, or gift tax payments be spent other than for purposes of supporting the war in Iraq and to provide that amounts so designated shall be used to provide funding for Head Start, to reduce the national debt, and to provide college funding for children of Iraq war veterans; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. WATT, and Mr. FRANK of Massachusetts):

H.R. 3126. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes; to the Committee on Financial Services.

By Mr. BECERRA (for himself and Mr. GENE GREEN of Texas):

H.R. 3127. A bill to amend title XIX of the Social Security Act to assist low-income Medicare beneficiaries by improving eligibility and services under the Medicare Savings Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 3128. A bill to direct the Secretary of Defense to conduct a study on the feasibility of using military identification numbers instead of social security numbers to identify members of the Armed Forces; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 3129. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate income tax overpayments as contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Ms. HOOLEY:

H.R. 3130. A bill to amend title V of the Public Health Service Act to provide for enhanced comprehensive methamphetamine treatment services; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H.R. 3131. A bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers; to the Committee on Agriculture.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CARNEY, Mr. COSTA, Mr. DAVIS of Illinois, Mr. FARR, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HINOJOSA, Mr. HOLDEN, Mr. HOLT, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Ms. LEE, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SHIMKUS, Ms. SLAUGHTER, Ms. SOLIS, Mr. TAYLOR, and Mr. WEXLER):

H.R. 3132. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and Labor.

By Mr. SCOTT of Georgia (for himself and Mr. SHAYS):

H.R. 3133. A bill to authorize the Secretary of the Treasury to make grants to States, units of general local government, and nonprofit organizations for counseling and education programs for the prevention of predatory lending and to establish a toll-free telephone number for complaints regarding predatory lending, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS (for herself, Ms. LEE, and Ms. WOOLSEY):

H.R. 3134. A bill to prohibit the use of funds for training and equipping the Iraqi Security Forces; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to make permanent the child tax credit and to allow for adjustments for inflation with respect to the child tax credit; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 3136. A bill to provide for enhanced retirement benefits for administrative law judges; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Ms. MATSUI, Mr. MCNULTY, Mr. GERLACH, and Mr. LEVIN):

H. Con. Res. 189. Concurrent resolution urging all sides to the political crisis in Ukraine to abide by the May 27, 2007, agreement which calls for a new round of parliamentary elections on September 30, 2007, and to ensure a free and fair, transparent democratic system in Ukraine based on the rule of law; to the Committee on Foreign Affairs.

By Ms. CORRINE BROWN of Florida:

H. Res. 563. A resolution honoring the life and achievements of Ronald H. Brown and commending the example that he set for the African-American community; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BURTON of Indiana):

H. Res. 564. A resolution recognizing that violence poses an increasingly serious threat to peace and stability in Central America and supporting expanded cooperation between the United States and the countries of Central America to combat crime and violence; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 3137) for the relief of Web's Construction Company, Incorporated; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. STUPAK, Mrs. NAPOLITANO, Mr. FRANKS of Arizona, Mr. ISRAEL, Mr. EMANUEL, Mr. KINGSTON, Mr. MCGOVERN, Ms. KILPATRICK, Mr. RUSH, Mr. KUCINICH, Mr. ALEXANDER, and Ms. WASSERMAN SCHULTZ.

H.R. 45: Mr. DAVIS of Illinois.

H.R. 279: Mr. BARTLETT of Maryland.

H.R. 346: Mr. CARNAHAN and Ms. ZOE LOFGREN of California.

H.R. 368: Mr. LINCOLN DAVIS of Tennessee, Mr. BOOZMAN, Mr. COHEN, Mr. YARMUTH, Ms. ROS-LEHTINEN, Mr. SPACE, and Mr. LAHOOD.
H.R. 405: Mr. BOSWELL.
H.R. 418: Mr. KIRK.
H.R. 457: Mr. WALBERG.
H.R. 464: Ms. CARSON.
H.R. 543: Mr. UDALL of New Mexico.
H.R. 563: Mr. PLATTS.
H.R. 676: Ms. HIRONO.
H.R. 743: Mr. TOWNS, Mrs. BACHMANN, Mr. LATHAM, Mr. KIND, and Mr. BUYER.
H.R. 782: Mr. GINGREY.
H.R. 783: Mr. LAMBORN.
H.R. 821: Mr. LIPINSKI.
H.R. 871: Ms. LINDA T. SÁNCHEZ of California.
H.R. 928: Mr. MOORE of Kansas and Mr. BISHOP of Georgia.
H.R. 946: Ms. ZOE LOFGREN of California.
H.R. 947: Mr. PASCRELL.
H.R. 948: Ms. MCCOLLUM of Minnesota.
H.R. 969: Ms. LINDA T. SÁNCHEZ of California, Ms. CASTOR, Mr. WALSH of New York, and Mr. CASTLE.
H.R. 989: Mr. TIBERI.
H.R. 1014: Mr. MORAN of Virginia, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. JEFFERSON.
H.R. 1108: Mr. TIERNEY and Mr. CONYERS.
H.R. 1223: Mr. FILNER.
H.R. 1240: Ms. CARSON and Mr. BACA.
H.R. 1293: Mr. NEUGEBAUER, Mrs. BIGGERT, Mr. MATHESON, Mr. CHANDLER, Ms. HERSETH SANDLIN, Mr. LATHAM, Mr. BILIRAKIS, and Mrs. WILSON of New Mexico.
H.R. 1376: Mr. KENNEDY.
H.R. 1389: Mr. HINCHEY.
H.R. 1391: Mr. SMITH of Washington.
H.R. 1398: Mr. PRICE of Georgia and Mr. SOUDER.
H.R. 1400: Mr. MARKEY.
H.R. 1418: Mr. HINOJOSA.
H.R. 1420: Mr. TOWNS.
H.R. 1440: Mr. VAN HOLLEN, Mr. BOREN and Mr. TOM DAVIS of Virginia.
H.R. 1461: Mr. WU and Mr. BLUMENAUER.
H.R. 1506: Mr. WALSH of New York.
H.R. 1553: Mrs. MALONEY of New York, Mr. BRADY of Texas, Mr. RAHALL, Mr. ABERCROMBIE, and Mr. WELCH of Vermont.
H.R. 1621: Mr. YOUNG of Alaska, Mr. WYNN, and Mr. SESSIONS.
H.R. 1655: Mr. SPRATT and Mr. PASTOR.
H.R. 1707: Mr. FRANK of Massachusetts and Mr. KAGEN.
H.R. 1709: Mr. ALTMIRE.
H.R. 1801: Mr. ELLISON.
H.R. 1961: Mr. KUCINICH.
H.R. 1967: Mr. PRICE of Georgia.
H.R. 1971: Ms. DEGETTE and Mr. PAYNE.
H.R. 1990: Mr. KIND.
H.R. 1992: Mr. LOEBSACK.
H.R. 2183: Mr. ALEXANDER.
H.R. 2188: Mr. RYAN of Ohio.
H.R. 2265: Mr. ALLEN and Mr. JACKSON of Illinois.
H.R. 2266: Mr. YOUNG of Alaska.
H.R. 2329: Mr. MARSHALL, Mr. NEUGEBAUER, Mr. MEEKS of New York, Ms. HOOLEY, Mr. BOREN, and Mr. BURTON of Indiana.
H.R. 2347: Mr. ENGEL.
H.R. 2370: Mr. PAYNE.
H.R. 2387: Mr. POE.
H.R. 2407: Mr. BOREN and Mr. LAMPSON.
H.R. 2425: Mrs. MCMORRIS RODGERS.
H.R. 2439: Mr. MORAN of Kansas.
H.R. 2443: Mr. SALAZAR and Mr. ARCURI.
H.R. 2475: Mr. INSLEE.
H.R. 2490: Mrs. MYRICK.
H.R. 2505: Mr. SOUDER.
H.R. 2580: Mr. BAKER.
H.R. 2586: Ms. KAPTUR.
H.R. 2610: Mr. RYAN of Ohio.
H.R. 2639: Mr. GILLMOR and Mr. BONNER.
H.R. 2702: Mr. MCGOVERN.
H.R. 2758: Ms. DELAURO and Mrs. MALONEY of New York.
H.R. 2761: Mr. HIGGINS.
H.R. 2778: Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. REYNOLDS, Mr. WALSH of New York, and Mr. VELÁZQUEZ.
H.R. 2784: Mr. MICA, Mr. BUYER, Mr. HULSHOF, Mr. SIMPSON, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Ms. FOXX, Mr. CAMP of Michigan, Mr. PLATTS, Mr. BURGESS, Mr. WESTMORELAND, Mr. HASTERT, Mr. TIM MURPHY of Pennsylvania, Mr. UPTON, Mr. HOBSON, Mr. COLE of Oklahoma, Mr. DENT, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. CULBERSON, Mr. GINGREY, Mr. DANIEL E. LUNGREN of California, Mr. MCCOTTER, Mr. LAMPSON, Mr. GONZALEZ, Mr. REYES, Mr. CUELLAR, Mrs. MCMORRIS RODGERS, Mr. GOHMERT, Mr. ENGLISH of Pennsylvania, Mr. KNOLLENBERG, Mr. BLUNT, Mr. BOOZMAN, Mr. TERRY, Mr. YOUNG of Alaska, and Mr. SULLIVAN.
H.R. 2792: Mr. PRICE of North Carolina.
H.R. 2818: Ms. DEGETTE and Mr. COHEN.
H.R. 2851: Mr. BERMAN, Mrs. EMERSON, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. DINGELL, Mr. INSLEE, Mr. KENNEDY, Ms. DEGETTE, Mr. ACKERMAN, Mr. RAMSTAD, Ms. WOOLSEY, Ms. CARSON, Mr. MICHAUD, Mr. ISRAEL, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. BUTTERFIELD, Mr. SERRANO, Mr. STUPAK, Ms. HERSETH SANDLIN, Mr. SPRATT, Ms. VELÁZQUEZ, Mr. OLVER, Mr. WEINER, Mr. CROWLEY, Mr. MARKEY, Mr. PERLMUTTER, Ms. HIRONO, and Ms. MCCOLLUM of Minnesota.
H.R. 2852: Mr. YOUNG of Alaska, Ms. MCCOLLUM of Minnesota, and Mr. SCHIFF.
H.R. 2861: Mr. DAVIS of Illinois.
H.R. 2874: Mr. ALTMIRE and Mr. YOUNG of Alaska.
H.R. 2885: Mr. CLAY.
H.R. 2892: Mr. NADLER.
H.R. 2894: Mrs. CAPITO, Mr. BROWN of South Carolina, Mr. MCCOTTER, Mr. GONZALEZ, Mr. MORAN of Virginia, Mr. FARR, Mr. CANNON, Mr. NADLER, Mr. INSLEE, Mr. ETHERIDGE, and Ms. CORRINE BROWN of Florida.
H.R. 2925: Mr. ROTHMAN.
H.R. 2929: Mr. COHEN, Mr. HARE, Mr. CAPUANO, Mr. MARKEY, Mr. SCHIFF, Mr. CONYERS, Ms. DELAURO, and Ms. KAPTUR.
H.R. 2934: Mr. KAGEN.
H.R. 2941: Mrs. JONES of Ohio and Mr. WU.
H.R. 2942: Mr. EDWARDS, Mr. VISCLOSKY, Mr. MEEKS of New York, Mr. JACKSON of Illinois, and Mr. GINGREY.
H.R. 2943: Mr. JOHNSON of Georgia.
H.R. 2954: Mr. CAMP of Michigan, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. CULBERSON, Mr. GOHMERT, Mr. BURGESS, and Mr. WESTMORELAND.
H.R. 2966: Mr. CLEAVER.
H.R. 3004: Mr. LOEBSACK, Mr. SHUSTER, Mr. BOOZMAN, Mr. HULSHOF, Mr. SHIMKUS, Mr. BLUNT, Mr. PEARCE, Mr. RENZI, and Mrs. BOYDA of Kansas.
H.R. 3051: Mr. CAPUANO, Mr. CARNAHAN, and Mr. PLATTS.
H.R. 3054: Mr. TANCREDO, Mr. DAVIS of Illinois, and Mr. GONZALEZ.
H.R. 3058: Mr. UDALL of Colorado.
H.R. 3059: Mrs. MYRICK.
H.R. 3096: Mr. PAYNE and Mr. FRANKS of Arizona.
H.R. 3099: Mr. BRADY of Pennsylvania.
H.R. 3116: Mr. PALLONE.
H.J. Res. 3: Mr. SHULER.
H.J. Res. 44: Ms. SCHAKOWSKY.
H. Con. Res. 37: Mr. PLATTS.
H. Con. Res. 49: Mr. BAKER.
H. Con. Res. 137: Mr. FEENEY.
H. Con. Res. 176: Mr. BAKER, Mr. POE, and Mr. GALLEGLY.
H. Con. Res. 187: Ms. SCHAKOWSKY, Mr. UPTON, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. WATSON, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. KUCINICH, Mr. RYAN of Ohio, Ms. BALDWIN, Ms. CARSON, Mr. HIGGINS, and Mr. SAXTON.
H. Con. Res. 188: Mr. ROYCE, Mr. BURTON of Indiana, Mr. CARTER, Mr. POE, Mr. HASTINGS of Florida, Mr. LINDER, Mr. ACKERMAN, Mr. MACK, Mr. WEXLER, Mr. CROWLEY, Mr. SMITH of New Jersey, Ms. WATSON, Mr. BERMAN, Mr. COHEN, Mr. KIRK, Mr. FORTUÑO, Mr. SAXTON, Mr. WYNN, Mr. COBLE, Mr. ENGEL, Mr. KLEIN of Florida, Mr. PENCE, Mr. WELLER, and Mr. MANZULLO.
H. Res. 32: Mr. ROTHMAN and Mr. GEORGE MILLER of California.
H. Res. 54: Ms. BORDALLO.
H. Res. 121: Mr. MILLER of Florida, Mr. POE, Mr. RAMSTAD, and Mrs. MYRICK.
H. Res. 146: Mr. GEORGE MILLER of California.
H. Res. 231: Mr. WICKER and Mr. CALVERT.
H. Res. 235: Mr. POE and Ms. SCHWARTZ.
H. Res. 345: Mr. CROWLEY.
H. Res. 380: Mr. WEXLER.
H. Res. 433: Mr. BOYD of Florida.
H. Res. 443: Mr. BUYER and Mr. LARSON of Connecticut.
H. Res. 499: Mr. SULLIVAN, Mr. SESSIONS, Mr. ROHRABACHER, Mr. MCKEON, Ms. GRANGER, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. GOHMERT, Mr. BILIRAKIS, and Mr. WESTMORELAND.
H. Res. 529: Mr. PLATTS, Mr. FATTAH, and Mr. PAYNE.
H. Res. 535: Ms. NORTON.
H. Res. 548: Mr. WEXLER.
H. Res. 550: Ms. CARSON and Ms. WATSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2720: Mr. ROTHMAN.
H.R. 2750: Mr. VISCLOSKY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

109. The SPEAKER presented a petition of the City Council of the City of Miami Gardens, Florida, relative to Resolution No. 2007-93-600 requesting that the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current Levee Protection Standards; to the Committee on Appropriations.

110. Also, a petition of the Council of the City of Albany, California, relative to Resolution No. 07-19 calling for the cessation of combat operations in Iraq and for the return of United States Troops; to the Committee on Armed Services.

111. Also, a petition of the Harrisonburg City School Board, Virginia, relative to a Resolution supporting fully H.R. 648, the Reauthorization of the No Child Left Behind Act of 2001; to the Committee on Education and Labor.

112. Also, a petition of the San Francisco Labor Council, ARL-CIO, relative to a Resolution to Erase, Rewrite and Reauthorize the ''No Child Left Behind Act''; to the Committee on Education and Labor.

113. Also, a petition of the Commission of the City of Miami Beach, Florida, relative to Resolution No. 2007-26572 urging the Congress of the United States to pass the Employee Free Choice Act to protect and preserve workers' freedom to join a union; to the Committee on Education and Labor.

114. Also, a petition of the International Fire Marshals Association, relative to concerning the increased import and sale of novelty lighters that resemble toys; to the Committee on Energy and Commerce.

115. Also, a petition of Daniel O'Donnell, Assemblymember of the State of New York, relative to petitioning the Congress of the United States to stop the implementation of a proposed rule published by the Centers for Medicare and Medicaid Services (CMS) entitled, ''Medicaid Program: Cost Limits for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership''; to the Committee on Energy and Commerce.

116. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-632-07 urging for the investigation of gasoline pricing in Florida; to the Committee on Energy and Commerce.

117. Also, a petition of the Board of County Commissioners of Miami-Dade County, Florida, relative to Resolution No. R-716-07 proclaiming June 29 through July 5, 2007 National Clean Beaches Week and urging the Congress of the United States to adopt H.R. 186; to the Committee on Natural Resources.

118. Also, a petition of the Village Council of Islamorada, Florida, relative to Resolution No. 07-05-27 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

119. Also, a petition of the City Council for the City of Okeechobee, Florida, relative to Resolution No. 07-07 requesting the Congress of the United States to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

120. Also, a petition of the Town Commission of Lauderdale-By-The-Sea, Florida, relative to Resolution No. 2007-09 requesting the Congress of the United States appropriate funds required to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

121. Also, a petition of the Board of County Commissioners of Monroe County, Florida, relative to Resolution No. 178-2007 supporting the Governing Board of the South Florida Water Management District to the Congress of the United States to appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

122. Also, a petition of the City Council of the City of Miami Spring, Florida, relative to Resolution No. 2007-3361 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

123. Also, a petition of Mr. Bill Klech, a citizen of San Ramon, California, relative to concerning the veteran health care for Mr. William Klech by the Pleasanton Nursing and Rehabilitation Center; to the Committee on Veterans' Affairs.

124. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 243 supporting legislation to be proposed to grant a $1000 federal income tax credit to volunteer firefighters; to the Committee on Ways and Means.

125. Also, a petition of Ms. Michelle Bachelet Jeria, President of Chile, relative to concerning a Free Trade Agreement between the United States and Chile; to the Committee on Ways and Means.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3074

OFFERED BY: MRS. MUSGRAVE

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.5 percent.

H.R. 3074

OFFERED BY: MR. TURNER OF OHIO

AMENDMENT NO. 2: Page 82, line 6, after the dollar amount, insert ''(increased by $6,760,000)''.

Page 82, line 6, after the dollar amount, insert ''(increased by $6,760,000)''.

Page 82, line 11, after the dollar amount, insert ''(increased by $6,760,000)''.

Page 100, line 5, after the first dollar amount, insert ''(reduced by $6,760,000)''.

H.R. 3074

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act for the Department of Housing and Urban Development may be used to print, or acquire the printing of, any document in any language other than English.

H.R. 3074

OFFERED BY: MS. GINNY BROWN-WAITE OF FLORIDA

AMENDMENT NO. 4: Page 120, after line 5, insert the following new section:

SEC. 225. (a) ANNUAL STUDY.—Before the commencement of each fiscal year, the Secretary of Housing and Urban Development shall conduct a study of the single family housing mortgage insurance programs under title II of the National Housing Act to determine the following:

(1) APPROPRIATE RESERVES.—The amounts, and a method of determining such amounts, that are appropriate to be held in reserve for such programs to ensure that such programs—

(A) are operated in a safe and sound manner; and

(B) comply with the operational goals and the requirements under such title for such programs.

(2) APPROPRIATE INSURANCE PREMIUMS.—The appropriate premium amounts to charge for such mortgage insurance, that comply with the requirements of such title and are sufficient to provide for—

(A) maintaining an appropriate reserve amount for such programs, as determined by the Secretary pursuant to paragraph (1); and

(B) operation of such programs in compliance with subparagraphs (A) and (B) of paragraph (1).

(b) REPORT AND ADJUSTMENTS.—

(1) REPORT.—Before the commencement of each fiscal year, the Secretary shall submit to the Congress a report setting forth the findings and conclusions of the study under subsection (a) for such fiscal year, including specific determinations for appropriate reserve and premium amounts pursuant to paragraphs (1) and (2), respectively, of subsection (a). The report shall also set forth any adjustments made, or to be made, under paragraph (2) of this subsection pursuant to such determinations.

(2) ADJUSTMENTS.—If, for a fiscal year, the Secretary determines that the single family housing mortgage insurance programs under title II of the National Housing Act are operating in a manner that will result in a negative credit subsidy for such programs for such fiscal year in an amount that, in the aggregate, exceeds the amount necessary to provide for appropriate reserves and appropriate mortgage insurance premiums as determined under the study pursuant to subsection (a) for such fiscal year and set forth in the report pursuant to paragraph (1) of this subsection, the Secretary shall take the following actions:

(A) RESERVES.—Make such adjustments as necessary to the amounts held in reserve for such programs, and to the method of determining such amounts, such that the reserve amounts held for such programs will be consistent with the determination made pursuant to subsection (a)(1).

(B) PREMIUMS.—Restructure the premiums for single family housing mortgage insurance under such programs in a manner such that—

(i) the aggregate receipts from such premiums are reduced; and

(ii) the resulting applicable premium charges are consistent with the appropriate premium amounts determined pursuant to subsection (a)(2).

H.R. 3074

OFFERED BY: MS. CORRINE BROWN OF FLORIDA

AMENDMENT NO. 5: Page 80, after line 22, insert the following:

The referenced statement of managers under this heading in title II of Public Law 107–73 is deemed to be amended with respect to the item relating to the City of Maitland, Florida, by striking ''for a senior citizens center'' and inserting ''for the Minihaha Park development''.

H.R. 3074

OFFERED BY: MR. AL GREEN OF TEXAS

AMENDMENT NO. 6: Page 94, line 16, after the dollar amount, insert ''(increased by $5,820,000)''.

Page 94, line 18, after the dollar amount, insert ''(increased by $5,820,000).

Page 99, line 18, after the dollar amount, insert ''(reduced by $5,820,000)''.

H.R. 3074

OFFERED BY: MR. JORDAN

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 6.3 percent.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 8: Page 5, strike line 18 and all that follows through page 6, line 9.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 9: Page 34, line 17, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 34, line 19, strike ''2010,''.

Page 35, strike line 7 and all that follows through the semicolon on line 8.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 10: Page 38, strike line 5 and all that follows through page 41, line 18.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 11: Page 41, line 26, after the dollar amount, insert ''(reduced by $425,000,000)''.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 12: Page 43, strike line 22 and all that follows through page 44, line 23.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 13: Page 72, strike line 10 and all that follows through page 73, line 2.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 14: Page 74, strike lines 15 through 21.

H.R. 3074

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 15: At the end of the bill, before the short title, insert the following new section:

SEC. 410. None of the funds made available by this Act shall be used to support Amtrak's route with the highest loss, measured by passenger per mile cost as based on the National Railroad Passenger Corporation's September 2006 Financial Performance of Routes Report.

H.R. 3074

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available by this Act shall be used to take any action to issue a final rule or notice based on, or otherwise implement, all or any part of the proposed rule of the Department of Housing and Urban Development published on Friday, May 11, 2007, on page 27048 of volume 72 of the Federal Register (Docket No. FR–5087–P–01), relating to standards for mortgagor's investment in mortgaged property.

H.R. 3074

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 17: At the end of the bill, before the short title, insert the following new section:

SEC. ____. The Secretary of Housing and Urban Development may, notwithstanding any other provision of law, approve additional Moving to Work Demonstration Agreements, which are entered into between a public housing agency and the Secretary under section 204 of Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 42 U.S.C. 1437f note), but at no time may the number of active Moving to Work Demonstration Agreements exceed 32.

H.R. 3074

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 18: At the end of the bill, insert the following:

SEC. 410. None of the funds appropriated or otherwise made available by this Act to the Surface Transportation Board of the Department of Transportation shall be used, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), by the Board to consider any activity involving the receipt, delivery, sorting, handling or transferring in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste.

H.R. 3074

OFFERED BY: MR. SHAYS

AMENDMENT NO. 19: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Federal Aviation Administration to implement the New York/New Jersey/Philadelphia Airspace Redesign project of the Federal Aviation Administration.

H.R. 3074

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 20: At the end of the bill (before the short title), insert the following:

SEC.____. Appropriations made in this Act are hereby reduced in the amount of $507,767,000.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 21: At the end of the bill (before the short title), insert the following:

SEC. 410. None of the funds made available in this Act may be used for parking facilities.

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 22: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Edmunds Center for the Arts, City of Edmunds (WA).

H.R. 3074

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

None of the funds in this Act may be used for the Alpine Heritage Preservation (WV).

H.R. 3074

OFFERED BY: MR. WALBERG

AMENDMENT NO. 24: At the end of the bill, (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Department of Transportation to promulgate regulations based solely on race, ethnicity, or sex.

H.R. 3074

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 25: At the end of the bill, (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used by the Federal Aviation Administration (FAA) to eliminate, consolidate, de-consolidate, co-locate, execute inter-facility reorganization, or plan for the consolidation/deconsolidation, inter-facility reorganization, or co-location of any FAA air traffic control facility or service, with the exception of the reversal of the transfer of the radar functions from the Palm Springs Terminal Radar Approach Control (TRACON) to the Southern California TRACON.

H.R. 3074

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 26: Page 72, line 1, after the dollar amount, insert ''(reduced by $20,000,000) (increased by $20,000,000)''

H.R. 3074

OFFERED BY: MR. JORDAN

AMENDMENT NO. 27: At the end of the bill, before the short title, insert the following new section:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is hereby reduced by 6.3 percent.

H.R. 3093

OFFERED BY: MR. STEARNS

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Equal Employment Opportunity Commission may be used for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English.

H.R. 3093

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds in this Act shall be made available for the Security and Prosperity Partnership.

Amendment to H.R. 3093

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) on October 19, 206.

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 4: Page 3, line 4, after the dollar amount, insert ''(increased by $6,000,000)''.

Page 3, line 11, after the dollar amount, insert ''(increased by $6,000,000)''.

Page 6, line 19, after the dollar amount, insert ''(reduced by $6,000,000)''.

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 5: Page 30, line 4, strike the period and insert the following: '':*Provided further*, That not to exceed $16,000,000 shall be available for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation.''.

H.R. 3093

OFFERED BY: MR. ROGERS OF MICHIGAN

AMENDMENT NO. 6: Page 30, line 4, strike the period and insert the following: '':*Provided further*, That funds shall be available for annuity protection for Special Agents of the Federal Bureau of Investigation who had completed a total of 3 or more years in field supervisory positions as of June 3, 2004, who are subsequently transferred to positions at a lower grade because they chose not to accept transfers to equivalent or higher positions within the FBI pursuant to the Field Office Supervisory Term Limit Policy issued on that date, and are not subsequently reduced in grade or removed for performance or misconduct reasons. 'Average pay' for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the larger of (1) the amount to which such Agents are entitled under those provisions, or (2) the amount to which such Agents would have been entitled under those provisions had they remained in the field supervisory position at the same grade and step until the date of their retirement. This provision shall be retroactive to the date the Federal Bureau of Investigation began implementing the policy.''.

H.R. 3093

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 7: Page 6, line 23, after the dollar amount insert ''(reduced by $3,000,000)''.

Page 11, line 19, after the dollar amount insert ''(increased by $3,000,000)''.

H.R. 3093

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 8: Strike section 524.

H.R. 3093

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 9: Strike section 213.

H.R. 3093

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Appropriations made in this Act are hereby reduced in the amount of $535,510,000.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 11: At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available under this Act shall be used by the Bureau of Prisons to incarcerate Guillermo Falcon Hernandez.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 12: At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available under this Act shall be used by the Bureau of Prisons to incarcerate Ignacio Ramos or Jose Alonso Compean.

H.R. 3093

OFFERED BY: MR. POE

AMENDMENT NO. 13: Page 16, line 20, insert ''(decreased by $10,000,000)'' after the dollar amount.

Page 75, line 24, insert ''(increased by $10,000,000)'' after the dollar amount.

H.R. 3093

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 14: At the end of the bill and before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available under this heading may be used to provide assistance under the Office of Justice Programs—Community Oriented Policing Services program to any State or political subdivision that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a))''

H.R. 3093

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 15: At the end of the bill and before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated or otherwise made available in this Act may be used to provide assistance under the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), to any State or political subdivision that is acting in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 3093

OFFERED BY: MR. CARDOZA

AMENDMENT NO. 16: Page 83, after line 6, insert the following new section:

SEC. 529. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''BUREAU OF THE CENSUS—PERIODIC CENSUSES AND PROGRAMS'', by reducing the amount made available for ''DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—ADMINISTRATIVE REVIEW AND APPEALS'', by reducing the amount made available for ''DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES'', and by increasing the amount made available for ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' for the court-appointed special advocate program, by $10,000,000, $2,350,000, $3,650,000, and $16,000,000, respectively.

H.R. 3093

OFFERED BY: MS. BORDALLO

AMENDMENT NO. 17: Page 11, line 19, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

H.R. 3093

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 18: Page 10, strike lines 22 through 25.

H.R. 3093

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 19: Page 68, strike line 18 and all that follows through page 69, line 3.

H.R. 3093

OFFERED BY: MR. HENSARLING

AMENDMENT NO. 20: Page 8, strike lines 1 through 13.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, MONDAY, JULY 23, 2007 No. 118

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, as we enter a new week, let Your favor rest upon the Members of our Government's legislative branch. Establish the works of their hands, and strengthen them to honor You by serving others. Let Your life-giving spirit move them to feel greater compassion for those in need. Use them to remove barriers that divide us, to make suspicions disappear, and to cause strife to cease. May they strive to be agents of healing and hope as they help us all live in greater justice and peace. Help them to daily develop greater respect and submission to Your commands.

Today, we unreservedly commit to You our lives and the decisions to be made. We relinquish our control and submit to Your will.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BYRON L. DORGAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are getting used to Senators ENZI and KENNEDY. They seem to have been on the floor for several days now, and we have at least 1 more day, maybe part of another day, but I hope not—not because I don't want them here but because we have other things to do.

The Senate is going to immediately proceed to S. 1642, the higher education reauthorization legislation. There will be no morning business. Under a previous agreement, there will be 8 hours for debate on the bill and amendments. First-degree amendments are limited to 12 amendments per side, with 6 for each manager and an additional managers' amendment, with first-degree amendments limited to 30 minutes for debate equally divided and any second-degree amendments limited to 15 minutes for debate equally divided. So at approximately 5:15 today, we will begin voting on the pending amendments. We are hopeful we will be able to dispose of all of them this evening.

Following the disposition of this bill, we are going to proceed to H.R. 2638, the Department of Homeland Security appropriations bill. I hope we can finish that bill quickly. I hope we don't have to file cloture on it. If we do, that is what we will do. Hopefully, we can finish the bill. It is extremely important. It deals with homeland security. I will tell all Senators, the bill we have calls for more money than the President's suggestion, but remember, we go to conference on all of these bills. The House will have passed by the end of this week—certainly by the middle of next week—all the appropriations bills. So we need to get some done over here so that we can go to conference. So I repeat, if somebody has a concern about ours being for more money than the President's, don't worry about it. We have conference to go to, and as we know, in years past, the White House always has the ability to work with us in conference.

When we finish Homeland Security, we are going to go to the children's health bill, which is extremely important. It is important because the bill that has been brought before the Senate is one that is a compromise, a bipartisan piece of legislation, a bill that was reported out of the committee by a 17-to-4 vote. That certainly suggests bipartisanship, and it provides health care for millions of American children. So I hope we can get consent to proceed to this legislation following Homeland Security. If not, we will file cloture, and we will go to it after that.

But as everyone has heard me say, this work period, we are going to complete Homeland Security, SCHIP, we are going to complete the conference report on the 9/11 Commission recommendations, we are going to complete work on the ethics and lobbying reform, and we are going to move to another appropriations bill, which will be Military Construction and VA. All

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Senators and staff should be alerted that we may have to work weekends. I say plural because it is according to where we are on the procedural matters.

This weekend, I know there is a big trip planned to go to Greenland, and we certainly hope Senators can go there. It is something everyone needs to see and Senators need to see, with global warming being as it is. We will do our best to complete work so that people can have the weekend off to go to Greenland and to do whatever they need to do. But there are no guarantees in this business, especially at this time of the year. We worked all night one night last week, we worked until early in the morning one night, and that may be necessary this week and next week. I hope we can break in time for our recess, but, again, as I have said now for weeks, we have to finish this work first.

I hope people who have amendments on this bill today will come and start offering them. We are going to make sure that all quorum time is charged against the bill itself so we can finish that time. The time, we are going to finish today; the amendments, we hope to finish today.

HIGHER EDUCATION AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 1642, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1642) to extend the authorization programs under the Higher Education Act of 1965, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Amendments of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. Additional definitions.
Sec. 102. General definition of institution of higher education.
Sec. 103. Definition of institution of higher education for purposes of title IV programs.
Sec. 104. Protection of student speech and association rights.
Sec. 105. Accreditation and Institutional Quality and Integrity Advisory Committee.
Sec. 106. Drug and alcohol abuse prevention.
Sec. 107. Prior rights and obligations.
Sec. 108. Transparency in college tuition for consumers.
Sec. 109. Databases of student information prohibited.
Sec. 110. Clear and easy-to-find information on student financial aid.
Sec. 111. Performance-based organization for the delivery of Federal student financial assistance.
Sec. 112. Procurement flexibility.
Sec. 113. Institution and lender reporting and disclosure requirements.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality partnership grants.
Sec. 202. General provisions.

TITLE III—INSTITUTIONAL AID

Sec. 301. Program purpose.
Sec. 302. Definitions; eligibility.
Sec. 303. American Indian tribally controlled colleges and universities.
Sec. 304. Alaska Native and Native Hawaiian-serving institutions.
Sec. 305. Native American-serving, nontribal institutions.
Sec. 306. Part B definitions.
Sec. 307. Grants to institutions.
Sec. 308. Allotments to institutions.
Sec. 309. Professional or graduate institutions.
Sec. 310. Authority of the Secretary.
Sec. 311. Authorization of appropriations.
Sec. 312. Technical corrections.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Sec. 401. Federal Pell Grants.
Sec. 402. Academic competitiveness grants.
Sec. 403. Federal Trio Programs.
Sec. 404. Gaining early awareness and readiness for undergraduate programs.
Sec. 405. Academic achievement incentive scholarships.
Sec. 406. Federal supplemental educational opportunity grants.
Sec. 407. Leveraging Educational Assistance Partnership program.
Sec. 408. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 409. Robert C. Byrd Honors Scholarship Program.
Sec. 410. Child care access means parents in school.
Sec. 411. Learning anytime anywhere partnerships.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Sec. 421. Federal payments to reduce student interest costs.
Sec. 422. Federal Consolidation Loans.
Sec. 423. Default Reduction Program.
Sec. 424. Reports to consumer reporting agencies and institutions of higher education.
Sec. 425. Common forms and formats.
Sec. 426. Student loan information by eligible lenders.
Sec. 427. Consumer education information.
Sec. 428. Definition of eligible lender.
Sec. 429. Discharge and cancellation rights in cases of disability.

PART C—FEDERAL WORK-STUDY PROGRAMS

Sec. 441. Authorization of appropriations.
Sec. 442. Allowance for books and supplies.
Sec. 443. Grants for Federal work-study programs.
Sec. 444. Job location and development programs.
Sec. 445. Work colleges.

PART D—FEDERAL PERKINS LOANS

Sec. 451. Program authority.
Sec. 452. Cancellation of loans for certain public service.

PART E—NEED ANALYSIS

Sec. 461. Cost of attendance.
Sec. 462. Definitions.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

Sec. 471. Definitions.
Sec. 472. Compliance calendar.
Sec. 473. Forms and regulations.
Sec. 474. Student eligibility.
Sec. 475. Statute of limitations and State court judgments.
Sec. 476. Institutional refunds.
Sec. 477. Institutional and financial assistance information for students.
Sec. 478. Entrance counseling required.
Sec. 479. National Student Loan Data System.
Sec. 480. Early awareness of financial aid eligibility.
Sec. 481. Program participation agreements.
Sec. 482. Regulatory relief and improvement.
Sec. 483. Transfer of allotments.
Sec. 484. Purpose of administrative payments.
Sec. 485. Advisory Committee on student financial assistance.
Sec. 486. Regional meetings.
Sec. 487. Year 2000 requirements at the Department.

PART G—PROGRAM INTEGRITY

Sec. 491. Recognition of accrediting agency or association.
Sec. 492. Administrative capacity standard.
Sec. 493. Program review and data.
Sec. 494. Timely information about loans.
Sec. 495. Auction evaluation and report.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Authorized activities.
Sec. 502. Postbaccalaureate opportunities for Hispanic Americans.
Sec. 503. Applications.
Sec. 504. Cooperative arrangements.
Sec. 505. Authorization of appropriations.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. Findings.
Sec. 602. Graduate and undergraduate language and area centers and programs.
Sec. 603. Undergraduate international studies and foreign language programs.
Sec. 604. Research; studies.
Sec. 605. Technological innovation and cooperation for foreign information access.
Sec. 606. Selection of certain grant recipients.
Sec. 607. American overseas research centers.
Sec. 608. Authorization of appropriations for international and foreign language studies.
Sec. 609. Centers for international business education.
Sec. 610. Education and training programs.
Sec. 611. Authorization of appropriations for business and international education programs.
Sec. 612. Minority foreign service professional development program.
Sec. 613. Institutional development.
Sec. 614. Study abroad program.
Sec. 615. Advanced degree in international relations.
Sec. 616. Internships.
Sec. 617. Financial assistance.
Sec. 618. Report.
Sec. 619. Gifts and donations.
Sec. 620. Authorization of appropriations for the Institute for International Public Policy.
Sec. 621. Definitions.
Sec. 622. Assessment and enforcement.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

Sec. 701. Purpose.
Sec. 702. Allocation of Jacob K. Javits Fellowships.
Sec. 703. Stipends.
Sec. 704. Authorization of appropriations for the Jacob K. Javits Fellowship Program.
Sec. 705. Institutional eligibility under the Graduate Assistance in Areas of National Need Program.
Sec. 706. Awards to graduate students.

Sec. 707. Additional assistance for cost of education.
Sec. 708. Authorization of appropriations for the Graduate Assistance in Areas of National Need Program.
Sec. 709. Legal educational opportunity program.
Sec. 710. Fund for the improvement of postsecondary education.
Sec. 711. Special projects.
Sec. 712. Authorization of appropriations for the fund for the improvement of postsecondary education.
Sec. 713. Repeal of the urban community service program.
Sec. 714. Grants for students with disabilities.
Sec. 715. Applications for demonstration projects to ensure students with disabilities receive a quality higher education.
Sec. 716. Authorization of appropriations for demonstration projects to ensure students with disabilities receive a quality higher education.
Sec. 717. Research grants.

TITLE VIII—MISCELLANEOUS

Sec. 801. Miscellaneous.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

Sec. 901. Laurent Clerc National Deaf Education Center.
Sec. 902. Agreement with Gallaudet University.
Sec. 903. Agreement for the National Technical Institute for the Deaf.
Sec. 904. Cultural experiences grants.
Sec. 905. Audit.
Sec. 906. Reports.
Sec. 907. Monitoring, evaluation, and reporting.
Sec. 908. Liaison for educational programs.
Sec. 909. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf.
Sec. 910. Oversight and effect of agreements.
Sec. 911. International students.
Sec. 912. Research priorities.
Sec. 913. Authorization of appropriations.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

Sec. 921. United States Institute of Peace Act.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

Sec. 931. Repeals.
Sec. 932. Grants to States for workplace and community transition training for incarcerated youth offenders.
Sec. 933. Underground railroad educational and cultural program.
Sec. 934. Olympic scholarships under the Higher Education Amendments of 1992.

PART D—INDIAN EDUCATION

SUBPART 1—TRIBAL COLLEGES AND UNIVERSITIES

Sec. 941. Reauthorization of the Tribally Controlled College or University Assistance Act of 1978.

SUBPART 2—NAVAJO HIGHER EDUCATION

Sec. 945. Short title.
Sec. 946. Reauthorization of Navajo Community College Act.

SEC. 2. REFERENCES.

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

SEC. 3. GENERAL EFFECTIVE DATE.

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

TITLE I—GENERAL PROVISIONS

SEC. 101. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

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

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

''(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.'';

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

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

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

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

''(i) the Internet;

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

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).''; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

''(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows

through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

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

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

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

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

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

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

SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

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

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting ''and'' after the semicolon;

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

(iii) by striking subparagraph (F); and

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

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

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

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

(3) by striking subsection (c)(2) and inserting the following:

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

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

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

SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) a college should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 15 members, of which—

''(A) 5 members shall be appointed by the Secretary;

''(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

''(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

''(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 2 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions; and

''(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) SECRETARY'S DESIGNEE.—

''(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

''(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(f) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 90 days after such date.

SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and''.

SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''.

SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

''SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

''(b) HIGHER EDUCATION PRICE INDEX.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

''(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public degree-granting institutions of higher education.

''(B) 4-year private degree-granting institutions of higher education.

''(C) 2-year public degree-granting institutions of higher education.

''(D) 2-year private degree-granting institutions of higher education.

''(E) Less than 2-year institutions of higher education.

''(F) All types of institutions described in subparagraphs (A) through (E).

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

''(c) REPORTING.—

''(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

''(2) COMPILATION.—

''(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

''(i) 4-year public institutions of higher education.

''(ii) 4-year private, nonprofit institutions of higher education.

''(iii) 4-year private, for-profit institutions of higher education.

''(iv) 2-year public institutions of higher education.

''(v) 2-year private, nonprofit institutions of higher education.

''(vi) 2-year private, for-profit institutions of higher education.

''(vii) Less than 2-year public institutions of higher education.

''(viii) Less than 2-year private, nonprofit institutions of higher education.

''(ix) Less than 2-year private, for-profit institutions of higher education.

''(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

''(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

''(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

''(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

''(A) be known as the 'Higher Education Price Increase Watch Lists';

''(B) report the full price of tuition and fees at the institution and the net price;

''(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and

''(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

''(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

''(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

''(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

''(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

''(d) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

''(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public institutions of higher education.

''(B) 4-year private, nonprofit institutions of higher education.

''(C) 4-year private, for-profit institutions of higher education.

''(D) 2-year public institutions of higher education.

''(E) 2-year private, nonprofit institutions of higher education.

''(F) 2-year private, for-profit institutions of higher education.

''(G) Less than 2-year public institutions of higher education.

''(H) Less than 2-year private, nonprofit institutions of higher education.

''(I) Less than 2-year private, for-profit institutions of higher education.

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

''(A) based on a model calculator developed by the Department; or

''(B) developed by the institution of higher education.

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

''(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

''(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

''(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

''(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

''(A) A statement of the institution's mission and specialties.

''(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

''(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

''(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

''(L) The undergraduate major areas of study with the highest number of degrees awarded.

''(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

''(N) Percentage of faculty at the institution with the highest degree in their field.

''(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

''(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off-campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

''(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

''(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(U) The average net price for all undergraduate students enrolled at the institution.

''(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(W) Information on the policies of the institution related to transfer of credit from other institutions.

''(X) Information on campus safety required to be collected under section 485(f).

''(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

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

''(g) GAO REPORT.—The Comptroller General of the United States shall—

''(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

''(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

''(B) present recommendations for reducing such burden;

''(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

''(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.''.

SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

''SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not affect the loan obligation enforcement activities described in section 485B.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

''SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.

''(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

''(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

''(3) DISSEMINATION.—The Secretary shall make the availability of the information on the

website widely known through a major media campaign and other forms of communication.''.

SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operational'' and inserting ''administrative and oversight''; and

(B) in paragraph (2)(D), by striking ''of the operational functions'' and inserting ''and administration'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the information systems administered by the PBO, and other functions performed by the PBO'' and inserting ''the Federal student financial assistance programs authorized under title IV''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) assist the Chief Operating Officer in identifying goals for—

''(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

''(ii) the updating of such systems to current technology.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''administration of the information and financial systems that support'' and inserting ''the administration of Federal'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''of the delivery system for Federal student assistance'' and inserting ''for the Federal student assistance programs authorized under title IV'';

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

''(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;'';

(III) in clause (iii), by striking ''delivery'' and inserting ''administration'';

(IV) in clause (iv)—

(aa) by inserting ''the'' after ''supporting''; and

(bb) by striking ''and'' after the semicolon;

(V) in clause (v), by striking ''systems that support those programs.'' and inserting ''the administration of the Federal student assistance programs authorized under title IV; and''; and

(VI) by adding at the end the following:

''(vi) ensuring the integrity of the student assistance programs authorized under title IV.''; and

(iii) in subparagraph (B), by striking ''operations and services'' and inserting ''activities and functions''; and

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PERFORMANCE PLAN AND REPORT'' and inserting ''PERFORMANCE PLAN, REPORT, AND BRIEFING'';

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking ''information and delivery''; and

(ii) in clause (iv)—

(I) by striking ''Developing an'' and inserting ''Developing''; and

(II) by striking ''delivery and information system'' and inserting ''systems'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''the'' after ''PBO and''; and

(ii) in subparagraph (B), by striking ''Officer'' and inserting ''Officers'';

(D) in paragraph (3), by inserting ''students,'' after ''consult with''; and

(E) by adding at the end the following:

''(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).'';

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(ii) in subparagraph (C), by striking ''this'';

(5) in subsection (f)—

(A) in paragraph (2), by striking ''to borrowers'' and inserting ''to students, borrowers,''; and

(B) in paragraph (3)(A), by striking ''(1)(A)'' and inserting ''(1)'';

(6) in subsection (g)(3), by striking ''not more than 25'';

(7) in subsection (h), by striking ''organizational effectiveness'' and inserting ''effectiveness'';

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking '', including transition costs''.

SEC. 112. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for information systems supporting the programs authorized under title IV''; and

(ii) by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) through the Chief Operating Officer—

''(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

''(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.'';

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

''(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.'';

(3) in subsection (d)(2)(B), by striking ''on Federal Government contracts'';

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking ''SOLE SOURCE.—'' and inserting ''SINGLE-SOURCE BASIS.—''; and

(ii) by striking ''sole-source'' and inserting ''single-source''; and

(B) in paragraph (7), by striking ''sole-source'' and inserting ''single-source'';

(5) in subsection (h)(2)(A), by striking ''sole-source'' and inserting ''single-source''; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.''.

SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

''(2) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

''(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

''(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

''(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

''(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(B) which arrangement or agreement—

''(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

''(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

''(5) LENDER.—The term 'lender'—

''(A) means—

''(i) any lender—

''(I) of a loan made, insured, or guaranteed under part B of title IV; and

''(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

''(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

''(6) OFFICER.—The term 'officer' includes a director or trustee of an institution.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

''(b) DISCLOSURES.—

''(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

''(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

''(A) of the interest rates of the educational loan being offered;

''(B) showing sample educational loan costs, disaggregated by type;

''(C) that describes, with respect to each type of educational loan being offered—

''(i) the types of repayment plans that are available;

''(ii) whether, and under what conditions, early repayment may be made without penalty;

''(iii) when and how often interest on the loan will be capitalized;

''(iv) the terms and conditions of deferments or forbearance;

''(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

''(vi) the collection practices in the case of default; and

''(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

''(D) of such other information as the Secretary may require in regulations.

''(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

''(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

''(A) the amount of each specific instance in which the lender provided such reimbursement;

''(B) the name of the financial aid official or other employee to whom the reimbursement was made;

''(C) the dates of the activity for which the reimbursement was made; and

''(D) a brief description of the activity for which the reimbursement was made.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.

''(a) SECRETARY DUTIES.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

''(i) that provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

''(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

''(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

''(III) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

''(IV) the average interest rate on such loans provided to such students for the preceding academic year; and

''(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

''(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

''(C)(i) submit the report and model format to the authorizing committees; and

''(ii) make the report and model format available to covered institutions, lenders, and the public.

''(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information report under subsection (c).

''(b) LENDER DUTIES.—Each lender that has an educational loan arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

''(c) COVERED INSTITUTION DUTIES.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has an educational loan arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model format for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.''.

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

''PART A—TEACHER QUALITY PARTNERSHIP GRANTS

''SEC. 201. PURPOSES; DEFINITIONS.

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

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and prenumeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program that is among the highest 25 percent of early childhood programs in the geographic area served by the local educational agency in the partnership, in terms of

the percentage of students from families with incomes below the poverty line.

''(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

''(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Regular evaluation of the new teacher.

''(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

''(B) that requires—

''(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

''(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

''(C) includes, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be limited to random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) use of research designs and methods appropriate to the research question posed.

''(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

''(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(F) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning;

''(E) effectively manage a classroom;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use age-appropriate strategies and practices for children, including in early childhood education programs.

''(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

"SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other related sources;

''(B) the intended use of the grant funds;

''(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) early learning standards for early childhood education programs, as applicable, of the State in which the partnership is located; and

''(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

''(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students; and

''(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

''(iv) developing and implementing an induction program; and

''(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new

teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective preservice preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPEND AND SERVICE REQUIREMENT.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

''(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

''(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

''(f) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

''(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in

paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

"SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of under represented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

"SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

''(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of

supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"SEC. 206. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

''(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

"SEC. 207. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 202. GENERAL PROVISIONS.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—GENERAL PROVISIONS

"SEC. 231. LIMITATIONS.

''(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

''(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.''.

TITLE III—INSTITUTIONAL AID

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking ''subsection (c) of this section'' and inserting ''subsection (d)''; and

(2) in subsection (d)(2), by striking ''subdivision'' and inserting ''paragraph''.

SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).'';

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: ''and the acquisition of real property adjacent to the campus of the institution'';

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

''(M) developing or improving facilities for Internet use or other distance education technologies; and''; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (M)''; and

(3) by striking subsection (d) and inserting the following:

''(d) APPLICATION, PLAN, AND ALLOCATION.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—

''(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

''(3) ALLOCATIONS TO INSTITUTIONS.—

''(A) CONSTRUCTION GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

''(B) ALLOTMENT OF REMAINING FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

''(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

''(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

''SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

SEC. 306. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting '', in consultation with the Commissioner for Education Statistics'' before ''and the Commissioner''.

SEC. 307. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''360(a)(2)'' and inserting ''399(a)(2)'';

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

SEC. 308. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

''(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

''(1) enrolled Federal Pell Grant recipients in the preceding academic year;

''(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

''(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.''.

SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting '', and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement'' after ''services'';

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

''(5) tutoring, counseling, and student service programs designed to improve academic success;

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking ''establish or improve'' and inserting ''establishing or improving'';

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking ''assist'' and inserting ''assisting''; and

(ii) by striking ''and'' after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(10) other activities proposed in the application submitted under subsection (d) that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after ''the following'';

(ii) in subparagraph (Q), by striking ''and'' at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(S) Alabama State University qualified graduate program;

''(T) Coppin State University qualified graduate program;

''(U) Prairie View A & M University qualified graduate program;

''(V) Fayetteville State University qualified graduate program;

''(W) Delaware State University qualified graduate program;

''(X) Langston University qualified graduate program; and

''(Y) West Virginia State University qualified graduate program.'';

(B) in paragraph (2)(A)—

(i) by inserting ''in law or'' after ''instruction''; and

(ii) by striking ''mathematics, or'' and inserting ''mathematics, psychometrics, or'';

(C) in paragraph (3)—

(i) by striking ''1998'' and inserting ''2007''; and

(ii) by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), and (Y)'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2), by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), and (Y)''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(R)'' and inserting ''(Y)'';

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

''(i) allocates from institutional resources;

''(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

''(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

''(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.'';

(iii) in subparagraph (C), by striking ''(or the equivalent) enrolled in the eligible professional or graduate school'' and all that follows through the period and inserting ''enrolled in the qualified programs or institutions listed in paragraph (1).'';

(iv) in subparagraph (D)—

(I) by striking ''students'' and inserting ''Black American students or minority students''; and

(II) by striking ''institution'' and inserting ''institution or program''; and

(v) by striking subparagraph (E) and inserting the following:

''(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.''; and

(4) in subsection (g), by striking ''1998'' and inserting ''2007''.

SEC. 310. AUTHORITY OF THE SECRETARY.

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.''.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 312. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking '',,'' and inserting '','';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 401. FEDERAL PELL GRANTS.

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''2004'' and inserting ''2013''; and

(ii) in the second sentence, by striking '',,'' and inserting '',''; and

(B) in paragraph (3), by striking ''this subpart'' and inserting ''this section'';

(2) in subsection (b)—

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

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $5,400 for academic year 2008–2009;

''(ii) $5,700 for academic year 2009–2010;

''(iii) $6,000 for academic year 2010–2011; and

''(iv) $6,300 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.'';

(B) by striking paragraph (3);

(C) in paragraph (4) (as redesignated by subparagraph (C)), by striking ''$400, except'' and all that follows through the period and inserting ''10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level.''; and

(D) by striking paragraph (5) (as redesignated by subparagraph (C)) and inserting the following:

''(5) In the case of a student who is enrolled, on at least a half-time basis and for a period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.''; and

(3) in subsection (c), by adding at the end the following:

''(5) The period of time during which a student may receive Federal Pell Grants shall not

exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

''(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

''(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''academic''; and

(B) in paragraph (2), by striking ''third or fourth academic'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''full-time'' and all that follows through ''is made'' and inserting ''student who'';

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

''(1) is eligible for a Federal Pell Grant for the award year in which the determination of eligibility is made for a grant under this section;'';

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

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''academic'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)''; and

(II) in clause (ii)—

(aa) by striking ''academic''; and

(bb) by striking ''or'' after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking ''academic'';

(II) by striking ''four'' and inserting ''4'';

(III) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

(IV) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, but do study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by the appropriate official of the demonstrating institution; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

''(i) is pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

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

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—

''(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

''(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

''(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

''(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study.''; and

(C) by adding at the end the following:

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

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

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than 1''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 403. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

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

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not''; and

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(3) in subsection (e), by striking ''(g)(2)'' each place the term occurs and inserting ''(h)(4)'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the enrollment of such students in an institution of higher education; and

''(v) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met

or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students; and

''(v) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking ''or'' after the semicolon;

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

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to identify qualified youths with potential for education at the postsecondary level and to encourage such youths'' and inserting ''to encourage eligible youths'';

(B) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(C) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

''(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

''(1) personal and career counseling or activities;

''(2) information and activities designed to acquaint youths with the range of career options available to the youths;

''(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

''(4) workshops and counseling for families of students served;

''(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

''(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.''; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''talent search projects under this chapter'' and inserting ''projects under this section''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary and postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''REQUIRED SERVICES'' and inserting ''ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS''; and

(B) by striking ''upward bound project assisted under this chapter'' and inserting ''project assisted under this section'';

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

''(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

''(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

''(3) on-campus residential programs;

''(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

''(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

''(6) special services to enable veterans to make the transition to postsecondary education; and

''(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

''(e) PRIORITY.—In providing assistance under this section the Secretary—

''(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

''(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking ''upward bound projects under this chapter'' and inserting ''projects under this section''; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking ''during June, July, and August'' each place the term occurs and inserting ''during the summer school recess, for a period not to exceed 3 months''; and

(B) by striking ''(b)(10)'' and inserting ''(d)(5)''.

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

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

''(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system.''; and

(C) by adding at the end the following:

''(4) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in postsecondary course selection;

''(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

''(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

''(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

''(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

''(5) mentoring programs involving faculty or upper class students, or a combination thereof;

''(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

''(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''REQUIRED'' before ''SERVICES'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2007 through 2012''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting '', including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system'' before the period at the end.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting "**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION**.";

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

"(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

"(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

"(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

"(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

"(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities."; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

"(2) PRACTICES.—

"(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

"(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

"(ii) the preparation of the individuals and students for postsecondary education; and

"(iii) fostering the success of the individuals and students in postsecondary education.

"(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

"(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

"(3) EVALUATION SPECIAL RULES.—

"(A) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

"(B) PERMISSIBLE PRIORITY.—If the Secretary elects to provide for the conduct of an evaluation of a program or project under this chapter using a control group, then the Secretary may give priority in providing assistance under this chapter, subject to section 402C(e), to an eligible entity that elects to participate in such an evaluation.".

SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

"(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

"(A) the risk of such students dropping out of school; or

"(B) the need for remedial education for such students at the postsecondary level; and

"(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.";

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

"(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;"; and

(3) by striking subsection (c)(2) and inserting the following:

"(2) a partnership—

"(A) consisting of—

"(i) 1 or more local educational agencies; and

"(ii) 1 or more degree granting institutions of higher education; and

"(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.".

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

"(a) FUNDING RULES.—

"(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

"(A) the geographic distribution of such awards; and

"(B) the distribution of such awards between urban and rural applicants.

"(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.";

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

"(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.".

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking "**ELIGIBLE ENTITY PLANS**" and inserting "**APPLICATIONS**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "PLAN" and inserting "APPLICATION";

(B) in paragraph (1)—

(i) by striking "a plan" and inserting "an application"; and

(ii) by striking the second sentence; and

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

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

"(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

"(B) describe how the eligible agency will meet the requirements of section 404E;

"(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

"(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

"(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

"(i) how vacancies in the program under this chapter will be filled; and

"(ii) how the eligible entity will serve students attending different secondary schools;

"(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

"(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

"(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.";

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking "a plan" and inserting "an application"; and

(B) by striking "such plan" and inserting "such application"; and

(4) in subsection (c)(1), by striking the semicolon at the end and inserting "including—

"(A) the amount contributed to a student scholarship fund established under section 404E; and

"(B) the amount of the costs of administering the scholarship program under section 404E;".

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

"SEC. 404D. ACTIVITIES.

"(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

"(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

"(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

"(3) Support activities designed to improve the number of participating students who—

"(A) obtain a secondary school diploma; and

"(B) complete applications for and enroll in a program of postsecondary education.

"(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

"(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

"(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

"(3) Providing supportive services to eligible students.

"(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

''(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

''(A) meeting challenging academic standards;

''(B) successfully applying for postsecondary education;

''(C) successfully applying for student financial aid; and

''(D) developing graduation and career plans.

''(6) Providing support for scholarships described in section 404E.

''(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

''(8) Providing an intensive extended school day, school year, or summer program that offers—

''(A) additional academic classes; or

''(B) assistance with college admission applications.

''(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

''(A) the identification of at-risk children;

''(B) after-school and summer tutoring;

''(C) assistance to at-risk children in obtaining summer jobs;

''(D) academic counseling;

''(E) volunteer and parent involvement;

''(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

''(G) skills assessments;

''(H) personal counseling;

''(I) family counseling and home visits;

''(J) staff development; and

''(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

''(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

''(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

''(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.

''(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

''(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

''(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

''(5)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

''(B) Identifying and disseminating information on best practices with respect to—

''(i) increasing parental involvement; and

''(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

''(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

''(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

''(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

''(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

''(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

''(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

''(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

''(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

''(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.''.

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

''(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.'';

(4) in subsection (d) (as redesignated by paragraph (2)), by striking ''the lesser of'' and all that follows through the period at the end of paragraph (2) and inserting ''the minimum Federal Pell Grant award under section 401 for such award year.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

''(e) PORTABILITY OF ASSISTANCE.—

''(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

''(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

''(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

''(B) enrolled in an institution of higher education.

''(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

''(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

''(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

''(4) RETURN OF FUNDS.—

''(A) REDISTRIBUTION.—

''(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

''(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

''(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter.''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking ''1993'' and inserting ''2001''; and

(B) in paragraph (4), by striking ''early intervention component required under section 404D'' and inserting ''activities required under section 404D(a)''.

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking ''404H'' and inserting ''404G'';

(2) in section 404B(a)(1), by striking ''404H'' and inserting ''404G''; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking ''404H'' and inserting ''404G''.

SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking ''$450'' and inserting ''$600''.

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking ''such institution'' and all that follows through the period and inserting ''such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).''.

SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking ''not in excess of $5,000 per academic year'' and inserting ''not to exceed the lesser of $12,500 or the student's cost of attendance per academic year''; and

(2) by striking paragraph (10) and inserting the following:

''(10) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership grants; and

''(B) funded by the Federal Government, the State, and other contributing partners.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

''(A) carry out activities under this section; and

''(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

''(2) provide need-based grants for access and persistence to eligible low-income students;

''(3) provide early notification to low-income students of the students' eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

''(i) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

''(ii) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

''(B) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

''(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

''(I) The State shall specify the methods by which non-Federal share funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

''(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

''(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

''(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government, the State, and other contributing partners.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than 1—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT OF GRANTS.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, work study amount, and scholarship amount received by the student), and such amount shall be used toward the cost of attendance at an institution of higher education located in the State.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any other Federal or State sponsored grant amount, work study amount, and scholarship amount received by the student).

''(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student), and such amount shall be used by the student to attend an institution of higher education located in the State.

''(C) SPECIAL RULES.—

''(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

''(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's candidacy for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

''(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of a grant for access and persistence and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

''(aa) meet the requirement under paragraph (3);

''(bb) graduate from secondary school; and

''(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

''(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

''(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

''(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

''(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

''(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education

Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)'' ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), a grant''; and

(2) by adding at the end the following:

''(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.''.

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

''(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

''(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

''(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

''(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

''(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking ''and'' after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

''(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

''(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

''(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

''(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

''(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education.''; and

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

(iii) by adding at the end the following:

''(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.'';

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking ''and'' after the semicolon;

(II) in subclause (IV), by striking ''and'' after the semicolon; and

(III) by adding at the end the following:

''(V) the effective date of the transfer;

''(VI) the date the current servicer will stop accepting payments; and

''(VII) the date at which the new servicer will begin accepting payments.''; and

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

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

''(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.''; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking ''preclaims'' and inserting ''default aversion''; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking ''and'' after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

''(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

''(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

''(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

''(II) the fact that interest will accrue on the loan for the period of forbearance;

''(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

''(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

''(V) the borrower's option to discontinue the forbearance at any time.''.

SEC. 422. FEDERAL CONSOLIDATION LOANS.

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (H); and

(3) by inserting after subparagraph (E) the following:

''(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

''(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

''(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

''(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

''(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

''(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

''(I) the borrower will lose all interest–free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

''(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

''(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

''(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

''(vi) the consequences of default on the consolidation loan; and

''(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and''.

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking ''428C(b)(1)(F)'' and inserting ''428C(b)(1)(H)''.

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended by adding at the end the following:

''(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.''.

SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A (20 U.S.C. 1080a) is amended—

*(1) in the section heading, by striking ''**CREDIT BUREAUS**'' and inserting ''**CONSUMER REPORTING AGENCIES**''; and*

(2) in subsection (a)—

(A) in the first sentence, by striking ''with credit bureau organizations'' and inserting ''with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

''(1) the type of loan made, insured, or guaranteed under this title;'';

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

''(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)'';

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(6) any other information required to be reported by Federal law.''.

SEC. 425. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: ''Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.''.

SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

''(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

''(g) LOAN BENEFIT DISCLOSURES.—

''(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

''(A) by repaying the loan by automatic payroll or checking account deduction;

''(B) by completing a program of on-time repayment; and

''(C) under any other interest rate reduction program.

''(2) INFORMATION.—Such borrower information shall include—

''(A) any limitations on such options;

''(B) explicit information on the reasons a borrower may lose eligibility for such an option;

''(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

''(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

''(E) information on borrower recertification requirements.''.

SEC. 427. CONSUMER EDUCATION INFORMATION.

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

''SEC. 433A. CONSUMER EDUCATION INFORMATION.

''Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.''.

SEC. 428. DEFINITION OF ELIGIBLE LENDER.

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school

or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

''(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;''; and

(2) by adding at the end the following:

''(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

''(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

''(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

''(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

''(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

''(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

''(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

''(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

''(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.''.

SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting '', or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''of the Secretary),''; and

(2) by adding at the end the following: ''The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

''(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

''(A) receives a loan made, insured or guaranteed under this title; or

''(B) has earned income in excess of the poverty line; or

''(2) the Secretary determines necessary.''.

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''or if he'' and inserting ''if the borrower''; and

(B) by inserting '', or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''the Secretary''; and

(2) by adding at the end the following:

''(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

''(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

''(i) receives a loan made, insured or guaranteed under this title; or

''(ii) has earned income in excess of the poverty line; or

''(B) the Secretary determines necessary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking ''$1,000,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking ''this subparagraph if'' and all that follows through ''institution;'' and inserting ''this subparagraph if—

''(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

''(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;''.

SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking ''$50,000'' and inserting ''$75,000''.

SEC. 445. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking ''work-learning'' and inserting ''work-learning-service'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''under subsection (f)'' and inserting ''for this section under section 441(b)''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''pursuant to subsection (f)'' and inserting ''for this section under section 441(b)'';

(ii) in subparagraph (A), by striking ''work-learning program'' and inserting ''comprehensive work-learning-service program'';

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

''(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and'';

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking ''work-learning'' each place the term occurs and inserting ''work-learning-service''; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking ''work service learning'' and inserting ''work-learning-service'';

(3) in subsection (c), by striking ''by subsection (f) to use funds under subsection (b)(1)'' and inserting ''for this section under section 441(b) or to use funds under subsection (b)(1),'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''4-year, degree-granting'' after ''nonprofit'';

(ii) in subparagraph (B), by striking ''work-learning'' and inserting ''work-learning-service'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and''; and

(iv) in subparagraph (D), by striking ''work-learning'' and inserting ''work-learning-service''; and

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

''(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''; and

(5) by striking subsection (f).

PART D—FEDERAL PERKINS LOANS

SEC. 451. PROGRAM AUTHORITY.

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking ''$250,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 2008 through 2012.''.

SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(B) in subparagraph (H), by striking ''or'' after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

''(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), or (L)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART E—NEED ANALYSIS

SEC. 461. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 462. DEFINITIONS.

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

SEC. 471. DEFINITIONS.

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting ''and that measures program length in credit hours or clock hours'' after ''baccalaureate degree''.

SEC. 472. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

SEC. 473. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

''(1) IN GENERAL.—

''(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

''(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

''(2) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

''(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

''(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

''(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

''(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

''(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

''(C) PHASE-OUT OF FULL PAPER FAFSA.—

''(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

''(I) phase out the printing of the full paper version of FAFSA;

''(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

''(III) provide a printed copy of the full paper version of FAFSA upon request.

''(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

''(3) ELECTRONIC VERSIONS.—

''(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

''(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

''(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

''(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

''(i) require applicants to complete data required by any State other than the applicant's State of residence; and

''(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

''(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

''(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

''(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

''(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

''(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

''(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(4) STREAMLINED REAPPLICATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

''(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

''(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

''(5) STATE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

''(i) which data items each State requires to award need-based State aid; and

''(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

''(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

''(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

''(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

''(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

''(ii) not require any resident of such State to complete any data items previously required by that State under this section.

''(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

''(i) by the applicant's State; or

''(ii) by the Secretary.

''(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

''(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

''(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

''(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

''(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

''(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.'';

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''that is authorized'' and all that follows through the period at the end and inserting ''or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.'';

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

''(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

''(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

''(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

''(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link

to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

''(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

''(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

''(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.''; and

(5) by adding at the end the following:

''(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

''(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

''(A) to complete an application under this subsection during the academic year that is 2 years prior to the year such students plan to enroll in an institution of higher education; and

''(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

''(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

''(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

''(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

''(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

''(i) expected family contribution for the first year of the student's planned enrollment; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

''(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

''(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

''(A) States selected through the application process described in paragraph (5);

''(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

''(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

''(i) advertising the availability of the program;

''(ii) identifying students who might be interested in participating in the program;

''(iii) encouraging such students to apply; and

''(iv) participating in the evaluation of the program.

''(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

''(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

''(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

''(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

''(ii) estimates of State financial aid awards to other dependent students participating in the program;

''(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

''(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

''(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

''(ii) serve different populations of students;

''(iii) in the case of institutions of higher education—

''(I) to the extent possible, are of varying types and control; and

''(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

''(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

''(bb) estimates of institutional awards to other participating dependent students; and

''(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

''(E) a commitment to participate in the evaluation conducted by the Secretary; and

''(F) such other information as the Secretary may require.

''(6) SPECIAL PROVISIONS.—

''(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

''(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

''(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

''(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

''(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

''(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

''(C) determine what operational changes would be required to implement the program on a larger scale;

''(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

''(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

''(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

''(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

''(1) FORMATION OF STUDY GROUP.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose members shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and such other individuals as the Comptroller General and Secretary of Education may designate.

''(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

''(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

''(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

''(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

''(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

''(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

''(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

''(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

''(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

''(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

''(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

''(C) whether data provided by the Internal Revenue could be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

''(D) the extent to which the use of income data from 2 years prior to a student's planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

''(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

''(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

''(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

''(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

''(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

''(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

''(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

''(iii) whether data are required by State law, State regulations, or policy directives;

''(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

''(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

''(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

''(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

''(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

''(A) Program costs.

''(B) Redistributive effects on students.

''(C) Accuracy of aid determinations.

''(D) Reduction of burden to the FAFSA filers.

''(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

''(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

''(7) REPORT.—Not later than 18 months after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

SEC. 474. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

''(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.'';

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

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.''; and

(3) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

''(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

''(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who—

''(i) has completed secondary school with a diploma or certificate; or

''(ii) has completed secondary school; or

''(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

''(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

''(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

''(B) includes an advising and curriculum structure;

''(C) requires students to participate on at least a half-time basis, as determined by the institution; or

''(D) includes—

''(i) regular enrollment in courses offered by the institution;

''(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

''(iii) enrollment in noncredit, nondegree courses;

''(iv) participation in internships; or

''(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

''(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''; and

(2) by adding at the end the following:

''(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.''.

SEC. 476. INSTITUTIONAL REFUNDS.

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking ''may determine the appropriate withdrawal date.'' and inserting ''may determine—

''(A) the appropriate withdrawal date; and

''(B) that the requirements of subsection (b)(2) do not apply to the student.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraph (M) and inserting the following:

''(M) the terms and conditions of the loans that students receive under parts B, D, and E;'';

(ii) in subparagraph (N), by striking ''and'' after the semicolon;

(iii) in subparagraph (O), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(P) institutional policies and sanctions related to copyright infringement that inform students that unauthorized distribution of copyrighted material on the institution's information technology systems, including engaging in unauthorized peer-to-peer file sharing, may subject the students to civil and criminal penalties;''

''(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

''(i) male;

''(ii) female;

''(iii) from a low-income background; and

''(iv) a self-identified member of a major racial or ethnic group;

''(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

''(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources; and

''(T) the fire safety report prepared by the institution pursuant to subsection (i).'';

(B) by striking paragraph (4) and inserting the following:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''; and

(C) by adding at the end the following:

''(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through ''465.'' and inserting the following:

''(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

''(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

''(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

''(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

''(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

''(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

''(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

''(vii) the consequences of default on such loans;

''(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

''(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

''(III) the ability of the borrower to prepay the loan or change repayment plans; and

''(IV) that borrower benefit programs may vary among different loan holders; and

''(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans.''; and

(B) by adding at the end the following:

''(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

''(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

''(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

''(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

''(E) the consequences of default.'';

(3) in subsection (d)(2)—

(A) by inserting ''grant assistance, as well as State'' after ''describing State''; and

(B) by inserting ''and other means, including through the Internet'' before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.'';

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title''; and

(ii) by adding at the end the following:

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

''(i) to notify the campus community in a reasonable and timely manner in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.'';

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.''; and

(6) by adding at the end the following:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the institution's transfer of credit policies which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) a statement of whether the institution denies a transfer of credit solely on the basis of the agency or association that accredited such other institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.''.

SEC. 478. ENTRANCE COUNSELING REQUIRED.

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

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

''(b) ENTRANCE COUNSELING FOR BORROWERS.—

''(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

''(i) during an entrance counseling session conducted in person;

''(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

''(iii) online, with the borrower acknowledging receipt and understanding of the information.

''(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

''(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

''(A) an explanation of the use of the Master Promissory Note;

''(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

''(i) the ability of the borrower to pay the interest while the borrower is in school; and

''(ii) how often interest is capitalized;

''(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

''(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

''(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

''(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

''(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.''.

SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking ''effectiveness.'' and inserting ''effectiveness;''; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

''(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

''(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

''(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

''(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

''(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

''(C) defines and explains the categories of information included in the data system;

''(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights

and responsibilities with respect to such statutes;

''(E) explains the measures taken by the Department to safeguard the students' data; and

''(F) includes other information as determined appropriate by the Secretary;

''(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

''(A) submitted to the data system; and

''(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

''(5) regularly reviewing the data system to—

''(A) delete inactive users from the data system;

''(B) ensure that the data in the data system are not being used for marketing purposes; and

''(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

''(6) developing standardized protocols for limiting access to the data system that include—

''(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

''(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

''(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.''; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

''(e) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

''(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

''(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

''(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

''(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

''(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

''(2) STUDY.—

''(A) IN GENERAL.—The Secretary shall conduct a study regarding—

''(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

''(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

''(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.''.

SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

''SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

''(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

''(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

''(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

''(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

''(B) disseminate such informational materials as the Secretary determines necessary.

''(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

''(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

''(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

''(A) is as accurate as possible;

''(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

''(C) uses dissemination mechanisms suitable for adult learners.

''(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

''(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

''(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

''(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).''.

SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

''(21) CODE OF CONDUCT.—

''(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

''(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.

''(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for

reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

''(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

''(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

''(v) INTERACTION WITH BORROWERS.—The institution will not—

''(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

''(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

''(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

''(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.'';

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

''(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration.''; and

(D) by adding at the end the following:

''(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

''(26) PREFERRED LENDER LISTS.—

''(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

''(i) clearly and fully disclose on the preferred lender list—

''(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

''(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

''(I) there are not less than 3 lenders named on the preferred lending list that are not affiliates of each other; and

''(II) the preferred lender list—

''(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation; and

''(iii) establish a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including —

''(I) highly competitive interest rates, terms, or conditions for loans made under part B;

''(II) high-quality customer service for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans.

''(B) DEFINITION OF AFFILIATE; CONTROL.—

''(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

''(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

''(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).'';

(2) in subsection (c)(1)(A)(i), by inserting '', except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States'' before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

''(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

''(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

''(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

''(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

''(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.''; and

(5) by adding at the end the following:

''(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

''(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

''(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

''(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

''(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

''(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

''(i) conducted on campus or at a facility under the control of the institution;

''(ii) performed under the supervision of a member of the institution's faculty; and

''(iii) required to be performed by all students in a specific educational program at the institution.

''(F) Institutional aid, as follows:

''(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

''(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

''(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

''(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

''(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

''(2) SANCTIONS.—

''(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

''(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).''.

SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''1998'' and inserting ''2007'' ; and

(B) by striking ''1999'' and inserting ''2008''; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 483. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking ''413D.'' and inserting ''413D; and''; and

(3) by adding at the end ''(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.''.

SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking ''offsetting the administrative costs of'' and inserting ''administering''.

SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

''(i) of their eligibility for assistance under this title; and

''(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.'';

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

''(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.'';

(3) in subsection (d)(6), by striking '', but nothing'' and all that follows through ''or analyses'';

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''and simplification'' after ''modernization'' each place the term appears; and

(ii) by striking ''including'' and all that follows through ''Department,''; and

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) conduct a review and analysis of regulations in accordance with subsection (l); and

''(5) conduct a study in accordance with subsection (m).'';

(5) in subsection (k), by striking ''2004'' and inserting ''2013''; and

(6) by adding at the end the following:

''(l) REVIEW AND ANALYSIS OF REGULATIONS.—

''(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

''(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

''(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

''(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

''(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

''(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

''(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

''(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

''(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

''(A) The impact of such programs on baccalaureate attainment rates.

''(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

''(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

''(D) The ways in which nontraditional students can be specifically targeted by such programs.

''(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

''(4) CONSULTATION.—

''(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

''(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

''(5) REPORTS TO CONGRESS.—

''(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments

of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

''(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).''.

SEC. 486. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting ''State student grant agencies,'' after ''institutions of higher education,''.

SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

PART G—PROGRAM INTEGRITY

SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

''(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, through the determination of expected levels of student achievement that are established by the institution, and which use, as appropriate, empirical evidence and external indicators with respect to criteria regarding—

''(i) student retention rates;

''(ii) course completion rates;

''(iii) program completion and graduation rates;

''(iv) for prebaccalaureate career and technical education programs, degree programs leading to initial professional licensure or certification, and other programs as appropriate—

''(I) results on State licensing examinations; and

''(II) job placement rates;

''(v) as appropriate, enrollment in graduate or professional programs; and

''(vi) as appropriate, other student performance information selected by the institution, particularly information—

''(I) used by the institution to evaluate or strengthen the institution's programs; and

''(II) that reflects the institution's individual mission and the institution's distinctive goals for students;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(D) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

''(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

''(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

''(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

''(C) The institution notifies the accrediting agency that the institution intends to cease operations.'';

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of whether the institution denies a transfer of credit based solely on the accreditation of the sending institution.''; and

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.''.

SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting ''and'' after the semicolon; and

(2) by adding at the end the following:

''(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

''(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

''(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

''(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

''(B) to assume the liabilities of the closed institution.''.

SEC. 493. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

''(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

''(A) a written statement addressing the institution of higher education's response;

''(B) a written statement of the basis for such report or determination; and

''(C) a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.''.

SEC. 494. TIMELY INFORMATION ABOUT LOANS.

(a) IN GENERAL.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

''SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.

''(a) REGULAR BILL PROVIDING PERTINENT INFORMATION ABOUT A LOAN.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill

each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

''(1) the borrower's principal borrowed;

''(2) the borrower's current balance;

''(3) the interest rate on such loan;

''(4) the amount the borrower has paid in interest;

''(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

''(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

''(7) a description of each fee the borrower has been charged for the current payment period;

''(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

''(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

''(10) the lender's address and toll-free phone number for payment and billing error purposes.

''(b) INFORMATION PROVIDED BEFORE COMMENCEMENT OF REPAYMENT.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

''(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

''(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

''(3) The conditions under which a loan may default, and the consequences of default.

''(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(c) INFORMATION PROVIDED DURING DELINQUENCY.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(d) INFORMATION PROVIDED DURING DEFAULT.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

''(1) The options available to the borrower to be removed from default.

''(2) The relevant fees and conditions associated with each option.''.

SEC. 495. AUCTION EVALUATION AND REPORT.

(a) EVALUATION.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) REPORTS.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting '', including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period at the end;

(3) by inserting after paragraph (5) the following:

''(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''.

SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined in section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 512. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 513. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

SEC. 503. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

SEC. 504. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking ''section 503'' and inserting ''sections 503 and 512''.

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting ''part A of'' after ''carry out'';

(2) by striking ''$62,500,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.'';

(3) by striking ''(a) AUTHORIZATIONS.—'' and inserting the following:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are''; and

(4) by adding at the end the following:

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking ''**AND PURPOSES**'' and inserting ''; **PURPOSES; CONSULTATION; SURVEY**'';

(2) in subsection (a)(3), by striking ''post-Cold War'';

(3) in subsection (b)(1)(D), by inserting '', including through linkages with overseas institutions'' before the semicolon; and

(4) by adding at the end the following:

''(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

''(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.''.

SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking ''and'' after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) support for instructors of the less commonly taught languages.''; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

''(C) Programs of linkage or outreach between or among—

''(i) foreign language, area studies, or other international fields; and

''(ii) State educational agencies or local educational agencies.'';

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting '', including Federal or State scholarship programs for students in related areas'' before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''GRADUATE''; and

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

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

''(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

''(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

''(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

''(I) predissertation level study;

''(II) preparation for dissertation research;

''(III) dissertation research abroad; or

''(IV) dissertation writing.'';

(3) by striking subsection (d) and inserting the following:

''(d) ALLOWANCES.—

''(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

''(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

''(A) are closely linked to the overall goals of the recipient's course of study; and

''(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.''; and

(4) by adding at the end the following:

''(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.''.

SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

''(I) providing subgrants to undergraduate students for educational programs abroad that—

''(i) are closely linked to the overall goals of the program for which the grant is awarded; and

''(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;''; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

''(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

''(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

''(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary.''; and

(2) in subsection (c)—

(A) by striking ''FUNDING SUPPORT.—The Secretary'' and inserting ''FUNDING SUPPORT.—

''(1) THE SECRETARY.—The Secretary'';

(B) by striking ''10'' and inserting ''20''; and

(C) by adding at the end the following:

''(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).''.

SEC. 604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

''(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

''(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''.

SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''new electronic technologies'' and inserting ''electronic technologies'';

(B) by inserting ''from foreign sources'' after ''disseminate information'';

(C) in the subsection heading, by striking ''AUTHORITY.—The Secretary'' and inserting ''AUTHORITY.—

''(1) IN GENERAL.—The Secretary''; and

(D) by adding at the end the following:

''(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

''(A) An institution of higher education.

''(B) A public or nonprofit private library.

''(C) A consortium of an institution of higher education and 1 or more of the following:

''(i) Another institution of higher education.

''(ii) A library.

''(iii) A not-for-profit educational organization.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''to facilitate access to'' and inserting ''to acquire, facilitate access to,'';

(B) in paragraph (2), by inserting ''or standards for'' after ''means of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

''(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

''(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

''(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section.''; and

(3) in subsection (c), by striking ''institution or consortium'' and inserting ''institution of higher education, library, or consortium''.

SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking ''evaluates the applications for comprehensive and undergraduate language and area centers and programs.'' and inserting ''evaluates—

''(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

''(2) the applications for undergraduate foreign language and area or international studies centers and programs.''; and

(2) in subsection (b), by adding at the end the following: ''The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.''.

SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

''(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.''.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking ''$80,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting '', and that diverse perspectives will be made available to students in programs under this section'' before the semicolon.

SEC. 610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: ''Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking ''$11,000,000 for fiscal year 1999'' and all that follows through ''fiscal years'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''; and

(2) in subsection (b), by striking ''$7,000,000 for fiscal year 1999'' and all that follows through ''fiscal years,'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''.

SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: ''Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.''; and

(2) in subsection (e)—

(A) by striking ''MATCH REQUIRED.—The eligible'' and inserting ''MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the eligible''; and

(B) by adding at the end the following:

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.''.

SEC. 613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking ''Tribally Controlled Colleges or Universities'' and inserting ''tribally controlled colleges or universities''; and

(B) by striking ''international affairs programs.'' and inserting ''international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title.''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon.

SEC. 614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking ''as defined in section 322 of this Act''; and

(2) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities''.

SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking ''**MASTERS**'' and inserting ''**ADVANCED**'';

(2) in the first sentence, by inserting '', and in exceptional circumstances, a doctoral degree,'' after ''masters degree'';

(3) in the second sentence, by striking ''masters degree'' and inserting ''advanced degree''; and

(4) in the fourth sentence, by striking ''United States'' and inserting ''United States.''.

SEC. 616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking ''as defined in section 322 of this Act'';

(B) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities'';

(C) by striking ''an international'' and inserting ''international,''; and

(D) by striking ''the United States Information Agency'' and inserting ''the Department of State''; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (G).

SEC. 617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

''SEC. 626. FINANCIAL ASSISTANCE.

''(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

''(b) SUMMER STIPENDS.—

''(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

''(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

''(c) RALPH BUNCHE SCHOLARSHIP.—

''(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

''(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

''(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

''(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.''.

SEC. 618. REPORT.

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking ''annually'' and inserting ''biennially''.

SEC. 619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking ''annual report described in section 626'' and inserting ''biennial report described in section 627''.

SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking ''comprehensive language and area center'' and inserting ''comprehensive foreign language and area or international studies center'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

''(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;'';

(6) in paragraph (6), as redesignated by paragraph (2), by striking ''and'' after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

''(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and''; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking ''undergraduate language and area center'' and inserting ''undergraduate foreign language and area or international studies center''.

SEC. 622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

''SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

''(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

''(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

''SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

''The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

''SEC. 634. BIENNIAL REPORT.

''The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report

that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting '', including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering'' before the semicolon at the end.

SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

''(iii) appoint members to represent the various geographic regions of the United States; and

''(iv) include representatives from minority institutions, as defined in section 365.''.

SEC. 703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''.

SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources; and

''(4) an assessment of current and future professional workforce needs of the United States.''.

SEC. 706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking ''1999–2000'' and inserting ''2008–2009''; and

(B) by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''; and

(2) in subsection (c)—

(A) by striking ''716(a)'' and inserting ''715(a)''; and

(B) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2008–2009''; and

(2) by striking ''1998–1999'' and inserting ''2007–2008''.

SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking ''$35,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting ''secondary school and'' after ''disadvantaged''; and

(B) by inserting ''and admission to law practice'' before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting ''secondary school student or'' before ''college student'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''secondary school and'' before ''college students'';

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

''(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;'';

(C) in paragraph (4), by striking ''and'' after the semicolon;

(D) by striking paragraph (5) and inserting the following:

''(4) to motivate and prepare such students—

''(A) with respect to law school studies and practice in low-income communities; and

''(B) to provide legal services to low-income individuals and families; and;''; and

(E) by adding at the end the following:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

''(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''pre-college programs, undergraduate'' before ''pre-law'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''law school'' before ''graduation''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;'';

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(D) by inserting after paragraph (1) the following:

''(2) summer academic programs for secondary school students who have expressed interest in a career in the law;''; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting ''and Associates'' after ''Thurgood Marshall Fellows'';

(5) in subsection (e)(1), by inserting '', including before and during undergraduate study'' before the semicolon;

(6) in subsection (f)—

(A) by inserting ''national and State bar associations,'' after ''agencies and organizations,'';

and

(B) by striking ''and organizations.'' and inserting ''organizations, and associations.'';

(7) by striking subsection (g) and inserting the following:

''(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''; and

(8) in subsection (h), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years''.

SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

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

''(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);'';

(B) in paragraph (7), by striking ''and'' after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

''(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''; and

(2) by adding at the end the following:

''(c) PROJECT GRAD.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(B) to promote the establishment of new programs to implement such integrated education reform services.

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

''(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

''(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

''(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

''(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

''(B) directly carry out—

''(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

''(ii) activities for the purpose of implementing new Project GRAD program sites;

''(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

''(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

''(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

''(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

''(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.

''(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

''(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

''(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

''(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

''(A) reviewing Federal higher education regulations;

''(B) maintaining a clearinghouse of compliance training materials; and

''(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

''(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

''(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

''(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

''(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

''(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who is a spouse of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

''(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

''(B) $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—100 percent of amounts appropriated to carry out this subsection shall be used for scholarships awarded under this subsection.''.

SEC. 711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

''(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

''(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

''(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

''(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

''(4) Development, evaluation and dissemination of model programs, including model core curricula that—

''(A) provide students with a broad and integrated knowledge base;

''(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

''(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

''(5) International cooperation and student exchanges among postsecondary educational institutions.''.

SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''to teach students with disabilities'' and inserting ''to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.'';

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting '', including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.'';

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

''(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

''(E) DISABILITY CAREER PATHWAYS.—

''(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

''(I) encourage interest and participation in such fields, among students with disabilities and other students;

''(II) enhance awareness and understanding of such fields among such students;

''(III) provide educational opportunities in such fields among such students;

''(IV) teach practical skills related to such fields among such students; and

''(V) offer work-based opportunities in such fields among such students.

''(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling.''; and

(vi) by adding at the end the following:

''(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development.''; and

(B) in paragraph (3), by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (G)''; and

(2) by adding at the end the following:

''(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**DEMONSTRATION**'';

(2) by inserting after the part heading the following:

''Subpart 1—Quality Higher Education'';

and

(3) by adding at the end the following:

''Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

''SEC. 771. PURPOSE.

''It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

''SEC. 772. DEFINITIONS.

''In this subpart:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program offered by an institution of higher education that—

''(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

''(B) includes an advising and curriculum structure; and

''(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

''SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

''(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

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

''SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

''(a) IN GENERAL.—

''(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

''(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities; and

''(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

''(B) define the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

''(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

''(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

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

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, by striking ''part'' both places the term appears and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

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

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

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

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SEC. 717. RESEARCH GRANTS.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

"PART E—RESEARCH GRANTS

"SEC. 781. RESEARCH GRANTS.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

''(b) DEFINITIONS.—In this section:

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

''(A) an institution of higher education;

''(B) a State agency responsible for higher education;

''(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

''(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

''(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

''(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

''(B) will reach a broad and diverse range of audiences;

''(C) has participated in work in improving postsecondary education;

''(D) has participated in work in developing or improving assessments to measure student achievement;

''(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

''(F) will focus on program specific measures of student achievement generally applicable to an entire—

''(i) institution of higher education; or

''(ii) State system of higher education.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

''(1) the quality of an application for a grant under this section;

''(2) the distribution of the grants to different—

''(A) geographic regions;

''(B) types of institutions of higher education; and

''(C) higher education accreditors.

''(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

''(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

''(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

''(3) to measure improvement in student achievement over time;

''(4) to evaluate student achievement;

''(5) to develop models of effective practices; and

''(6) for a pilot or demonstration project of measures of student achievement.

''(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

''(h) REPORT.—

''(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

''(2) CONTENT.—The report shall include—

''(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

''(B) a description of the assessments or other measures developed by eligible entities;

''(C) the results of any pilot or demonstration projects assisted under this section; and

''(D) such other information as the Secretary may require.''.

TITLE VIII—MISCELLANEOUS

SEC. 801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"TITLE VIII—MISCELLANEOUS

"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

''(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

''(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

''(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students

served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

''(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

''(1) in an amount that does not exceed $1,000; and

''(2) for not more than 2 years of undergraduate study.

''(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

''(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART B—POSTSECONDARY EDUCATION ASSESSMENT

"SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.

''(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

''(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

''(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

''(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001–2002 academic year and succeeding academic years;

''(2) identify and evaluate measures being used to control postsecondary education costs;

''(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

''(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

"SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

''(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

''(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

''(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

''(A) is independent, as defined in section 480(d);

''(B) attends an institution of higher education—

''(i) on less than a full-time basis;

''(ii) via evening, weekend, modular, or compressed courses; or

''(iii) via distance education methods; or

''(C) has delayed enrollment at an institution of higher education.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

''(B) local high-growth occupations or industries; and

''(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

''(2) take into consideration the capability of the institution of higher education—

''(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

''(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

''(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

''(D) to serve nontraditional or low-income students, or adult or displaced workers; and

''(E) to serve students from rural or remote communities.

''(e) USE OF FUNDS.—Grant funds provided under this section may be used—

''(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

''(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

''(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

''(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

''(5) to build partnerships with local businesses in high-growth occupations or industries;

''(6) to support curriculum development related to entrepreneurial training; and

''(7) for other uses that the Secretary determines to be consistent with the intent of this section.

''(f) REQUIREMENTS.—

''(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

''(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS

"SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2006-2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

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

''PART E—AMERICAN HISTORY FOR FREEDOM

''SEC. 831. AMERICAN HISTORY FOR FREEDOM.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

''(1) traditional American history;

''(2) the history and nature of, and threats to, free institutions; or

''(3) the history and achievements of Western civilization.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

''(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

''(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

''(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

''(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of —

''(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

''(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

''(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

''(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

''(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

''(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

''(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

''(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

''(3) sustain the activities funded under this part after the grant has expired.

''(e) USE OF FUNDS.—

''(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

''(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

''(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

''(ii) development, publication, and dissemination of instructional materials;

''(iii) research;

''(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

''(v) support for graduate and postgraduate fellowships, if applicable; or

''(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

''(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

''(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

''(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

''(iii) to faculty;

''(iv) to local educational agencies; and

''(v) within the local community.

''(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

''(A) collaboration with entities such as—

''(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

''(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

''(B) other activities that meet the purposes of this part.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART F—TEACH FOR AMERICA

''SEC. 836. TEACH FOR AMERICA.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

''(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

''(3) to serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

''(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

''(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

''PART G—PATSY T. MINK FELLOWSHIP PROGRAM

''SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

''(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of

higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

''(c) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

''(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) APPLICATIONS MADE ON BEHALF.—

''(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(I) A graduate school or department of such institution.

''(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

''(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(A) take into account—

''(i) the number and distribution of minority and female faculty nationally;

''(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

''(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

''(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

''(i) are eligible for assistance under title III or title V; or

''(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

''(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

''(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

''(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

''(5) INSTITUTIONAL ALLOWANCE.—

''(A) IN GENERAL.—

''(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

''(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007–2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(A) intend to pursue a career in instruction at—

''(i) an institution of higher education (as the term is defined in section 101);

''(ii) an institution of higher education (as the term is defined in section 102(a)(1));

''(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

''(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(B) sign an agreement with the Secretary agreeing—

''(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

''(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

''(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(B) Impose a fine or penalty in an amount to be determined by the Secretary.

''(3) WAIVER AND MODIFICATION.—

''(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

''(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(i) inequitable and represent an extraordinary hardship; or

''(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

''(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

"PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART I—PREDOMINANTLY BLACK INSTITUTIONS

"SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—In this section:

''(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

''(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students;

''(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

''(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

''(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

''(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefit program;

''(C) attended a public or nonprofit private secondary school—

''(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

''(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

''(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

''(A) that is an eligible institution with not less than 1,000 undergraduate students;

''(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

''(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

''(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(c) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

''(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

''(d) AUTHORIZED ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

''(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

''(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

''(A) The activities described in paragraphs (1) through (11) of section 311(c).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

''(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

''(i) contribute to carrying out the purpose of this section; and

''(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

''(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that

amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

''(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

''(4) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

''(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

''(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

"PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

"SEC. 851. SHORT TITLE.

''This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

"SEC. 852. PURPOSE.

''It is the purpose of this part—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

"SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this part, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood education;

''(B) uses developmentally appropriate practices;

''(C) is licensed or regulated by the State; and

''(D) serves children from birth through age 5;

''(2) a Head Start Program carried out under the Head Start Act; or

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

"SEC. 854. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

''(1) to establish a State Task Force described in section 855; and

''(2) to support activities of the State Task Force described in section 856.

''(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

"SEC. 855. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

"SEC. 856. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program; and

''(F) attainment of—

''(i) academic credit for coursework;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

''SEC. 857. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

''(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

''SEC. 858. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

''(1) evaluate the activities that are assisted under this part in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

''SEC. 859. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

''SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science, engineering, or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities that are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

''SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

''(a) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) meets the requirements of section 484(a);

''(B) is enrolled at least half time;

''(C) is not younger than age 19 and not older than age 33;

''(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

''(E) has a family income below 200 percent of the poverty line;

''(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

''(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

''(c) USES OF FUNDS.—

''(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

''(A) to provide scholarships in accordance with subsection (d); and

''(B) to provide counseling services in accordance with subsection (e).

''(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

''(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

''(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

''(C) to evaluate the success of the program.

''(d) SCHOLARSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Each scholarship awarded under this section shall—

''(A) be awarded for 1 academic year;

''(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

''(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

''(D) be paid in increments of—

''(i) $250 upon enrollment (prorated for quarters);

''(ii) $250 upon passing midterm examinations (prorated for quarters); and

''(iii) $500 upon passing courses (prorated for quarters).

''(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

''(e) COUNSELING SERVICES.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

''(A) have a caseload of less than 125 students;

''(B) use a proactive, team-oriented approach to counseling;

''(C) hold a minimum of 2 meetings with students each semester; and

''(D) provide referrals to and follow-up with other student services staff, including financial and career services.

''(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

''(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) the number of students to be served under this section;

''(2) a description of the scholarships and counseling services that will be provided under this section; and

''(3) a description of how the program under this section will be evaluated.

''(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

''(h) EVALUATION.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

''(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

''(A) When students are recruited for the program, all students will be told about the program and the evaluation.

''(B) Baseline data will be collected from all applicants for assistance under this section.

''(C) Students will be assigned randomly to 2 groups, which will consist of—

''(i) a program group that will receive the scholarship and the additional counseling services; and

''(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

''(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

''(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

''(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) to disseminate information concerning those policies, procedures, and practices.''.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting ''**laurent clerc national deaf education center**'';

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center''; and

(C) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York''; and

(II) by striking ''of a'' and inserting ''of the''; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) Notwithstanding the requirement under paragraph (1), if the Secretary or the Rochester Institute of Technology terminates the agreement under paragraph (1), the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with 1 of such institutions for the establishment and operation of a National Technical Institution for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

''PART C—OTHER PROGRAMS

''SEC. 121. CULTURAL EXPERIENCES GRANTS.

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

''(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

''(1) enrich the lives of deaf and hard-of-hearing children and adults;

''(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

''(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end ''; OTHER PROGRAMS''.

SEC. 905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through the period and inserting ''of NTID programs and activities.''.

SEC. 907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(2) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.''.

SEC. 912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking ''the Arms Control and Disarmament Agency,''.

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking ''(b)(5)'' each place the term appears and inserting ''(b)(4)''; and

(2) in subsection (e), by adding at the end the following:

''(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.''.

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''; and

(2) by adding at the end the following:

''(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.''.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

SEC. 931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.

(2) Part C (20 U.S.C. 1070 note).

(3) Part F (20 U.S.C. 1862 note).

(4) Part J.

(5) Section 861.

(6) Section 863.

SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(2) provide to each State for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

''(2) is 35 years of age or younger; and

''(3) has not been convicted of—

''(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

''(B) murder, as described in section 1111 of title 18, United States Code.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section such sums as may be necessary for fiscal years 2008 through 2013.''.

SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''.

PART D—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions

''SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

''SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary

under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

''SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 945. SHORT TITLE.

This subpart may be cited as the ''Navajo Nation Higher Education Act of 2006''.

SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Dine College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I am going to speak a little bit about this very important bill, S. 1642, the Higher Education Amendments Act of 2007. This legislation is a bipartisan product of 3 years of negotiations by the members of the Senate Health, Education, Labor and Pensions Committee, or the HELP Committee. It builds on the legislation the HELP Committee passed in the 109th Congress.

It is important to note that the legislation before us today is not a Democratic or a Republican bill; it is a bipartisan bill. We worked on it carefully. We made sure that parts which were objectionable to either side were eliminated or a third way found, and as a result of that very congenial process, it has gotten us to this point where we are on the floor with the bill.

Following the bill we had last week, which also dealt with higher education—more with the funding issues—this bill covers a number of the other issues. But Republican Senators were able to secure changes to the Higher Education Act that were important to them, as were Democratic Senators.

Our committee works a little differently than a lot of the committees. We use the committee markup to see what the objections are to a bill, the intensity of those objections, and identify possible solutions. Then, once the bill has been marked up, we will get together a managers' package that will overcome any remaining objections. I am pleased with the effort that has gone into this bill since markup. We worked together to bring to the floor a piece of legislation that can be supported by the most liberal and the most conservative Members of the Senate.

I am pleased we are taking up this bill today. The companion legislation, the Higher Education Access Reconciliation Act of 2007, passed the Senate last week, as I mentioned. My colleagues heard me say over and over again last week that the reconciliation bill was only a small piece of the Higher Education Act. Without considering both bills, we would only be doing part of the job.

I wish to thank my leadership for hearing me and my Republican colleagues on the HELP Committee when we requested that both these bills be considered sequentially.

At this point, I ask unanimous consent to have printed in the RECORD and sent to the desk the letter several of us sent requesting that both these higher education bills be considered together.

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

U.S. SENATE,
Washington, DC, July 12, 2007.

The Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: On June 20th the Committee on Health, Education, Labor and Pensions reported two separate pieces of legislation: S. 1642 the Higher Education Amendments of 2007, which reauthorizes the discretionary programs within the Higher Education Act; and the Higher Education Access Act of 2007, a reconciliation bill that responds to the Budget Resolution adopted earlier this year. This legislative package takes important steps to make college more affordable, while ensuring American students have the knowledge and skills they need to be successful in the 21st century economy.

Both the reauthorization and reconciliation bills must be considered together on the Senate floor as a comprehensive reform of our laws pertaining to higher education and should not be moved separately. If the Senate moves forward with just the Higher Education Access Act, which as a budget bill has a privileged status, we lose an important opportunity to pass essential bipartisan reforms contained in the Higher Education Amendments bill. The reforms in the reauthorization bill include: simplifying the student aid application process; authorizing a year-round Pell Grant to better serve nontraditional students; and expanding graduate programs at Historically Black Colleges and Universities and Hispanic Serving Institutions. More importantly, moving the reconciliation bill without the reauthorization bill would result in making significant cuts to education subsidies, while ignoring important ethical, privacy, and disclosure requirements taken from Republican bills. We believe these new requirements as contained in the reauthorization bill are necessary to protect students from those who would exploit loan programs.

We will only be doing half our job if we allow the reconciliation bill to move forward without the companion reauthorization bill. Such a piecemeal approach to reforming higher education is inadequate. The Senate must ensure an ample and meaningful debate on both bills at the same time so that the vital reforms to higher education are given the attention and scrutiny that they warrant. We urge you to take a comprehensive approach to addressing the challenges facing higher education and our status as a world economic leader by moving both of these bills together on the floor.

Sincerely,

MICHAEL B. ENZI, JUDD GREGG, LAMAR ALEXANDER, PAT ROBERTS, RICHARD BURR, ORRIN HATCH, JOHNNY ISAKSON, WAYNE ALLARD, LISA MURKOWSKI.

Mr. ENZI. Mr. President, today we are going to consider the rest of the higher education pie—the foundation of the programs we discussed last week. I believe that without considering both pieces of legislation, we will not make the changes necessary to help students enter into and succeed in higher education.

These are all of the pieces of the higher education pie. We see the little red triangle there; that is the reconciliation piece which we did last week, and it deals with the Pell grant funding, primarily. This bill deals with the other pie pieces we see on this chart.

ACG, the Academic Competitiveness grants, and the SMART grants, are grants to students who will specialize in science, technology, engineering, math, and some selected languages. These grants provide extra support above the Pell grants, and that is so we turn out the kind of people we need in technical fields to keep the innovation in the United States going. We passed the America COMPETES package that ties in with this.

Teacher quality. The key to a classroom is the teacher. We had to have a piece in there that would encourage teachers and get them extra instruction so they can be better teachers.

FAFSA simplification. There are a lot of people who have not applied for grants because the process is so difficult. You probably saw us last week mention that this was the application—actually, these are the instructions; the applications are equally as long. We have been able, through this bill, to reduce that to a very simple form for students to be able to fill out to see if they can qualify for the Federal help that is available. There is significant Federal help available, and we don't want anybody not attending higher education, whether it be college or technical school, because they don't have the resources for it. We are trying to provide the resources, and now we are trying to make sure the process isn't so difficult that people skip the process and skip higher education. We need the technical skills that are provided by a higher education, a higher level of thought. So we now have a much easier form.

You will also find some little improvements, such as if you do work while you are in junior high and high school and you earn and save some money, you won't be penalized when you apply for college. We want people to be saving their money, not spending their money so that it doesn't count against them when they go to make the application.

Graduate and international education, and loan disclosures are also included in this bill. There has been quite a bit of emphasis on this lately. I was pleased to be able, as an accountant, to provide a lot of suggestions for the ways these problems could be handled so that people would know exactly what is available and so that companies and colleges dealing with loans would do the right thing.

Pell grants and campus-based aid are a huge part. It complements the Pell grant work we did last week, which was essential to what we did in the reconciliation bill. And, of course, financial literacy. We incorporate that into our work whenever we possibly can. People need to know as much about their financial situation as possible. It is particularly critical for college students. We don't want them winding up in an impossible situation when they graduate. We want them to be able to take advantage of the resources available before they enter college.

So we have a lot of pieces that will be completed when we finish the day today, and I am convinced we will be able to complete this today. We have a limited number of amendments, and many are very reasonable and should not be too difficult. We will have discussions on some others. We will have a very bipartisan discussion on what can be put in the bill to complete it, and we will get it done today.

Why is that important? This year marks 50 years since Sputnik was launched. That launch sparked huge turmoil in this country and worry about the knowledge and skills necessary to keep our economy growing and competitive. I was in junior high at the time. It was a shock to our Nation. Every one of us could recognize it—teachers, parents and, probably as important, students, recognized it. Russia was beating us. They had put a satellite into orbit. It shocked us. But it also brought out that American competitive spirit. We said they were not going to beat us. It launched a change in education such as we had not seen in the United States in decades, maybe centuries. We were ultimately the winners of the space race, but it wasn't just the space race; it was an education race. It was the broad range of education the United States delved into and the innovation that was brought about at the time that put us ahead of Russia. Of course, the Government probably helped considerably too. Sputnik had a dramatic effect on our education system and made us recognize a high school diploma was no longer just a nice thing to have. We could no longer rest on our past successes as a Nation. We met the challenge of Sputnik through the National Defense Education Act. We looked to education as a path to continued success, and we supported an increase in the number of people who would continue their education beyond high school, particularly in math, science, engineering, and technology.

We are again being challenged. For millions of Americans, access to an affordable college education is the key to their success in the 21st century global economy. In the 1950s, skilled jobs comprised 20 percent of the U.S. job market. In 2000, 85 percent of all U.S. jobs are categorized as skilled. Without some college education, these Americans will not have the qualifications for over 90 percent of the new jobs being created over the next 10 years. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess. We have a huge challenge, not just in K–12 and higher education but in continuing education. It is estimated the average person leaving college will change careers 14 times. I didn't say ''change jobs'' 14 times, I said ''change careers'' 14 times. That is the pace at which things are accelerating.

Here is an even more important statistic. Of those 14 career changes, 10 of them don't even exist now. So we are

educating people for a level of jobs that do not exist at the present time. That is quite a challenge. In this decade, 40 percent of job growth will be in jobs requiring postsecondary education. Those jobs requiring associate degrees are growing the fastest. Learning is never over; school is never out. Technology is demanding that everybody continue to learn and gain skills to remain competitive in the workplace.

America's ability to compete in a global economy depends increasingly on the number of students entering and completing college. Of the 75 percent of high school seniors who continue their studies, only 50 percent receive a degree in 5 years after enrolling in college. Only 25 percent of them receive a bachelor's degree or higher. These numbers, incidentally, are even worse for children of low-income families. Among eighth graders in 1988, only 16 percent from low-income families attained a bachelor's degree by 2000. The fact is that over four times as many eighth graders from high-income families attain bachelor's degrees than from low-income families. This is using the eighth graders from 1988 who should have graduated by 2000.

On the chart, you can see the level from low to high income who completed a bachelor's degree based on family income. Some of that is a failure on our part to emphasize to those in the low-income category they can do it and they should do it and how they can do it. That is part of what this bill does.

It is important to ensure that more students enroll in college prepared to learn and that more students have the support they need to complete college with the knowledge and skills to be successful. Slightly less than one-third—31 percent—of all public high school students are prepared for postsecondary education, as demonstrated by the academic courses they pursue. Well-prepared and well-supported students are more likely to persist to a degree completion and obtain the knowledge and skills they need.

For years, institutions of higher education and employers have expressed their dissatisfaction about the fact that our high school graduates need remedial study or training in order to do college-level work or to participate in the workforce. Nearly one-third of entering college freshmen take at least one remedial course. Each year, taxpayers pay an estimated $1 billion to $2 billion to provide remedial education to students at our public universities and community colleges.

Our goal should be to keep the cost of college down, expand the availability of information, help students and parents make more informed decisions, and improve financial literacy across the board so students and families have a better understanding of how they can manage their loans and monthly payments. Schools and colleges must do more to increase accountability and seek efficiencies that bring down the cost of postsecondary education.

S. 1642, the Higher Education Amendments of 2007, refines and focuses Federal policy on access, affordability, and accountability. It attempts to tackle the complexity of the Federal student data system. Right now, filling out the free application for federal student aid prevents many students from even considering college. That was never our intent. This bill, as I pointed out, reduces the number of questions on the FAFSA to those that are necessary to determining the need students have for financial assistance. We are making the FAFSA less complicated than filling out tax forms, which has not been the case in the past. The bill puts us on the path of greater coordination between Federal agencies so students and their families will have the opportunity to allow information that is already provided to the Government through tax forms, be used to complete the FAFSA.

Also, it is our responsibility to ensure that students and their families have the information they need to make informed decisions about the investment of time and money they are making to secure a college education. The cost of college has risen dramatically and at the same time the need for a college education has never been greater. Students will receive upfront information about financial decisions they are making. Similar information would be provided to them periodically throughout their college experience.

The quality of classroom teacher preparation is critical to the education of our K–12 students. The goal of the teacher preparation programs supported under this bill is to help teachers be prepared to meet the ever-increasing diverse needs of students and to improve student achievement.

The bill also addresses recent concerns that institutions of higher education and lenders have not been operating in the best interest of students and their families. Although what we have seen are isolated incidents, we wish to make sure the confidence in our institutions and financial aid advisors is not questioned. We have included requirements that institutions establish codes of conduct for how they work with lenders and prohibit incentives and other arrangements that would appear inappropriate. Students and their parents must have knowledge to make informed choices and financial decisions that will impact their lives for years to come.

It is no longer an option whether to pursue college or skills certification that is nationally recognized. Everybody needs tools to understand and shape their future. Higher education is the onramp to success in the global economy, and it is our responsibility to make sure everyone can access that opportunity and reach their goals. Without a lifetime of education, training, and retraining opportunities for everyone, we will not meet our 21st century needs and challenges.

There is tremendous opportunity in the United States. We recently went to India to see why they were winning in some markets and getting American jobs, and their method is kind of abhorrent to Americans, and it should be. They begin excluding students at very early ages. They make the prize very desirable in the end, and that results in lots of people pursuing and competing and getting those few opportunities for higher education out of that huge population.

We believe in higher education for anyone who wants it, and the need is there. I look forward to the opportunity to discuss this bill and to consider the amendments that will be offered. I thank Senator KENNEDY for working with me and my Republican colleagues in order to bring a bipartisan bill to the floor. As he mentioned last week, this is essentially the bill he and I worked on the past 2 years and wanted to bring to the floor, but were not able to. We now have that opportunity, and I am pleased everyone is willing to cooperate and get it done quickly.

As we move forward, I am hopeful we will move forward with both the Higher Education Access Act of 2007, the reconciliation bill we passed last week, and this bill. The comprehensive reauthorization of both of these bills will make a huge difference. There is no reason they cannot accompany each other moving forward, as they have on the Senate floor. Each complements the other, and without both, the changes made in reconciliation will be less meaningful. I encourage the Democratic leadership to ensure we don't do just a piece of the pie as we move forward; otherwise, as was said last week, ''any way you slice it, higher education is left undone.'' We need both pieces to get it done right.

Again, I thank Senator KENNEDY and those on the other side of the aisle on the committee for their tremendous cooperation, participation, focus, and willingness to figure out what we are trying to solve and find a way to solve it. We have done a very adequate job with what is in this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I congratulate Senator KENNEDY and Senator ENZI for their leadership in getting this higher education bill to the floor. I know they have worked on it for many years now. As I understand it, the current Higher Education Act, which we have had to extend, was scheduled to expire in 2004. We are now getting around to actually passing a reauthorization of that legislation, which I think is very important to do.

Last week, we overwhelmingly approved the student aid package that promises millions of students the ability to afford college. That package included more than $17 billion in student aid over 5 years. For my State of New

Mexico, that translated into $177 million of new aid for New Mexico students and their families over the next 5 years.

I was glad to be part of the committee that prepared that legislation. I am glad to see it passed by an overwhelming vote of 78 to 18. But financial assistance is only one part of the puzzle, as Senator ENZI pointed out. We need to do more, and the legislation before us today gives us the ability to do more.

First, we need to do more to address the increasing cost of attending college. Second, we need to ensure more students graduate from college and are prepared to succeed in this 21st-century global economy. And, third, we need to reform the student loan system so it works better for students rather than just for lenders.

I believe this legislation accomplishes all three of those objectives.

These higher education amendments of 2007 have a number of provisions designed to address the rising cost of college. We have all talked about the rising cost of college. The cost of going to college is 6.3 percent higher than it was last year, and the average cost of going to a 4-year college is $13,000 this year. The bill sets forth a comprehensive approach to addressing these problems.

First, the amendments will establish a higher education price index to accurately reflect annual changes in tuition and fees for undergraduate students. The Secretary of Education will be required to report annually in a national list and in a list for each State a ranking of colleges according to the extent of changes they have made in their tuition and fees.

The Secretary is also required to establish a higher education price increase watch list in order to hold colleges accountable for their rising costs by publicizing those colleges where increases are the highest.

Second, the bill makes significant changes to the financial aid process. It makes Pell grants available to students all year round so they can take courses during the summer, and they can finish college earlier. It will also simplify the forms that these students have to complete.

The bill also removes barriers for students with disabilities and students with limited English proficiency so they can apply for financial aid.

These amendments provide a number of types of loan forgiveness, scholarships, and fellowship opportunities. Let me mention just a few. The bill provides loan forgiveness for early childhood educators, including Head Start teachers and preschool program instructors, full-time faculty members of tribal colleges and universities, school librarians, speech and language pathologists, and members of the Armed Forces. It authorizes graduate fellowships for minority students and women.

We need to increase the number of students who can succeed and graduate from college, and this bill places great emphasis on activities that not only help high school students prepare for college but help those same students succeed in college and graduate from college.

The higher education amendments improve student academic readiness for college by strengthening the GEAR UP and TRIO programs. For example, the bill requires GEAR UP partnerships to systematically change the way schools prepare students for college. It requires States and school districts to encourage more students to enroll in rigorous high school course work and emphasizes activities that will support the development of college prep curricula, including advanced placement courses. The bill also strengthens the TRIO programs by establishing outcome criteria for measuring the quality and effectiveness of the programs around the country.

The bill includes a provision that I authored that creates a new grant program to assist colleges and universities that serve large numbers of Native American students. Currently, there is no particular Federal program to assist nontribal schools that provide educational services and support to large Native American student populations. We have a number of such schools in my home State of New Mexico such as San Juan College, University of New Mexico in Gallup, New Mexico State University in Grants, and the Eastern New Mexico campus in Ruidoso.

The bill provides grants to such colleges to improve and expand their capacity to serve Native American students through such activities as curriculum development, academic instruction, faculty development, acquisition of education instruction, research equipment, and a variety of other activities.

The higher education amendments also improve programs for students whose families are engaged in migrant and seasonal farm work to enter and succeed in college. This is very important.

In addition, the bill authorizes funding for the Navajo Technical College to help pay the costs to operate postsecondary career and technical educational programs for Native American students. This authorization will significantly increase the Navajo Technical College's ability to provide high-quality career and technical training to ensure that Native American students graduate with the skills needed to succeed in this economy.

I am also very glad this legislation contains provisions from the Next Generation Hispanic-Serving Institutions Act of 2007. This is legislation that I introduced, along with Senator HUTCHISON and others, to establish a long overdue Hispanic-serving institution graduate program.

Current law only provides support for 2-year and 4-year colleges. The percentage of Hispanic students attending college has increased significantly in recent years. Unfortunately, Hispanic students are woefully underrepresented in the graduate programs around our country, and this legislation will try to help solve that problem.

The higher education amendments will also require teacher preparation programs to substantially improve over the next several years.

Finally, as we see the price of college rising steadily, an increased number of students are forced to rely on loans in order to finance their education. We have seen from recent investigations that some lenders in the Student Loan Program, and even some financial aid officers, have been exploiting the student loan system to the detriment of the very students they are meant to help.

This reauthorization will make a number of very important changes to the Student Loan Program. It will ensure that colleges recommend lenders to their students based on the best interest of the students and not on the self-interests of the financial aid officers.

Further, it will prohibit payments or gifts or other inducements from lenders to colleges or to financial aid administrators that constitute a conflict of interest.

Importantly, it will require colleges to establish and follow a code of conduct with respect to student loans.

Let me reiterate that this is extremely important legislation. I commend the majority leader for bringing it to the Senate floor. I commend Senator KENNEDY and Senator ENZI for their bipartisan effort to move this legislation forward. Together with the student aid package that we approved last week, this legislation will allow us to make college accessible to all and affordable for every family in this country. I urge my colleagues to support the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). Who yields time? The Senator from North Dakota is recognized.

AMENDMENT NO. 2366

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2366.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the development of a student loan clearinghouse)

At the end of title VIII, add the following:

SEC. 802. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B

and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

Mr. DORGAN. Mr. President, I join my colleague from New Mexico in commending Senator KENNEDY and Senator ENZI for bringing this bill to the floor of the Senate. It is important legislation and one that I hope we will move to pass very quickly.

This is about education. I don't know there is a subject much more important than education. H.G. Wells once said that human history becomes a race between education and catastrophe. Education is so unbelievably important. As I was sitting here, I was thinking about this amendment and about education and what it means to our country. I was thinking about something I have told my colleagues previously.

The first week I served in the Congress, I served in the U.S. House of Representatives. I went to visit, then, the oldest man serving in the Congress. I read a lot about him and was interested in him. So I went to say hello, to greet him. His name was Claude Pepper from Florida. Claude Pepper was an old man by then but a vibrant man nonetheless. He had an office that was very much like a museum, full of history over the many decades.

As I indicated before, one of the things I remember about that morning walking into Claude Pepper's office was seeing all of his memorabilia about his service. But I saw two things that struck me. They were behind his chair looking over his desk. There were two photographs. One was a photograph of December 17, 1903, Wilbur and Orville Wright making the first powered human flight to leave the surface of the Earth. It was autographed to Congressman Claude Pepper. Before Orville Wright died, he autographed this wonderful photograph of that little airplane in the wind in Kitty Hawk, NC, leaving the ground. It says: ''To Congressman Claude Pepper, with admiration. Orville Wright.'' I thought, this is interesting. I am speaking to a living man who has an autographed photograph of the first person to leave the ground.

Beneath that was something just as interesting. It was Neil Armstrong setting foot on the Moon autographed ''To Claude Pepper, with admiration. Neil Armstrong.'' I thought, these pictures are only about 4 inches apart in frames, but what is the distance between these photographs? From 1903 to 1969, leaving the Earth for the first time in human-powered flight and then stepping on the surface of the Moon. What is that distance measured in? It is measured in education. It comes from this country's education system—knowledge, engineering, science, mathematics, the knowledge to build flying machines, to build rockets, to build Moon capsules. The basic knowledge comes from our school system, from your education system.

I know we spend a lot of time in this country describing what is wrong with education. But the fact is, we are the ones who have split the atom and spliced genes. We are the ones who invented the telephone and the television and the computer. We are the ones who built airplanes and then learned to fly them, built rockets and walked on the surface of the Moon, all as a result of the foundation of learning and education.

So the bill comes to the floor of the Senate today saying education is a priority, and it is, and we have some issues with education that we want to fix because we want to strengthen our educational system. It is not that our system is perfect, we know it is not. It needs to be strengthened and improved.

With respect to higher education, we want to encourage every person in this country who has an urge to get a college degree, to go to a technical school, to go to a vocational school, to be able to advance their interests. In doing so, we offer a series of financial incentives. For those who have no money, we offer Pell grants. For those who have very little money, we offer Stafford loans and direct loans. And for those who perhaps do not qualify for the low-income components, they have other loan opportunities from private lenders to get the money to go to college.

That is what we want in this country. We want every young child to grow up, and as they grow up, to become whatever their God-given talents can allow them to be. We don't want the brakes to exist for anybody. We want this to be an opportunity for everybody.

I recall one day when my father came home for supper—and my father was a very successful man, very bright man, did very well in his life, but he only went through sixth grade in school because his mother died during childbirth and my father spent most of his time trying to raise some money and work and try to help his brothers and sisters, who had been farmed out to uncles and aunts and so on. So my dad had only a sixth grade education.

I recall him coming home one day, never having told our family, and announcing at the supper table that he had just passed the GED. He had gotten his high school degree. He was somewhere in his fifties. He had gotten his high school degree. I will never forget the look on his face when he told us: I am a high school graduate. Got my GED.

We didn't even know he was doing it, but he did. It meant the world to him because he had never gotten the opportunity to go beyond the sixth grade. And it means the world to a lot of people, in my judgment, to find out: What are my talents? What capabilities do I have? What are my interests to better myself? What kinds of things am I interested in, and where can I go to college? How can I finish school and then go to college and advance my opportunities?

Well, that is what the legislation that is brought before us today offers us the opportunity to do, to advance those interests. We have done it in steps over many decades, and it is the difference, as the Senator from Wyoming said, it is the difference between this country and many others.

There are many other countries where they separate these kids at an early age, and they say: Well, based on your track record, based on the way things look for you, you are going in this direction. You are not going to college. And based on the way things look, you are going here. They separate them and they channel kids. Not in this country. We want every single kid to have an opportunity to become whatever their God-given talents allow them to become.

So the issue is funding for many kids because many young people don't have the money to go to college unless they get some help—Pell grants, Stafford loans, direct loans, and other loans. So we have programs that we have put together that provide that kind of assistance through the student loan process,

and this bill, the underlying bill, strengthens programs to prepare students for college, and it takes important steps to help kids get to college and then make both kids and colleges accountable.

Now, we have rising costs, as everyone knows. Every single parent knows that the costs for a college education are increasing dramatically. With respect to lending money for students going to college, we have discovered recently that there are some abusive lending practices, and this bill takes some steps to address those abusive practices.

Some student lenders have undertaken to secure spots on what are called ''preferred lender lists.'' Some colleges, many colleges, have preferred lender lists. They put out a list that says: Here are the lenders from which you can get a guaranteed loan. There is a lot of money in this process for the lenders, and that is why the lenders are so anxious to be on these lists.

My preference would be that we eliminate the lists altogether—eliminate the preferred lender lists—but I don't think that is possible to get through this Chamber at this point, so I am going to do it in another way. I am going to address this in another way with the amendment I have just offered.

The HELP Committee has done an admirable job in digging into this, as well as have, for example, some officials, the attorney general of New York, and others. The HELP Committee has put together some information about colleges and some colleges' financial aid officers soliciting favors, gifts, and financial assistance from lenders in exchange for putting that lender on a preferred list. Here is something that came from the HELP Committee that I noticed when I was looking at this issue.

A Bank of America employee noted in an e-mail that Larry Burt, former Director of the University of Texas Office of Student Financial Aid, had requirements to get on the UT-preferred lender list. Again, it is very important to get on these lists for these companies that want to have lending opportunities to students. So here is someone who ran the University of Texas Student Financial Aid Office. This is a quote.

> Happy hour with UT loan department staff, staff luncheons, lunch and/or dinner with Larry Burt, parties for Larry's family—birthdays, et cetera—invitations to golf tournaments—expenses paid by lender—and free tickets to sports events. Larry loves tequila and wine—since becoming director at UT Austin, he has not had to buy any tequila or wine—lenders provide this to him on a regular basis.

This was an e-mail from a Bank of America employee from a HELP report on marketing practices in the lending program. Not all lenders went along with these inappropriate demands. The HELP Committee investigation said Citibank did not go along with them because they deemed those requests to be inappropriate. And the very next year, apparently, with respect to this campus and Mr. Burt, Citibank was dropped from the UT-preferred lender list.

Student Loan Xpress, another major lender, paid $21,000-plus for the chief financial officer at Johns Hopkins University to attend an executive doctorate program at the University of Pennsylvania after the financial aid officer sent the following lender an e-mail. This is the e-mail that went around from the financial aid officer at Johns Hopkins.

> I have been accepted to a doctoral program at Penn that begins in August. I am searching for ½ tuition support—know of any good scholarship programs?? I already know where to get loans—or, why don't you put me on retainer to EdLending.

This is an e-mail from Dr. Ellen Frishberg, former Johns Hopkins University financial aid director. Once again, I think this is important information discovered by the HELP Committee. They began to investigate these issues.

An investigation by New York attorney general Andrew Cuomo uncovered a revenue-sharing agreement between Citibank and Syracuse University. Citibank was paying Syracuse ½ percent of the interest earned on student loans steered to the bank—a deal worth about $100,000 a year to the school. According to Attorney General Cuomo's investigation, during the last academic year, 98 percent of Syracuse students who took out loans went through Citibank.

Just an unusual occurrence? Doesn't sound like it to me. Many lenders have invited college financial aid officers to serve on advisory boards, flying them around the country and various parts of the world and on harbor cruises.

Now, why do lenders go through all this trouble? Well, the stakes are high. The student loan business is an $85 billion industry. It has grown 27 percent since 2001, and the lenders listed on the college's preferred lender list typically receive up to 90 percent of the loans taken out by students attending that institution. Again, these are guaranteed loans—guaranteed by the Federal Government. Lenders fight to get to the top of a list—of a preferred lender list—at a college.

According to one survey, the first lender on the preferred list gets as much as 75 percent of the loan value. So this is big money to private interests that want to get government-guaranteed loans, move them out to students, and make a lot of money off those loans.

Now, I know that the managers of the bill share my concerns. Senators ENZI, along with ALEXANDER, ALLARD, BURR, HATCH, ISAKSON, MURKOWSKI, and ROBERTS introduced legislation to ban preferred lender lists altogether. And Senator KENNEDY has worked tirelessly to uncover and document abusive practices. I, frankly, would like to ban preferred lender lists altogether. We don't need preferred lender lists by colleges in which they describe who gets on the list and who gets to the top of the list. I don't think we ought to be doing that. But it is quite clear we can't ban those lists at the present time, so I am offering a different amendment.

The bill before us addresses some of these practices by prohibiting payments, gifts, and other inducements that lenders give to colleges and student aid officers. The bill also forces schools to explain the rationale for selecting preferred lenders, and I think these are important steps.

I don't diminish these steps at all. I am concerned that lenders will still do whatever they can do to get on those lists and get to the top of those lists. There are substantial incentives for abuse, and there is no evidence—there is no evidence at all—that the lenders on the preferred list actually offer the best deal to the students.

The PRESIDING OFFICER. The Senator's time in support of his amendment has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. DORGAN. As I was saying, there is no evidence that being on the list or put on the list by the college offers the students the best financial arrangement, and with the cost of college increasing at twice the rate of inflation, I think we need to make sure that students have access to affordable loans.

So I offer an amendment that does the following: It will create a clearinghouse of student loans, both Federal and private loans. That clearinghouse will put students in the driver's seat, allowing them to search for a loan that offers the best deal, the best financial arrangements for them, whether that be the loan that has the lowest rate or the loan with the best borrower's benefits. This gives the students the opportunity to shop in an informed way for the best situation for themselves.

This type of clearinghouse will create more competition in the student loan industry. I can't imagine that many students would go to this clearinghouse and pick the loan with the highest interest rate. This will empower students. It is not a new concept. In fact, some schools, including the University of North Dakota in my home State, are already directing students to Web sites that allow the students to search through dozens of loan options by themselves to pick the best terms.

But creating a clearinghouse is not enough. We need to make certain that students know that it exists. My amendment would require schools to include a disclosure statement on their preferred lending list that lets students know that they might find a better deal by visiting the clearinghouse themselves.

My amendment won't cost taxpayers a dime. The clearinghouse would be

fully paid for by nominal fees that lenders would be charged in order to be listed in the clearinghouse.

Finally, my amendment would direct the Government Accountability Office to issue a report to Congress about whether students have been able to use the clearinghouse and are using the clearinghouse, and it will examine whether students who chose to use one of the school's preferred lenders could have gotten a better rate—better financial arrangements—by visiting the clearinghouse had they done so. It is my hope this report will inform our future efforts in this area. If it becomes clear that students can do much better by visiting the clearinghouse than by going to preferred lenders, I think we ought to take a hard look at whether the preferred lenders ought to exist at all and whether we ought not in the future to prohibit a preferred lender list and develop, instead, a comprehensive clearinghouse that allows students to find the best arrangements for themselves.

I believe this amendment will make the student loan industry more transparent and more accountable to students and their families who already struggle often to pay for these college expenses. So I encourage my colleagues to support this amendment. I think it is a reasonable and measured approach to clean up some of the abusive practices and to empower students.

Finally, again, I would have preferred to just end the preferred lending list, but that is not possible. So this is the step I think accomplishes some of the same goals by empowering students, and I hope the Senate will consider this favorably today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from North Dakota for offering this amendment. I think we will be able to take it on voice—I know we will be able to take it on a voice vote, and I appreciate what he has done to enhance what we have in the bill that deals with more transparency and better information for students and parents on their loans.

We created a number of new programs and disclosure requirements that will better equip students to make informed choices about how to finance their postsecondary education, which is always desired and what we are always working toward, and we have to find some mechanism through which that can be done. So I appreciate the way in which the Senator from North Dakota has approached this.

I appreciate, too, his information. I always learn a lot from listening to him, and the Claude Pepper pictures about the 1903 Wright flight and the 1969 Moon landing are particularly interesting. It does show how education is accelerating—learning how to do flight in 1903, landing on the Moon in 1969—but it was the Sputnik event I mentioned in 1957 that touched off a lot of that. So it was essentially 12 years of development that got us to the Moon.

I also want to mention the Grameen Bank. The founder of the Grameen Bank got a Nobel Peace prize for the work he has been doing loaning money to poor people. And this is a whole different level of poor than we know about in the United States. His first loan was for 27 cents to a lady who was then able to go into a weaving business. But the point I want to make is that the reason a lot of people aren't able to get loans is because they do not have any collateral. Students fall into that category, unless their parents have money. The student doesn't have money, and the student doesn't have collateral.

So what we have provided for in the United States, through the Higher Education Act, both the reconciliation and this act, is a mechanism for people who don't have collateral but just have that collateral of desire; that collateral of a work ethic to be able to get loans and grants to be able to go on to college.

The poorer they are, the more grants they qualify for in different ways. But they can get loans based on their desire to go to college. This mechanism, this clearinghouse, will help people make better determinations on their loans.

We also have a new mechanism which deals with the Parent PLUS loans, which are about 10 percent of the loans. That is going to be an auction process. We looked at some ways to be able to auction the rights to provide the loans in order to bring down the costs, particularly the Federal Government. What we decided on was taking this one category and trying it. To do the whole thing could disrupt the entire student loan process, so we are trying it through an auction process on the Parent PLUS loans. That will answer some of these questions, too, on certification and perhaps bring down some of the costs. But it will increase the ability of students to get loans.

I thank the Senator from North Dakota for his effort. At the appropriate time, we will do a voice vote on that if that is agreeable?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, a voice vote will be fine. I don't know if we are able to clear it now. I think it is cleared on our side. If it were cleared on your side, I think perhaps we could proceed to have it considered.

Let me make a point. The Senator mentioned the microcredit issue. I have been in various parts of the world where they are using microcredit. In many ways, it is the same thing as microcredit in a different way—people with no collateral to be able to have some funding to advance themselves. The microcredit approach has been unbelievably successful, giving poor people the opportunity to buy needles for crocheting and bicycles for delivery services in various parts of the world. It was interesting the Senator referred to that.

This approach allows a student who has no collateral of any type—all they have is promise, they have the promise of their capability to do better in life if they go to college—it allows them to get a loan to advance their interests. I think it is exactly the right thing.

If we are able to consider that amendment now, I think it would be appropriate.

Mr. ENZI. The amendment is cleared on both sides. Would it be appropriate to finish it now?

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2366) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 2367

Mr. DEMINT. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2367.

Mr. DEMINT. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To have the Government Accountability Office conduct a study regarding the employment of postsecondary education graduates)

At the end of title I, add the following:

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

Mr. DEMINT. Mr. President, I am offering a very simple amendment today which I hope will get overwhelming bipartisan support. My amendment simply instructs the Government Accountability Office to complete a study regarding the employment of postsecondary education graduates.

As my colleagues know, we live in a global economy that is creating intense competitive pressure on our workforce. It is more important than ever that our Nation's students, employers, and policymakers have access to good information about the effectiveness of our higher education system as it relates to employment and job placement.

One of my favorite books, one I know many of my colleagues have read, is ''The World Is Flat'' by Thomas Friedman. According to Friedman, the convergence of advanced technology, the removal of economic and political obstructions, and the rapid introduction of millions of young professionals into the global economy have dramatically flattened the economic playing field. Friedman believes these changes are creating opportunities for people to tap their full potential, boost their prosperity, and live out their dreams. He believes that Americans with the knowledge, skills, and adaptability to compete in this newly flattened world can look forward to a bright future, while those without these skills will be left behind.

If our higher education system is going to equip our students with the skills they need to compete, we need to have good information on graduate job performance so other students can pick the best schools and the most promising degrees.

My amendment would instruct the GAO to study the feasibility of collecting information on the employment of students who complete a postsecondary education program. It would also instruct the GAO to provide Congress with recommendations on several important questions, including whether the current State programs that bring education and employment functions together can be replicated in other States; whether there is a value to collecting additional information about the employment of postsecondary graduates; the most promising ways of obtaining and disseminating this information; if a Web site is used, whether the Web site should be run by a Government agency or contracted out to an independent organization; whether a voluntary information system would work, both from the graduates' and employers' perspective; how the information could be used in practical ways; whether the requests for such information are duplicative of information already being collected or whether the National Postsecondary Student Aid Survey could be amended to collect such information. These are all important issues we must consider as we seek to expand information on the employment experiences of our Nation's college graduates.

Before I conclude, I wish to explain how powerful this information could be in making our Nation more competitive in the global economy. If students could see how graduates from specific schools and with specific degrees have performed in the workplace, they could make better choices of alternative colleges and universities. If employers could see how graduates of specific schools and with specific degrees performed, they could make better hiring decisions. If colleges and universities could see exactly how they are performing in equipping students for the workplace, they could make adjustments to better compete with other higher education institutions. Finally, if lawmakers could see exactly how our education system is performing, it would help us all make better policy decisions in this important area.

I thank the Senator from Wyoming, Mr. ENZI, for his interest in this issue and for the assistance he and his staff have provided me. I look forward to working with him and the Senator from Massachusetts to find ways to increase the availability of information we have that connects higher education and employment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator for his good work on this amendment.

The GAO study of the feasibility of collecting employment information on college graduates can help us find out how effective the program is before we have another reauthorization. Reliable information on student success, particularly employment success—that is our best measure—is very important to the future of higher education. The postsecondary education system needs facts at the State and institutional levels to identify successes and challenges, and consumers need the information to make informed decisions about education and training programs. Some States have pretty strong relationships between higher education and State agencies to get those employment statistics, but it is not done nationally. I think this would be a great step to providing that information and helping us to see how well we are doing, as well as the students.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator for what I think is an excellent suggestion. It is an excellent idea. Some years ago, when we had the consolidation of our work-training program, we had 16 work-training programs in 6 different agencies. Under the Kassebaum-Kennedy program, we tried to consolidate those. In those programs, we tried to do an assessment of training programs so someone coming will have the information that will be valuable to them—if they took X program for 8 weeks, what their possibilities of getting placed were and what the possibilities would be for their income and how that might grow over a period of time. That would give the various students, at that time, the information to know, with what options, what the future was going to be.

It also is helpful to us on our committee to know in what areas individuals are being trained. We have the responsibility in our committee to review where the vacancies are in our job markets and how we are going to deal

with those. The amendment of the Senator is going to take this to another level in terms of the postgraduate education.

I think we will have a chance, when this is achieved, to evaluate what our national needs are as a country and as an economy and whether we want to incentivize them. We can have that as a matter of public discussion and debate, as a Congress, in committees, so the American people understand what is going on in terms of graduate students. It will be enormously valuable and helpful.

We always have a debate and discussion about our doctors: Do we have too many specialists in some areas and don't have enough general practitioners in others? What have been the defining aspects that get them to go into those areas? That is a constant issue our committee is dealing with at any particular time in the reauthorization.

I think the amendment of the Senator will have the GAO come back and report. We look forward to working with the Senator when that comes back to try to get us greater information. It is a very solid amendment and a very useful one. I certainly recommend we accept it, for the reasons I have outlined briefly and for the reasons the Senator has explained.

If the Senator is ready for a vote on that?

Mr. DEMINT. Yes. A voice vote will be fine.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2367) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we thank the Senator. We have made good progress this morning on two very useful and important amendments. As we pointed out during the discussion and debate at the end of last week, we are in an extremely fortunate position. We thank the leadership, and I thank Senator ENZI for his persistence, insisting that we deal with the authorization at a time when we are going to deal with the student assistance program. They should be considered together.

We are grateful to the leadership for giving us the opportunity today to have a good chance to consider some ideas—as we have earlier this morning—some good ideas on the higher education legislation. This legislation is long overdue, and it is appropriate that we address it. We thank all of our colleagues for their cooperation.

Hopefully, we will have a conclusion of this legislation after we have the consideration of some amendments. I have gone through a number of amendments. They are very solid and helpful and useful to the purpose and thrust of this legislation. We will have a chance to continue the good progress we have made earlier.

I did wish to say a word generally about the legislation and highlight some of the provisions. I start off by again thanking my friend and colleague from Wyoming for his very strong work in this area. As I mentioned last week, our committee basically spent a great deal of time on this reauthorization. The legislation we have here today—with the exception, probably, of the provisions we have added on the student loans and perhaps one or two other important issues—is very much the legislation that would have come through our committee under his leadership.

We have worked in a very important tradition and we want to try to maintain that tradition of strong bipartisanship. We have tried to keep this free from some of the other kinds of issues people feel strongly about here on the floor of the Senate because I think both of us understand that the education of the young people of this country is such an overwhelming issue for so many families that we want to try to meet our responsibilities to them and do it in a timely and thoughtful way.

That has been the tradition, certainly marks the tradition of this particular reauthorization legislation. This is a place, I say, to join with members of our committee. Again, we have—I think the Senator from Wyoming would agree—a committee that spends a great deal of time on education issues. Whenever we have a markup, we have a very well-informed discussion and debate.

There has been an enormous accumulation of knowledge—and always of concern—by the members of our committee for these higher education bills; people who have spent a good deal of time on the education issue, Republicans and Democrats alike. We have wide diversity of our committee, urban areas, rural areas, and we have tried to respond to those kinds of needs. But this reauthorization is extremely important.

Leading to the creation of the Higher Education Act back in 1965, President Kennedy said:

> Our progress as a Nation can be no swifter than our progress in education, our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. The human mind is our fundamental resource.

Those words rang true then, and they ring true today, as our country is once again in a time of war and conflict and faces great economic challenges. Equal access to higher education touches every aspect of American life. In order to compete effectively in the global economy and ensure a well-qualified Armed Forces, we need to equip all our citizens with the sound education from prekindergarten to college.

Each year, 400,000 students do not go on to a 4-year college simply because they cannot afford to do so.

Equally devastating—this is the 400,000—it shows that some 400,000 talented students, these are qualified students, students that effectively have the qualifications to gain entrance into institutions of higher learning, by and large; it is because of the lack of financial help and assistance that they do not attend a college.

As we have seen during the debate and discussion at the end of last week, we need to make a very strong downpayment to provide help and assistance to students and graduates, such as through loan forgiveness, so that if they go into public service, which so many of them want to, we provide a forgiveness program for them that will make a large difference.

As I mentioned last week, a key element that is going to help those 400,000 is the work that has been done by the chairman and Senator REED to make the FAFSA application a good deal simpler. As we have time through the afternoon, if others may wish to address the Senate, I will spend a little time going through the contrast between the two, and you will see the dramatic difference in the change we have had.

Secondly, our second chart shows the devastating, equally devastating, fact that 47 percent of low-income eight graders will be academically—only 47 percent—will be academically prepared for college at the time of high school graduation, compared to 86 percent of their higher income peers. This is, again, an issue we talked about briefly last week, the growing apart of America.

Education is the key. We do not want to have an education system that is going to help America grow apart. We have made every effort in this legislation to address that broader kind of issue. We are a better nation than that. We are a nation that believes in promise and opportunity for all our citizens.

This bill expired in 2003. It was last updated in 1998. We cannot afford to wait any longer to reaffirm our commitment to higher education in this country and create a framework so our students are prepared to meet the challenges of this new economy.

I am immensely pleased, and I know our committee members are, that we were able to swiftly move to this bill after the passage of the Higher Education Access Act last Thursday. Together, they make up the comprehensive higher education package.

Again, I thank my friend and colleague, Senator ENZI, for the strong support in both of these parts of our education program and for considering them in tandem.

The bill we passed last week includes several critical features, provisions to help make college affordable. We mentioned those during the debate. But it is important again to recognize the need-based grant aid; a significant increase in the maximum Pell grant; the

repayment provisions that cap loan payments at 15 percent of monthly discretionary income; the loan forgiveness if individuals go into public service jobs; the protection for working students so those who are working, trying to put themselves through school, are not going to earn so much it will make them ineligible for student assistance programs; and the other protections we have provided for, such as those on active duty, which are Senator MURRAY's provisions.

There is no doubt the student aid in the Access Act is the single most important thing we can do to increase access for college-ready, low-income students. But it is also our responsibility to ensure the multibillion dollar investment of taxpayers we make to student aid is delivered in the most effective and efficient way possible.

This authorization bill will take steps to ensure the greatest return on this investment by addressing rising college costs, reforming the student loan system so it works for students not banks, simplifying the Federal aid application process, strengthening the college preparation programs such as GEAR UP and TRIO and promoting high-quality and effective teacher preparation programs.

As we provide more aid to students, this bill recognizes that colleges need to do their part to keep college costs down. Costs for college have more than tripled in the last twenty years, as this chart shows. Every middle-income family, who has a child in school or college knows this better than the charts can portray.

The costs have effectively tripled over the last 20 years. So the higher education amendments for 2007 will hold colleges accountable for skyrocketing college costs by creating nationwide watch lists of colleges whose costs are increasing at a rate greater than their peers and by encouraging the Department of Education and colleges to publish more consumer-friendly information about college costs and programs.

To ensure this aid is directed to students, its intended beneficiaries, we must keep them informed about choices and hold colleges and lenders accountable for getting the students the best loan deal possible.

The investigation by New York Attorney General Cuomo and other States and our committee have found many lenders are entering into sweetheart deals with colleges. Some lenders offer gifts to college employees in order to secure their student loan business. We have documented how lenders who participated in the Federal student loan program offer educational conferences, luxury hotels, free entertainment, free tickets to sporting events to college officials in order to entice those officials to recommend the lenders to their students.

Our legislation makes these practices illegal and protects students by ensuring that when a college recommends a lender, it is based on the best interests of students and nothing else. To ensure that students have access to the Federal financial aid they are eligible for, we simplify the financial aid process for all students by reforming the application for Federal student aid.

As you can see, the form is currently 10 pages long and includes more than 100 questions. This chart shows—the people who are watching cannot read the individual lines—but this is 10 pages long. Even up close it is difficult to read the questions. But it is enough to intimidate and inhibit many of the young people from moving ahead with this program.

As I mentioned, thanks to Senator ENZI and REED, this bill dramatically simplifies the FAFSA and examines how we can streamline it further in the future. Our bill will make the financial aid process more student friendly by immediately creating a 2-page form, what we call EZ FAFSA, for low-income students and phasing out the current long paper process. It will also create a pilot program to let students know how they can access Federal aid for college earlier by allowing students to receive an aid determination or estimate in junior high school so they can gain the information about whether they have a real opportunity to go on, to continue on to college, and get the information in an easy to understand and timely way. That is the purpose of this particular effort.

Ensuring access to adequate grant aid is one component of solving the college access crisis. We must also ensure more students are graduating from high school ready to succeed in college. In 2001, colleges required a third of all freshmen to take remedial courses in reading, writing or math.

Because so many high school students are not learning the basic skills to succeed in college or work, the Nation loses more than $3.7 billion a year. This figure includes the $1.4 billion to provide the remedial education of students who recently completed high school.

In addition, this figure factors in the almost $2.3 billion the economy loses because remedial students are more likely to drop out of college without a degree, therefore reducing their earning potential.

This is extremely important. That brings us to the work our committee is attempting on the No Child Left Behind Act. The target of that is the lower grades and high school, but we are interested in trying to find a seamless web, so that we're coordinating with Head Start, with kindergarten, coordinating with No Child Left Behind, coordinating with the colleges and universities.

We understand this ought to be a seamless web, so to speak. It is not, at the present time, and we are committed to trying to do it. If we have these kinds of gaps in the learning process for our students, we are certainly not serving them well.

This bill also includes provisions championed by Senator BROWN to maintain the strength of the TRIO and GEAR UP programs which provide underprivileged students with the support they need to go to college and graduate from college.

The Higher Education Act of 1965 established the National Teacher Corps, a federally funded Great Society program to develop our Nation's teaching force. This bill continues that tradition by promoting high-quality and effective preparation programs for new and prospective teachers. We are very committed to retaining high-quality teachers in high-need schools. This was of particular interest to Senator Nelson, Gaylord Nelson, who is deceased. He was very much involved in that program and it was very successful.

Finally, this bill will create a new student safety grant program to help colleges and universities improve their campus safety and emergency response systems. As the nightmare at Virginia Tech made us all too aware, tragedy can strike anywhere, include college campuses. We have important provisions in this area.

This legislation received unanimous bipartisan support in committee. I hope we will see that demonstrated today. One final point, when we are talking about the cost of colleges, we also encourage that states ensure students and families know what they're doing to support higher education. In a number of States, for example, my State of Massachusetts, in recent years, prior to the election of Deval Patrick, under a previous Governor, we saw substantial reductions of State help to colleges, and so the colleges have no alternative but to raise the fees on young people.

They didn't say these were increased taxes, but effectively they were for these young families. We had a dramatic reduction in terms of state appropriations for higher education recently. It is important for the American people to understand, are the States helping? Are they doing their fair share or is the fact that we are seeing an increase in particular States the result of State action? We want to make sure the public understands it and that we understand it as well. We are serious about trying to ensure that college education is affordable and accessible to everyone. This is not the final answer. We have a lot more work to do. But I would hope the students and their families and the education community would feel this is a very important and constructive step. It is reflected in a very important bipartisan effort on our part to make sure we are going to get help to the young people of this country so our Nation can be strong economically and can have the young people who will make sure that our great institutions are going to function to protect our values and our rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally.

Mr. KENNEDY. I suggest the absence of a quorum and ask unanimous consent that time under the quorum calls during consideration of S. 1642 be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2368

Mr. KENNEDY. Mr. President, I send to the desk an amendment by the Senator from California, Mrs. BOXER. I welcome the opportunity to offer it on her behalf.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. BOXER, proposes an amendment numbered 2368.

Mr. KENNEDY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend provisions relating to the upward bound program under section 402C of the Higher Education Act of 1965)

In section 403(c) of the Higher Education Amendments of 2007, add at the end the following:

(7) by adding at the end the following:

''(h) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

''(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

''(ii) receive a grant score above 70 on the applicant's application.

''(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.''.

Mr. KENNEDY. I yield myself the time on the amendment itself.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. The Boxer amendment is to provide additional funding—$57 million for Upward Bound Programs. Upward Bound Programs are special programs, formed by colleges, to help students who come from lower income families and who are first-generation college students, and who have capacity and capability to continue on to college. It has been enormously successful. What has happened is there are applications submitted by Upward Bound Programs in order to get a grant. Depending on a variety of different factors, those grants are either approved or not. They are scored and then either approved or not. The cutoff time at the present time is 92 percent.

The Boxer amendment, with an increased authorization which amounts to approximately $57 million, will amend the Upward Bound scoring to say that any quality program above 70 on the most recent grant cycle would be eligible to receive funding.

This is a valuable and worthwhile effort. I have a chart which shows what the results of the Upward Bound Program have been. Nearly 90 percent of Upward Bound students graduate from high school compared to only 68 percent of all low-income 18- to 24-year-olds. We have gone through other charts that showed, even if they graduated, those who will be qualified for college. Nearly 70 percent of Upward Bound students attend college compared to the lower rate of 54 percent for all low-income students. Fifty percent of Upward Bound students attend a 4-year college compared to other low-income students. Upward Bound students are four times more likely to earn an undergraduate degree than students from similar backgrounds. This shows what all of us believe, and that is, all students can learn. They may learn at a somewhat different pace or a different time, but they can learn.

What we have seen is for a number of different reasons, we find particularly that those who are from the lower income families are either discouraged or, because of the costs, because of the application, the system is skewed against them. We are seeing that education, rather than being a factor which is uniting our country, is adding to the disparity.

One of the most effective programs, of course, is the TRIO Program. Within the TRIO Program is the Upward Bound Program. So Members are very familiar with this program. We all have programs in our own States. I have many in my State—over 50 TRIO programs in Massachusetts. I have the list here, and there are programs in just about every single State. These programs are out there and are working and providing important opportunities for students.

So this is just an authorization, but it is an important one. It is targeting the group of students who need that extra help and assistance. It is remarkable that the schools and colleges are so involved in trying to help secondary school students. We have the GEAR UP program, which our good friend, Chaka Fattah from Philadelphia, was the architect of, working through universities. I know in the city of Boston many of the high schools are tied into the colleges that work with these students. It is a wonderful relationship. It is the way it should be.

These kinds of outreach programs try to help and assist many of those students who are the neediest and are facing a wide variety of different challenges, recognizing they, too, have dreams, hopes, and interests in terms of furthering their education. This is an extremely modest program, but one that is enormously valuable and has demonstrated, time and again, its success.

So, Mr. President, that is the Boxer amendment, and I do not believe there is objection to it.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to voice my appreciation for the presentation that was just made to give people a fuller understanding of what this amendment does. I will make a couple of additional comments on it.

One of the problems that brings this particular amendment forward is the appropriators did not appropriate the money that would have provided for all of the people who got a score of 70 or above to receive a grant in fiscal year 2007. Perhaps that has to do with a lack of authorization or too low of an authorization. So this one is an authorization.

It is an interesting process we have around here. We have the budget process, which is where the President sends us a bunch of recommendations as to how he thinks we ought to spend money, and then we revise it sort of the way we want to spend money, except the real revision is only in the caps. That is what a budget is, it is how much total money we get to spend. Then we have an authorization process, where the committees are involved in the actual legislation for that area.

In this case, higher education comes under Health, Education, Labor, and Pensions, the HELP Committee. So we get to authorize, which says what we think ought to happen, kind of in a maximum sort of way. So this amendment does authorize additional funds that would meet the criteria.

I do have some small concern. It says this would allow for those to reapply who did not apply for assistance. This is a competitive grant situation. For whatever reason, they might not have applied. If they did not apply, for a competitive grant, you simply do not get it. But I suspect that is something I will either better understand or we can make a correction on at a later time. So I do not have any problem with taking this amendment.

I do want to emphasize that anybody who wants higher education ought to look at the programs that are available out there. One of the things we are trying to do is get more information to more people about what is available. We originally called it the TRIO Program because there were three programs that would help students—some in minorities, some in lower income situations. But we had three programs.

Now we are at eight programs, and we keep devising ways so more kids can get more education.

What we need, of course, is for the kids to take advantage of the programs that are out there. I certainly would not want to stifle a program by not authorizing this at this point in time. So I encourage us to accept this amendment by a voice vote.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2368.

The amendment (No. 2368) was agreed to.

Mr. KENNEDY. Mr. President, I yield myself the remainder of the time on this amendment for use in the debate on the bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, we know a college degree and a highly skilled labor force are the keys to increasing earnings and to Americans' competitiveness around the world.

When the Senate HELP Committee began work on the reauthorization of the Higher Education Act, my main priority at the time was to ensure that more students could access and afford college and job training.

Taken as a package, S. 1762—the Higher Education Access Act that we passed early Friday morning—and S. 1642—the Higher Education Amendments Act—that we are debating today—truly accomplish these goals and more.

Early Friday morning, the Senate increased the maximum Pell grant award to assist low-income students to go to college or to get job training. Then we added additional funding for the neediest of low-income students.

I am also very proud that we authorized and appropriated $226 million for the College Access Partnership Grant Program. This is a partnership between the Federal Government and the States to help more young Americans prepare for, apply to, and succeed in college.

We also did good work in the bill in protecting borrower benefits that are provided by State agency and nonprofit lenders.

In Alaska, we have a State agency lender that uses their special allowance payments, or their SAP payments, to reduce the loan interest rates to the lowest in the Nation. They provide outreach and college early awareness to middle and high school students. They provide need-based grants and other very important benefits.

Alaska's State agency, nonprofit lender, and others like it in States such as Wyoming, Tennessee, and North Carolina, are not plowing their SAP rate into their profit margin. I am gratified the Senate was able to recognize the good work the State of Alaska and many other States are doing.

Also in the legislation, we ensured that young Americans will not be saddled with unmanageable amounts of debt after they graduate.

It is these and other provisions in S. 1762 that go hand in hand with the bill we are debating today, and which I am hopeful we will see passage of by tonight.

This bill, S. 1642—the Higher Education Amendments of 2007—includes many important and beneficial provisions that will ensure that students, parents, and American taxpayers get the fairest deal, the best information, and truly the biggest bang for their buck.

This legislation makes the cost of college more transparent so parents and students can compare the costs of different colleges to determine which ones will most effectively and affordably meet their needs.

It places prohibitions on unauthorized entities using students' loan and grant information for marketing purposes. It provides fair, sensible, and rigorous ethics reform for financial aid administrators and lenders to ensure that the students receive the information they need to make decisions that will benefit them and not benefit unscrupulous lenders or postsecondary institutions.

Title II of the bill streamlines and strengthens Teacher Quality Enhancement grants to bring more accountability to university teacher training programs. It also directs the Secretary to further simplify the FAFSA the Free Application for Federal Student Aid. When we were talking on the floor last week about the FAFSA application, the Senator from Wyoming held up that eight-page application and demonstrated what it is the students are faced with when they take this on.

I am particularly proud of one provision that I worked to include in S. 1642. This provision makes it easier for servicemembers—particularly those in the lowest ranks—and their spouses to afford college.

I was in my State at Fort Richardson last winter, and I was visiting with some of the wives of the servicemen deployed to Iraq and Afghanistan. I asked them in this townhall meeting: What is it that I can do to help you as you wait for your loved one to return home? How can we make your lives better? We talked about quality-of-life initiatives. We talked about greater certainty with deployments. But one of the wives told me that during this time when her husband was deployed for 15 months, she was trying to take advantage of this time period to better herself by going on to college. She told me that one of the things keeping her from being able to afford to go to college was that the money the military pays to help offset a portion of their housing costs, which is counted toward their income, this allowance prevented her from being eligible for a Pell grant. Now, given the low rate of pay for many members of the military, particularly those in the lowest ranks, this is also a barrier for them in being able to take out student loans.

I soon found out from the National Military Families Association that many military spouses are in this same position. So when I came back to the Capitol, I worked to include language in S. 1642 that would exclude the cost of the basic allowance for housing for servicemembers living off base, as well as the value of on-base housing, from being included in calculations for financial need.

Excluding the basic allowance for housing—which, in the vast majority of cases, does not completely cover military families' housing costs—and the value of on-base housing will benefit the least well-paid members of our military and their spouses. These are privates, they are seamen's apprentices, lance corporals, airmen, and corporals whose base pay is less than $35,000 a year. As those who are deployed and serving our country, we can help the spouses who perhaps are here and looking to better themselves during this period of time as they wait for their loved ones to return home. This is a true benefit for them.

I could not be more proud to know that this strong woman whom I met last year and potentially thousands like her will have a better chance now of being able to attend college should we be successful in passing this legislation.

Overall, I believe we did a fine job in making college and job training more accessible and more affordable. I would like to thank my colleagues, especially Senator KENNEDY and Senator ENZI, for their generosity and their graciousness throughout this long process and their true dedication toward the goal of educating all of America's young people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, if the Senator from Virginia will withhold, I wanted to thank the good Senator from Alaska. She has been a very active member of our committee. Besides her earlier amendment that was on income-based assistance to the students, she had a very worthwhile amendment that is going to make a big difference in her State and in all of our States in terms of making greater availability of information and outreach to students who are qualified to go to the schools and colleges but otherwise would not be able to because of lack of information and support. That was a key element. Also, she has been very much involved in the grant program which is included in this for science and technology.

She has been a very active member. We value very much her input and involvement in the legislation. We thank her for her comments.

Mr. ENZI. Mr. President, I, too, would like to thank her for her comments and her tremendous participation on the committee, particularly with her rural approach to problem-solving, and that rural approach affects Wyoming equally—well, maybe not equally to Alaska because they have a lot more land with a few more people—but she has done a tremendous job in the committee.

I yield up to 15 minutes to the Senator from Virginia for a presentation of his amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 2371

Mr. WARNER. Mr. President, I thank the Presiding Officer, and I wish to particularly thank the managers of this bill. In my 29 years here in the Senate, I have stood on the floor many times with Senator KENNEDY, but at this time, we are absolutely joined in this magnificent piece of legislation which I submit on behalf of Senator KERRY and Senator WEBB and many other Senators who have worked on it through the years.

To my good friend, Senator ENZI, I was once on his committee, the Senate Committee on Health, Education, Labor and Pensions (HELP), but as we move around here, I just couldn't get on the HELP Committee this time around.

I commend Senator ENZI and Senator KENNEDY and their staffs for their very hard work in preparation of this amendment, and my staff, senior member Angela Stewart. Over the weekend, I was traveling, as many of our colleagues were in our respective States, and she and I must have had at least six to eight telephone calls over the period of 2 days, just working out refinements and protocol with regard to this amendment. I think it is a representation of the Senate. No matter whether we are here on the floor or wherever we may be, we constantly are working on the legislative proposals that many of us have from time to time.

Again, I wish to draw attention to the title of this particular amendment. First, I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. KERRY, and Mr. WEBB, proposes an amendment numbered 2371.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a digital and wireless network technology program, and for other purposes)

At the end of title VIII of the bill, insert the following:

SEC. 802. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

"PART N—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

"SEC. 876. PURPOSES.

"The purposes of the program under this part are to—

"(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

"(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

"SEC. 877. DEFINITION OF ELIGIBLE INSTITUTION.

"In this part, the term 'eligible institution' means an institution that is—

"(1) a historically Black college or university that is a part B institution, as defined in section 322;

"(2) a Hispanic-serving institution, as defined in section 502(a);

"(3) a Tribal College or University, as defined in section 316(b);

"(4) an Alaska Native-serving institution, as defined in section 317(b);

"(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

"(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

"SEC. 878. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

"(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

"(b) APPLICATION AND REVIEW PROCEDURE.—

"(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

"(A) a program of activities for carrying out 1 or more of the purposes described in section 876; and

"(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

"(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

"(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

"(A) demonstrated need for assistance under this part; and

"(B) diversity among the types of eligible institutions receiving assistance under this part.

"(c) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

"(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

"(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

"(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

"(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

"(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

"(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

"(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

"(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

"(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

"(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

"(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

"(1) fostering collaboration and capacity-building activities among eligible institutions; and

"(2) disseminating information and ideas generated by such meetings.

"(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

"SEC. 879. ANNUAL REPORT AND EVALUATION.

"(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

"(b) EVALUATION BY SECRETARY.—The Secretary shall—

"(1) review the reports provided under subsection (a) each year; and

''(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

''(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

''(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

''SEC. 880. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is entitled, ''Minority Serving Institutions for Advanced Technology and Education,'' amendment to S. 1642, The Higher Education Act Amendments of 2007.

I remember in the 1980s, traveling to several of the historically—and they referred to them as ''historically Black colleges'' in the Commonwealth of Virginia, I noticed the absence of so much infrastructure in these struggling institutions that other institutions often had in abundance. Having had an engineering background myself, at my old school, Washington Lee University, we had laboratories with an abundance of equipment and all types of high technology.

I suppose at that time the thoughts in my mind led toward this day, and it has been a long climb up the mountain—not by just this Senator from Virginia but by many, many Senators. I remember Senator Cleland was very interested in this, former Senator Cleland, Max Cleland of Georgia, and my colleague and former Senator George Allen of Virginia. Fortunately, today, with the two managers of this bill, the chairman and ranking member of this important committee, the HELP Committee, and with the help of many others and the primary cosponsor, the distinguished Senator from Massachusetts, Mr. KERRY, and my colleague from my State, Senator WEBB, we are here this afternoon to present this amendment.

I first ask unanimous consent that those Senators who desire to put in statements regarding this amendment of course may do so and that they be colocated in the RECORD following the introduction of this amendment.

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

Mr. WARNER. Mr. President, it appears statistically that over 60 percent of the jobs in America, all across our land, require not only a basic knowledge but really an advanced skill in what we refer to as ''information technology.'' Jobs in this area, frankly, pay and command higher salaries. Today, as I said, many of the minority serving institutions—this covers a wide group of institutions which I will address later in my text, but the minority serving institutions simply lack the resources, the necessary capital, endowments, and all types of financing that go into these institutions to acquire the basic equipment, whether it is an actual computer itself, or the technology to hook it into systems, and they also need technology capabilities in their classrooms, dormitories and libraries. It is for that purpose we are asking the Senate today to support this bill to provide the sum of money for 5 consecutive years to form a competitive grant program so this wide range of institutions may compete for this pot of money and hopefully obtain it for their respective institutions.

We need to bridge—and I use the term the ''digital divide'' to help students who want to develop the skills necessary to succeed in a technology-based economy so that they can compete in today's modern world and take these jobs, which, incidentally, are badly needed in the workforce, and therefore get salary and perhaps a step up on the ladder of development of their career. This is definitely a bipartisan amendment and, as I said with the deepest sense of humility, many, many Senators have worked toward this day.

Specifically, the legislation will establish, as I said, a grant program for these institutions of higher learning to bring increased access to computers, technology, and the Internet to their student populations. Institutions can use funds to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to develop and provide these educational services. In addition, the grants can be used for such activities as campus wiring, equipment upgrades, and technology training. Finally, Minority Serving Institutions could use these funds to offer their students universal access to campus networks, thereby increasing connectivity and making infrastructure improvements.

Moreover, much has been said in this education debate about the importance of math and science education. I remember well, I and other Senators 2 years ago were authors of the SMART grant program, which provides stipends to economically disadvantaged students in their third and fourth year of college or university training who elect to study critical majors in math, science, and engineering and key foreign languages. We must now begin to encourage and provide for those students who want to start earlier than their third and fourth year and begin to enter and study these critical fields, not only of math and science but of high tech.

I point out, I remember very well when I came out of the Navy at the end of World War II, I had the GI bill, and I went to my university—a small one—and they had a very small engineering department at that time. The engineering department is now gone because it couldn't take the competition of larger schools. But I remember so well we would go into the laboratories in the afternoon and spend long hours. We didn't have any air-conditioning, so we opened the windows, obviously. You could hear the other students out on the playing fields enjoying all kinds of sports and other things while we were there laboring over the laboratory requirements. Then, at night, of course, we all had the obligatory homework. It seems to me that those of us who were in the high-tech and the math—I was a math major and physics major—we would spend endless, long hours on our homework.

I bring that up not to in any way eulogize myself and my career but simply to say that those students who want to dedicate that extra time to study in the high-tech world—and it does require extra time, thereby giving up some of the pleasures in life—we ought to have the proper equipment available for all of them.

The National Science Foundation reports that the percentage of bachelor's degrees in science and engineering across America has been declining. Many a time I and other Members of this body have pointed out how America is falling behind, particularly with reference to India and to China, as such a higher percentage of their university graduates are following the high-tech careers. So let's give a leg-up to those young people who want to devote that extra time, that extra motivation in their studies for these specialties in math, science, and technology.

This amendment also addresses the shortage of qualified professionals that teach courses in these areas. You simply have to have not only the hardware within the institution but knowledgeable teachers and professors, and this amendment provides an inducement for their training.

As I said, I am proud to say that my great State is home to six institutions that qualify for this grant program. Throughout the years that I have been in the Senate, they have proudly been referred to as Historically Black Colleges and Universities, known as the HBCUs: Norfolk State University, St. Paul's College, Virginia University of Lynchburg, Virginia Union University, Hampton University, and Virginia State University. Right now, at this point, I thank all of the faculty and presidents of those institutions and administrators who through these many years, year after year, have come into my office pleading for this modest program to help them put in the infrastructure and gain the teaching faculty to help the students who want to pursue these careers in science, math, and technology. Likewise, all across America, Minority Serving Institutions will

qualify for this grant program. There are over 200 Hispanic-Serving Institutions, over 100 Historically Black Colleges outside of Virginia, and over 30 Tribal Colleges throughout the United States. In addition, Alaska Native-serving institutions and Native Hawaiian-serving institutions are also eligible for these grants.

In the mid-1980s, on the campus of St. Paul's, my first thoughts regarding the growing disparity between Historically Black Colleges and other institutions of higher education with respect to the infrastructure began leading up to this day.

This Senate has addressed similar pieces of legislation in the past year. In 2003, a similar bill passed in the Senate with a roll call vote of 97 to 0. In 2005, a similar bill passed in the Senate by Unanimous Consent. So I am pleased today, together with Senator KERRY and Senator WEBB, to offer this not only on behalf of ourselves, but the many Senators who through the years—some who have now retired—have worked hard on this legislation.

Again, I salute the faculty and presidents, and so forth, at these institutions and, most particularly, I salute the students who are ready and willing to seize the opportunity that this bill will provide to advance their intellectual skills to meet the requirements of today's workforce, so that America can be competitive.

I yield the floor.

Mr. KENNEDY. Mr. President, I thank my friend from Virginia, Senator WARNER, for his excellent presentation, and also for reminding us about the importance of math and science and technology and engineering. As a member of the Armed Services Committee, I think his involvement and focus on this is also enormously important because he understands that education is not only a value to the individual, not only a value to our economy, but it is an essential aspect in terms of our national security. I have talked with him frequently about the National Defense Education Act that made such a difference in terms of availability. That was after Sputnik in the late 1950s, when the country came together and passed the National Defense Education Act. Still, some of those individuals are in key positions today in both private and public sectors. They are individuals who took advantage of that.

In the Defense authorization, Senator COLLINS and I had spoken to the Senator when he was chairman of the Armed Services Committee. We have the small program that is directly focused on math, science, engineering, and technology that he included in legislation in the past. We have a number of enormously interested young people who are taking advantage of those scholarships. We remember the amendments the Senator offered on the reconciliation that he referenced here previously. So this is an area that he has shown enormous interest in and concern about. We are enormously grateful for his intervention.

As the Senator knows, we passed the COMPETE Act earlier this year. In that COMPETE Act there are provisions to assist these minority institutions. Quite frankly, there are a lot of other priorities in that COMPETE Act. I think the fact that the Senator has given us this legislation and this focus is incredibly helpful to us. I thank the Senator for all of his efforts. It is no surprise to me that my colleague and friend from Massachusetts, Senator KERRY, is your strong cosponsor because I have talked with him about this subject matter on many occasions.

I just draw the attention of the Senator to this chart, which I think makes the point the Senator pointed out. The bill provides resources for institutions to build capacity, develop facilities, and improve instruction; expands opportunities for institutions to serve more low- and middle-income students; supports greater financial literacy and strengthens the focus on studies in the STEM fields.

That is a pretty good summation of what the Senator is trying to do. I think it is enormously important that this legislation be included. Senator KERRY is very interested in this, as well as Senator WEBB. I thank all of you for giving this focus and attention. This is a very important undertaking, very important legislation. I am grateful the Senator has taken the time to bring this to our attention.

Mr. WARNER. Mr. President, I thank my friend who has worked with me for these 29 years. Following Senator ENZI, I wonder if I may have 2 minutes on one other point.

Mr. ENZI. Yes. Mr. President, I congratulate the Senator, Mr. WARNER, for his tremendous effort, and not just on this bill but on the previous bills where his emphasis on science, technology, engineering, and math, has resulted in other grants that are available to students. We need to increase awareness among students of these opportunities, particularly in the lower grades, so they have the prerequisites they need to qualify for going to college. The Senator's emphasis on that has had tremendous effect on higher education and on the work we have done before.

I also thank the Senator for the comments he made about his staff working through the weekend and ours working through the weekend. This is not a 9-to-5 job around here. People don't realize the amount of dedication our staffs have. As I say, they work through the weekend for these students. It happened to be a beautiful weekend in Washington, and they were indoors making telephone calls and making sure that everything works precisely right so we can pass this amendment today. I think we would be willing to take it on a voice vote.

This will provide up-to-date technology, which is vitally important. Everything is operating off of technology today. And I especially appreciate the concern for and emphasis on minority-serving institutions having this opportunity. There is a disadvantage there, and we want to equalize that. The Senator has caught the essence of that and has the solution for it. I congratulate him. It will strengthen the national and digital and wireless infrastructure. That helps all of us because it increases national investment in that area and makes us all more communicative and to also have a greater ability for education.

I thank the Senator.

Mr. WARNER. Mr. President, I thank the Senator for the kind remarks of the Senators. Mr. President, I will just tell a short story. Senator KENNEDY mentioned the importance of this to the Armed Forces to have a pool of trained individuals to join the military today. I would like to contrast it to an early experience I had in life. In the winter of 1945, the war was raging in Europe—although it ended in May, it was still going on, as was the war in the Pacific. Like everybody else on my block, all students who were 17 and 18, we all joined the military. I don't claim to have a military career of any great consequence, but I will never forget the first night. We had been on a small train that stopped in stations all across the east coast picking up a dozen or two 17- and 18-year-olds on the train. It was cold as the dickens, and the train was chugging its way up to the Great Lakes.

We arrived at 2 or 3 in the morning. We were tired, cold, and huddled into a great big room. A petty officer, who was quite rotund, got up on a little platform and screamed at us, ''All you guys who can't read and write raise your hands.'' I had the benefit of a wonderful education in high school. I almost flipped out. I did not realize, really, that many people didn't have the basic skills that I had been given.

Then the petty officer said, ''All you smart so-and-sos fill out the forms for the others.'' About 20, 25 percent of the fellows came out of the coal mines and steel mills of Pennsylvania and up through the valley, where the train went picking up these guys. So we filled out the forms.

I want to say that those men had very short training once we got to the Great Lakes. The rest of us were shunted aside for technical schools. Within 90 days, they went aboard ships and right into the battle.

On those ships in those days there were dozens of jobs that persons who could not read and write could perform, and perform very well. In no way do I denigrate their abilities to fight, as they did bravely in World War II—those who could not read and write. Today's ship in the U.S. Navy—take a destroyer. The destroyers today are considerably larger than the destroyers of the past. But the crews are dramatically reduced in number, which means that every one of those naval persons today has to have high-tech skills. It is true also in the Army and Marine Corps.

When you visit Iraq and see the troops there, as most of us have, they are all working with high-tech equipment. There is no place available today in the military for one who is not skilled in high-tech work. So it is a changed society, albeit my story dates back more than a half century. They were fighters then, but in today's military we access those in the military with high school equivalent. The ones who show a technical proficiency are immediately moved into advanced technical courses.

So this legislation is laying the foundation for those in these institutions who so desire to join the U.S. military, and they will arrive on the first day not requiring a fellow soldier, sailor, airman, or marine to fill out their form. They are all smart and able to work with the high-tech equipment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the Warner amendment.

The amendment (No. 2371) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I suggest the absence of a quorum and ask that the time be charged to the Warner amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the remarks I will make be charged against the bill rather than the Warner amendment.

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

Mr. REID. Mr. President, Benjamin Franklin said:

> Genius without education is like silver in the mine.

What he was saying is that silver still in the rock, in the ore, is worthless until it is mined, taken out of the rock. It is the same with education. Genius without education is akin to silver in a mine.

We have, I am sure, a lot of geniuses who have not been educated, and that is too bad. That is what this legislation is all about. It is unquestioned that a college education is the single greatest weight on the scales of success. Yet today, more and more working-class Americans are shut out from the promise and opportunity of a college education because the price is out of their reach.

Last week, we took a significant step to restoring that promise to hundreds of thousands of American students by passing the bipartisan Higher Education Access Act. It should not go unnoticed that the $17 billion in new student aid and benefits represents the largest increase in college assistance since Congress passed the GI Bill of Rights more than 50 years ago.

The bill we passed last week did this in a comprehensive way by increasing grant aid, expanding the number of students eligible for Federal aid, making loan debt more manageable, and expanding loan forgiveness options for those professions that we all recognize are important to society—teaching, social work, law enforcement, and health care.

Today, in considering the higher education amendments, we authorize remaining programs and funding in the Higher Education Act. This bill is not weeks overdue or months overdue, it is years overdue.

First, this legislation addresses the recent student loan scandals. With provisions in the bill—increased disclosure requirements, prohibiting payments and gifts from lenders to colleges and financial aid administrators, and new restrictions on preferred lender lists—we are finally putting an end to these unacceptable practices and making sure the student loan system works in the interests of our students.

As importantly, we tackle the rising costs of college. Despite the billions in new student aid and benefits in the bill we passed last week, if college costs continue to rise at the rate they have been—tripling over the past 20 years—higher education will continue to remain further and further out of reach for too many Americans.

I am pleased to support this legislation. I am also pleased students in Nevada have the good fortune of a State university system with some of the lowest costs in the Nation. But the same is not true everywhere, and this bill will hold colleges accountable if their costs increase too dramatically. It also ensures students and parents have information they need to make objective decisions based on the cost of college.

Finally, the bill phases out the unnecessarily complicated Federal financial aid form which is currently 7 pages long—and probably more complicated than filing out a tax return—with a much simpler 2-page form.

Again, thanks to Senators KENNEDY and ENZI for the work they have done and the rest of the HELP Committee for their work in the formulation of this bill which, when combined with their efforts last week, reaffirms our commitment to making higher education affordable and accessible to America's students.

Mr. KENNEDY. Mr. President, I say to the majority leader, we thank him so much for scheduling this legislation, both the underlying legislation we passed last week, which will make a difference to students, and the authorization. I know my friend and colleague from Wyoming, as well as others, knows we saw this authorization expire some 3 years ago. So this is long overdue.

The idea that we passed both these pieces of legislation together is going to make a major difference, not only to the students, about whom we are primarily concerned, and to their families but also to the colleges and universities and to all the other entities in the educational community.

We are moving along with these amendments. We are very thankful for all the cooperation we have received this afternoon. Hopefully, we are able to conclude this bill either late tonight or tomorrow. This will be a very significant and important time in terms of educational policy for our country.

I thank the leader very much.

Mr. REID. Mr. President, if I may say to my friend, the distinguished Senator from Massachusetts, and my friend from Wyoming, we did not have time to do this legislation, but we had to take time to do this legislation. This is an example of how committees working together can get work done. Committees do a lot of work, but much of what comes out of the committees is done on a partisan basis. Democrats vote for it, Republicans vote against it. Frankly, we cannot get those bills to the floor. We cannot get them done.

I repeat, we did not have time to do this legislation. We have so much to do. We have appropriations bills we need to do. As soon as we finish this bill, we are going to move to Homeland Security appropriations, which is essential. SCHIP legislation, we have to do that. We have to do the conference report on the 9/11 Commission recommendations. We have to complete the work we have done and gone so far down the road on ethics and lobbying reform.

This is an example, and I say this to all committees, to work together such as these two men have worked together and we can get things done. That is how we were able to get the Energy bill passed earlier. We took those provisions from the Energy Committee, the Environment and Public Works Committee, and the Commerce Committee, on which there was unanimity, everyone agreed. I took those provisions and put them in a package, and that was the bill we passed in the Senate.

I appreciate Senator KENNEDY mentioning my name, but the work was done by this committee last week and arriving at the point where we can have this legislation completed today. This is important legislation.

I heard Senator WARNER on the floor today talking about when he went in the military. They had those who couldn't read or write during World War II raise their hand. Twenty-five percent of the people on the ship could not read or write. We don't have that situation today. But we do have a situation where there are many people, such as the example I gave, who have the intellect to have a college education and simply cannot do it. It is as

Benjamin Franklin said, when the silver is still in the mine, it doesn't help anybody. When we have the people who have the ability to be educated who cannot be educated, it doesn't speak well of our country.

We have to continue down that road of educating our students, and this legislation, tied in with what we did last week, is a giant step forward.

I again express my appreciation to Senators KENNEDY and ENZI and the members of the committee for allowing us to get to the point where we have time to do a bill that we don't have time to do.

Mr. KENNEDY. Mr. President, the Senator from Hawaii was on the floor a moment ago. We are expecting his amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 2372

Mr. AKAKA. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes an amendment numbered 2372.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To include Native Hawaiians as groups underrepresented in graduate education for purposes of the Ronald E. McNair postbaccalaureate achievement program)

At the end of section 403, add the following:

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

Mr. AKAKA. Mr. President, I yield myself 15 minutes.

In our United States, Native Hawaiians and other Pacific Islanders are far less likely than the average American to earn a bachelor's or graduate degree. This makes Native Hawaiians and other Pacific Islanders drastically underrepresented in higher education. Unfortunately, Pacific Islanders are left with fewer opportunities to lift themselves out of underrepresentation because, unlike African Americans, unlike American Indians, unlike Alaska Natives, and unlike Hispanics, Native Hawaiians and Pacific Islanders have been largely excluded from programs such as the McNair Achievement Program based on a determination that they are not an underrepresented group.

The McNair program is designed to prepare young men and women from disadvantaged backgrounds who have demonstrated strong academic potential for doctoral studies through involvement in research and other scholarly activities. However, until the underrepresentation of Native Hawaiians and Pacific Islanders is addressed, the promise of the McNair program to help the underrepresented achieve their dreams of higher education will remain only partially fulfilled.

According to a study conducted by the Pacific Islander Access project, Native Hawaiian and other Pacific Islanders have difficulty gaining access to programs for underrepresented minorities in higher education, such as the McNair Program. In fact, the study reported that more than 80 percent of these scholarship programs did not recognize Native Hawaiians and other Pacific Islanders as underrepresented. This is due, in part, to a misconception that Native Hawaiians and other Pacific Islanders are not a distinct group but are, instead, an Asian subgroup. This misconception is, to a large extent, rooted in the Federal Government's policy from 1977 to 1997 to lump Asians and Pacific Islanders into one category. Fortunately, in 1997, this Federal policy was changed to recognize that Pacific Islanders and Asians are separate and distinct groups. However, many programs, including the McNair Program, have yet to catch up with this Federal policy.

It is to our Nation's credit that we have developed programs such as the McNair Program in response to the needs of our country's minority students, and my amendment in no way excludes other underrepresented groups. Rather, this amendment simply ensures that Native-Hawaiian and other Pacific-Islander students are also allowed full access to the opportunities afforded the McNair Program, which has opened the door to an advanced degree for so many in our Nation.

I urge my colleagues to support this amendment and help young Native Hawaiians and other Pacific Islanders achieve their potential.

I wish to thank the chairman for his zealous attitude in which he has tried to help all those in the United States who need help in education, and I commend him for that.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I wish to thank my friend from Hawaii for bringing this to our attention, this situation which works to the disadvantage of Pacific Islanders and specifically Native Hawaiians. He quite appropriately points out that other groups are included as underserved populations but the Native Hawaiians are not and the Pacific Islanders are not. In many respects, the fact that they are not able to participate in these programs works to the disadvantage of the population generally from being included in terms of the life of not only their communities but the communities of our country. All his amendment does is to make sure they are going to be included in this program.

What is this program? This program is really a helping hand to those students who are going on to college—in this case, it would be the Hawaiians and the Pacific Islanders—a helping hand in counseling, giving guidance to these students so that they might participate in these other programs which offer real hope in terms of technology in the future. Effectively, his amendment says that Pacific Islanders and Native Hawaiians will be included so as to qualify for these programs in ways that mean students, who otherwise would be excluded from getting counseling—the helping hand—could continue for graduate degrees. It seems to me they should be included, and the amendment makes a good deal of sense.

For those reasons and the excellent reasons the Senator mentioned earlier, I thank him for bringing this to our attention. I must say, I was not aware those groups had been excluded, quite frankly, from the program. I don't know how this originally happened, but we always learn a good deal from our colleagues here in the Senate, and we have learned a good deal about this issue today. As always, the Senator from Hawaii is out front when it comes to issues on education and opportunity for Native Hawaiians and for Pacific Islanders, and we are very grateful to him for bringing this to our attention.

Hopefully, we will accept this and make sure it is a part of the legislation.

Mr. ENZI. Mr. President, I, too, wish to thank Senator AKAKA for bringing this to our attention. That is one of the reasons we have 100 people in the Senate and 435 people on the House side, so that we bring all these various backgrounds together, so that something which may have been overlooked can be corrected, and the amendment process is one of the places where we correct that.

As Senator AKAKA has said, this amendment would provide Native Hawaiians and Pacific Islanders with eligibility for the Ronald McNair Post-Baccalaureate Achievement Program, and that is a program which provides assistance to disadvantaged students who are pursuing doctoral degrees. The students in the McNair Program get research opportunities, they get seminars, they get summer internships, they get tutoring and academic counseling, and they get assistance in securing graduate admission and financial aid mentoring. Those are all things, of course, which increase the probability and the possibility that a person will get their doctoral degree.

I am sure it wasn't anyone's intention to leave these groups out, so this amendment, of course, would include the Native Hawaiians to the list of students eligible for this program. So, in his usual way of taking a careful look at things, I appreciate his doing this and enjoy all the times we have worked together on financial literacy.

I think there is still someone taking a look at the exact wording on this, so hopefully we can get that done and get to a voice vote a little later.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Am I correct in understanding that Senator AKAKA was a principal in an elementary school.

Mr. AKAKA. That is true. I was a principal in an elementary school.

Mr. KENNEDY. In an elementary school.

Mr. AKAKA. Yes.

Mr. KENNEDY. How many years were you a principal in an elementary school?

Mr. AKAKA. I was a principal for 6 years, before I was moved into the Governor's office.

Mr. KENNEDY. Good. Well, I thank the Senator.

Senator AKAKA brings many different qualities to his service, but the fact that he was a principal in an elementary school reflects that he understands the importance of education, and he knows this community.

It gives us additional information to understand his strong commitment in this area of opportunity for Pacific Islanders and for Native Hawaiians.

I think, Mr. President, we will hold up, but I expect we will pass this amendment in a short while. So I think at this time we are just going to hold, if we could.

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

The PRESIDING OFFICER. Without objection, the time will be charged to the amendment.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I ask unanimous consent that we set aside the pending amendment so that we can proceed to another amendment.

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

AMENDMENT NO. 2373

Mr. ENZI. Mr. President, I send to the desk an amendment by Senator BURR.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. BURR, proposes an amendment numbered 2373.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend provisions relating to the study group regarding simplifying the process of applying for Federal financial aid)

Strike lines 14 through 23 on page 814 and insert the following:

''(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

Strike line 22 on page 821 and all that follows through line 2 on page 822 and insert the following:

''(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

Mr. ENZI. Mr. President, Federal student aid is a tangled web of tax, grant, loan, and savings programs with rules and regulations that are so complicated, many prospective students don't know that they really can afford to go to college. Families have to fight their way through a maze of paperwork. We have talked about this several times, the difficulty of the present financial aid form. Nearly 10 million prospective aid recipients must file that form each year, and submitting the form is the only way for families to determine their eligibility for Federal grants and loans.

The free application for federal financial aid is longer and more complicated than a Federal tax form. It has 5 pages and 127 questions, so it is longer than the form 1040EZ, which is 1 page and 37 questions for filing your taxes, or the form 1040A, which is 2 pages and 83 questions. It is comparable to the form 1040, with 2 pages and 118 questions. The contrast between the tax forms and the financial aid forms is especially informative. With a third of the financial aid form questions and a fifth of its pages, the IRS captures the information needed to determine tax liability for the very population targeted by the Pell grant.

Financial aid officers and education specialists typically explain that the complexity of the form is a necessary evil, without which we could not target aid to students with the greatest need. The FAFSA, financial aid form, is long, it is argued, so that it can precisely measure who most needs aid. However, a few economists have recently completed research that measured empirically how much complexity in the current aid system contributes to its targeting. They found this complexity adds very little to the targeting of aid to those who most need it. Only a handful of questions on the FAFSA determine eligibility for Federal aid, and most of these questions are currently found even in the 1040EZ, the tax form.

In response, a small but growing number of researchers, economists, and leaders in higher education have offered proposals to reduce the FAFSA to one page and to prepopulate a student's FAFSA with the data their families have already submitted to the IRS. Such an approach would reduce the time-consuming and confusing FAFSA paperwork which requires parents and students to report to one Federal agency—the Department of Education—data they have already submitted to another Federal agency—the IRS.

Two North Carolinians—Senator BURR, on whose behalf I have submitted this amendment, and Erskine Bowles, who is the President of the University of North Carolina System, teamed up in the belief they could make applying for financial aid simpler and easier. President Bowles knows simplification of Federal applications is possible. As Administrator of the Small Business Administration in the 1990s, Erskine Bowles reduced the inch-thick SBA loan application to one page.

After a conversation between the two this spring, President Bowles put together a task force across the State of North Carolina and gave them 90 days to come up with a one-page form which made better use of data parents had already reported to the IRS. This June, President Bowles delivered the mockup of this one page to Senator BURR. So North Carolina showed we can and should work more rapidly to simplify the process of financial aid, both by reducing the length of the application and making better and more efficient use of data parents have already submitted to the Federal Government through their IRS forms.

I would mention we have had a task force, largely my staff, who has been working on reducing it. We have it down to a one-page form. But Senator BURR's amendment speeds up the time we study included in the higher education bill, so the relevant offices: Education, Comptroller General, Treasury, Office of Management and the Congressional Budget Office and representatives of higher education and State higher education executive officers who have a demonstrated commitment to simplifying the application for financial aid, report back to Congress in 1 year, how we could simplify the application and make even better use of data parents have already submitted to the Federal Government.

America's students and parents should not have to wait any longer than necessary for simplification. One stage of simplification should not preclude another stage of simplification. We do want to see that those who need the money the most have the highest priority. We want that to be done as simply as possible, so it doesn't discourage people from applying.

I appreciate this amendment to try to speed up the time to do a further simplification of FAFSA. I am pretty sure there are no objections on the other side of the aisle. We will leave the time open for further debate on that as well.

I suggest the absence of a quorum and allocate the time to the amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2328

Mr. REID. Mr. President, I ask the pending amendment be set aside and, as one of the Democratic amendments, I call up amendment No. 2328.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2328.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for campus-based digital theft prevention)

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

''(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

''(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

''(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to prevent the illegal downloading or peer-to-peer distribution of intellectual property.

''(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

''(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

''(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2328, AS MODIFIED

Mr. REID. Mr. President, I have an amendment pending, No. 2328, and I send a modification to the desk and ask unanimous consent I be allowed to modify this amendment.

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

The amendment, as modified, is as follows:

At the end of the bill, add the following:

SEC. 802. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

"SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title which is among those identified during the prior calendar year by the Secretary pursuant to subsection (b)(2), shall—

''(1) provide evidence to the Secretary that the institution has notified students on its policies and procedures related to the illegal downloading and distribution of copyrighted materials by students as required under section 485(a)(1)(P);

''(2) undertake a review, which shall be submitted to the Secretary, of its procedures and plans related to preventing illegal downloading and distribution to determine the program's effectiveness and implement changes to the program if the changes are needed; and

''(3) provide evidence to the Secretary that the institution has developed a plan for implementing a technology-based deterrent to the illegal downloading or peer-to-peer distribution of intellectual property.

''(b) IDENTIFICATION.—For purposes of carrying out the requirements of subsection (a), the Secretary shall, on an annual basis, identify—

''(1) the 25 institutions of higher education participating in programs under this title, which have received during the previous calendar year the highest number of written notices from copyright owners, or persons authorized to act on behalf of copyright owners, alleging infringement of copyright by users of the institution's information technology systems, where such notices identify with specificity the works alleged to be infringed, or a representative list of works alleged to be infringed, the date and time of the alleged infringing conduct together with information sufficient to identify the infringing user, and information sufficient to contact the copyright owner or its authorized representative; and

''(2) from among the 25 institutions described in paragraph (1), those that have received during the previous calendar year not less than 100 notices alleging infringement of copyright by users of the institution's information technology systems, as described in paragraph (1).''.

(c) The Secretary shall not find any of the 25 institutions of higher education described in paragraph (b)(1) to be ineligible for continued participation in a program authorized under this subchapter because of failure to comply with this section.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged how it was being charged before.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2374

Mr. SESSIONS. Mr. President, for several years I have been looking at the question of student loans and the abuse that often exists in that process. Also, another issue that has concerned me is America's lack of physicians in numbers sufficient to meet our current demands and the demands we may have in the future. So I have an amendment today that, hopefully, the bill managers, Senators KENNEDY and ENZI, might feel comfortable supporting. It deals with both of those issues, I think, in a way that takes us in a positive direction.

The Association of American Medical Colleges, after the recommendation of Dr. Jordan Cohen, their president a couple years ago, recently stated it is their official policy that medical school enrollment should be increased by 30 percent. Most American medical schools are now already beginning to increase enrollment, some at about the rate of 15 percent, which can be done in most colleges without great expense. But as you get closer to a one-third increase, it actually begins to put a bite on people's programs. They have to have faculty, perhaps buildings, and other capabilities that may incur substantial costs.

One of the things that has concerned me—and I am not sure most Americans are fully aware of it—is that a shortage of physicians is being filled by an increasing number of graduates from foreign medical schools. Many of these are offshore schools in the Caribbean—for-profit schools. Many of them don't require test scores to get in, and they are not up to the standard of American schools. That is a fact. We have the finest, most magnificent medical schools in the world. We have a tremendous teaching and training program. We have some of the best equipment any schools could imagine in our country. So it is a special thing.

But I have been concerned that perhaps we have been too tough on enrollment, requiring too high of test scores, sometimes denying good people with good leadership skills, such as class presidents and captains of the football team, who scored a little bit below someone who had a higher physics or

chemistry score, and they don't get in. So I think we need to expand the number of people who come into medical school, and we ought to be open to qualities that are proven to further medical success, frankly. So I am concerned about that.

The interesting development I have discovered that goes to the question of our Federal dollars and how we are supporting medical education is indicated by this chart. It deals with the number of loans certified for U.S. residents who are attending foreign schools. In general, whether you are going for a semester abroad to Italy or Brazil or England or wherever, this shows that during the 1993–1994 academic year, there were under 4,600 loans, and ten years later there were over 13,000 loans. That might make one think this is a good thing, that more Americans are taking a semester abroad, as is common in a lot of schools. They encourage students to take a semester abroad, and it is an enriching experience—maybe even a year abroad. One might think that is what that issue deals with. But let's show what is happening here.

Look at this chart. Of the 13,000 students who attend foreign schools, about 9,000 of those are attending foreign medical schools. About 75 percent of the total study abroad loan volume of 2003, or about $170 million—and I am sure that number has gone up—is now for loans to students who attend foreign medical schools. That is a rather shocking number and a dramatic number. It comes from a GAO report, dated July of 2003. That is a matter I would call attention to.

What about these loans? Are these people attending top Paris medical schools or what? Look at them in terms of the volume of loans, first. Let's look at No. 1, the No. 1 school in the world where students receive U.S. Federal loan money is a medical school in Dominica. They only have one medical school on that island in the Caribbean, and they receive $35 million in loan volume, with 1,700-plus students receiving loans to go to that school.

The next one in volume is Grenada. Remember during President Reagan's presidency, when we had an invasion of Grenada, where we had American medical students and their safety was of great concern to us when that invasion took place. Grenada has one medical school. It gets $30 million and has 1,500 students attending.

The third country to receive Federal loan money for medical school is Mexico. They have 11 schools and they get $27 million. England is fourth. They have 182 schools in England, but they only get $25 million in student loans, and they have quite an advanced medical program there.

The next school on the list—the next country is the Dominican Republic, another island school. The Dominican Republic has six schools, and they receive $20 million in student loans each year. The next one is St. Maarten, another Caribbean island, $16 million. Next is Canada. We would think that would be up there at the top, would we not? Canada, our neighbor. Canada has 108 schools and they get only $15 million. The next one is another island school in the Caribbean, St. Kitts, they have two schools and they get $14 million.

I think that begins to show the problem we are dealing with. I would suggest we need to take some real interest in it.

So I have offered an amendment that would deal with it. I send my amendment to the desk, as modified, and ask for its consideration.

The PRESIDING OFFICER (Mr. WEBB). The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 2374.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the provisions of the Higher Education Act of 1965 regarding graduate medical schools located outside of the United States)

At the end of title I, add the following:

SEC. 114. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

Mr. SESSIONS. So to briefly summarize what the amendment does, it attempts to deal with this issue in a balanced but effective way. It seeks to protect taxpayers' dollars from subsidizing foreign medical schools that are failing to show positive results, and we have a way to determine which ones are showing results. Currently, in order to qualify for student financial aid, we have a rule in effect. That rule is that the foreign medical school must show 60 percent of its graduates pass the Educational Commission for Foreign Medical Graduates' Examination. This is a test you have to take after you graduate to become licensed to practice medicine in the United States. So, currently, that rule is 60 percent. This amendment would raise the bar from 60 to 75 percent, to be implemented in 2 years' time. It would give them 2 years to prepare for this.

I believe it is a reasonable change because approximately 90 percent of U.S. medical school graduates pass medical licensing examinations on their first attempt. That is a big difference. It is indisputable that the test failure rate is indicative of the quality of the instruction that one receives at a school.

During the next 2 years, prior to implementation of the new 75-percent standard, the amendment also requires the Government Accountability Office to conduct a study on the amount of Federal aid going to offshore medical schools, the percentage of foreign medical graduates who pass the examination on the first try or after multiple attempts, the percentage of recent foreign medical school graduates practicing medicine in the United States, and a description of where and what type of medicine they are practicing and asking for recommendations for the examination passage rate the United States should require of foreign medical schools who wish to qualify so that they can receive U.S. Federal student aid.

I am also modifying the amendment by adding a portion of the study to examine the rate of malpractice lawsuits and of lost or revoked medical licenses from graduates of foreign medical schools as compared to graduates of U.S. medical schools.

Now, the study we have, the GAO report, would involve this. It would examine what is happening with students of foreign medical schools after they leave in order to determine how effective the schools are. While many of these schools likely do a pretty good job, and some I think do, there is no way to know for sure, as they are not licensed or accredited by any American entity.

Many foreign medical schools do not use cadavers—do not use cadavers—but instead have students perform procedures that would be done, preferably on

cadavers, by simulation on a computer. I don't know about you, but I don't want a doctor operating on me who has been practicing using a mouse and a keyboard.

In fact, an article in the Pittsburgh Tribune Review earlier this year quoted Dr. Cameron Wilkinson, medical director of Joseph N. France Hospital in St. Kitts and supervisor of clinical rotations for two medical schools on the island as saying this—this is at St. Kitts in the hospital there, the training school, and he said this: ''No medical school here would have a cadaver.''

He said: ''It would be great,'' but he explained the schools in the islands aren't equipped to work with them. This was in reference to a school on the island that was actually found to have cadavers for clinical instruction, but they kept them in black bags in an unsterile, unlocked, air-conditioned room. They were not following protocol for the use of cadavers and lacked the necessary documents to have them shipped from the United States. They also did not smell like formaldehyde, which is one reason I didn't go to medical school, having gone into a place where something was kept in formaldehyde. But that is a great concern, as formaldehyde preservation is standard procedure for institutions that utilize cadavers in medical research. Thus, this school was handling cadavers inappropriately.

But this story also makes clear that schools on the island, for the most part, never use cadavers. Many of these schools do not even require that students take the MCAT; that is, the Medical College Admission Test. Standards at some of these schools are much lower than standards at American medical schools in regard to MCAT scores and GPAs—grade point averages—if they have those requirements at all.

The Association of American Medical Colleges states that about—get this—this is the Association of American Medical Colleges. They have found that about one in four physicians practicing in the United States today, and about one in four physicians in training in the United States today, are foreign medical graduates. This is a remarkable statistic, when we have this magnificent medical school system in our country. We have gotten out of sync.

These foreign medical school graduates are, in many ways, needed to fill the gaps that currently exist in the American medical school education system. In June of 2006, as I said, the Association of American Medical Colleges recognized this shortfall and formally recommended a 30-percent increase in medical school graduates by 2015. That expansion would allow for 5,000 new medical students each year beginning in 2015.

The PRESIDING OFFICER. The Senator has used the 15 minutes provided for him under the order for the amendment.

Mr. SESSIONS. I thank the Chair. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would note that the U.S. population is increasing by 25 million each decade. The number of people over 65 will double by 2030. We expect more and more out of health care. We must have additional medical physicians, and we need to increase our own system and reduce the amount of money, taxpayer money, going to medical schools that are below par.

This bill would make changes and move us in that direction. I ask our leaders to consider that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am going to urge that the Senate accept the Senator's amendment. It has been a number of years since our HELP Committee got into looking at the foreign medical schools, as the Senator pointed out. I think there are a number that are exceptional and incredibly good. Others are moderately good, and there are others that don't pass muster. It is, I think, useful to get that kind of information. We have a health care crisis. Personnel is a key aspect of the health care crisis. We have a concern about what the specialties are in different areas in this country. The amendment the Senator is offering is going to help us understand what is happening with these foreign medical schools. The amount of financial aid they receive—we ought to be updated on that. We ought to know the percentage of students that are going to pass that exam. We ought to know what specialties they are moving into and where they are practicing, the types of medicine they are practicing; that is exceedingly important and useful.

The Senator has other references in here, too, in terms of the number of times to take the exam and medical licenses that are revoked. I think it would provide important information, certainly, for our committee. We ought to have an update of information on what is happening. Also, I think it is important for the American taxpayer to understand what is happening as well, in terms of this kind of investment, so I thank the Senator. This is an important area. We have, as the Senator knows, programs to provide medical personnel—this is related but not directly on subject—in underserved areas in the United States, which has worked quite well. That is not the target of this particular program. But it is important that we have this kind of information. It will be useful for our HELP Committee to have it. So I hope the Senate will accept it. I thank the Senator for raising this issue. I think it is useful and important. We hope we can persuade our House Members to accept it at the appropriate time as well.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2374) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I think we are prepared to accept the Akaka amendment, if there is no further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2372.

The amendment (No. 2372) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ENZI. Mr. President, I think we are prepared to move on with the Burr amendment as well. That is next.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2373.

The amendment (No. 2373) was agreed to.

Mr. ENZI. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have remaining time on the amendments we have dealt with previously. I believe we have 15 minutes. I am glad to yield it to the Senator from Oregon. He wants to talk on another subject.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

CHIP

Mr. WYDEN. Mr. President, I thank the Senator from Massachusetts and the Senator from Wyoming for their thoughtfulness.

This is especially appropriate, since Chairman KENNEDY and the distinguished ranking minority member are on the floor. Both of them have great interest and involvement in health care. I thought it would be appropriate to talk for a few minutes about the upcoming CHIP legislation, the legislation that deals with the Children's Health Insurance Program, which is so important to America's youngsters.

There was a markup in the Senate Finance Committee last week and it passed out overwhelmingly, to a great extent because of the very important and laborious work done by Chairman BAUCUS, Senator ROCKEFELLER, and also the senior Republicans on the committee, Senators GRASSLEY and HATCH. I commend them greatly for their toil.

I wish to take a couple of minutes today to talk about the issue because the administration has indicated that at this point they would veto the legislation, which came from the Senate Finance Committee by a 17-to-4 vote. I

am very hopeful they will choose not to veto this legislation because I felt it was striking in the Finance Committee last week that Senator after Senator on both sides of the aisle, including Senator CONRAD and Senator LOTT, for example—leaders of their respective parties on economic issues—they concurred that the system in this country is broken. The health care system cannot control the costs. Millions fall between the cracks. Administrative expenses are soaring. We have largely sick care rather than health care. This is something Democrats and Republicans alike agree on.

The administration has the view that one of the key changes that needs to be made is the Federal tax rules as they relate to health care. I share their view that these rules are a mess. But it is not going to be possible to get to the question of broader reform until you first get bipartisan cooperation on the urgent and immediate needs of this country's youngsters.

Frankly, I came out of the markup last week very encouraged about the Senate's interest and desire, on a bipartisan basis, to move ahead to fix health care. I think the clear feeling in the Senate Finance Committee is that this country cannot afford to wait to fix health care. I know there are a lot of people, particularly in the media, think tanks, and others who think: Let's wait a couple of years for another Presidential election. Let's wait 2, 3 more years.

That is sort of the way it goes for the political class. But for people who are hurting in this country and businesses that are struggling to meet the health needs of their workers and are dying to offer them coverage and cannot afford it, I don't think it is acceptable to say let's wait around a couple more years. It strikes me as pretty callous to say let's wait for another election, when we have all those needs of workers and businesses in parts of the country where there have been tremendous layoffs. They say: Well, they can wait a couple more years before anybody talks about fixing health care.

That is not what I heard in the Senate Finance Committee last week. I heard Senator after Senator—not just Senators CONRAD and LOTT but Senators CRAPO, SALAZAR, and other colleagues on both sides of the aisle—making it clear they share my view that the health care system is broken. Now, for the first time in more than 13 years, the Senate has an opportunity to work in a bipartisan way to fix health care.

Senator BENNETT, a member of the Republican leadership, has joined me in legislation—the Healthy Americans Act—that has been able to pick up support of labor and business. We have structured it so all our citizens can get health care coverage, such as their Member of Congress does, through the private sector, at no greater cost than we are spending as a nation today. The bill has been put together so workers and employers win with the very first paychecks that are offered. I don't see why America should wait any longer to fix health care. What we should be doing is building on the important work of Chairman BAUCUS and Senator GRASSLEY, Senators HATCH and ROCKEFELLER and move to get CHIP passed in a bipartisan way and meet the immediate needs of this country's youngsters and then move on to do what I have heard members on both sides of the aisle on the Finance Committee call for last week and that is to fix American health care.

The reality is—and you and I have had a chance to talk a bit about it, Mr. President—the system we have today was largely designed more than 70 years ago. It was set up after World War II. There were wage and price controls. Our troops were coming home. We wanted them to get good benefits. So we put it off essentially on the employer, and the Tax Code would change to make that possible. Well, a system designed for the 1940s surely doesn't make sense for 2007, when the typical worker changes jobs seven times by the time they are age 35.

The current Tax Code is regressive and it promotes inefficiency. If you are a high-flying CEO, you can get a designer smile put on your face and write off the cost of that operation on your taxes. But if you are a hard-working woman in a furniture store and your company has no health plan, you get practically nothing.

Now, my sense is, when the administration talks about changing the tax rules for health care and you look at what Senators were saying in the Senate Finance Committee about the system being broken, there is a pretty good opportunity to work in a cooperative way—not 2 or 3 years from now but to move forward in this session of Congress. To make that possible, it is going to be essential for the Bush administration to back off from this threat of vetoing the children's health program and to work with Members on both sides of the aisle so that this legislation can get passed, and it would be possible, on a bipartisan basis, to move on to fix our health care system.

We have a lot to work with. Certainly, we have seen great interest at the State level. A number of States are already moving forward with innovative programs. Mr. President, as you and I have discussed, no State can fix problems they didn't cause. No State can deal with the regressivity and inefficiency of the Federal tax rules on health care. No State can deal with Medicare. No State can deal with what is called the ERISA Program, the Employee Retirement Income and Security Act, with respect to large employers and multiemployer programs. No State can deal with that. We are going to have to have bipartisan action at the Federal level.

I have been very pleased that Senator BENNETT has joined me in this bipartisan effort. My sense is there is something of an ideological truce coming on health care. We see a lot of bipartisan cooperation. Today, in fact, the distinguished Senator from Wyoming, Senator ENZI, and Chairman KENNEDY are cooperating on issue after issue.

Senator BENNETT and I have said on health care that Republicans have moved a long way on coverage. We recognized that to fix health care, the people who are uninsured cannot just keep passing the bills on to people who are insured. We have to cover everybody, and Republicans have acknowledged that fact.

Democrats, on the other hand, have been making it clear that they do not think we can just turn it all over to Government. We cannot turn everything in health care over to Government and expect everything to come out well. We have to have some private choices, choices in a fixed market, where insurance companies cannot cherry-pick and just take healthy people and send sick people over to Government programs more fragile than they are.

We have to fix the private marketplace, but there ought to be choices in the private sector. That, too, is an opportunity for Democrats and Republicans in the Senate to work with the Bush administration once we get beyond the question of the children's health program.

I am convinced that we are right on the cusp of being able to move forward on health care in a bipartisan way. In the other body, the Healthy Americans Act that Senator BENNETT and I have been working for in the Senate will be introduced this week on a bipartisan basis. So that would then mean the Healthy Americans Act would be the first bipartisan, bicameral piece of legislation to fix American health care in more than 13 years.

Colleagues are going home every time there is a recess and talking with folks at home about health care. People are saying we know the system is broken and it is not enough to try to just take one small part. We really need to step back and make changes, for example, in the employer-based system which is hurting the competitiveness of so many of our companies. We need to have some health care rather than sick care because the system is biased against prevention. We clearly need to help those who are falling between the cracks.

Above all, we have to contain the costs. The costs are rising, according to PricewaterhouseCoopers, at far in excess of inflation, estimated to be about 12 percent this year. There is no way that is sustainable. It is not sustainable when we look at today's population trends and costs and the disadvantages our employers face.

I was very pleased last week that not only was the Senate Finance Committee able to pass the CHIP legislation on a 17-to-4 basis through the hard work of our bipartisan leadership, but I was impressed because so many Senators on both sides of the aisle said

they want to go further and to fix a broken health care system. To do that, we are going to have to work in a bipartisan way. We are interested in working with the Bush administration on that issue.

I and others have said we can have differences of opinion with respect to how we straighten out this mess of a Tax Code as it relates to health care, but by and large, the administration is onto the key issue. To do this, we are going to have to recognize, first, that America cannot afford to wait any longer to fix health care. It is not enough to say let's just deal with it after the next election. That is not enough for people who are hurting in Virginia and Oregon and Wyoming. They want to see action in this session. That is what they give us an election certificate to do, to act on big issues and not just put them off for another 2 or 3 years.

So let us work together, Democrats and Republicans, in this body with the administration to pass the children's health program and then to continue that spirit of bipartisanship and fix American health care in this Congress.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, we have made very good progress during the morning and early afternoon on the reauthorization of the Higher Education Act. We have a pretty good idea now of the remaining amendments. We are getting in touch with our colleagues who intend to offer those amendments. I expect we will have votes, as the leader indicated, in the early evening, and this probably will necessitate that we will have a few votes in the morning tomorrow. But we will wind up this higher education reauthorization bill, which is really the good news.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining on the bill.

Mr. KENNEDY. Mr. President, I ask the Chair to advise when I have 1 minute left.

Finally, Mr. President, I want to review again exactly where we are on the two pieces of legislation, one of which we passed on Thursday night, which is the historic increase in the need-based grant aid, the largest increase in grant aid since the GI bill after World War II. We have also assisted in the management of these loans, the indebtedness, by offering loan forgiveness and by putting a limit on loan payments at 15 percent of the discretionary income. Discretionary income also takes into consideration if there are children and, obviously, that reduces the discretionary income.

We have the loan forgiveness for borrowers who work in the public service jobs. If you become a teacher and work with special needs children, or work with the disabled or the elderly, and you do that over a 10-year period, you will not pay more than 15 percent and qualify for the loan forgiveness.

The bill also protects working students, so that if they work hard and gain some money to be able to buy some books, that they are not going to break through these caps, need-based caps, and they are going to be able to buy the books and use those earnings. This is a realistic and important aspect of the legislation.

So this is assistance to the neediest students, assistance for those students from working families with middle income, and assistance for idealistic students who want to work in public service. All of that is going to be possible under this legislation.

Under the reauthorization, the other part which we are now on the floor of the Senate debating, we are also making sure that the student loan system is going to meet the ethical requirements and is going to ensure that the best interest of the students and the loan system is going to be protected.

We have had too many stories of inappropriate kinds of actions in the development of the loan system, which makes it more difficult for the students and, obviously, compromises the colleges and universities. So we have addressed that issue in this part of the program.

We are publicizing the cost information so that parents will understand and get real information as to what the cost is for the schools. We are going to also publicize what the States are providing. If they cut back, as they have in my own State, which has meant the fees have gone up, parents will know who is responsible. We hope this will make a difference in terms of the total cost of education.

The application itself, what they call the FAFSA, we have simplified that so it will no longer be a discouraging document. It will be one that will be easier to read and be easier to utilize, particularly for those students who don't have the kind of support systems that help them fill out those forms.

Finally, we have helped in the areas of the GEAR UP and TRIO programs to help improve preparation for higher education. For one reason or another, some students need a helping hand to continue their education and succeed in school. That has been true for the TRIO and GEAR UP programs and other programs that work with children who come from economically disadvantaged backgrounds but are talented and hard working students. This helps provide an outreach for those students.

Lastly, we have the programs to support higher quality teacher preparation. We understand at the end of the day the teacher in the classroom is the one who makes all the difference. Each and every one of us in this Chamber can all remember our favorite teachers, the one who inspired us, helped us, coached us, and really encouraged us to move ahead and grasp the opportunities of furthering our education.

Mr. President, this is a very meaningful piece of legislation. It represents the best judgment of Republicans and Democrats alike. We are enormously indebted to our Republican and Democratic colleagues and all of the staffs who have worked very long and hard on this legislation.

We are going to have more to say on these particular amendments, but I think it is useful to just give a summary of what this legislation is all about. We have added to this legislation over the course of the day in some very useful and meaningful ways. So we are going to look forward to getting a good vote on the final passage.

Mr. President, I believe my time is up.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 2375

Mr. ENZI. Mr. President, I send an amendment to the desk on behalf of Senator BURR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. BURR, proposes an amendment numbered 2375.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Higher Education Act of 1965 with respect to teacher development)

After section 205 of the Higher Education Act of 1965 (as amended by section 201 of the Higher Education Amendments of 2007), insert the following:

"SEC. 205A. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to

teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

Mr. ENZI. Mr. President, this is a teacher amendment. Teachers are the most important factor to a child's academic achievement. Student achievement will not improve unless we can ensure that all children have access to qualified teachers. Many of our schools, however, are lacking in a steady and ample supply of qualified teachers.

The current state of affairs for high schools and middle schools is especially troubling. Nationally, 24 percent of all high school classes are taught by teachers lacking in either a college major or minor in their field of teaching. However, for students in high-poverty schools, this number jumps to 34 percent in comparison to 19 percent in low-poverty schools.

Nearly 50 percent of math classes in high-poverty high schools are taught by teachers with neither a major nor minor in math or a math-related field, such as engineering, physics, or math education.

Schools and districts for too long have been forced to depend on teacher pipelines that are not producing sufficient numbers of qualified individuals to teach in high-need areas such as math, science, foreign language, special education, and English language proficiency, and in hard-to-staff schools both in urban and rural areas.

The Bipartisan Commission on No Child Left Behind, led by Tommy Thompson and Roy Barnes, though concentrating primarily on the Elementary and Secondary Education Act, recognized the critical connection between higher education—colleges of education—and K–12 education, for improving the supply of qualified teachers.

As one of its recommendations, the No Child Left Behind Commission recommended amending title II of the Higher Education Act to require institutions of higher education that prepare prospective teachers to set annual goals for increasing the number of prospective teachers in shortage areas, such as math, science, special education, and instruction of limited English-proficient students, and for more closely linking the instruction colleges of education provide prospective teachers with the needs new teachers will face in the classroom.

Additionally, the Commission recommended having institutions of higher education provide an assurance to the Secretary that, No. 1, teacher training responds to the needs of the school districts and States in which new teachers graduate; No. 2, regular education teachers are provided with training in teaching diverse populations, including special education students, limited English-proficient students, and low-income students; No. 3, prospective teachers receive training to teach in urban and rural schools; and, No. 4, special education teachers receive training on instruction in content areas.

Senator BURR's amendment puts into statute these important Higher Education Act recommendations made by the bipartisan, nonpartisan No Child Left Behind Commission. Senator BURR, on whose behalf I offer this amendment, and I share the belief we must forge stronger connections between higher education and our K–12 schools and that higher education has a responsibility to ensure that the pipeline of prospective teachers grows and responds to the needs of American students and schools.

All our children, regardless of background or neighborhood, must have access to high-quality teachers. So I am going to urge everyone to support this important amendment, which is offered by Senator BURR. This amendment requires teacher training programs to report to the Secretary of Education on how they are responsive to the needs of their graduates once they reach the classroom.

I am particularly pleased this amendment recognizes the special skills new teachers need when teaching in rural areas. Today's teachers need training to meet the needs for diverse student populations—ranging from students with disabilities to English language learners to gifted and talented students.

Finally, this amendment does not impose additional mandates on institutions with teacher training programs. It simply requires them to report on how they are meeting the needs of prospective teachers in local school districts, and I am sure they are working on that on a daily basis to figure out how they can meet the needs in the best way possible. Sharing that with us will help us in our work. So I ask that we adopt the Burr amendment.

Mr. KENNEDY. Mr. President, I thank the good Senator from North Carolina for offering this amendment. I had the opportunity to travel to North Carolina and to visit with their education department about their innovative and creative ways of trying to bring in highly qualified teachers in a lot of underserved areas. They have done a very good job.

This amendment doesn't surprise me. It is extremely worthwhile and reminds us of what the current situation is. If you have math students in high-poverty schools, they are more likely to be taught by out-of-field teachers. That means that over 33 percent of the math classes in high-poverty schools are being taught by a teacher without a degree in their field compared to less than 18 percent in low-poverty schools.

So as we have discussed during this entire debate, both last week and this week, this is a good example of our efforts to reduce the inequities in education, particularly when we are talking about the needs of developing skills in math, in science, engineering, and technology. This is a pretty good indication, the fact that if children are going to high-poverty schools, this is the chance they have to learn from a well-qualified teacher. It isn't always the case, but these statistics demonstrate the point the amendment is trying to make.

This is in science. If you take science students in high-poverty schools, they are more likely to be taught by out-of-field teachers. It is 56 percent in the high-poverty area, and only 22 percent in the low-poverty areas. This is repeated in other subjects as well.

Among other things, what the amendment is trying to do is hold institutions of higher education accountable for the quality and progress of teacher preparation and alternative certification programs. We have serious need for math and science teachers, especially in low-income and high-need schools. We ought to be encouraging our teaching institutions to help produce those teachers. That is really a very substantial part of what this amendment does. It helps high-need schools recruit and retain high-quality teachers so we give encouragement to schools to produce these teachers, and then help the high-needs schools to recruit and retain the highly qualified teachers and also help promote innovative models such as induction and teaching residency programs.

We have seen that some of these programs have been enormously successful in retaining teachers in high-poverty areas. These programs also encourage more accountability in teacher preparation. That is very consistent with what we are trying to do in this legislation.

Senator BURR has spoken of this issue. The Senator from Wyoming, you will remember, spoke about this during our discussions in the committee. We indicated a desire to work with him. This legislation is right on target with what we are attempting to do, recognizing what I said previously, and that is the key to education is the well-trained teacher. This is going to be helpful to make sure we are going to have a well-trained teacher in those areas of shortage. Clearly, math, science and engineering are very important, critical areas. As are teaching students with disabilities and English language learners. The amendment will help make this stronger legislation as a result of its acceptance.

I am more than glad to urge our colleagues to accept it. I will follow the lead of the Senator from Wyoming.

Mr. ENZI. I thank the Senator from Massachusetts for his comments. It is something he and I have talked about extensively. We do know teachers are the key to education.

I am not aware of any disagreement on either side. I am ready to wrap up the debate on it.

Mr. KENNEDY. We are prepared to accept the amendment.

Mr. ENZI. We ask the time left on the amendment be yielded to the bill itself.

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

Mr. ENZI. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2375) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, the Senator from Ohio, I understand, is on his way. We expect him shortly. He has an important amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2376

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN] proposes an amendment numbered 2376.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a Federal supplemental loan program)

At the end of title IV of the bill, add the following:

PART H—FEDERAL SUPPLEMENTAL LOAN PROGRAM

SEC. 499. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"SEC. 499B. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Federal Supplemental Loan Program in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a loan under this section if such individual attends an institution of higher education on a full-time basis as an undergraduate or graduate student.

''(c) FIXED INTEREST RATE LOANS AND VARIABLE INTEREST RATE LOANS.—

''(1) IN GENERAL.—Beginning with academic year 2008–2009, the Secretary shall make fixed interest rate loans and variable interest rate loans to eligible individuals under this section to enable such individuals to pursue their courses of study at institutions of higher education on a full-time basis.

''(2) FIXED INTEREST RATE LOANS.—With respect to a fixed interest rate loan made under this section, the applicable rate of interest on the principal balance of the loan shall be set by the Secretary at the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

''(3) VARIABLE INTEREST RATE LOANS.—With respect to a variable interest rate loan made under this section, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(B) a margin determined on an annual basis by the Secretary to result in the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

''(d) MAXIMUM LOAN AMOUNT.—

''(1) IN GENERAL.—The Secretary shall make a loan under this section in any amount up to the maximum amount described in paragraph (2).

''(2) MAXIMUM AMOUNT.—For an eligible individual, the maximum amount shall be calculated by subtracting from the estimated cost of attendance for such individual to attend the institution of higher education, any amount of financial aid awarded to the eligible individual and any loan amount for which the individual is eligible, but does not receive such amount, pursuant to the subsidized loan program established under section 428 and the unsubsidized loan program established under section 428H. For the purposes of this section, an institution of higher education may reduce its cost of attendance.

''(e) COSIGNERS.—The Secretary shall offer to eligible individuals both fixed interest rate loans and variable interest rate loans under this section with the option of having a cosigner or not having a cosigner.

''(f) REPAYMENT.—The Secretary shall offer a borrower of a loan made under this section the same repayment plans the Secretary offers under section 455(d) for Federal Direct Loans.

''(g) CONSOLIDATION.—A borrower of a loan made under this section may consolidate such loan with Federal Direct Loans made under part D.

''(h) DISCLOSURES AND COOLING OFF PERIOD.—

''(1) DISCLOSURES.—The Secretary shall provide disclosures to each borrower of a loan made under this section that are not less than as protective as the disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.), including providing a description of the terms, fees, and annual percentage rate with respect to the loan before signing the promissory note.

''(2) COOLING OFF PERIOD.—With respect to loans made under this section, the Secretary shall provide a cooling off period for the borrower of not less than 10 business days during which an individual may rescind consent to borrow funds pursuant to this section.

''(i) DISCRETION TO ALTER.—The Secretary may design or alter the loan program under this section with features similar to those offered by private lenders as part of loans financing postsecondary education.''.

Mr. BROWN. Mr. President, a couple of months ago a distraught mother from Cincinnati wrote me about the private loan her daughter had taken to go to college. Her daughter had borrowed $21,000, was facing a bill for over $100,000 as a result. She sent me the disclosure sheet on the loan represented in this chart because she could not believe what she saw.

She took out a loan for $21,000 for 2 years of school. That loan grew, at an 18 percent interest rate, to almost $35,000 because there was a deferral on payback of the loan during her 2 years in school.

So she ended up owing $67,000 for the life of the loan. That is why she ended up paying $102,000 because of this incredibly high interest rate for student loan, 18¼ percent.

I have shown this statement to a loan officer at a bank and also to my attorney. They both expressed to me they had never seen anything such as this and there must be a mistake. Unfortunately, the only mistake is Congress has failed to act to restrain the costs of these loans, which as we have seen, can carry interest rates sometimes in excess of 18 percent.

It is not an isolated problem. Private loans have been growing at an annual pace of some 27 percent, meaning that because tuition continues to grow at a rapid rate, and the Federal Government has not met, through the Direct Student Loan Program or the Guaranteed Student Loan Program, has not met that increase, the amount that students need has grown at such a rapid rate that private lenders have come in charging interest rates similar to this, 18 percent, 16 percent, 17 percent, whatever.

The cost of college has climbed so much that we have seen this kind of growth. In Ohio, the median house income increased 3 percent between 2000 and 2006. Tuition went up 53 percent at 4-year public schools, 28 percent at 4-year private schools. Tuition went up 28 percent for some, 53 percent for others. Yet the average wage in our State went up only 3 percent.

The Federal loan limits have barely budged over the past several decades. In 1972, a freshman could borrow $2,500 in Federal loans. Last year, that number barely moved to $2,600, even though, in real terms, the limit on borrowing would amount to $12,000, if it kept pace with inflation. To be fair, the law changed this month. A freshman can borrow $3,500 for school. But even though the limits in the first 2 years have been increased somewhat, the overall cap on borrowing remains the same, $23,000 for a dependent undergraduate. This bill does nothing to change the cap because the HELP Committee decided, correctly in my view, the bulk of savings we could achieve should be plowed back into Pell grants. I applaud Chairman KENNEDY for doing that.

With the price tag for 4 years of college at $120,000 for private schools, $50,000 for public schools, there is obviously a big gap for many students.

That gap gets filled in many ways: savings, work, grants, PLUS Loans, credit cards, you name it. But for more students, private loans are playing a bigger role.

According to testimony before the Banking Committee last month, Sallie Mae made $7 billion in private loans and $15 billion in Federal loans. In other words, one out of three college student loan dollars originated by the biggest student lender in the country is a private loan subject to much higher rates.

As this chart indicates, the private loan program may well outstrip the Federal program over the next decade. What we have done on this chart is use the growth rates of the two programs over the past several years to predict how large they will grow if current trends continue. The darker reddish-purple there is the unregulated private bank loans that students are getting, growing more than 20 percent a year. You can see how within 7 or 8 years, they will overtake student loans.

More and more students are forced to go through private banks for private loans at higher and higher interest rates every year. Think about these numbers: A 28-percent increase in tuition over the last 6 years for private 4-year institutions, 53 percent for public 4-year institutions. Yet the average wage has only gone up 3 percent.

Congress very often legislates through the rear-view mirror. We wait until a problem becomes close to unmanageable before we feel compelled to act. Today we can take a different approach. We can act to address a problem before it becomes widespread. This amendment I am offering will create an alternative for the fastest growing segment of the student loan industry, private loans.

My amendment creates a supplemental loan program that would be run by the Federal Government. It would provide one more option for students to finance their education. Over the years, my Republican colleagues have defended the private guaranteed student loan program by arguing there should be competition between the guaranteed and the Direct Loan Program and that the competition made both better. Right now there is no competition for these private loans with the results that students have been charged in excess of 18 percent.

Mr. KENNEDY. Would the Senator yield?

Mr. BROWN. I will yield.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. There is 10 minutes remaining in favor of the amendment.

Mr. KENNEDY. There is 15 minutes divided between Senator ENZI and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I would be glad to, if the Senator would yield on my time.

Is it not true that there is sort of three major components of paying for the cost for higher education? We have one aspect of it, which is the student loan program, which is the Federal student loan program. Included in that program is the authorization program, that we are going to deal with this issue.

Then we have the private loan programs which the Senator from Ohio is addressing. So as we are on the floor of the Senate, and middle-income families are watching us, we say we want to do something about the cost of tuition, certainly we make a downpayment on that in the reconciliation bill, where we have taken some $17 billion out of the lenders in order to provide more Federal grant aid to needy students. We have helped the neediest students.

But the Senator from Ohio has put his finger on what is happening at the other end; that is, the dramatic increase in the students borrowing at these exorbitant rates of 18 percent.

Does the Senator share my belief that we will never get a handle on the cost of tuition for colleges and universities until we get a handle on that program as well?

Mr. BROWN. I think that is exactly right, what Senator KENNEDY said. Because of the efforts of Senator ENZI and Senator KENNEDY, in a bipartisan effort in this body last week, to move money that has been subsidizing those private companies into Pell grants and into better rates and better payback periods and all of that for students, we have gone a big part of the way.

But on this chart, as Senator KENNEDY suggests, the dollars students will need continue to skyrocket, and the only place they can go is these private banks.

Mr. ENZI. Parliamentary inquiry: It is my understanding of the time that it was equally divided by the pro and the con on the amendment rather than——

The PRESIDING OFFICER. That is correct.

Mr. ENZI. Rather than half to the presenter.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Let me ask the Senator from Ohio, if you look at the left part of that chart, that is 1996; is that correct?

Mr. BROWN. This is actually 2005.

Mr. KENNEDY. So what you are pointing out is what has happened in the last 6 years; am I not correct?

Mr. BROWN. Well, we also had a chart earlier that showed that increase of 20-plus percent, up until now, in real dollars. If the percentage increase continues, and there is no reason it would not, it will grow similar to this. But we have had several years of this already.

Mr. KENNEDY. Well, the point I am making is this is a relatively new phenomenon that has taken place, correct?

Mr. BROWN. Correct.

Mr. KENNEDY. As we try to get a handle on trying to provide need-based assistance, we've seen a cutback in the proportion of grants compared to loans in Federal aid. We've seen the huge increase in Federal student loan debt—more and more students must borrow to afford a college education. At the same time we are seeing the explosion of private student loans, which often carry interest rates as high as 18 percent, which the Senator has talked about.

Does the Senator not agree with me, if we are really serious about dealing with the cost of tuition for students, we ought to deal with all of those components? As I understand, the Senator from Ohio is doing that with his amendment, to make sure we are going to, as a result of his amendment, help the neediest students in terms of Pell grants, and we are going to get help managing student loan debt by offering loan forgiveness to those in public service and by capping monthly loan repayments. We are using some $17 billion that we take from the lenders, and we are going to make sure that students will get the best possible loan—even if it's a private loan.

Mr. BROWN. That is correct. We are not regulating the banks. We are simply setting up a program so that the Government will break even. It will not cost taxpayer dollars. We are setting up a program to compete directly with private lenders, which we are certain, as my Republican friends have said, with the direct student loan program, that competition will make both operate better.

I will briefly summarize the amendment and then reserve our time.

The amendment requires the Secretary of Education to offer two types of loans, a fixed rate and a variable. Each type of loan would be offered for borrowers with or without cosigners. The Secretary would then have the discretion of designing the program to mirror other features offered by private loans such as delayed payment until after graduation or deferment for certain hardships. This amendment will clearly stop situations like this one from happening to a student, where a student goes in with a $21,000 loan and has to pay $500 monthly for 179 times and ends up paying $102,000 for a $21,000 student loan. We will see a competitive situation which will save those students dramatic amounts of money, working with what Senator KENNEDY and Senator ENZI did last week on debt forgiveness, on the Pell grants—all that will absolutely matter for students.

Mr. KENNEDY. This is providing competition; am I correct?

Mr. BROWN. Yes.

Mr. KENNEDY. So this isn't just mandating. This is creating competition, if they want competition in this area; am I correct?

Mr. BROWN. This creates a competitive situation similar to what we have had since 1939 but for students who have to borrow money beyond the $23,000 limit. It doesn't regulate the banks. It doesn't tell the banks what to do. It simply sets up a competitive situation from which all of us will gain.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to oppose the amendment. There are some statements that I would like to clear up a little bit. I would not want anybody to think that this is increasing competition. This is increasing Government price fixing. It is requiring the Secretary of Education to do the price fixing. She is the one who sets the interest rate, or he, as the case might be at the time it was put into effect. That is not the person with the expertise to know what kind of interest rate ought to be charged on anything.

I also have objection because this amendment has neither been through the Education Committee nor the Banking Committee. This is something the Banking Committee would strongly believe should be in their jurisdiction. I am glad we are having the discussion because it is very important for people to hear that you can borrow money at 18 percent, $21,000, defer all payments for 2 years, and pay off the loan in equal installments after that and wind up paying $100,000. If you are buying a car at $21,000 and you have to pay 18 percent interest and you don't have to pay anything for the first 2 years, that car is going to cost $100,000.

That comes under the subject of financial literacy. It is important for us to impress on young people today what the cost of interest means, what the cost of deferring interest means. There are people buying houses under that kind of a proposal right now. They are very surprised at how much they owe on their house. We are trying to do as much as we can in the bill on financial literacy. Part of that financial literacy would be to encourage the parents to have a home equity loan to provide for the student, and that way it is deductible on their income tax. There are a number of different ways of doing this, but I don't think having the Secretary of Education determine an interest rate would intentionally bring down the cost of interest. Hopefully, we can get banks to be responsible on the interest rates they charge. But when there is no Federal backing, no Federal guarantee on the loan, they are actually providing the loan at very high risk to a student with no collateral, which is why the interest rates come in at 18 percent. There are other ways to correct the problem other than putting this in the hands of the Secretary.

We had some experience with this before. There was a tuition credit that was initiated in 1978 to solve a huge problem at that time. It was supposed to apply to both elementary and secondary education and higher education, but it was focused on tuition tax credits for parochial schools. Almost all of the public attention was on the higher education part of it. The Carter administration very quickly came up with a two-part plan, automatic Pell eligibility for every family if their income was below $25,000, and automatic eligibility for a student loan to any student who wanted one regardless of family income. Of course, one of the things that Money magazine pointed out was that even a Rockefeller could get a loan at 9 percent. That is what the Government set the loan rate at, 9 percent.

What is the problem with that? If we had a Secretary of Education right now, and they happened to set the loan rate at 9 percent, I am sure the press would say that was absolutely terrible. On the other hand, if it was a Democrat who set it at 9 percent, they would probably say it was great. But this was the case where the Government set the rate at 9 percent. What is the problem? It was a time when interest rates were climbing through the roof and were on their way to 21 percent prime. So there was an incentive to borrow money at a fixed 9 percent rate, which is what the student loan interest rate was, and that didn't have to be repaid until after college when interest rates were going through the roof.

So students borrowed the money, put the funds in a money market, and paid it back as soon as the repayment began, having made a tidy profit on the float.

Other students borrowed money and used it to finance cars and other things unrelated to college. In fact, parents were encouraged to borrow and do home improvements and other things because they could get this 9 percent money from the Federal Government. The amount of money being borrowed jumped from $1.7 billion in 1977 and 1978 to $67.2 billion in 1980–1981, an increase of 265 percent in 4 years. Federal costs associated with student loans grew from $480 million to $2.5 billion which was also growth of 420 percent.

Under the Brown-Sanders amendment, a student attending an expensive private college could borrow the entire cost of attendance, as much as $45,000 a year, on highly favorable terms. Repayment would, indeed, start right away, but if families have college money in the bank, they can pay off the loan gradually and earn on the interest, as they do, the same as we had a problem with before.

The amendment also will encourage students to have their children borrow money for college rather than finance it through the PLUS loans or other mechanisms that would put the burden on the adults. In some cases, of course, parents will have the student take out the loans and would repay it for them.

I am suggesting this is something we haven't reviewed enough to do yet; that it would put some of the present loans in jeopardy. We have been very careful in both last week's bill and this week's to be sure that there was some competition between direct loans and the private loans. But those were reviewed over a period of time, looked at with some history, and this one doesn't have the history.

I hope we will vote against it.

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

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. How much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes remaining. The Senator from Wyoming has 8½ minutes remaining.

Mr. BROWN. Mr. President, I would prefer to close, if the Senator from Wyoming has any more time he would like to use.

The PRESIDING OFFICER. The Senator from Wyoming has 8½ minutes remaining. Does he choose to use more time?

Mr. ENZI. I will use some more of my time. I haven't used all of it yet today, and I probably will not on this one either.

I do have a letter I ask unanimous consent to have printed in the RECORD. It is from the American Association of State Colleges and Universities, U.S. Public Interest Research Group, and the United States Student Association.

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

JULY 23, 2007.

DEAR SENATOR: On behalf of students and institutions of higher education we urge you to oppose the Brown amendment to create a new supplemental loan program and eliminate all federal student loan limits. We share the desire to help students avoid risky and expensive private loans to pay for college. However, by eliminating all limits on federal student loan borrowing, this amendment may allow states to pass on more of the cost of college to students.

Federal Stafford loan limits for undergraduate students are currently set at $23,000 for dependent students and $46,000 for independent students. Students can borrow additional aid through the Perkins loan program and parents are eligible to borrow up to the cost of attendance through the PLUS loan program. Independent students, and in certain circumstances dependent students, are eligible to borrow PLUS loans when their parents do not. Despite the availability of federal student loans a growing number of borrowers are turning to the private loan market to finance their education.

The Brown amendment would create a new supplemental loan program designed as an alternative to these more expensive private loans. About 5% of undergraduate students take out private loans to finance their education each year. However, the Brown amendment would allow all students to borrow federal loans up to the cost of attendance minus other federal aid.

By eliminating all federal loan limits, the Brown amendment could have serious, negative unintended consequences on state investment in higher education. Over the past decade states all across the country have cut funding for higher education or restrained funding increases when faced with tight budgets. States have compensated by increasing the cost of college to students. Making available such a massive source of new funds, without any limitations, may have the unintended consequence of facilitating tuition increases in states across the country.

We urge you to oppose the Brown amendment to S. 1642.

For questions please contact Luke Swarthout at U.S. PIRG or Brittny McCarthy.

Sincerely,

American Association of State Colleges and Universities (AASCU).

U.S. Public Interest Research Group (U.S. PIRG).

United States Student Association (US SA).

Mr. ENZI. A few of the highlights:

Dear Senator,

On behalf of students and institutions of higher education we urge you to oppose the Brown amendment to create a new supplemental loan program and eliminate all federal student loan limits.

By eliminating all federal loan limits, the Brown amendment could have serious, negative unintended consequences on state investment in higher education.

I also have a letter from the Financial Services Roundtable. I ask unanimous consent that it be printed in the RECORD.

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

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, July 19, 2007.

U.S. Senate,
Washington, DC.

DEAR SENATOR: As the Senate considers S. 1642, the Higher Education Amendment of 2007, the Roundtable is writing to express our opposition to the amendment by Senator Sherrod Brown. The Financial Services Roundtable would urge you to oppose the Brown Amendment, which would ultimately be detrimental to student borrowers.

The Brown Amendment would create a new federal-run student loan program, in addition to current programs that would offer loans currently being made by private student lenders. This new government system with the ability to borrow money at government rates would essentially supplant lenders offering private student loans. The policy implications of such a program are broad and the unintended consequences are numerous.

The private market and competition most efficiently serve consumers. There are many lenders in the private student loan marketplace and competition among lenders benefits students. S. 1642 supports competition in the private student loan market, while the Brown Amendment eliminates competition.

This expansive new government bureaucracy created by the Brown Amendment would drive private lenders out of the student loan marketplace. Students would essentially have no alternative to the federal government for student loans. The federal government is not able to respond to market demands like the private market and having one lender on which student must rely is potentially problematic.

We urge you to oppose the Brown Amendment.

Best regards,

STEVE BARTLETT,
President and CEO.

Mr. ENZI. I will mention, again, a couple of highlights. They, of course, express their opposition and point out that it would ''create a new federal-run student loan program, in addition to current programs that would offer loans currently be made by private student lenders. This new government system with the ability to borrow money at government rates would essentially supplant lenders offering private student loans. The policy implications of such a program are broad and the unintended consequences are numerous.''

Once again, I reiterate that this hasn't been tested. It hasn't been vetted through the committees. Of course, when it goes through committee, that is an opportunity for a diverse group of people to put their opinions behind it, as well as to meet with stakeholders and get an outside opinion.

I would ask that Members oppose the amendment.

Does the Senator from New Hampshire wish to speak on this amendment.

Mr. GREGG. I do.

Mr. ENZI. I yield the remainder of my time to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time remains?

The PRESIDING OFFICER. The Senator is recognized for 6 minutes 24 seconds.

Mr. GREGG. How much time remains to the offeror of the amendment?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes and wishes to sum up.

Mr. GREGG. Mr. President, when we structured the arrangement between direct student lending and private lending back in the 1990s, when Senator KENNEDY was chairman of the committee, there was considerable open dialog about the fact that we were going to set an even playing field where we would allow the marketplace, essentially the students and the schools, to decide who was going to win, who would be used more often, direct lending or the private market. That was the theory.

The Senator from Massachusetts and the Senator from Indiana, at that time Mr. Coats, and I worked on this at great length. We worked out an arrangement where this was the way we would approach it. But ever since then, or at least in the last year, there has been an attempt to tilt the playing field significantly toward direct lending and to make the Government the lender of first resort and last resort for most students, even though in most instances that has been rejected both by the students and the education community.

This amendment is just an extension of that effort and is arguably an extremely expensive extension because even though the scoring rules may reflect a zero scoring—and I am not sure it will—we know those rules don't adequately reflect the cost to the Government of having participated in these types of lending programs.

What we are doing now under this amendment is saying not only do you have these base lending amounts that are available under direct lending, but you are going to be able to borrow up to the full cost of your education. So it dramatically skews the system to favor direct lending and especially to allow students and parents, as has been pointed out by the ranking member on the committee, to arbitrage that money and encourages high cost schools to become even more expensive.

One of the things we have seen is that there appears to be a direct correlation between tuition going up at schools and federally supported lending and Federal grants being increased. So the students are not usually advantaged by this expansion of direct lending and, many times, grants. It is, rather, the schools that are advantaged, especially high-end schools which simply raise their tuition to absorb whatever new money is flowing in out of the Federal Treasury. It has become a fairly cynical game on the part of many academic institutions, but it is exactly what has happened.

This amendment needs a hearing. It needs to be vetted very aggressively in committee, as the Senator from Wyoming, the ranking Republican, pointed out. It basically, in my humble opinion, right up front, undermines three of the basic principles we should be trying to resist occurring.

The first principle is we not unduly tilt the playing field in favor of direct lending over private lending or private lending over direct lending. Last week's amendment, which I think took a significant amount of money out of the subsidy for private lending, was a good step in the direction of not allowing private lending to get an advantage. This amendment should not be passed because it gives direct lending an unfair advantage.

Secondly, it should not create an atmosphere where students are pushed toward higher income schools, higher cost schools, and where parents and students are allowed to basically game the system through arbitraging funds—borrowing at one rate, lending at another rate—assuming they had some other sources of revenue.

Thirdly, it should not encourage this process which is occurring out there of giving significant resources without any discipline to higher education facilities so they can then raise their tuition, at the expense of students who do not have these types of resources to pay these loans or who do not qualify for these loans and end up with education becoming more expensive simply because the higher education institutions see there is easy money out there to capture, and they do not have to be disciplined in managing their education systems.

So there are a lot of issues this raises—a lot of issues. Now, I know the basic goal of some on the other side is to move the whole thing to direct lending. Unfortunately, that has become the cause célèbre around here, and the purpose. Much like universal health care, they would like to have universal Federal lending policies around here. But the private sector plays a significant and constructive role in making college affordable for American students, and has.

The original agreement, which was reached in the 1990s to make the playing field balanced and fair and to keep it balanced and fair, is the way we should proceed. We should not be putting in place, out of the clear blue sky, a brand-new major direct lending program which will undermine some of the

major tenets and efforts we have undertaken in higher education lending.

Mr. President, I reserve the remainder of the time for the ranking member.

Mr. BROWN. Mr. President, how much time do the opponents of the amendment have?

The PRESIDING OFFICER. Those opposed have 49 seconds.

Mr. BROWN. I thank the Chair. I will close.

We know several things. We, first of all, know that my amendment sets up a competition. It does not set up, it does not run the system. It simply sets up a competition. It does not tilt the playing field. It makes the playing field even so interest rates will not continue to be at a usurious rate of 16 and 17 and 18 percent.

We know the Direct Loan Program works. We have seen the Government involved in the Direct Loan Program, as in Pell, as in Stafford. The Government, in fact, has negative subsidy rates of 7 percent and 4 percent. In other words, the Government has done these so efficiently that the Government either breaks even or actually makes money.

We know my amendment does not take effect until students have exhausted up to $23,000. There are other opportunities to get financing for college. It only goes there. It is not a new program that simply will take people in because it is tilted, as my friend, the Senator from New Hampshire, says. We also know if we do nothing, as USA Today said: There is just one problem. The efforts short of this amendment would do little to rein in the fastest growing area of the market—loans that are not federally backed whose rates can generally rise without limit. Bills in Congress would not affect rates on these loans, also often called private loans, until this amendment.

The ranking member said he hopes the banks charge lower interest rates. The fact is—as the Senator from New Hampshire talked about gaming the system—the banks are gaming the system. That is why this woman from Cincinnati had to—on a loan of $21,000—pay $102,000 back, at 18 percent interest.

We just want some competition. I do not want to see the easy money—the Senator from New Hampshire talks about the easy money. It is easy money for the banks. It is huge profits for the banks.

This is really a decision that comes down to, are you going to support students in giving them the opportunity to go to school? This is not buying a car. This is not making car loans. This is providing an opportunity for a lot of students. It is their first chance to go to college.

My wife went to college, enrolled at Kent State University 30 years ago. She was the first one in her family to go to college. She probably could not do that today because the loans and the grants are not available the way they were 30 years ago. She probably would have either not been able to go to school because she could not have put the financial package together or she would have seen a situation where she would have been burdened with such huge loans, huge debt when she graduated.

There is the choice, are you voting for students in this country—giving opportunity to middle-class students, opportunity to working families—or are you going to vote to support the banks so they can continue to charge these kinds of 15, 16, 17, 18 percent interest rates?

Mr. President, I ask for support of the Brown amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that a letter from the Consumer Bankers Association be printed in the RECORD.

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

CONSUMER BANKERS ASSOCIATION,
Arlington, VA, July 23, 2007.

DEAR SENATOR: I am writing to let you know of the strong opposition of the Consumer Bankers Association to an amendment that will be offered by Senator Brown to the S. 1624, the Higher Education Act Amendments of 2007. The Brown Amendment would create a new ''Federal Supplemental Loan Program.''

The effects of this program are hard to ascertain as it is being proposed with little input from anyone involved with or affected by student financial assistance programs. There have been no hearings or other public discussion of this massive proposal. We understand that student and school groups oppose the legislation, and we urge you to read letters to that effect from their representatives.

The loan program envisioned by this legislation would enlarge the government by tens of billions of dollars a year and represents an attempt to fully nationalize student lending, putting all responsibility for making and collecting tens of billions of dollars in new loans every year into the hands of the Department of Education and its contractors.

A private student lending system already exists; it is competitive and serves the needs of millions of students every year. The Brown Amendment is attempting to replace this system with a government-only monopoly that will eliminate students' and parents' choice of lender. This will only put a stop to innovation and improvement while doing nothing about the high cost of higher education.

We urge you to oppose the Brown Amendment to S. 1624.

Sincerely,

JOE BELEW,
President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just for the benefit of Members, I think we will have a rollcall vote on the Senator's amendment. We will work out with the leadership the time for that vote. I think that is going to be the way we are going to proceed.

I see the Senator from Illinois on the Senate floor now who has an amendment and, hopefully, we will be able to address that at the present time.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2377

Mr. DURBIN. Mr. President, I rise today to offer the John R. Justice Prosecutors and Defenders Incentive Act as an amendment to the Higher Education Act of 2007.

This amendment would create a targeted student loan repayment assistance program that will bolster the ranks of attorneys in the criminal justice system in America.

I think the need for this amendment is clear. Prosecutor and public defender offices throughout the country are having serious difficulties recruiting and retaining qualified attorneys.

In a recent survey, over a third of prosecutor offices nationwide reported problems with keeping attorneys on staff. Over 60 percent of prosecutor offices that serve populations of 250,000 or more reported serious problems with the retention of attorneys.

The story is the same for public defender offices. Another recent survey found that over 60 percent of State and local public defender offices reported difficulty in attorney recruitment and retention.

When prosecutor and defender offices cannot attract new lawyers or keep experienced ones, their ability to protect the public is compromised. Caseloads become unmanageable, cases can be delayed or mishandled, crimes may go unprosecuted, and innocent defendants may sit in jail.

Why is it that prosecutor and defender offices are struggling to keep attorneys on staff? I will tell you one major reason: student loan debt.

Over 80 percent of law students take out loans to finance their legal education. The average educational debt for law school graduates in the class of 2005 was almost $79,000 for private school graduates, and $51,000 for public school graduates. Two-thirds of law students also carry additional debt from their undergraduate experience.

In light of this, it is not surprising that two-thirds of law students in a recent national survey stated that student loan debt prevented them from even considering a public interest or Government job—two-thirds of law school graduates. Of those dedicated law graduates who initially accept criminal justice jobs, many cannot stay. They just cannot afford to do so with the student loans they face.

The higher education reconciliation bill we passed last week does much to address student loan debt in general for those who have already been in public service for 10 years. There is student loan forgiveness. There is a cap on how much a graduate would have to repay for a period of time, and at the end of 10 years there is student loan forgiveness.

But, unfortunately, it does not go far enough to address the urgent need to help our criminal justice system recruit and retain qualified attorneys.

We need a special solution to provide immediate assistance.

My amendment, the John R. Justice Prosecutors and Defenders Incentive Act, is a tailored solution. My amendment would establish, within the Department of Justice, a program of student loan repayment assistance for borrowers who agree to remain employed for at least 3 years as State or local criminal prosecutors or as State, local, or Federal public defenders.

I should point out that Federal prosecutors are already eligible for loan relief through existing programs.

Under my amendment, borrowers could enter into another agreement, after the 3-year minimum, for an additional period of service. Attorneys who participate in this program can receive student loan debt repayments of up to $10,000 annually, with a maximum over time of $60,000. Repayments would begin with the first year of service. But, remember, there is no repayment unless there is a pledge to work at least 3 years, and then an opportunity to come back for another 3 years. So a commitment has to be made.

The program gives priority in repayment benefits to attorneys who have the least ability to repay their loans. It ensures a fair allocation of benefits among prosecutors and defenders nationwide.

If an attorney receives loan repayments under this program but does not complete the agreed-upon period of service, they have to pay back the money.

The John R. Justice Act is modeled on existing loan repayment programs that cover Federal executive branch employees and the Department of Justice. They have been demonstrated to be a great success as an attorney recruitment and retention tool.

Simply put, a targeted loan repayment assistance program such as this one would make criminal justice careers more feasible and more attractive to qualified attorneys.

Let me say, this bill has passed out of the Senate Judiciary Committee twice. It has strong bipartisan support. It was brought to me by the prosecutors and the defenders in our criminal justice system. As we read in the news about case after case where those in prison have had their prosecutions reevaluated, we understand that competent counsel is the bedrock of a good system of criminal justice. We need the very best attorneys on both sides of the table—prosecuting those who have been accused of a crime and defending those who have that presumption of innocence in America.

This bill has strong bipartisan support, with 38 Senate cosponsors. Companion legislation in the House passed by a vote of 341 to 73. It is supported by prosecutor, defender, and criminal justice organizations. I urge my colleagues to support their State and local prosecutors and defenders, and to support this legislation.

It has, among others, the support of the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, the National Association of Criminal Defense Lawyers, the American Council of Chief Defenders, the National Juvenile Defender Center, the American Bar Association, the Conference of Chief Judges, and the American Law Deans Association.

Mr. President, I would like to ask, is there an amendment currently pending on this legislation?

The PRESIDING OFFICER. There is an amendment pending.

Mr. DURBIN. Mr. President, I ask unanimous consent that the amendment be set aside and I send this amendment to the desk. Then, of course, I would agree to step back in line and defer to the chairman and ranking member as to the sequence of amendments that will be called later. So I ask unanimous consent that be the order.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2377.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide loan repayment for prosecutors and public defenders)

At the end of title IX, add the following:

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3001. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available

for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

Mr. DURBIN. Mr. President, I will defer to the chairman and ranking member as the sequence of amendments are considered on the bill. My amendment, I assume, is currently pending, but I understand if there is a different sequence both of these Senators would seek.

I thank the Chair.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I appreciate the Senator being willing to allow us to go back to the previous amendment or on to another amendment. We have one more that will be presented on our side. I think there is another one that will be presented on the Democratic side.

I do have to oppose this amendment. I understand the importance, the desire, but I would oppose it on the basis that we spent a lot of time last week doing this same thing. I appreciate the time the Senator from Massachusetts, Mr. KENNEDY, took to explain to everybody what we were doing in a very general way so we did not have to pick one profession over another profession so we could give some reduced loan repayments and then forgiveness to public prosecutors, defenders, teachers—a whole category, a whole bunch of service sector people. There was a lot of support, although we spent more time debating that part than we did several other parts of the bill, showing there is some discomfort with doing that, but also support for doing that, but in a general way.

When we start picking out one particular area of Federal service over others, what we are doing is touching off a whole raft of people coming in with their particular public service and asking for the same kind of a reduction. Of course, if we do that for everybody, we have increased the cost considerably. We ought to start with the proposal that is in there, and after that works, make modifications to it, rather than encouraging every specialty of public service to come in and do that as well.

I know the Judiciary passed it. That does not surprise me. That is a special Judiciary category. If it were a category coming through one of the other committees that dealt with their committee, it would get that same kind of support. But what we tried to do is come up with a way we could have fairness between professions. Each of the professions we talked about have some special needs, and we would be able to encourage and incentivize people to go into those professions earlier, quicker, and with less debt if we have this same kind of proposal for them. So I hope we will resist separating the prosecutors and public defenders at this point in time when we have included them in other language with loan forgiveness. Although it is not as short a period of time as the Senator might like, I think it is what we ought to do at the present time, and we shouldn't be increasing the program and then leveraging everybody else at the same time.

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

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I respect the Senator from Wyoming. I wish to make sure we understand what happened last week. It was a good thing. We basically kept the amount that all student borrowers would pay based on the income they receive. As I understand the bill that was passed last week, which I was happy to support, there is a cap at 15 percent of the discretionary income of graduate students for those loans that are either in the Direct Loan Program or consolidated into the Direct Loan Program.

Basically, what it means from the chart I saw is that students, instead of paying back $600 or $700 a month, might face half that amount they would pay back because of the limit they would pay each year of 15 percent discretionary income, which I understand to be gross income less 150 percent of poverty for the student or the graduate in that category.

The reason I have come back this week to offer this is because we are talking about a group of individuals who are in an exceptional circumstance. They are people who will face an even greater debt than most college graduates. In addition to their undergraduate debt, they have the debt of a law education, which, as I noted here, can be substantial—almost $80,000 for those who have gone to public law schools, and $50,000 for those in private law schools on top of their undergraduate debt. Then we find that two-thirds of these students cannot seriously consider taking any job in public service or Government work because of the amount of their debt. So we have prosecutors coming in from all over the United States—and I would bet from your own State—saying: We are having some difficulties here. We can't attract the kind of talented young men and women from law schools, because of their debt, to come work as prosecutors and defenders in the criminal justice system and once there, we can't keep them. As soon as they have a good offer to go with a private firm, they leave. One of the compelling reasons is the fact that their student debt is so high.

So even though the bill passed last week is a good step, it is not adequate to the task. These particular graduates face more debt—dramatically more debt—than ordinary undergraduates or even graduate degree students in America. We have a special need. I would say to the Senator from Wyoming, I guess you can argue that this is special interest because it deals with our system of justice, but I think we all concur that as legislators, we can pass the best laws in the world in the criminal justice system, but if we don't have well-trained and competent lawyers prosecuting those cases on behalf of the people of this country, defending those charged on behalf of those who have been named defendants, then our system of justice will not work as well as it should.

I will concede that this goes after a special group, but I think there are special circumstances that warrant it.

So I hope the Senator will reconsider his opposition to this. As I said, it has bipartisan sponsorship because I think

people realize that if we don't do this, we will diminish this branch of our Government which is so important for our democracy.

Mr. ENZI. Mr. President, I thank the Senator for his explanation. I would suggest that the phones are probably ringing off the hook over in my office saying: My public service profession is as important as those public defenders, and that is probably what this phone call was on the floor over here earlier as well.

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2369

Mr. COBURN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2369 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2369.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To certify that taxpayers' dollars and students' tuition support educational rather than lobbying activities)

At the end of title I of the bill, insert the following:

SEC. 114. DEMONSTRATION AND CERTIFICATION REGARDING THE ABSENCE OF PAYMENTS FOR INFLUENCE.

Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that no student tuition amounts or funds from a Federal contract, grant, loan, or cooperative agreement received by the institution were used to hire a registered lobbyist or to pay any person or entity for influencing or attempting to influence an officer or employee of any agency of the Federal Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action.

Mr. COBURN. Mr. President, I wish to thank Senator KENNEDY and Senator ENZI for allowing me to offer this amendment. Everything I try to do is toward transparency in our Federal Government, because what you cannot measure, you cannot manage.

This is a very simple amendment. What we know is that in the last 7 years, the cost of a 4-year college education has doubled. It has gone from $2,700 to $5,800 at State universities. It has gone from about $10,500 to $23,000 at private universities. The costs have doubled. It is the only thing in this country that is rising twice as fast as the cost of health care. We ought to ask ourselves why.

This amendment is very clear. What it says is if you are a university and you are lobbying Congress, you have to certify to Congress that you are not spending tuition money or other Federal money that you have gotten for a project for your students or for your university in terms of lobbying to get more money.

This, by the way, was excluded from the lobbying and ethics bill we considered. I have some experience on it because last year, as chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs, I queried 500 colleges and universities in this country, asking them about their earmarks. I asked them how they spent the money. The interesting thing is only 50 percent of them replied, and of the 50 percent that replied, only half of them actually knew where the money went. The other half didn't dare reply, either because they didn't know where the money went or the money didn't go for the purpose it was earmarked. So we have a grave problem in terms of earmarks.

Let me give my colleagues some statistics about what has happened. First of all, in 2005, $127 million were spent by universities to lobby our institution to get earmarks—$127 million. Divide that and see how many kids we could educate in this country with that amount of money that was spent on lobbying.

What we do know is between 1996 and 2005, the number of earmarks at the Department of Education increased by 29,375 percent. I wonder if that has anything to do with this marked increase of 14.5 percent per year in the cost of a college education.

Those earmarks—the overall cost of the earmarks came to a half a billion dollars a year last year—a half a billion dollars in earmarks. What we also saw—that was in the Department of Education. Then, separate earmarks for separate universities and colleges in the same time period increased from 369 to 1,964, up to $2 billion a year. Now, you would think that for $2.5 billion a year, we ought to be able to see where the money is spent. We ought to have transparency to see.

There are several problems with our earmarking, and the biggest problem is we choose to pick winners and losers. When we do that on research and development at our universities, which are the ones we want to do it to, when we do it, we say that the peer review scientific community shouldn't have any input. That is what we are saying. Consequently, when we spend $2.6 billion on earmarking specific projects at universities, what we are doing is getting a whole lot less value for our money. What we do know is if we let the scientists, through peer-reviewed guidance of scientific discovery, tell us where to go next, we will get two to three to four times return on our research than when I, as a Senator from Oklahoma, decide to earmark a specific research project at a university in the State of Oklahoma.

Now, the question we should be asking—similar to the amendment of the Senator from Illinois—where is the money going to come from? The true deficit last year was $434 billion. That is not what we told the American people, but that is how much our debt increased, so that is what the actual increase in expenditures over the increase in revenues was. If I was a prosecutor, I would love Senator DURBIN's amendment, if I owed the money.

But the principle we should be thinking about is this: Why are we having trouble getting the best into the offices of the public defenders and the prosecutors? Because we don't pay enough. What Senator DURBIN is attempting to do is a State function. It is an indirect payment. We are going to pay off loans, we are going to have loan forgiveness for this group of people when, in fact, the way we should be enhancing that is having States choose to increase reimbursement for people who fulfill that very worthy task.

So what we are actually doing is jumping all over States' rights, because States haven't increased those fees, as they should, because they don't evidently value it the way the 38 cosponsors of the Durbin amendment do, and we are saying: Time out. It is not your responsibility; we are going to do it. It is the same type of thing we have in terms of earmarks.

This amendment is very simple. Certify to Congress, if you are getting Federal funds and you want more Federal funds in terms of earmarks or grants, that you are not going to spend that money or your students' tuition to come up here to get more money. What you ought to do is use your endowment.

There are some very interesting statistics on endowment that I would like to alert my colleagues to so everybody can be aware. I commend to my colleagues a 2006 National Association of College and University Business Officers Endowment Study.

The top 25 universities in this country have $178 billion in endowments. Now, if they earn 6 percent on that, that is $9 billion a year that they have funds available to them to do research with, or whatever else they want to do. If you take the entire group of endowments, which is some 20 pages long, what you find is a massive amount of money that is endowed.

Why do people give to universities? They give to universities to secure their future because they felt rewarded by the gift they gave them of education. Yet we have almost $1 trillion in endowments in this country in universities, and we are saying we need earmarks. We need extra moneys. Fine. If we do need extra moneys for research, let's let the peer-reviewed scientific community tell us where to go. Let's put the research at the place that it is going to get us the best return, rather than one that has the greatest

political pull. That makes absolute sense to anybody outside of Washington.

Now, it doesn't make sense if you are trying to get something for your university, and University X obviously has the expertise, but you want it at your university. So what do we do? We end up paying double. We are going to fund one that is not as efficient, not as capable, and not as successful at the expense of the university that is far more capable of doing that.

A lot of the university earmarks came about because it was stated they couldn't compete on the grant process; that the major universities—those top 25 research universities in the United States—could outcompete them all on grants. So we did some things when we doubled NIH funding. We did allow for things. What has happened is a pox on our house. We have gone to this large number of earmarks, 2,000 earmarks a year for universities, and we are not getting our money's worth for them.

I come back to one of the reasons I would like for us to consider this amendment: How do you tell a student who is working a second job, who can't afford a tutor, he has borrowed student loans up to his gills and is trying to make it, that a percentage of his university's budget out of his tuition is coming up here to get another earmark that is not necessarily going to be efficient or not going to enhance or advance his education or her education?

So it is real simple. Transparency creates accountability.

I ask unanimous consent to have printed in the RECORD four case studies—one from the University of Alaska, one from the University of North Carolina, Chapel Hill, one from the University of Georgia, and one from Iowa State University—on what they have done with earmarks and how they have spent them. It is remarkable.

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

Lobbyist confirms that academic earmarks are indeed a ''gateway drug on the road to spending addiction'': Earmarks are the ''gateway drug to the spending addiction.'' A lobbyist for one of the universities polled (the University of Alaska) agrees. According to a profile of this lobbyist in the Chronicle of Higher Education, ''She equates getting earmarks to having a heroin addiction. 'Once you start getting them, it's hard to let go.'" It's noteworthy that this same lobbyist advised her institution not to respond to the Subcommittee's oversight request on the University of Alaska's past earmarks.

''Martha Stewart, director of federal relations for the University of Alaska, is one who said her institution would not respond.

''Stewart said she showed the Coburn request to the Alaska Congressional delegation, including the office of Stevens, whose clout as an appropriator and earmarker is legendary.

''Answering the letter 'would be providing someone with bullets to shoot you,' said Martha Stewart, director of federal relations for the University of Alaska system. She said she assumes that Senator Coburn would use the information to try to block Alaska's requests for earmarked projects—which she declined to describe—from appropriations bills for the 2007 fiscal year, which begins October 1.''

Lobbying for academic earmarks is on the rise: In 2003, it was reported that:

''[T]he brisk rate of growth has outpaced almost all other sectors that pay for lobbyists. That has made higher education one of the biggest players on the lobbying scene in Washington, on a par with defense contractors and ranking ahead of some other large, influential interest groups such as lawyers, labor unions, and the construction industry, according to rankings compiled by Political Money Line, a company that tracks lobbying reports . . . By far the single biggest reason for the spurt appears to be the appetite colleges have for pork-barrel projects. The burst in lobbying came at a time when Congress was quadrupling spending on directed, noncompetitive grants from $495-million to $2-billion. Such earmarks were rare 20 years ago, but the floodgates opened in the late 1990s.''

Even though universities claim to be lobbying innocently for general education funding increases, in fact, this lobbying is often for specific projects: In response to the Subcommittee's questions, a number of universities reported that the lobbyists they hire are to help them reach out to Congress for general issues related to academia and the need for more federal research dollars. But there's some evidence that schools are lobbying for specific projects:

''The Chronicle collected and analyzed lobbying-disclosure reports for all colleges, universities, and other academic institutions for the 1998, 2001, and 2003 calendar years. . . . While the reports are supposed to state the purpose of the lobbying, the wording often mentions federal appropriations generally, not specific projects.

''The reports do show that not all of the academic lobbying is for earmarks . . . But at many colleges, officials don't feel compelled to pay lobbyists to spend lots of time on those and other policy issues because they know places like Yale and Rutgers are already making the case, as are higher-education associations like the American Council on Education.

''*Most institutions apparently prefer to concentrate their lobbying dollars on getting earmarks.*'' [Emphasis added.]

The resistance universities show to disclosing information about their lobbying activities suggests that they recognize the unsavory nature of this sort of spending. The Subcommittee specifically asked about the use of lobbyists to help obtain earmarks.

The response—or lack of it—was surprising. Despite receiving taxpayer money for special projects, some universities were still unwilling to answer the question. Of the top 50 pork recipients for 2003, and the top 50 R&D ranked universities questioned: 23 wouldn't respond to whether they retained a lobbyist—they simply skipped the question or did not write a letter response at all; 6 said they had ''considered'' hiring a lobbyist, but didn't respond whether they had actually hired a lobbyist or not, and two said they had ''no plan to retain a federally lobbyist at the moment''; 22 stated that they retained a contract lobbyist; 14 stated that they had not hired a contract lobbyist; and 5 stated they had hired a contract lobbyist in the past, but not at the time of their response.

CASE STUDY: UNIVERSITY OF GEORGIA

Which comes first—the lobbyist or the earmark? And is either actually a value to a student? At the University of Georgia—it's hard to tell. The university retains a lobbyist who seems to be an expert in the peanut and Vidalia onion industry, among other things, and the University has received federal earmarks for research on Vidalia onions and peanuts. However, because the University is hiding information on those particular earmarks, it's hard for students and taxpayers to judge the educational value of the projects.

In fact, the university tasked its lobbyist with responding to the Subcommittee inquiry. The response was sent from the email account of ''C. Randall Nuckolls, Washington Counsel, University of Georgia, McKenna Long & Aldridge LLP.''

According to the Center for Responsive Politics' OpenSecrets.org website, Mr. C. Nuckolls' firm, McKenna Long & Aldridge, earned $160,000 in 2006 from its contract with the University of Georgia.

In addition, data compiled by the Center for Responsive Politics shows that the University of Georgia also paid another lobbyist, Robert Redding, Jr., $40,000–$60,000 each year for the years 2000–2006. In 2006, the University paid $20K for the main university campus and $20K for the University of Georgia School of Agriculture & Environmental Sciences. Robert Redding, Jr., also represents the Georgia Peanut Commission, the National Association of FSA County Office Employees, and the Vidalia Onion Business Council, among others.

In response to the question about its past earmarks, the university supplied the subcommittee with a three page attachment with the titles of only 9 earmarked projects from 2000–2006, the amount of funding, the funding agency, and a short description of the earmark projects. The total value of projects listed was $62.117 million. That's 9 earmarks reported, for the 7-year period from 2000–2006.

However, the Chronicle earmarks database tells a different story. The database lists 53 earmarks distributed over just four of the years in that 7-year period, worth nearly $41 million to the University of Georgia. Information after 2003 is unavailable because earmarks grew so much that the publication no longer had the resources to keep track of them.

Meanwhile, the Congressional Research Service has refused to conduct research in this area, despite repeated requests.

Two earmarks the University failed to report to the Subcommittee come from the U.S. Agency for International Development's (USAID) budget. One earmark, for $200,000 in 2000 was ''for support above what the agency would otherwise have spent, to promote the availability of food in developing nations by educating leaders to manage natural resources.'' The second earmark, for $200,000 in 2000, was for ''for support above what the agency would otherwise have spent, to improve the production, processing, and marketing of peanuts in developing nations as a high-protein food source.''

Even when the university did report earmarks, it grouped them in vague categories, particularly those from the Department of Agriculture. The Chronicle database is more forthcoming about what the university merely described as ''Ag special research grants.'' These types of earmarks come from a pork-slush-fund at USDA, and include the following for the University of Georgia: $16 million from 2001–2003 to conduct ''research to combat fusarium head blight, or scab, a fungus that damages wheat and barley''; $170,470 in 2003 to ''develop the cultivation and marketing of grass-fed cattle raised in the Appalachian region''; $488,615 over three years for ''research on predation by small mammals, such as raccoons and foxes, on ground-nesting game birds''; $657,000 over two years for ''research on pests, soil quality, and water quality related to the cultivation of peanuts''; $800,000 over two years for research on the ''quality of cotton fibers'';

$493,000 over two years ''to study the quantity of water used in agriculture in Georgia''; $1,972,000 over four years for ''research on canola''; $1,800,000 in 2000 for ''unspecified research''; $1,091,000 over three years for the for the National Center for Peanut Competitiveness, ''which works to improve peanut-production methods and product safety''; $694,000 over three years ''for research on tomato-wilt virus, which damages peanuts'' $350,000 over three years ''to develop pungency-testing procedures to improve the quality and ''sensory consistency'' of Vidalia onions''; $64,000 in 2000 to ''to develop better methods of monitoring and controlling termites and ants''.

That's 12 projects under one vague category reported to the Subcommittee as one item. What else is the University of Georgia hiding?

CASE STUDY 2: IOWA STATE UNIVERSITY

When asked by the Subcommittee to provide a list of past appropriations from the year 2000 to present, and the amount of assistance received, Iowa State University apparently did not have this information available in any form that could be presented to the Subcommittee. The university asked for additional time to comply with the request, along with answering a few of the questions in the initial response.

The university was granted more time by the Subcommittee to complete a response. Three months after the original request date, the university sent a second response letter, a notebook containing summaries of Iowa State University Congressionally directed funding 2000–2006 (minus the requested actual funding amounts), and 6 boxes containing, according to the letter, ''540 published reports, studies, and other materials that had been produced throughout the requested timeframe.''

Quotes from second response:

''I want to thank you for making this request, because compiling this information has proved very useful to the university. We have added this information to our own on-campus process of evaluation and review of federally appropriated projects. To that end, we took great care to make sure that we collected and reviewed all relevant information for our own purposes as well as your request. We regularly go to great lengths to assure the merit and value all university research, but I am also aware of the importance of additional informed review. Following this letter is a compilation of the congressionally directed funding that Iowa State University has received from FY2000 through FY2006.''

The second response from Iowa State University was heavy on detail when it came to lists of published reports (provided only for some projects; others included far less detail), but not when it came to requested information. Only one of the 31 earmark summaries included in the notebook sent by the University contained a table breaking out funding streams by sponsoring agency for the earmark in Question. but even that table did not include the years the university received funding for the project, and the table was rife with acronyms (a practice well known in D.C. and apparently also in the academic world) and therefore not easily decipherable. Only one other project included a paragraph describing the history and origin of the earmark, and some information on the funding stream, as well as details on significant oversight by the lead agency from which the funding originated.

Despite the reams of paper provided by the university, The Chronicle database lists a significant number of earmarks which do not appear in the project summaries provided by Iowa State University. However, what is even worse is the university's lack of responsiveness on the funding for the earmarks they chose to highlight to the subcommittee: the total value of the earmark funding from the Chronicle database for the years 2000 through 2003, is over $83 million. Information after 2003 is unavailable because earmarks grew so much that the publication no longer had the resources to keep track of them.

CASE STUDY 3: UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

In response to the FFM Subcommittee's oversight request, the university provided a list of 17 earmarks spanning six years, from 2001–2006, worth a total value of $17.7 million. The university included brief, one sentence ''program objectives'' for each earmark it listed its response. These cursory sentences do not answer the Subcommittee's request for detailed descriptions, findings and accomplishments for each project.

According to the University, 8 of those projects were funded from earmarks handed out over the years 2001–2003 with a value of $6.975 million. However, in contrast, over the same timeframe, the Chronicle database lists 10 non-shared earmarks, and two shared earmarks distributed over 2001–2003, with a total value of a little over $14 million.

According to data in the Chronicle earmarks database, for the three years 2001–2003, the university failed to include and report on the following earmarks funding 6 projects with a total value of $12.593 million. Without Chronicle data, who would know the difference—and who knows for the years 2004 through 2006 since information after 2003 is unavailable because earmarks grew so much that the Chronicle no longer had the resources to keep track of them. Here are the six projects: $3.5 million over three years from the Department of Defenses for ''Research on improving logistics management for the military and businesses, and to develop an executive-education project''; $223,537 from the Department of Defense in 2002 for ''personnel, student internships, research, and other expenses to expand technological education and applications through its KnowledgeWorks Institute''; $2.4 million through NASA over 2002–2003 for ''academic programs at the Science Discovery Outreach Center''; $4 million in 2002 through the Department of Defense for the ''Southeast Atlantic Coastal Ocean Observing System (to be shared with the University of Miami)''; $969,000 from the Department of Energy for ''mathematical and computational research and software development to solve environmental problems''; $1.5 million in 2002 through the Environmental and Protection Agency to ''advance the 'one-atmosphere approach' to determining the health effects of air pollution for the university's schools of public health and medicine''

FFM Subcommittee staff received calls and faxed communications from the university's lobbyist, James E. Hyland, who helped to coordinate the response and who forwarded the university's first interim response via fax. According to the Center for Responsive Politics' OpenSecrets.org website, James E. Hyland, ''Career Client List, 1998–2006,'' works for Greenberg Traurig LLP, which had a contract worth in $120,000 in 2006 alone with UNC.

Mr. COBURN. With that, I will cease discussing this other than to say we ought to figure out why a college education and the costs thereof are growing twice as fast as health care, which is four times as fast as everything else in this country. Something isn't right. Transparency is the key to getting accountability for that problem. To vote against this amendment would be saying you don't want the universities to be transparent, to be accountable. I believe they should be accountable and certify to us that not one penny of tuition, one penny of Federal money is spent back here. Mr. President, $127 million was spent last year to lobby this body on university grants and earmarks. We ought to change that. That could educate a ton of our young people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I am wondering if the Senator would help clarify his amendment for me. How much time do I have?

The PRESIDING OFFICER. The chairman has 15 minutes.

Mr. KENNEDY. Let me know after I have used 7 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Would the Senator be good enough to answer some questions?

Mr. COBURN. Yes.

Mr. KENNEDY. I was reading through the amendment. As the Senator knows, we have at the present time on the bill the Byrd amendment, title 31 of the U.S. Code, which forbids what I imagine is much of this amendment. Under the law, recipients of Federal contracts—whether through grants, loans, or cooperative agreements—are barred from using those funds to lobby, to extend, or modify a Federal award.

I am trying to understand what you include that his amendment doesn't include. Let me ask the question: if the President of a university or a government affairs person of the university called a Member of Congress about the student loan program, is that considered to be part of a lobbying effort? This is on my time.

Mr. COBURN. No. What I am looking at is for them to, in a positive, forward way, assert that as they take Federal funds, those funds are not used to, in fact, pay a lobbyist. When a university President calls you, he is not calling as a lobbyist. He has a right to lobby this as an individual. My amendment is fairly narrow in that those funds are not spent to lobby, i.e. lobbying payment.

Mr. KENNEDY. I was interested, if there is a government affairs person at one of our fine universities—for example, Tufts University in Massachusetts, which was in touch with us about loan forgiveness. In government affairs, they have an interesting program where they had a good deal of loan forgiveness for students, and they were calling asking about how their program fits in with this bill. It was a government affairs figure who called us about this, signaling that they thought their program was better than the one we had. Is that considered lobbying by the government affairs person?

Mr. COBURN. No.

Mr. KENNEDY. If there were inquiries on No Child Left Behind, on the special needs of disabled children, or they

wanted to find out about bilingual programs and about grants from the NIH—there is this concern, as the Senator knows, about cuts in the NIH budget, and I have had calls from some of the great research centers in my home State, from universities and in some instances from presidents and in some instances from government affairs people, about their concern about where we are going as a country in terms of NIH and in terms of the future. Does it affect any of those?

Mr. COBURN. No, sir.

Mr. KENNEDY. Even though the universities may be affected by some of these cuts. Is it just that the lobbyists—the hiring of the lobbyists and the lobbyists then speaking to the Member—I am trying to get what the Senator is driving at.

Mr. COBURN. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. COBURN. I am trying to get to this paradigm where we pay $200,000 a year for lobbyists, and the lobbyists work to get an earmark for the university back in that is out of the priority of the peer review, scientifically evaluated, and at the same time, some of that $200,000 somehow ends up in campaign coffers, for some reason. I cannot figure out why, but it seems to. This doesn't stop it. What this says is they are going to just certify that the money they used for that wasn't their students' tuition and other Federal dollars that were designed for another purpose and coming back against that. It doesn't mean they cannot pay a lobbyist or hire a lobbyist or that anybody in there government affairs office cannot contact us to lobby for a particular position, which is their right. This is very narrowly defined to say: Do not spend the money you get from us, or your students, to hire the lobbyists to earmark something that is outside the peer review.

Mr. KENNEDY. I think that might be wrong. I thought that was the point of the Byrd amendment. In your language you have on page 2, ''any person or entity for influencing or attempting to influence an officer or employee of any agency of the Federal Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action.'' I am trying to understand this. Can a government affairs person at a university—I am a Member of Congress—talk to me about support for the NIH and NIH funding?

I hear what the Senator wants to do. I would be interested in where you get the $127 million. I will accept what the Senator says on this.

I had thought, when we passed the Byrd amendment, Senator BYRD spoke very eloquently about what I think the Senator is dealing with, and that is lobbyists getting part of the action when they have the earmark. I thought that is the effect.

It goes further than that, but I am concerned about—and I have said this in my questions—whether you have a person representing a university or a government affairs person calling a Member of Congress about a lot of the matters that we are considering in this legislation, whether it is a student loan program or the NIH or whether it is the regulations that are guiding some of the education programs, the programs dealing with disabled student—let me ask you, how would this affect a university? If there was a conference by one of the agencies—the Department of Education—and they were having a conference on the subject of higher education, can the university send any individuals there to express their views on education policies? Say they want to go down there and see more laboratories built because they want additional research, and they speak to the Department of Education about those kinds of items.

Mr. COBURN. It does not limit that in any way.

Mr. KENNEDY. The Senator's responses are helpful. I don't know whether the Senator is familiar with the Byrd amendment. If it is not interfering with colleges or universities or institutions dealing with a wide range of educational issues or some of the fine schools that offer criminology wanting to call the Justice Department to try to get grants to deal with the problems of violence in the communities. But the Senator has given assurance that is not the area he is trying to get at. It is basically the lobbyists. I don't know whether the Senator is familiar with title I of the Byrd amendment, which prohibits, as I understand it, a great deal of what the Senator spoke about with great eloquence in the earlier program.

Mr. COBURN. Will the Senator yield?

Mr. KENNEDY. Yes, I am glad to.

Mr. COBURN. What we are trying to get is this. It is true that the Byrd amendment makes that illegal. The problem is that nobody has to certify it. So whether it is illegal or not, it is obviously happening. Yet we don't have any proactive basis going on at the universities for them to certify that they are not doing it. That is the difference between this and the Byrd amendment.

Mr. KENNEDY. Just to continue, Mr. President, there are penalties with the Byrd amendment, civil penalties on the Byrd amendment. Maybe it is enforcement. The Byrd amendment says:

> None of the funds appropriated by any Act may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this subsection.

Then it goes on:

> (2) The prohibition in paragraph (1) of this subsection applies with respect to the following Federal Actions:
>
> (A) The awarding of Federal contract.
>
> (B) The making of any Federal grant.
>
> (C) The making of any Federal loan.
>
> (D) The entering into of a cooperative agreement.
>
> (E) The extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

If the Senator says this is pretty good language but not enforceable and he has ideas about how we can try to enforce it, I am certainly open to it and would welcome it. I don't have a problem.

My concern was looking at the Senator's amendment and seeing that language talking about ''to pay any person or entity for influencing or attempting to influence an officer or employee of an agency of the Federal Government, a Member of Congress. . . .'' My office has frequent phone calls from universities and colleges, certainly as the chairman of the HELP Committee, particularly as we are dealing with this education issue—from scores of universities and colleges. They express strong views about different aspects of this. We have heard a great deal from the lending institutions—Sallie Mae and the others—that have a direct financial interest in this. I think it is valuable to have clarity in this area so we know what is permitted and what is not permitted. These were some of the areas of concern that I had, and the Senator has been helpful.

Mr. COBURN. If the Senator will yield, it put forth a parliamentary idea that the Byrd rule applies on bills consistent with reconciliation, if I am correct. What this is intended to do is proactively have—this does two things: It requires the university to know what they are doing, which is one of the things we found in my subcommittee—that they didn't know what they were doing. They weren't aware of where the money was going or how they were spending the money. It makes them look at that. Two, it makes them proactively say they are within the law in terms of how they are spending the student money and the Federal money.

I appreciate the colloquy on this issue. I hope we have clarified the intent of the amendment. I am more than happy to accept a second degree that would clarify it more and that would give Senator KENNEDY the safeguards he is concerned about. Nevertheless, there is a gigantic problem out there today, not the least of which is that it is hard to find in the Constitution where we should be earmarking $2.6 billion a year to private and State universities for education.

Mr. KENNEDY. Mr. President, the Senator is quite correct. The Byrd rule applies to reconciliation. The Byrd amendment applies to this. Let me just say that I listened and there is much to what the Senator says. There are also some concerns. In 1980, we had, for example, a very good program to help colleges, large colleges and small, to develop research centers at the colleges and universities. What we had seen in our committee at that time was

the deterioration of laboratories and research centers. We passed a very good bill. We had close to in excess of a billion dollars that was going out for peer review. That program was effectively eliminated. The budget cutters eliminated it. They eliminated the program but not the need. I haven't been very successful. I have done my best to try to help outstanding colleges and universities that are in need in terms of research, that are doing some of the breakthrough research, that are making progress in health and other areas, that are trying to get assistance. I am proud of that fact.

I share the view that in a perfect world, we have peer-reviewed science. There is a lot to what he says. In other areas, we do the best we can with the circumstances we have.

I will take a look at what we have in terms of whether an amendment or clarification would be the best way to proceed.

I suggest the absence of a quorum.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 4 minutes 48 seconds remaining.

Mr. COBURN. If I can be recognized, Mr. President?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, Senator KENNEDY makes my point. In 1980, we had a program that was designed on merit, scientific, and peer-reviewed analysis. We had no earmarks then. Now we have 2,000 earmarks, and about 1 out of every 3 accomplishes something, and then not to the level of what it should because most of the money did not go to the best place to get the research done.

The Senator makes my point. We have a corrupted process in how we fund much of the money that goes to universities. Personally, the Senator from Massachusetts recognizes, I believe, that is not necessarily a legitimate role for the Federal Government, but it is one that is there. So if it is there, it ought to be transparent. We ought to be able to hold all universities accountable, and we ought to know where the money goes, how it is spent, and what money was spent to accomplish the receipt of that money in the first place.

Those who vote against transparency like the status quo. You cannot fight against transparency. The facts are the facts. You cannot put a political spin on it. The facts will be the facts. The American people—actually, our American grandchildren, against whom we charged $434 billion this last year, ought to have the right to know where their money is being spent, and the devil is in the details on whether they are taking Federal money and using that Federal money to turn around to hire a lobbyist to get more Federal money. That is a corrupt system, and transparency will clean that up.

I ask consideration of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COBURN. Mr. President, is there an order in which the votes are going to roll this evening? Can this be combined into those votes? I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2328, AS MODIFIED

Mr. REID. Mr. President, I ask that the Reid amendment be withdrawn.

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

Mr. REID. Mr. President, it is my intention—this has been cleared with the two managers—to have two votes tonight and finish whatever votes remain in the morning. It is my understanding that in the morning the first vote will be on the Dodd amendment. He is involved with other matters tonight. We will give him 5 minutes, and if there is opposition, they can have 5 minutes, or should we split 5 minutes, I say to my friend from Wyoming? I am not asking consent now—we will do that later—but I am giving an idea.

Mr. ENZI. Mr. President, we should have some time for debate because I don't even know what amendment he is offering.

Mr. REID. We will talk with the managers in more detail about that situation. Likely, what we will have is on the Dodd amendment, 5 minutes equally divided, and on other amendments, there will be 1 minute of explanation, for or against, and after that, 10-minute votes. We understand there could be three to five votes in the morning or there could be more. Whatever, we will finish in the morning. We will come in at 10 o'clock because of the leadership meetings that take place in the Capitol. There will be no morning business. We will go right to the bill and dispose of these amendments before we have our regular work sessions on Tuesday.

Does that seem reasonable to my friend from Wyoming?

Mr. ENZI. That sounds reasonable to me. I assume we are going to have a couple votes tonight.

Mr. REID. Yes, that is what I said, we will do two votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I take this time to speak in favor of the Durbin amendment. I thank my colleague from Illinois for introducing this important amendment. It gives us an opportunity to provide for equal access to justice in this country.

There is a problem today in our legal system, and it is the cost of legal education. The average attorney who graduates from law school will have $70,000 of debt in addition to the $16,000 of average debt in attending an undergraduate school. When you have that type of debt, it affects your career choice.

Today, we want to make sure we get the best qualified attorneys going into public interest law, whether it is as a prosecutor or whether it is as a public defender. I think Senator HARKIN will be here, either later tonight or tomorrow, to talk about the civil legal services, and the average starting salary for a legal aid attorney is $36,000 a year. For a public defender or for a prosecutor, it is not much higher than that. How can you possibly take a career in those fields and still be able to pay off your loans?

The Durbin amendment does something about it. It came through the committee on which I have the honor of serving, the Judiciary Committee. I think it is a well-balanced approach. I know we will probably have a chance to vote on this tomorrow—I don't believe we will vote on it tonight—but there will not be debate time available tomorrow, and I wanted to come to the floor and urge my colleagues to support the amendment.

If Senator HARKIN offers his second-degree amendment that deals with civil legal services, I hope this body will also support that amendment.

I yield the floor.

Mr. DURBIN. I thank my colleague from Maryland for his support. I might also say, during the course of the debate he raised an important issue—legal aid attorneys. These are attorneys who work primarily in the civil area, representing people of limited means. They are not very well paid. Many of them come out of law school facing debt on their own. We want to make sure that people, regardless of their economic status in America, have access to good legal counsel. So I have pledged to him—and I renew the pledge—that if there is a way for us to help the legal aid attorneys as well as defenders and prosecutors, we should.

It is in the best interests of our country to have competent counsel available for all Americans in terms of our civil and criminal justice systems. Think about how much we count on prosecutors to take the bad guys off the street and keep them off. We don't want somebody bungling a trial because of lack of experience or lack of skill. We want the best and brightest as prosecutors. Similarly, if the system is going to work and work well, there is a good attorney across the table defending the person who has been

charged so there truly is a contest that is respectful of our judicial system.

The same thing for legal aid attorneys. Whether they are representing people of modest means who are dealing with the daily drudgery of divorce or wills or landlord-tenant issues or small claims court, we want to make certain that those who are of modest circumstances in this country do not lose because the race always goes to the swift; that is, to those with more money.

I thank the Senator from Maryland for his commitment to this amendment and his general commitment to justice in this country.

Mr. CARDIN. Will my colleague yield?

Mr. DURBIN. I am happy to yield.

Mr. CARDIN. I thank my colleague for his leadership on this issue. I know he has been working for many years to get this accomplished, and I hope this is the vehicle on which we will get it done. I had the chance to chair the Maryland Legal Services Corporation and chaired a commission in Maryland looking to services for our population, and there are not enough attorneys who will handle poverty law. There are not enough attorneys who will handle public defender cases. It is difficult to get experienced prosecutors today because you can go into a private law firm and make a lot of money, much more than you can as a public defender or legal aid attorney or as a prosecutor.

The Senator's legislation gives us a chance to say we want to make sure every citizen in our State has equal access to justice in our State. I applaud him for it. I think this is what we need to do. We have a chance in this bill to get it done. I thank the Senator for bringing it to the floor, and I support his amendment.

Mr. DURBIN. In my hometown of Springfield, IL, we have an appellant defender program. These are young men and women who handle cases on appeal after the trials and work for a government salary. When I announced this amendment—that we had the possibility of student loan forgiveness—two young women came to the press conference. One of them said to me that she has plotted out how long it will take her, working as an appellate defender, to pay off her student loan. She said, ''I will be paying when I qualify for Social Security.'' That is hard to imagine, but it is a fact. The debt these young lawyers incur to get through law school, unless they are lucky enough to grab the brass ring and go to a big law firm, is so large that it haunts them for a lifetime. It colors their life decisions as to where they will work, whether they can own a car, whether they can finally have an apartment of their own and move out of their parents' homes. All of these things are associated many times with student debt.

Whether we are talking about appellate defenders or prosecutors or public defenders, I think we want to make sure these young people are spared some of this financial worry and some of this financial burden if they are willing to dedicate themselves to public service. That is what this is about.

I think this is a noble calling, and I have to recall it has not been but a few weeks since a Justice of the Supreme Court testified before the Senate Judiciary Committee. This Justice came and said he thought the current pay for Federal judges was inadequate in America. That pay is in the realm of $165,000 to $200,000 or maybe more, certainly more at the Supreme Court level. We asked how much more he thought these Federal judges should receive.

The PRESIDING OFFICER. There is a time limit on this amendment, and the time of the Senator has expired.

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2380 TO AMENDMENT NO. 2377

Mr. HARKIN. Mr. President, I call for the regular order to bring up the amendment offered by the Senator from Illinois, Mr. DURBIN, No. 2377.

The PRESIDING OFFICER. The Senator has that right. The amendment is now pending.

Mr. HARKIN. Mr. President, I send to the desk a second-degree amendment to Durbin amendment No. 2377.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2380 to amendment No. 2377.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys)

At the appropriate place, insert the following:

In part B of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 2007, insert after section 428K the following:

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

Mr. HARKIN. I will take a minute. I understand we are getting ready to vote very soon. But I cleared this, of course, with Senator DURBIN. He was fine with the second-degree amendment.

This amendment that I offered would be to provide for loan forgiveness for young attorneys who go into civil legal practice, legal services. Now, the Durbin amendment provides for loan guarantees for those going into prosecution, or I should say criminal work, prosecuting attorneys, district attorney's offices, that type of thing, which is fine.

But we also need them for civil legal attorneys, those who are going into legal services. They make the bottom of the ladder. I mean, even the district attorney's offices pay them more than legal services. So I think it is needed in both areas.

Right now, with the costs of law school and with the need we have for legal services attorneys, this amendment is drastically needed. Right now, about 50 percent of the people eligible for legal services, which means they had household income for a family of four of $25,800 or less—$25,000 a year or less—only 50 percent of them were able to get help from a legal aid program. That is 50 percent of the people who actually went and sought help. You can imagine how many more there are out there who, for one reason or another, did not seek the help.

Estimates are that closer to 80 percent of low-income Americans have unmet civil legal needs. Right now there is 1 legal aid attorney for 6,800 low-income Americans. One legal services attorney for every 6,800 low-income Americans. Compare that to 1 attorney for every 525 middle-income Americans.

Well, again, the key reason for this is the inability of the legal aid programs to recruit and retain attorneys. Given the financial realities, many law graduates who are able to take positions with legal aid leave after 1 or 2 years. One Midwestern program cited a turnover rate of 60 percent over a 2-year period of time, with an average tenure for new attorneys of 17 months.

So what my amendment does is it builds on the existing loan repayment and retention programs for Federal prosecutors and 29 other Government agencies, including the Department of Justice and the Congress. All we are saying is, if we are going to do it for people who come to work here or the Department of Justice, why not for civil legal aid attorneys?

This would provide for up to $6,000 a year in loan repayments. You would have to sign it, you would have to be at least 3 years as a legal services attorney to get that, with a maximum lifetime benefit of $40,000. The amendment authorizes up to $10 million to do this. We know how many there are. We are only talking about 1,200 nationwide. So we know it does not cost a lot of money, but it is sorely needed. Time and again, people who have unmet civil legal needs, whether it is child custody, divorce proceedings, it could be landlord-tenant problems, these people do not have access to the civil legal system. Then they take the law into their own hands, they do something else.

By providing good legal services to low-income people, we basically keep people from doing things they otherwise would not do if they had some legal help available to them. People get desperate. I can tell you this, that the strongest bulwark against domestic violence is legal aid attorneys.

What happens is, when someone is in an abusive relationship and they need legal help and they cannot afford it, that is when you get problems. Now, I can speak about this from experience. I started out my life as a legal services attorney. That is what I did when I got out of law school.

I thought it was a great opening. I thought it was a great thing to do. You get the cases no one else takes. You get people who are at the end of their rope. Maybe they have tried to get legal help and they cannot get it anywhere else. You are sort of the last hope they have for settling something civilly.

I can tell you from my time as a legal services attorney, we had a lot of people who got in a lot of trouble simply because they did not either know we were there or they could not access the civil legal system. You have domestic violence. Some people go to jail. Or you have child custody battles that go on.

I have had landlord-tenant cases where people are at the end of their rope, maybe they have a dispute with the landlord, they cannot get it resolved, so they sort of take the law into their own hands and do something rash.

To me, while it is important to encourage young lawyers to get into criminal prosecution, I think it is equally as important for us to provide some help for young lawyers who want to be legal services attorneys.

I see the Senator from Vermont who has been a strong supporter of our legal services program. I know of his commitment to this. I yield to the Senator.

Mr. SANDERS. I rise in support of the Senator's amendment. If we are a nation of equal justice under the law, then low-income people must have legal representation. Legal aid does a phenomenally good job. In Vermont, the wage scale for legal aid workers is embarrassingly low. Any young person who graduates law school with the kind of debt we are talking about would find it almost impossible to work at a legal aid salary. We should be supportive of legal aid. I strongly support the Senator's amendment, and I thank him for offering it.

Mr. HARKIN. I thank the Senator from Vermont. Check with the American Bar Association, with the State bar associations; they all support legal services. They know this is one way in which we can provide, as the Senator from Vermont said, access to equal justice under the law. I can remember when I was a legal services attorney in the 1970s, the case files we received. I mean, there were so many. We were there late at night. We were actually working weekends on some of these cases. You feel that maybe you are not serving their interest well because you have so many cases and so many case files.

I appreciate the remarks of the Senator. I hope we can get good support on the vote for this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

AMENDMENT NO. 2381 TO AMENDMENT NO. 2369

Mr. KENNEDY. Mr. President, I send up a second-degree amendment to Coburn amendment No. 2369 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator would withhold, it requires unanimous consent to send up a second-degree amendment to that amendment at this time.

Mr. KENNEDY. Mr. President, I call for the regular order with respect to the Coburn amendment.

The PRESIDING OFFICER. Is there objection to returning to the Coburn

amendment? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2381 to amendment No. 2369.

The amendment is as follows:

Strike all after the first word and insert the following:

114. Restriction on Use of Federal Funds

(1) No Federal funds received by an institution of higher education may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this section.

(2) The prohibition in paragraph (1) of this section applies with respect to the following Federal actions:

(a) the awarding of any Federal contract;

(b) the making of any Federal grant;

(c) the making of any Federal loan;

(d) the entering into of any cooperative agreement;

(e) the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Mr. KENNEDY. Mr. President, I don't intend to press this amendment this evening. I have talked to the Senator from Oklahoma. I would hope we would have a chance over the evening to work with him to address the substantive matter of his amendment. I don't intend that we will have a vote on that amendment this evening, but for the benefit of the membership, I wanted to be able to at least file this amendment. I have talked to the Senator from Oklahoma earlier, about 45 minutes ago. We had a good conversation. He was working on some language. But we do believe that we are probably getting fairly close to a vote on the Brown amendment.

We wanted to be able to at least indicate to the membership that there may very well be a vote tomorrow. Hopefully, we will have a chance to work through the evening and get a chance to work that amendment out.

The reason I offer this amendment is, I agree with the Senator from Oklahoma that Federal funds should not be used for lobbying. That is the current law. I would support the clarifying language in the law that prevents it. But there are very important reasons for institutions to communicate with Members of Congress, and I am afraid this amendment would have the unintended consequence of restricting universities and colleges from advocating for research grants and protections for their students. It would make it possible for universities to comment on Federal regulations of the Department of Education. It may very well have impact regarding communications with Members of Congress whether we ought to increase NIH funding. It would require that universities use private or foundation dollars to share findings with Congress, and this would especially harm small institutions, rural institutions, historically Black colleges, and other institutions with limited resources.

I am worried that the Senator's amendment goes too far. It is important we make very clear that Federal funding should not be used for lobbying, and if we need to do more to ensure that it is enforced, I am happy to work with the Senator from Oklahoma to do so. That is what my second degree amendment does. It is a restatement that no Federal funds received by any institution may be used to pay any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress.

It says:

No federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

Then it continues: Any person who makes a prohibited expenditure shall be subject to a civil penalty of not less and not more than a million dollars, and the Secretary of Education shall take such actions as necessary to ensure these provisions.

I would hope as part of an enforcement effort, that we would get a statement or attestation of colleges that they are not using these funds and report back to the Congress if universities are not doing it. We will try to work with the Senator from Oklahoma, but I wanted to at least include that second degree as we work with him through the evening.

That is where we are.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, so tomorrow we will be voting on whatever is needed to be voted on on Coburn, and then we will be voting on Durbin and then final passage, but we also have the second-degree amendment that Senator HARKIN has offered. Does that preclude anybody from putting in more second-degree amendments?

I thought we had that whole issue done last week when we dealt with loan forgiveness. I think that would have been a more appropriate place to deal with loan forgiveness. Now we have some special cases. I doubt that anybody in public service doesn't consider themselves to be a special case. There are some people who consider themselves to have spent a lot of money.

I guess people can turn in amendments, second-degree amendments, for virtually any profession they want by tomorrow morning, and we will vote on each of those separately.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2382

Mr. KENNEDY. Mr. President, I have the managers' amendment at the desk. I ask for its immediate consideration.

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

The clerk will report.

Mr. KENNEDY. I ask unanimous consent that reading of the managers' amendment be dispensed with and the amendment be adopted.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 2382) was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at 5:40 today, the Senate—would the Senator want 1 minute? Would that be agreeable, 1 minute on each side on the Brown amendment?

I ask unanimous consent that at 5:41 today the Senate proceed to vote in relation to the Brown amendment No. 2376; that no amendments be in order to the Brown amendment prior to the vote; and that time in the next 2 minutes be equally divided.

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

Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, I ask for support for the Brown amendment. We know in the last 5 years the cost of public education has gone up for a 4-year degree 53 percent. We know the cost of private education for a 4-year degree has gone up 28 percent. We also know that wages have gone up only 3 to 4 percent for the average person during this 5-year period. The Federal Government is not keeping up with helping students get the opportunity to go to college. We have seen students have no alternative. They have exhausted what they can do with Pell grants. They have exhausted what they can do either through the direct loan program or other federally backed programs. The fastest growing part of their student loan availability is going to private institutions with a 16- to 18-percent interest rate. This amendment is no cost to the Government. It competes with banks.

We reauthorize every 5 to 7 years the Higher Education Act. This is an opportunity we should not pass up. The problem is only getting worse. I ask for support of the Brown amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Wyoming.

Mr. ENZI. Mr. President, as Senator GREGG and I have both explained, this amendment is very problematic. It has not been to a committee. It has not been heard. There has been no vote on it. It creates another loan program. It creates a different loan program than any we have ever done because this says the Secretary of Education will set the loan rate and the requirements on it. We have never had that kind of a situation.

Most problematic, the system of education in this country is successful because it is a partnership between the private and public sectors. This one moves it all to private. It off-balances the direct loan versus the private loan market. We should not be supporting this amendment. The Secretary is not in a position to make the kind of decisions this calls for. We do have to have a private market. This would eliminate it.

We also have a previous example of where this kind of loan was used back in the 1970s, but that was because the interest rates were about 21 percent in the regular market, and the Secretary set it at—well, it wasn't the Secretary, but the loan rate wound up being set at 9 percent. People borrowed it for everything except education.

I ask Members to defeat the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2376.

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 53, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—38

Akaka	Harkin	Mikulski
Baucus	Inouye	Murray
Bingaman	Kennedy	Nelson (FL)
Boxer	Kerry	Pryor
Brown	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Sanders
Casey	Lautenberg	Schumer
Conrad	Leahy	Stabenow
Dorgan	Levin	Tester
Durbin	Lieberman	Whitehouse
Feingold	McCaskill	Wyden
Feinstein	Menendez	

NAYS—53

Alexander	Craig	McConnell
Allard	Crapo	Murkowski
Barrasso	DeMint	Nelson (NE)
Bayh	Dole	Roberts
Bennett	Domenici	Salazar
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Graham	Smith
Burr	Grassley	Snowe
Byrd	Gregg	Specter
Carper	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Coleman	Isakson	Voinovich
Collins	Kyl	Warner
Corker	Lugar	Webb
Cornyn	Martinez	

NOT VOTING—9

Biden	Johnson	McCain
Clinton	Lincoln	Obama
Dodd	Lott	Reed

The amendment (No. 2376) was rejected.

Mr. ALEXANDER. Mr. President, I would ask through the Chair to the managers, would it be appropriate now to speak on the bill or would they prefer to go ahead with other business that they have?

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 20 minutes and that following me, Senator MENENDEZ be allowed to speak for——

Mr. MENENDEZ. For about 15 minutes.

Mr. ALEXANDER. For 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I congratulate Senator KENNEDY and Senator ENZI and the members of the Health, Education, Labor, and Pensions Committee for their work on this bill. I have been around awhile, but I have not been in the Senate for very long, and we have been working on this bill since I came to the Senate, which was 4 years ago. It needed to be reauthorized some time ago. But similar to some other things, it has gotten a little better with age, and it is a very good bill.

Although we have been working on this bill for some time, I believe it has gotten better over time. It has a number of excellent provisions in it. There is one major concern I have which I intend to speak on. Let me say what that is at the outset before I begin to talk about what I like about the bill. My late friend, Alex Haley, used to say, ''Find the good and praise it,'' and I can do that with this bill, but I do have one concern. My concern is the creeping regulation of higher education.

I believe the single most important thing we could do to help improve excellence in higher education in America, which is already pretty good—the best in the world—is to deregulate, not add more federal regulations. Unfortunately, with this bill, we significantly add to the stack of regulations that college and university presidents all over America have to wade through every year in order to accept students who receive Federal grants and loans.

Let me talk about some of the good things about this bill. In the first place, it was an excellent decision to separate this piece of legislation from the work we acted on last week—what we call the reconciliation bill. This reauthorizes the Higher Education Act for the next 5 years, and it has separate provisions which deserve separate attention. For example, it increases the amount of Pell grants from $4,300 to $6,300 over the next 5 years. Pell grants are for the lowest income students. They don't help the middle-income families very much because the dollars don't get up to that level. Those families are eligible for other aid from universities and other grants and loans. But $6,300 for a Pell grant is a significant amount of money.

For example, if you go to Harvard, it doesn't come close to paying the cost, but if you go to the University of Tennessee, it pays almost the entire tuition for the year. In fact, if you go to the University of Tennessee with a Pell grant, you are very likely to show up with what we call a HOPE scholarship, which also pays for tuition. So you would start off with a HOPE scholarship of—I think the amount is about $4,000—plus your $6,300 from the Pell grant, if you needed that additional amount of money. So the Pell grant would be increasing from its current level of $4,310 to $6,300. If there are families across the country who are watching our debate and thinking they can't go to college, it is important for them to know that the community colleges of America cost several hundred dollars a quarter, and that the great State universities of America typically cost $5,000 or $6,000 or $7,000 a year in tuition. Now, that does not include living expenses, but we all pay living expenses, whether we are in college or we are not in college.

This decision to move up the Pell grant to $6,300 is a big help. I hope it sends a signal across this country to families without means that their son or their daughter may start their higher education, for example, at a community college for 2 years, living at home and paying a few hundred dollars and letting the Pell grant pay for the total cost of the tuition, the total cost of the books. So there will be zero charge for that family for 2 years, and then after 2 more years, go on to a State University, where the tuition might not be very much more than the Pell grant. In addition, the Pell grants will be even larger for students who are majoring in math, science, critical foreign languages, and thereby encouraging students to pursue those fields.

This Congress is taking a number of steps to try to refocus our country's attention on our brain power advantage, to make sure we keep that so we can keep our good jobs from going overseas. Senator KENNEDY and Senator ENZI and Senator Frist last year changed the law and created the SMART grants to focus on our competitiveness, and the increase to the Pell grants do that significantly more in this legislation.

In addition, this legislation, in an overdue way, recognizes the importance of a year-round Pell grant. Many people still have in their mind the idea of the traditional college student on the traditional campus. That life has changed. Many of the students who take Pell grants have to work. They are older. They may be moms going back to school to get the training to get a better job or a dad doing the same, and they may not have time to take the summer off, or that might not fit their schedule. The way the law has been, they couldn't get the Pell grant, if there were, say, three quarters, they could only get it for two. This says that—and Senator CLINTON, I congratulate her for working on this as well. A number of Senators have worked on

making the Pell grant a year-round opportunity.

I am also delighted about legislation I introduced, again with Senator CLINTON, to expand Teach For America. Teach For America attracts some of the brightest young men and women in our country who have a passion for serving. There are many ways to serve our country. Some of our most valued are in Iraq and Afghanistan. Others are in the inner city helping children who haven't had a chance to learn to read, to learn to compute, and learn to have a chance in this country. As Lyndon Johnson used to say, we want people to be equal at the starting line, but we need to help some people get to that starting line, and through Teach For America, young men and women can do just that. This will build a corps of young college graduates who will spend 2 years in those schools, and it will expand the group of influential alumni of Teach For America who care about our public schools.

I actually think that what may end up being more important about Teach For America than their service for 2 years in the inner city schools is that we will expand these young men and women who will grow to be the leaders of this country in a relatively short period of time. Then they will always have within their personal missions the idea of giving every student an opportunity to go to a first-class public school. Having a corps of Americans who value education and who value public schools, especially, will do our country more good than almost anything I can think of.

Mr. President, I believe we have the best colleges and universities in the world. We don't just have some of them, we have almost all of them. They have their problems, but we should recognize the asset that they are. One of my primary goals as a Senator is to relieve the burdensome, oppressive paperwork that the Federal Government places upon our colleges and universities, freeing up scarce dollars to spend on improving quality teaching and research rather than paperwork.

The higher education system—and I want to be careful saying this because I don't want to drive anyone away from this idea—is a Republican's dream, a conservative's dream. We have 6,000 autonomous institutions. Some are public, some are private. Some are religious, some are secular. Some are historically Black, some are Native American, some are Jewish. Some are in cities. There is Harvard and there is the Nashville Auto Diesel College. There are 6,000 autonomous institutions that compete. We don't give money directly to those institutions, for the most part. We give the money to the students, and students take those vouchers—one-half of America's college students attend our autonomous institutions with a Federal grant or loan that helps them to pay for college, and they are flat out vouchers.

I have introduced several times a Pell grant for kids, saying that is what a voucher is for K–12, but we will reserve that discussion for another day.

Since World War II, quite by accident, we have said to the world: Here is the way we organize our education. It is a marketplace of 6,000 institutions, where (1) colleges compete for students, (2) Government money follows those students to the institution of their choice, and (3) the Federal research money is, for the most part, competed for in peer-reviewed efforts. The rest of the world is scrambling to catch up with our system.

In China, they are deregulating. In France, they are deregulating and creating a more competitive system and trying to emulate the model that we have.

So what concerns me about our Government's attitude toward higher education is the number of forms each institution has to fill out. I have a stack of forms this tall in my office. I didn't bring it here to the Senate floor. Every institution has to fill that out in order to accept students who bring with them Federal grants or loans, which are almost all of the students. That means the small church-related schools have to hire somebody else. They have to go through all that. The President of Stanford—not a small, church-related school—said 7 out of 10 cents of every tax dollar is spent on complying with Government regulations.

Would it not be better if we allowed Stanford and the small schools and the Nashville Auto Diesel College, as well as Harvard, to use more of their money to help students and less to comply with paperwork?

With passage of this bill, we will require the Advisory Committee on Student Financial Aid to review regulations imposed under the act and report to the Secretary and Congress ways to reduce regulation, streamline procedures, and simplify for the benefit of students. That will be one small force moving in the right direction.

It would create a discretionary grant program for an institution of higher education to maintain a Web site that keeps track of Federal regulations that have an impact on institutions of higher education. A small, church-related college might only have to hire a person who spends half of his or her time keeping up with the rules and regulations because the Web site might have done it for them.

We require the Secretary to develop an annual compliance calendar for disclosures required by the Higher Education Act.

These provisions might seem not very important, but I can guarantee you, as a former president of a university, they can make a lot of difference. I would like very much to have spread out before me a calendar from the Government that said we have listed all of the rules and regulations and forms and papers that you have to file. That would mean I knew what it was and that would save me a lot of time in figuring it out.

Despite that good news, I am afraid there are, nevertheless, problems in this bill. Currently there are 24 reporting categories and 74 reporting requirements with hundreds of data points. That is today, before this bill passes. My staff has identified 26 new categories and over 100 new reporting requirements imposed on higher education with this law, and that is even before the department starts its regulations.

So I hope we can figure out a way to create competitive forces in favor of deregulation. It is as bad on our side of the aisle as it is on that side of the aisle. Very often, my Republican friends say, for example, prices at colleges have gone up, so let's put on price controls.

When the pilgrims arrived in Massachusetts, they said we know what religious oppression is, so let's practice it ourselves. We are supposed to be for markets and choice and less Federal regulation. So let's apply that to Federal higher education.

I have worked on a number of provisions in the bill, and I thank Senators KENNEDY and ENZI for permitting me to do that, working with others, including Senators GREGG and REED, and I have worked on provisions that have been included that simplify the application form for students who apply for grants or loans.

As I mentioned, I worked with Senator CLINTON to help allow students who have Pell grants to use them year-round so they can finish earlier and get back to work and back with their families, rather than the antiquated requirement that they may only use them part of the year. I mentioned the compliance calendar to make it simpler for colleges, and the Teach for America plan, which Senators HARKIN and REID and others have cosponsored.

There is an accountability research grant and a state data system pilot project. I thank Secretary Spellings for agreeing with these. As a result of her study of higher education, which pointed out a number of important things, we do have a fine system of higher education, but it needs to be challenged if we are going to keep our advantage. I felt that the Secretary, in her recommendations, was going too far in federalizing higher education, whether it be transfer of credit provisions, or whether it might be proposals mandated from Washington about student accountability. I thought that was a good goal but the wrong way to go about it.

So Secretary Spellings has agreed to step back and focus instead on challenging our State boards of education and our college boards of trustees and our university presidents and our Governors and legislators to do their own on accountability. We are not going to kick it to Washington, DC, and let us conduct oversight of how they are doing their jobs, rather than to try to

impose more of the one-size or a few-sizes-fit-all ideas from Washington. A part of doing that would be these new grants from the Department.

In this bill, we have provided grants from the Secretary to create new measures for assessing student achievement in higher education. There is a difference in the Harvard classics department and the Nashville Auto Diesel College. I mention that because Harvard classics might be the best department for classics. I know the Nashville Auto Diesel College is the best training for mechanics. There is no need for us to figure out what is the appropriate accountability at those institutions.

With great respect to the chair and Senators KENNEDY and ENZI and the Department of Education, the institutions of higher education know more about accountability in higher education. We ought to make sure they are doing their job, not try and do it for them from here.

Mr. KENNEDY. Will the Senator yield for a consent agreement?

Mr. ALEXANDER. I am happy to.

Mr. KENNEDY. I believe I have time remaining. I ask unanimous consent that the remaining time be given to the Senator from New Jersey—I believe I have 5 minutes left—and I ask that he be given an additional 10 minutes.

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

Mr. ENZI. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back.

Mr. ALEXANDER. Mr. President, I thank the Senator from Massachusetts and the Senator from Wyoming. Another example of what I would call the propensity to federalize education is to regulate the transfer of credit policy that individual institutions have. If we are going to have a marketplace, and if students are going to have choice, then it is the job of the students to find out from the colleges and universities what their rules are. Otherwise, we go to a European system or a Chinese system, or a system like our K–12 system where we, knowing all, tell everybody what to do, what the transfer of credit policies might be.

So I strongly resist saying that the Federal Government ought not to have anything to say about whether the Nashville Auto Diesel College ought to be required to accept a transfer of credit from the Harvard classics department. I am not sure that a graduate or student in Harvard classics would know anything about a Nissan engine in Nashville, and vice versa. I am pretty sure we don't need to interfere with that, particularly if so much of the excellence in our system comes from this competition, and these autonomous institutions and this marketplace that allows students, followed by Government money, to choose and allows researchers to compete to see who deserves the money.

So my hope is that as time goes on we can have a serious discussion in the Health, Education, Labor, and Pensions Committee and in the Education and Labor Committee in the House about deregulation of higher education. We all have good ideas about what to do. Some will be voted on as amendments tomorrow. If we all impose our good ideas from here, then they add up to another stack like this, and our higher education system begins to be smothered.

I have had the privilege of working at several levels in higher education. When I was president of the University of Tennessee, I had a lot of oversight. The Governor was chairman of the board. The legislature approved the largest share of money that I received. I had a board of trustees to which I had to respond. There was a faculty council to which I paid a lot of attention. In terms of student accountability, the professors graded students on a regular basis. The dean graded the professors. The trustees, the president, the provost, the Tennessee Higher Education Commission, the Governor, and the legislature all had their say. There is plenty of supervision of higher education based on my experience. So we need to be careful. We have been wise since World War II with our loans and grants that half of Americans use to go to college to say here is the money.

If the college is accredited, a student can take their choice. You may go to Notre Dame or to the community college down the street. You may go to the University of Tennessee or to Rhode Island. That is your choice, as long as it is accredited. Of course, some mistakes are made. I am sure that at the fringes some colleges are teaching goofy courses. Some schools are better than others.

Overall, we don't have any enterprise in America that today has consistently outperformed the rest of the world as well as our system of higher education—not our automobile business, not our aluminum business, and not our K–12 system. Even the Senate rarely raises above the level of the Baghdad Parliament when it comes to getting consensus on the war in Iraq. But the system of higher education, with all its sometimes stuffiness and its disagreeable political correctness, and even with the lengthy vacations and even with more tenure than probably is deserved, as a whole, is by far the finest in the world; and more regulation, as a whole, will make it worse, not more excellent.

There is one other provision I want to mention. I am glad the committee included this. It is a statement about the protection of free speech.

Willie Morris, who wrote the ''North Toward Home'' about his days in Mississippi and the University of Texas and New York, wrote an eloquent statement about how the American Association of University Presidents rose up about the political correctness at the time he was a student. That was in the 1950s—I guess early 1960s. At that time, the political correctness in part of Texas, or all of Texas, was segregationist, very conservative, and oppressive to those who had different points of view.

Today, the shoe is often on the other foot. Some deny that, but we know that is true. There are not many conservative speakers at college graduation ceremonies.

The PRESIDING OFFICER. The Senator's time has expired

Mr. ALEXANDER. I ask unanimous consent for 3 more minutes.

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

Mr. ALEXANDER. Often legitimate speakers with different points of view are booed and not welcomed in the academic environment.

I testified about this situation before Secretary Spellings' committee on higher education. I ask unanimous consent to have printed in the RECORD following my remarks my testimony in Nashville last year.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, I hope my friends in the university community will see in me someone who values higher education, who defends the importance of it in our society, who is working hard to keep our brainpower advantage in the world marketplace, who supports funding it generously, but who also believes that the greatest Achilles' heel of our system of higher education today is political correctness and a failure to take it seriously.

Colleges and universities are places where people ought to be allowed to say even outrageous things from the right and from the left. It is not a free and academic environment if you are only allowed to say outrageous things from the left.

Without belaboring that point, I conclude my remarks by expressing my appreciation once more to Senators KENNEDY and ENZI. This is a first-rate bill. It will help students. It will help our country. It has a great many good ideas in it, and I hope there are others in this body and in the House of Representatives who will join me in recognizing that along with political correctness, the greatest threat to quality of higher education, in my view, is overregulation by the Federal Government, and perhaps over time we can find some sensible ways to give it a little more freedom from this big stack of regulations that piled up over the years.

I thank the Chair and yield the floor.

EXHIBIT 1

REMARKS OF SENATOR ALEXANDER TO COMMISSION ON THE FUTURE OF HIGHER EDUCATION, NASHVILLE, TENNESSEE

Thank you for the time you are giving to this Commission's work, and thank you for inviting me to testify.

I've seen higher education from many sides, so I'm sometimes asked, ''What's harder: being governor of a State, a member of a president's cabinet, or president of a university?''

My answer is, ''Obviously, you've never been president of a university, or you wouldn't ask such a question.''

I have six suggestions for recommendations you might make:

First, I hope you will urge the Administration that appointed you to make the National Academies' ''Augustine Report'' a focus of the President's State of the Union address in January and of his remaining three years in office.

This 20-point, $10 billion a year report is the National Academies' answer to the following question that Senator Pete Domenici, Senator Jeff Bingaman and I posed to them in May: ''What are the ten top actions, in priority order, that federal policy makers could take to enhance the science and technology enterprise so the United States can successfully compete, prosper and be secure in the global community of the 21st century?'' The report was written by a distinguished panel of business, government and university leaders headed by Norm Augustine, former CEO of Lockheed Martin.

As 2005 ends, we Americans—who constitute just five percent of the world's population—will once again produce nearly thirty percent of the world's wealth.

Most of this good fortune comes from the American advantage in brainpower: an educated workforce and our science and technology. More Americans go to college than in any other country. Our universities are the world's best, attracting more than 500,000 of the brightest foreign students. No country has national research laboratories to match ours. Americans have won the most Nobel Prizes in science, and have registered the most patents. We have invented the Internet, the automobile and the computer chip, television and electricity. From such advances have come a steady flow of the world's best paying jobs.

As one scientist has said, we don't have science and technology because we're rich. We're rich because we have science and technology.

Yet I am worried that America may be losing its brainpower advantage. Most Americans who travel to China, India, Finland, Singapore and Ireland come home saying, ''Watch out.''

The Augustine panel found I am right to be worried:

Last year, China trained 500,000 engineers, India 200,000, while the U.S. trained 70,000.

For the cost of one chemist or engineer in the U.S., a company can hire five chemists in China or 11 engineers in India.

China is spending billions to recruit the best Chinese scientists from American universities to return home to build up Chinese universities.

They also found signs that we are not keeping up:

U.S. 12th graders performed below the international average of 21 leading countries on tests of general knowledge in math.

In 2003, only three American companies ranked among the top 10 recipients of new U.S. patents.

Of 120 new chemical plants being built around the world with price tags of $1 billion dollars or more, one is in the U.S. and 50 are in China.

Among the Augustine Report's 20 recommendations were:

Recruit 10,000 new science and math teachers with 4-year scholarships and train 250,000 current teachers in summer institutes.

Triple the number of students who take Advanced Placement math and science exams.

Increase Federal funding for basic research in the physical sciences by 10 percent a year for 7 years.

Provide 30,000 scholarships and graduate fellowships for scientists.

Give foreign students who earn a PhD in science, engineering and computing a ''green card'' so they can live and work here.

Give American companies a bigger research and development tax credit so they will keep their good jobs here instead of moving them offshore.

Some may wince at the $10 billion a year price tag. I believe that the cost is low. America's brainpower advantage has not come on the cheap. This year, one-third of State and local budgets go to fund education. Over 50 percent of American students have a Federal grant or loan to help pay for college. The Federal government spends nearly $30 billion per year this year on research at universities and another $34 billion to fund 36 national research laboratories.

Just this year, Congress has authorized $75 billion to fight the war in Iraq, $71 billion for hurricane recovery, $13 billion in increased Medicaid spending and $352 billion to finance the National debt. If we fail to invest the funds necessary to keep our brainpower advantage, we'll not have an economy capable of producing enough money to pay the bills for war, Social Security, hurricanes, Medicaid and debt.

Aside from the war on terror, there is no greater challenge than maintaining our brainpower advantage so we can keep our good paying jobs. That is the surest way to keep America on top.

I have attached an executive summary of the Augustine Report to my comments.

Second, I suggest that you recommend that presidents of the United States appoint a lead adviser to coordinate all of the Federal government responsibilities for higher education.

My greatest regret as U.S. Education Secretary was that I did not volunteer to be that lead person. Secretary Spellings, with the appointment of this commission, has assumed at least some of that responsibility. But the authority of the Secretary of Education over higher education is somewhat like the authority of the U.S. Senate majority leader or a university president: overestimated. Almost every agency of the federal government has something to do with higher education, tens of billions of taxpayer dollars are invested every year and someone should be looking at all of this in a coordinated way.

Third, I urge you to join me on the bandwagon for deregulation of higher education.

The greatest threat to the quality of American higher education is not underfunding. It is overregulation. The key to the quality of our higher education system is that it is NOT a system. It is a marketplace of 6,000 autonomous institutions. Yet, thanks largely to the last two rounds of the Federal Higher Education Act, each one of our 6,000 higher education institutions that accepts students with Federal grants and loans must wade through over 7,000 regulations and notices. The president of Stanford has said that seven cents of every tuition dollar is spent on compliance with governmental regulations.

I have attached to my testimony remarks I made to the U.S. Senate in June when I introduced the Higher Education Simplification and Deregulation Act of 2005, much of which was incorporated in the Higher Education Act reauthorization bill this year.

Fourth, I urge the Congress to overhaul the Medicaid program and free states from outdated federal court consent decrees so that states may properly fund colleges and universities.

You have two charts before you that tell the story. Nationally, during the five year period from 2000 to 2004, State spending for Medicaid was up 36 percent, while State spending for higher education was up only 6.8 percent. As one result, tuition was up 38 percent.

The story in Tennessee was worse. Medicaid spending was up 71 percent, while higher education was up only 10.5 percent, and tuition was up 43 percent.

By the way, during this same four year period, Federal spending for higher education was up 71 percent.

When I left the governor's office in 1987, Tennessee was spending 51 cents of each State tax dollar on education and 16 cents on health care, mainly Medicaid. Today it is 40 cents on education and 26 cents on health care, mainly Medicaid.

To give governors and legislatures the proper authority to allocate resources, Congress should give States more authority over Medicaid standards and more ability to terminate outdated Federal court consent decrees that remove decision-making authority from elected officials.

In addition to the two charts on spending trends, I have attached my remarks when Senator Mark Pryor of Arkansas and I introduced the Federal Consent Decree Fairness Act.

Fifth, I hope you will put a spotlight on the greatest disappointment in higher education today: colleges of education. ''At a time when America 's schools face a critical demand for effective principals and superintendents, the majority of programs that prepare school leaders range in quality from inadequate to poor.'' Those are not my words, but those of a new report by Arthur Levine, the president of Teachers College, Columbia University. Or ask Richard Light, the Harvard professor, who is working with university presidents trying to find and inspire a new generation of leaders for our colleges of education. Sometimes colleges of education are even roadblocks to the very reforms they ought to be championing. In 1983, when I asked colleges of education to help me find a fair way to pay teachers more for teaching well (which not one State was doing at the time), they said it couldn't be done. So we invented our own system for thousands of teachers, with virtually no help from the very people who are in business to figure out such things. And still today, despite the good work of Governor Hunt and others, the lack of differential pay is the major obstacle to quality teaching.

I have attached an executive summary of Dr. Levine's report, ''Educating School Leaders.''

Finally, I hope you will put a spotlight on the greatest threat to broader public support and funding for higher education: the growing political one-sidedness which has infected most campuses, and an absence of true diversity of opinion.

To describe this phenomenon, allow me to borrow some words from the past, which may sound familiar to your chairman, Charles Miller, who was once Chairman of the Board of Regents of the University of Texas: ''systematic, persistent and continuous attempts by a politically dominant group to impose its social and educational views on the university.'' This was what the American Association of University Professors (AAUP) called it in its censure of Texas Governor Pappy O'Daniel's Board of Regents when the Board fired University of Texas President Homer Rainey in the 1940s. This is reported in Willie Morris' book, ''North Toward Home.'' Then the AAUP was talking about one-sidedness imposed by the right, instead of by the left—but political one-sidedness is political one-sidedness, no matter from what direction it comes.

There is more to this charge of one-sidedness than the academic community would like to admit. How many conservative speakers are invited to deliver commencement addresses? How many colleges require courses

in U.S. history? How many even teach Western Civilization? How many bright, young faculty members are encouraged to earn dissertations in the failures of bilingual education or on the virtues of vouchers or charter schools?

I am not surprised that most faculties express liberal views, vote Democratic and that most faculty members resist authority. That is the nature of most university communities. But I am disappointed when true diversity of thought is discouraged in the name of a preferred brand of diversity. This one-sidedness is not good for students. It is not good for the pursuit of truth. And it undermines broad public support for higher education. The solution to this political rigidity lies not in Washington, D.C., but in the hands of trustees, deans and faculty members themselves.

Last year Senator Kay Bailey Hutchison of Texas invited former Brazilian President Fernando Henrique Cardoso to join a small group of U.S. senators in the majority leader's office for a discussion. Dr. Cardoso was completing a residency at the Library of Congress.

''What memory of the United States will you take back to your country?'' Senator HUTCHISON asked Dr. Cardoso.

''The American university,'' he replied immediately. ''The uniqueness, strength and autonomy of the American university. There is nothing like it in the world.''

I salute Secretary Spellings and this Commission for undertaking to preserve and improve higher education, America's secret weapon for its future success.

In coming to your conclusions, I hope that you will urge the President to adopt the Augustine Report and to designate a lead advisor for higher education, that you will jump on the bandwagon to deregulate higher education and preserve its autonomy, that you will urge Congress to overhaul Medicaid and Federal court consent decrees so States can properly fund higher education, and that you will urge trustees to revamp colleges of education and ensure a campus environment that honors true diversity of opinion.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I also rise in strong support of the higher education reauthorization bill before the Senate today.

I first thank my colleague, the chairman of the Health, Education, Labor and Pensions Committee, a true champion for education in our country. Senator KENNEDY's vision for higher education will help make sure college is more accessible and affordable to all our young people regardless of their race, their class, or their income. It is because of the vision of Senator KENNEDY, of Senator Pell before, and others that the doors to college have been opened to millions of Americans who otherwise would not have had access to that American dream.

I appreciate Senator ENZI's leadership as well in bringing and moving this bill on the floor. I salute him for all of his work, both on the bill we had last week and now the bill we have today. It is a tremendous testament of what we can do when we join in a common cause.

As someone whose dreams of college could not have been realized without the power of the Pell grant and without other Federal aid, I am proud to be able to support legislation that will open the doors for the next generation of students in this country. Without the critical assistance I received, I would never have been able to be the first in my family to graduate from college, then later from law school, and I certainly wouldn't be speaking here on the floor of the Senate.

The bill before us takes great steps toward improving and leveling the playing field for all students so that more students are able to access and afford a higher education. Today, all students do not have an equal chance to attend college. As an example, Latinos and African Americans are less likely to be able to afford college and, therefore, more likely to qualify for Federal financial aid. Latinos and African Americans are 40 to 60 percent less likely to earn a bachelor's degree in their lifetime than other students. By also expanding Federal aid opportunities for minorities, the bill will help improve those numbers and close the gap in higher education.

My own story of growing up poor yet having the opportunity to fulfill my dream of attending college because of Federal aid is still true as a challenge for so many of our young people today, and it will continue to be for the young people of tomorrow.

The changes in this bill come at a critical time. It is projected that by the year 2015, 8 short years from now, college enrollment of African-American students will increase by 23 percent, and for Latinos that number will increase by a whopping 73 percent. Moreover, 75 percent of undergraduate students are nontraditional students, meaning they either are attending part time and working full time, non-high school graduates, or have dependents, among other characteristics. The student populations of our Nation's colleges will increasingly reflect the changing landscape of our country. So this bill is going to help all of our students.

More and more of our students will not be the sons and daughters of previous college graduates. The student of tomorrow will be a mother who juggles a full-time job and attends community college part time at night so she can gain skills that will lead to a better job and provide her children economic security.

The student of tomorrow will be a naturalized U.S. citizen who, with the help of Federal aid, can fulfill his dream of becoming an engineer who can give back to this country by helping build new infrastructure.

The student of tomorrow will be a foster child who is able to attend college with Federal aid and fulfill her dream of becoming a nurse so she can not only live a stable life but give back to a system that saved hers.

The student of tomorrow will be a bright high school student who works part time through college and despite his family's low income can attend the college of his choice because of Pell and Perkins.

These are the students who will help define the students of our Nation—the first-generation students breaking through new barriers, the parents working to improve life for their children, the naturalized citizen building a better life in this country. They will each be charting their own path, able to realize their dreams because of the opportunity only a college education can provide.

How well educated they are will not just determine how successful they are in the workforce but how successful our Nation is in the global economy. As a nation, I am convinced that the single greatest asset we will have in this global economy is our collective intellect. To be a leader globally, we will have to be at the apex of the curve of intellect. That means the most highly educated generation this Nation has ever known. To get there, our education pipeline must be accessible and affordable to a great cross-section of young people.

However, rising costs, combined with far too stagnant growth in family income and declining Federal aid, have effectively priced out many students. Even with student loans and work study, today's students have thousands in unmet financial need they often cannot afford to pay. As a nation, we simply cannot afford to have our students priced out of a college education. Our Nation's future depends on it.

The legislation before us will make key changes to help ensure the doors to college remain open to all, not just those who can afford it out of pocket. This bill realizes that improving access to college does not just mean increasing funding. Improving access to college means curbing rising tuition costs so that young people will be able to better afford a higher education. This bill will hold colleges accountable for rising tuition costs by making tuition data public and available so students and their families can compare costs. By publicizing costs to prospective families, colleges will need to justify tuition increases that far exceed those of comparable institutions.

Improving access to college means reforming the student loan system so students get loans that are fair, not loans that wash them away in debt. Outrageous loan debt is forcing borrowers to delay either buying a home in the future or taking the dream job of their choice after college simply because it will not pay enough. This bill reverses this troubling trend by not only expanding Federal aid but ensuring students are getting the best possible deal when they take out a loan.

Improving access to college also means starting at the first step—filling out the forms. As someone who had to fill out the FAFSA form by myself, it was pretty daunting. For any student facing this process on their own or for families with income, language, or other barriers, the financial aid process itself can be overwhelming. By reducing the FAFSA from 10 pages to 2

pages, we make it easier for students to accomplish the very first step necessary to get financial aid.

By improving access to college, it also means helping students get on the right path early by strengthening and expanding programs such as GEAR UP and TRIO, by promoting quality teacher preparation programs, and helping high-needs public schools recruit and retain high-quality teachers. This bill takes low-income and first-generation students closer to their dreams of college.

We also need to expand access beyond the undergraduate realm. I am particularly pleased that this bill expands funding for minority-serving institutions and specifically supports the creation of graduate programs at Hispanic-serving institutions, a proposal I have supported for a long time. Latinos currently make up less than 6 percent of graduate students, and by expanding opportunities at Hispanic-serving institutions which enroll more than 50 percent of all Latino students in this country, this expansion is an important step to ensuring the Nation's graduate and doctorate students reflect the diversity of our Nation.

Ensuring our students are prepared to be the next generation of innovators, business owners, and leaders requires a serious commitment to making college affordable and accessible. This means making education work for all students. That is why we must take the steps to increase critical grant aid and strengthen key programs to help open the doors to college for all our young people. We must ensure our young people are getting the best possible deal when they apply to college and that every student who is willing to work hard has the opportunity to graduate from college.

I believe that in this Nation in which this challenge for us globally is so significant, in which an engineer's report is created in India and transmitted back to the United States for a fraction of the cost, in which a radiologist's report is done in Pakistan and sent to your local hospital, read by your local doctor, if you have a problem with a credit card, as I recently did, you may end up in a call center in South Africa, in the pursuit of human capital for the creation of a product for the delivery of a service; we are globally challenged. That is why this ability to have a generation that has the greatest educational achievement is so important to the Nation's competitive future.

I want to make sure that the opportunity I had as someone who had challenges is an opportunity that can be met by every student who is willing to work hard, has the ability, and gives something back to their country. This bill is going to make that happen. I think this bill takes us significantly in the right direction. I hope it will have incredibly robust support when its final passage comes up for a vote.

Mrs. HUTCHISON. Mr. President, I rise today to speak about the Higher Education Act.

As the reauthorization process continues, I want to highlight the importance of Hispanic serving institutions, and the role they play in educating our young people.

Hispanics should have equal opportunities to receive a first-class education, acquire the great jobs available in America, and pursue careers in any field they desire whether it's in medicine, law, business, education, or any other area.

According to the Census Bureau, Hispanics account for 1 out of every 2 people who are added to the Nation's population, and the U.S. Department of Labor estimates that 1 out of every 3 new entrants into the job market is Hispanic.

The percentage of Hispanic students attending college has also increased significantly over the past few years. Because the pace of bachelor's degrees earned by Hispanics is accelerating rapidly, we must keep pace by increasing the capacity of our institutions of higher education to serve these students.

Our Hispanic serving institutions are able to do this.

HSIs continue to grow in stature and importance. They are home to more than half of all Hispanic college students, and are often the only viable opportunity for individuals of modest economic backgrounds to attend college.

I applaud HSIs for their vast contributions in providing quality educational opportunities to all Hispanic and non-Hispanic students who attend their institutions, and I remain committed to opening the doors of higher education to all Americans and keeping our country competitive in the global marketplace.

I have been proud to serve as cochair of the HSI Coalition with my colleague Senator BINGAMAN of New Mexico. The success we have had over the past 11 years has us headed in the right direction.

From 1995–2006, we have helped increase Federal funding for HSIs from $12 million to $95.8 million.

The Third Higher Education Extension Act of 2006 removed two barriers harmful to Hispanics and HSIs. It eliminated the 2-year wait-out period between HSI grant funding cycles, as well as the requirement that 50 percent of the Hispanic student population must be low-income for the school to qualify for HSI eligibility. This allows HSIs to gain funding without costly gathering and reporting of individual Hispanic-student income documentation, which was often impossible for universities to obtain.

Despite the positive increases in college student matriculation, overall, too few Hispanic-Americans graduate from high school or college. If we fail to properly educate one-half of America's future workforce, there will be disastrous economic and social consequences for the entire nation.

As we debate the reauthorization of the Higher Education Act, I want to make sure that our federally-designated HSIs are not left behind.

I have ensured that the language of the Next Generation Hispanic Serving Institutions Act is included in the Higher Education Act. I am an original cosponsor of this legislation, which I introduced with Senator BINGAMAN on February 13, 2007.

This bill provides fellowships and support services for graduates, as well as facility and faculty improvements at HSIs. It provides new technology for distance education and collaborative arrangements with other institutions.

In addition, the legislation increases the authorization of the current HSI program to $175 million and authorizes $125 million for the new HSIs graduate program for fiscal year 2008.

I strongly urge my colleagues in the Senate to support these provisions.

Mr. CARDIN. Mr. President, I rise today in strong support of the higher education amendments before the Senate. This bill works toward one of the most important responsibilities elected representatives shoulder: opening the doors of educational opportunity for each American child and every American family.

Last week, the Senate took a critical step toward making college more affordable by passing the Higher Education Access Act, legislation that increases Pell grants, caps student loan repayments, and provides loan forgiveness for those who enter and stick with careers in public service.

But we must actually control college costs if we hope to make permanent progress on college affordability. The legislation now before the Senate would not only allow the Secretary of Education to highlight those colleges and universities whose tuition increases are out of line with their peers, it would allow the Secretary to study what factors are driving soaring higher education costs in this country and identify what measures could be utilized to bring them under control.

Even with this effort and the important measures passed last week, most students and their families in Maryland and around the Nation will still have to borrow money to make their college dream a reality.

Today, that means completing lengthy and confusing Federal and school-based student aid applications. Once those applications are submitted, families must decipher various colleges' price estimates and various banks' descriptions of loan terms and conditions. Financial award letters often contain inconsistent definitions and formats to describe the cost of attendance, the financial aid offered, and the costs associated with various types of loans. Too many banks provide inadequate information about their rates and terms. As a result, families are unable to shop around for the financial

aid package or best loan rates and are ill-prepared for post-graduation monthly payments. Jim Guest, president of the Consumers Union, has said that ''[f]inancing a house or car can be confusing, but it's nothing compared with trying to pay for a college education.''

In the face of such confusion, many students and their families turn to financial aid officers to guide their choices. But throughout this year, thanks to the New York Attorney General and my distinguished colleagues on the Senate Health, Education, Labor, and Pensions Committee, we have learned that some financial aid officers, including, unfortunately, some from Maryland, were not giving families honest advice. Some financial aid offices were receiving expensive gifts, travel and other kickbacks from lenders and in return recommended those lenders to students, even if the product was not in the students' best interest.

This important legislation takes critical steps to reform the entire student loan system so that students and their families will receive timely, accessible, and reliable information and can make wise college financing decisions.

First and foremost, the legislation would simplify the financial aid process for all students and their families.

The bill reforms the Federal financial aid application. The Free Application for Federal Student Aid, FAFSA, is currently 10 long pages full of complex questions. Its length and complexity create an unnecessary obstacle for low- and middle-income students seeking the aid they need to attend college. The higher education amendments simplify the FAFSA by creating a new two-page EZ-FAFSA for low-income students, and phasing out the current seven-page FAFSA for all applicants within 5 years.

Further, the bill creates a pilot program that allows students to receive an aid determination or estimate in their junior year of high school. Rather than making complicated decisions in a frenzy of paper and options, the bill facilitates student planning, giving families time to investigate their financing options.

This critical bill makes sure that those options are easier to understand. The bill requires the Secretary of Education work with colleges and universities to develop several model price calculators that would give students an institution's actual net price. With these bottom-line prices in hand—in clear and consistent terms—families will be better equipped to make the right college and financing choices.

Plus, the bill requires lenders clearly disclose the terms of their loans and again asks the Secretary of Education to develop a consumer-friendly format so that families receive information in a consistent and accessible way.

But critically important, the bill protects students by ensuring colleges recommend lenders based on students—not banks' or financial aid officers'—best interest.

The bill requires that colleges adopt and enforce a code of conduct that prohibits the college or any of its employees from accepting any significant gifts, trips, services, or other benefits from lenders, period. If a college chooses to select a ''preferred lender,'' it must provide the Secretary of Education and the public a clear report explaining why the preferred products are in the best interest of students or their parents.

These provisions take critical steps towards cleaning up the student loan industry by removing the conflicts of interest that compromised the advice and integrity of too many financial aid offices and officers.

Beyond the student loans, the higher education amendments make more grant aid available to students in Maryland and around the nation. This bill expands eligibility criteria for Academic Competitiveness Grants, ACG, and National Science Mathematics Access to Retain Talent, SMART, grants; expands critical opportunities and services provided for low-income, first generation, and homeless college students under Federal TRIO Programs; increases grants to States to provide its young scientists and mathematicians with scholarships; and increases colleges' ability to reach out and prepare younger students for college through partnership programs. The bill makes it easier for colleges to use grant money to provide financial counseling and for students to engage in public service opportunities as part of their work-study obligations.

Grant programs encourage colleges to build partnerships with the business community to address the Nation's workforce needs and to build programs that teach all students, and especially minority students, foreign languages and encourage them to enter international service fields. The bill creates a new grant program for predominantly Black institutions to enhance their capacity to service more low- and middle-income Black American students; and a new grant for colleges to develop and improve their campus safety and emergency response systems in the wake of the terrible tragedy at Virginia Tech.

What do these changes mean for Maryland students? Well, instead of filling out a seven-page monstrosity, students will have access to a simpler two-page form, and eventually an online smart form that tailors later questions as a student answers earlier ones and may even be able to populate information from forms submitted to the IRS and other Government agencies.

Students will know their financial needs by their junior year of high school, enabling their family to examine straight-forward and honest documents outlining financing options. Families will be able to rely on financial aid officers for honest advice and will have greater access to financial aid counseling. Expanded grant eligibility requirements will give Maryland students increased access to grants and a better ability to pursue their dreams. St. John's students in Annapolis, for instance, will now be able to apply for SMART grants whereas this unique institution's absence of formal majors was a barrier to student eligibility in the past. Students who choose to go to school year round will be eligible for a second Pell grant. The books and supplies allowance for Federal work-study students will go from $450 to $600.

Perhaps most important, this bill takes steps toward addressing one of the most critical education problems we have in this country: a growing teacher shortage. As you know, Mr. President, teachers are our most valuable resource when it comes to educating our Nation's children. According to research, teacher quality is the schooling factor with the greatest effect on student achievement. Good teachers can make up to a full year's difference in learning growth for students and dwarf the impact of any other educational investment, even smaller class sizes.

But between the retirement of hundreds of thousands of baby boomers, efforts to reduce class sizes, and the No Child Left Behind law's raised standards for new teachers, school systems across the Nation can't find enough qualified recruits to fill their class rooms.

Maryland is no different. In 2006, the Maryland Higher Education Commission found that the State ''is not producing or attracting enough teachers to fulfill the staffing requirements of the State's school systems, especially in high need certification fields.'' High turnover only makes the problem worse.

It is widely accepted that it takes 5 years to master the complex art of teaching. But one-third of new teachers leave the profession within 3 years, half within 5 years, and attrition is greater in schools in low-income, urban districts. Of the estimated 6 million people in the U.S. with teaching backgrounds or credentials, only 3 million are actually teaching. Not only does the turnover leave our classrooms without teachers, but recruiting and training new teachers costs the country $7 billion a year.

Because research shows even modest monetary incentives lower teacher attrition, especially in high-risk school districts, I introduced the Master Teacher Act of 2007 to reward ''master teachers'' with a 25-percent Federal tax exemption on their salary for 4 years if they agree to teach in a school that is not meeting No Child Left Behind's annual achievement goals. That legislation is now before the Senate Finance Committee.

But more must be done to attract our best and brightest to teaching and then keep them there. Most professions, require new entrants go through extensive formal or informal apprenticeships before taking on the profession's full responsibilities. Not many graduate

law school and the next day walk into a courtroom and try a death penalty case or graduate medical school and immediately walk into an operating room to perform open-heart surgery. Those professions require decades of training post-graduation. Teaching is an equally complex profession, melding academic theory and practice, and carries enormous responsibility for children's personal and our Nation's collective economic future.

But too many teachers are thrown into a classroom with their own students, many with complex social, emotional, and learning needs, without sufficient training or support. And too many leave the profession feeling frustrated, defeated, and disheartened. Studies have shown a connection between support in the first year and teachers' moving between schools and leaving the profession. A helpful mentor, as reported by teachers, significantly reduces the chances of quitting in the first year. Common planning time and collaboration with other teachers are strong predictors of teachers' decisions to stay in a school and the profession.

The higher education amendments will improve teacher quality, training, and retention by promoting high-quality and effective teacher preparation programs for new and prospective teachers, and help high-need schools by focusing on recruiting and retaining high-quality teachers in high-need schools.

The bill creates competitive grants for innovative teacher preparation programs that address the need for stronger teaching methods and better teacher support. The bill provides a competitive grant for college level preparation programs that include evidence-based teaching methods, mentoring programs for the teacher's first 2 years in service—called induction programs—and new accountability measures to allow programs to improve the training offered.

The bill also provides grants to teaching residency programs, programs that provide participants a 1-year stipend to engage in a guided teaching apprenticeship with a master teacher that integrates theory and practice and includes master's degree coursework. These residency programs must place participants in high-needs schools and work with local school districts to develop an induction program to provide continued support to residents once the program ends. These programs must also contain accountability measures methods that allow for program evaluation and improvement.

I want to express my gratitude to Senators KENNEDY and ENZI and the rest of my colleagues on the Senate Health, Education, Labor, and Pensions Committee for all their hard work and leadership in bringing such a comprehensive and innovative bill to the floor.

Mr. President, I first ran for elected office in my home State of Maryland at the age of 22. I sought elected office because I believed that government can make a difference in people's lives. This bill, reauthorizing the Higher Education Act of 1965, does just that, and I am proud to offer my support.

Mr. REED. Mr. President, due to the delay of my flight from Rhode Island, I was unavoidably absent for vote No. 273, the Brown amendment to create a new Federal Supplemental Loan program.

Had I been present, I would have supported the Brown amendment No. 2376. We know that more and more students are taking out private loans with high interest rates. Senator BROWN's amendment seeks to provide an alternative for those students who have exhausted their grant and Stafford loan aid and continue to need assistance in meeting their college cost of attendance. I have heard concern that such a program could provide a disincentive to States to provide additional grant aid, but I believe we must address the fact that too many moderate- and low-income students take out high interest private loans, which creates an unmanageable loan burden for these students and their families. The Brown amendment is an attempt to rectify this situation and although not perfect, it is worthy of inclusion in the committee's deliberation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The pending amendment is the Kennedy second-degree amendment to the Coburn amendment.

AMENDMENT NO. 2377

Mr. DURBIN. Mr. President, I ask unanimous consent to return to the amendment I filed earlier.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is now pending.

Mr. DURBIN. I ask the Chair if there is a pending second-degree amendment by the Senator from Iowa.

The PRESIDING OFFICER. There is.

Mr. DURBIN. I would say to the Chair, for those Members following, there has been agreement reached, and there will be no objection to the adoption of the second-degree amendment to my amendment and then the adoption of my amendment, both by voice vote.

So at this point, I urge the adoption of the second-degree amendment offered by the Senator from Iowa.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2380) was agreed to.

Mr. DURBIN. Now, Mr. President, I urge adoption of the Durbin amendment, as amended by the second-degree amendment of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, the amendment, as amended, is agreed to.

The amendment (No. 2377), as amended, was agreed to.

AMENDMENT NO. 2381

Mr. DURBIN. Mr. President, I ask to return to the pending business before I make my unanimous consent request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 1642 in the morning, July 24, no amendments other than those in this agreement be in order; that there be 20 minutes of debate time remaining, divided as follows: 10 minutes each for Senators KENNEDY and ENZI; upon the use of that time, the Senate proceed to vote in relation to the Kennedy second-degree amendment, No. 2387; that upon disposition of the Kennedy amendment, if the Kennedy amendment is agreed to, then it be in order for Senator COBURN to offer a further second-degree amendment on the same subject; that there be 2 minutes of debate prior to a vote in relation to the Coburn second-degree amendment, if offered, with the time equally divided and controlled in the usual form; that upon disposition of the Coburn second-degree amendment, there be 2 minutes for debate, equally divided, prior to a vote in relation to the Coburn amendment No. 2369, as amended; that upon disposition of the Coburn amendment No. 2369, as amended, if amended, the committee substitute amendment, as amended, be agreed to, the motion to reconsider be laid upon the table; the bill be read a third time, and the Senate proceed to vote on passage of the bill without further intervening action or debate.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

MINIMUM WAGE INCREASE

Mr. KENNEDY. Mr. President, tomorrow we will celebrate the first increase in the minimum wage in 10

years—in 10 years. That will be the first increase in the minimum wage. It will be increased to $5.85 an hour, followed by an additional 70 cents one year later, and an additional 70 cents one year after that.

This will mean new hope and opportunity for 13 million men and women. Primarily women, because almost 60 percent of minimum wage workers are women. It will benefit some 6.4 million children because more than half of the women who will benefit from the increase have children. So it will benefit the children. This means hope is on the way.

It has been a long time, Mr. President. We have heard those who say: Well, the increase in the minimum wage is going to cost jobs, and it will work a hardship on these people. Of course, that is what they have said on every increase there has been. This is the 10th increase in the minimum wage, and they have been wrong each and every time. Currently, the second largest economy in Western Europe is Great Britain—they are paying $10.97 as a minimum wage. They have lifted almost a million children out of poverty. At the present time, Ireland also has one of the strongest economies in Western Europe and their minimum wage is $11.25 an hour, and they have the strongest economy in all of Western Europe. They have reduced child poverty by 40 percent, and their economy is strong. So $5.85 in this great country at this time is just a statement that many of us believe that work should pay, and that people who work 40 hours a week, 52 weeks of the year, should not live in poverty.

So tomorrow will be an important day, Mr. President, and it is appropriate that the Senate be reminded of it.

VOTE-ARAMAS

Mr. BYRD. Mr. President, last Thursday night, in an embarrassing display, the Senate engaged in the perennial and painfully ridiculous budget vote-arama.

This is the process where the Senate considers either a budget resolution or reconciliation bill, and, under the rules of the Budget Act, Senators are permitted to offer and secure votes on amendments after the statutory limitation on debate has expired. By consent, Senators are usually allocated 2 minutes to describe their positions for and against an amendment before the Senate votes. Because Senators are not required to file their amendments in advance, far too often, Senators cannot read an amendment before a rollcall vote begins. We cannot even get an inkling of some of the mischief contained in many of these amendments. Many times, the amendments being considered would require sweeping changes to current law, and Senators are forced to cast their votes on these complex matters without the benefit of debate, an understanding of the costs, or even the chance to peek at the text of the amendment.

In recent years, the budget vote-arama has come to signify an absolute breakdown in the deliberations of the U.S. Senate. The vote-arama is a degrading process that sullies the reputation of the Senate every time it occurs. I can only imagine, and I cringe at the thought of, how the Senate must appear to the American people, voting on matters without debate, and without even something as simple as a copy of the amendment.

Last Thursday night, during the debate on the Higher Education Access Act, the so-called education reconciliation bill, the process deteriorated even further, into something appalling. The Senate fell into a political tit-for-tat, with Senators offering, at first, an unrelated amendment regarding the Federal Communications Commission, and then a sense-of-the-Senate resolution regarding the detainees at Guantanamo Bay, Cuba, and then an unrelated amendment to alter the collective bargaining rights of American workers. The free-for-all further deteriorated when an amendment was offered urging the President not to pardon the Vice President's former Chief of Staff, I. Lewis ''Scooter'' Libby, and then a retaliatory amendment was offered regarding the pardons granted by President Clinton. And on it went.

Amendment after amendment was offered, each completely unrelated to the education bill before the Senate, and subject to multiple violations under the Budget Act. And, yet, each side continued to raise the stakes, taking political shots at the opposing side, while the Senate suffered through a humiliating night of political ping-pong. Cooler heads finally prevailed, thanks to the intervention of the majority leader, and, at least, the amendments regarding Presidential pardons were withdrawn. Nevertheless, the soap opera of last Thursday night underscores the dangers of the budget reconciliation process—where bills are considered under expedited procedures, where debate is almost nonexistent, where vote-aramas occur, and where Senators are called upon to cast votes on nearly anonymous amendments that amount to little more than colorful sloganeering.

The spectacle also underscored the absolute necessity of the Byrd Rule. Section 313 of the Budget Act—the Byrd Rule—prevents extraneous matter from being added to reconciliation bills, and being jammed through the Senate on party-line votes, like the ones we saw last Thursday night. The Byrd Rule was designed to prevent passage of exactly the kind of amendments that were being offered.

As the hours ticked by, I believe that many Members were embarrassed by the performance of the Senate, as it got dragged into a political game of tossing zingers. In hindsight, we have to admit that matters got carried away, and that this body drifted far from its constitutional responsibility to legislate for the American people, and not the political media. Last Thursday night, the Senate displayed an utter lack of seriousness and appreciation for the depth and complexity of the issues before this country. I opposed every amendment that violated the Byrd Rule—regardless of whether it was offered by a Republican or Democrat, and regardless of how I viewed the subject matter—because I was so appalled by the deterioration in the Senate's deliberative processes. I can say honestly that I took no part in the message-mongering amendments that were extraneous to the underlying bill, and that showed this institution in such a shameful light.

Last Thursday night's spectacle ought to cause every Senator to re-evaluate the budget process in the U.S. Senate. I will renew my efforts to do away with these pernicious vote-aramas, and I hope my colleagues will join me in that effort.

REFUGEE CRISIS IN IRAQ ACT

Mr. KENNEDY. Mr. President, yesterday's Washington Post included details from a memo by our Ambassador to Iraq, Ryan Crocker, in which he makes a strong case that we need to do more to make it possible for Iraqis employed by our government to come to the United States.

Ambasador Crocker emphasizes the growing danger facing these Iraqis, who as he states ''work under extremely difficult conditions, and are targets for violence including murder and kidnapping.'' According to the article, Ambassador Crocker has called for establishment of an immigrant visa program for these Iraqi employees.

In fact, Senators SMITH, BIDEN, HAGEL, LIEBERMAN, LEAHY, LEVIN, and I have introduced legislation which establishes a program to do precisely what Ambassador Crocker calls for.

Our legislation establishes an immigrant visa program for Iraqis who have worked for or directly with the United States government for at least 1 year. Our Government now provides such special immigrant visas but only for Iraqi and Afghan translators and interpreters. Our bill expands it to include Iraqis in other professions who have been employed by us or who have worked directly with us.

In addition, our legislation creates additional options for Iraqis who are under threat because of their close association with the United States to apply to our refugee resettlement program.

The Senate is obviously divided on the best overall policy to pursue on the war. I thought it was a mistake from the beginning. That is no secret. Some of our colleagues are convinced that continuing the use of military force in Iraq is necessary to protect our national security.

But our divisions on that issue should not obscure the fact that all of

us on both sides of the aisle agree that America owes an immense debt of gratitude to these Iraqis, and we have a special responsibility to help them. They have supported our effort, saved American lives, and are clearly at great risk because of it.

David Keene, chairman of the American Conservative Union, recognized this obligation and called for action in a June 12 article in ''The Hill.'' He recalled a Vietnamese friend who did not make it out of Vietnam when the U.S. left, and said, ''There are in Iraq today untold numbers of people like my Vietnamese friend who rushed to our aid when we arrived and have worked with us since. If we abandon them, they may not be so lucky.''

Similarly, in a June 24 op-ed in the Washington Post, Julia Taft called for swift action to assist Iraqis whose lives are in danger because of their work with our government. Ms. Taft served as director of the Interagency Task Force for Indochinese Refugee Resettlement in the Ford Administration and was later Assistant Secretary of State for Population, Refugees and Migration. She wrote about an Iraqi couple working for the U.S. Embassy in Baghdad who had been kidnapped and executed.

She said:

> They are among the most recent of thousands of cases in which Iraqis affiliated with the United States have been forced into hiding, tortured or, often, killed . . . I found myself thinking of this husband and wife last week . . . and struggling with a terrible contradiction. The United States is the world's most generous contributor to refugee relief, and we have always taken the lead on resettling refugees. Yet our country has done the bare minimum to help these Iraqis facing death and exile.

In her call for action, Taft said, ''The administration and Congress cannot waste any more time. Their lack of political will has cost too many people their lives. . . .''

In a July 19 op-ed in USA Today, Michael Medved, a conservative Republican who supports the ongoing war effort, and Lanny J. Davis, a liberal Democrat who supports the withdrawal of U.S. forces from Iraq, called for swift and bold action to help Iraqi refugees.

They wrote:

> One issue should bring together all factions of the ongoing debate, and that is America's moral obligation to open our doors—immediately—to Iraqis who face danger and death because of their assistance to our forces.

They specifically called for action on our legislation, saying:

> Last month, a bipartisan group of senators, including Kennedy, who is anti-war, and Lieberman, who supports the war, introduced legislation that would provide special refugee status for Iraqis who are in danger because of their association with the United States or its contractors. This legislation, or something like it, needs strong support from the administration as well as from citizens across ideological and partisan lines. . . . days, even hours, could mean the difference between life and death for people who did nothing wrong other than help Americans.

Many Iraqis have been working with our Armed Forces, our diplomatic mission, and our reconstruction teams in Iraq and have performed valiantly, and their lives are at risk. Many have lost their lives and many more have lost their homes, their property, and their livelihood. For some, it will be too dangerous to ever return home.

America has a special obligation to keep faith with the Iraqis who now have a bulls-eye on their back because of their association with our Government.

Our bipartisan legislation will establish the kind of process that Ambassador Crocker, David Keene, Julia Taft, Roy Medved, Lanny Davis, and many others have called for to help these Iraqis who have sacrificed so much for the United States. I ask unanimous consent that the Washington Post article and other articles I have mentioned be printed in the RECORD.

I urge my colleagues to support our legislation, S. 1651, to keep the faith with the many brave Iraqis whose lives are in great danger because they have the courage to work with the United States.

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

[From the Washington Post, July 22, 2007]

ENVOY URGES VISAS FOR IRAQIS AIDING U.S.

(By Spencer S. Hsu)

The American ambassador in Baghdad, Ryan C. Crocker, has asked the Bush administration to take the unusual step of granting immigrant visas to all Iraqis employed by the U.S. government in Iraq because of growing concern that they will quit and flee the country if they cannot be assured eventual safe passage to the United States.

Crocker's request comes as the administration is struggling to respond to the flood of Iraqis who have sought refuge in neighboring countries since sectarian fighting escalated early last year. The United States has admitted 133 Iraqi refugees since October, despite predicting that it would process 7,000 by the end of September. ''Our [Iraqi staff members] work under extremely difficult conditions, and are targets for violence including murder and kidnapping,'' Crocker wrote Undersecretary of State Henrietta H. Fore. ''Unless they know that there is some hope of an [immigrant visa] in the future, many will continue to seek asylum, leaving our Mission lacking in one of our most valuable assets.''

Crocker's two-page cable dramatizes how Iraq's instability and a rapidly increasing refugee population are stoking new pressures to help those who are threatened or displaced. As public sentiment grows for a partial or full American withdrawal, U.S. Embassy officials are facing demands from their own employees to secure a reliable exit route, and the administration as a whole is facing pressure from aid groups, lawmakers and diplomats to do more for those upended by the war.

With Iraqi immigration to the United States stuck at a trickle, however, it appears that humanitarian concerns have been trumped so far by fears that terrorists may infiltrate through refugee channels. Bureaucratic delays at the departments of State and Homeland Security have also bogged down the processing of immigration requests by Iraqis fleeing violence.

Skeptics contend another reason the administration has been slow to resettle Iraqis in large numbers is that doing so could be seen as admitting that its efforts to secure Iraq have failed. The intense pressure for visas ''reflects the fact that the situation is pretty dire,'' said Roberta Cohen, principal adviser to the U.N. secretary general's representative on internally displaced persons.

The Office of the U.N. High Commissioner for Refugees says that about 2 million Iraqis have been displaced inside the country so far, and that an estimated 2.2 million others have fled to Syria, Jordan and other neighbors, where they threaten to overwhelm schools and housing, destabilize host governments and provide a recruiting ground for radical unrest. Each month, an additional 60,000 Iraqis flee their homes, the U.N. agency said.

Overall estimates of the number of Iraqis who may be targeted as collaborators because of their work for U.S., coalition or foreign reconstruction groups are as high as 110,000. The U.N. refugee agency has estimated that 20,000 Iraqi refugees need permanent resettlement.

In the cable he sent July 9, Crocker highlighted the plight of Iraqis who have assumed great risk by helping the United States. Since June 2004, at least nine U.S. Embassy employees have been killed—including a married couple last month. But Iraqi employees other than interpreters and translators generally cannot obtain U.S. immigrant visas, and until a recent expansion that took the annual quota to 500 from 50, interpreter-translator applicants faced a nine-year backlog.

As a result, Crocker said, the embassy is referring two workers per week to a U.S. asylum program. Outside analysts and former officials say the number of Iraqi staffers at the embassy has fallen by about half from 200 last year, while rough estimates place the number of Iraqi employees of the U.S. government in the low thousands.

A 43-year-old former engineer for the U.S. Embassy who gave his name as Abu Ali said Iraqis working with Americans at any level must trust no one, use fake names, conceal their travel and telephone use, and withhold their employment even from family members. Despite such extreme precautions, he said they are viewed as traitors by some countrymen and are still mistrusted by the U.S. government.

''We have no good end or finish for us,'' said Ali, who quit the embassy in June and moved to Dubai with his four children.

Kirk W. Johnson, who served as regional reconstruction coordinator in Fallujah in 2005 for the U.S. Agency for International Development, said the damage to the United States' standing in the Muslim world will be long-lasting if the country's immigration officials are unable to tell friend from foe in Iraq—between terrorists and those who have sacrificed the most to work and fight alongside Americans.

''If we screw this group of people, we're never going to make another friend in the Middle East as long as I'm alive,'' said Johnson, who is advocating the resettlement of Iraqis who have worked for coalition forces. ''The people in the Middle East are watching what happens to this group.''

The State Department declined to comment on Friday about Crocker's proposals or his cable, a copy of which was obtained by The Washington Post. But Homeland Security Secretary Michael Chertoff said last week that he would like Iraqis who worked for the United States or who have been vouched for by American authorities to be processed ''as quickly as we can, because I think we have a responsibility there.''

Kenneth H. Bacon, president of Refugees International, who has urged broader U.S. resettlement efforts, said that ''the U.S. does

have an obligation to be fair to the people who have served it, whether in Iraq or elsewhere. That's what Ryan Crocker wants to be able to promise.'' Bacon was among several refugee experts who said that Iraqi employees seeking immigrant visas have already shown their trustworthiness by exposing themselves to brutal attacks over their work in the Green Zone and elsewhere.

But such Iraqis are only a small part of a broader refugee problem that Washington confronts as a result of the war. In recent months, the U.N. refugee agency has referred 8,000 Iraqi refugee applications to the U.S. government. About 1,500 of them have been interviewed, and about 1,000 ''conditionally approved'' pending security checks and travel arrangements, a DHS official said. The State Department expects 4,000 more interviews to be completed by October.

But State and DHS are unlikely to admit more than 2,000 Iraqi refugees by October, U.S. officials said. Since 2003, the year of the U.S. invasion, the United States has admitted 825 Iraqi refugees, many of them backlogged applicants from the time when Saddam Hussein was in power. By comparison, the United States has accepted 3,498 Iranians in the past nine months.

Smaller countries have also done more. Sweden received 9,065 Iraqi asylum applications in 2006, approving them at a rate of 80 percent, although it recently announced tighter restrictions.

By past standards, the U.S. response also has been meager. Washington admitted nearly 140,000 Vietnamese refugees in eight months in 1975, although only after the U.S. defeat in South Vietnam became clear.

A DHS official blamed the State Department for paperwork delays. Assistant Secretary of State Ellen R. Sauerbrey said officials are speeding up processing and anticipate ''a significantly larger number'' of admissions. ''The people who are in the pipeline will be admitted by next year or, hopefully, the end of the calendar year,'' she said.

But DHS has opposed boosting the U.S. intake of Iraqis. In a June 26 memo to Congress, the department opposed a legislative proposal to allow applications by Christians and other Iraqi religious minorities, saying it would ''vastly increase'' the number of refugees. ''No vetting process is perfect, and even a strong vetting process can be strained by rapid growth or high volumes,'' the memo stated.

U.S. officials declined to discuss details about security checks for Iraqis, but said that, under special rules, applicants are subjected to interviews, fingerprinting and examination of their family histories. The information is checked against military, FBI, State and Homeland Security databases.

But DHS rules sometimes pose problems peculiar to the Iraqi conflict: Those who pay ransom to free relatives kidnapped by insurgents, for example, are sometimes viewed as providing material support to terrorists.

Homeland Security officials say they have worked hard to adjust their policies, but Chertoff said in the interview that Washington will not compromise on screening quality. ''What we can't afford to do and what would be devastating for the program would be if we were to start to allow people in who actually were a threat,'' he said.

Years ago, Chertoff added, Europe had more relaxed asylum standards, and it ''wound up admitting a bunch of people who are now the radical extremists who are fomenting homegrown terrorism.''

Congress is nonetheless stepping up pressure on the administration to do more, with Rep. Earl Blumenauer (D-Ore.) and Sens. Edward M. Kennedy (D-Mass.) and Gordon Smith (R-Ore.) introducing separate legislation to expand U.S. refugee and immigrant visa programs for Iraqis, including for those threatened because they helped coalition or reconstruction efforts.

''The Administration has ignored this crisis for far too long, and its response is inadequate,'' Kennedy said in a written statement. ''We can't solve this problem alone, but America has an obligation to provide leadership and resettle greater numbers of Iraqis who are targeted by the assassin's bullet because they assisted us in the war.''

[From the American Conservative Union, June 12, 2007]

RETURNING THE FAVOR

(By David A. Keene)

I had a Vietnamese friend who didn't make it out when we abandoned his country more than 30 years ago. I wondered for years what happened to him amid reports of the deaths of hundreds of thousands of Vietnamese who had worked with and trusted us to stand by them in their fight against the communists.

One can only imagine the sense of abandonment he and his friends must have felt as they watched the last of our helicopters, with desperate and panicked Vietnamese clinging to their skids, lift off from the abandoned U.S. Embassy in Saigon. The footage of that scene remains burned into the consciousness of many of those who watched it from the comfort of their homes back then, but many more of us simply changed the channel and chose to forget what happened to those left behind.

It turned out that my friend was one of the ''lucky'' ones. He wasn't executed, but was sentenced to three years in one of Ho's camps, which he somehow managed to survive. Once he got out, he rounded up his family and fled, eventually making it to this country, where he lives to this day.

There are in Iraq today untold numbers of people like my Vietnamese friend who rushed to our aid when we arrived and have worked with us since. If we abandon them, they may not be so lucky.

My daughter is in the Army and recently returned from a year in and around Baghdad, where she and fellow members of her unit worked closely with an interpreter they came to know as ''Timmy.''

When she told me about what might await Timmy if we leave his country, I was reminded of my Vietnamese friend.

In many ways, Timmy is much like thousands of other Iraqis who threw in with us in the fight against tyranny and terrorism after our troops arrived in his country. At age 21, Saddam Hussein's goons arrested him as an enemy of the regime and sentenced him to four years in prison, where he was tortured and witnessed the deaths of thousands of his fellow prisoners.

After the arrival of U.S. forces and the fall of Saddam Hussein, he joined the New Iraqi Army's Special Forces. In the next couple of years his unit suffered heavy casualties and he won numerous medals.

By 2005, Timmy had been promoted, but after being reprimanded on several occasions by superiors who caught him saluting ''infidel occupiers,'' he left the army and signed on as a contract interpreter, or ''terp,'' as our troops call people like him.

Offered a choice of assignments, Timmy picked the most dangerous forward operations base in Baghdad because, as he put it, ''It's where I can do the most good.'' That's where he met my daughter and those who served with her.

''Terps'' aren't armed, but Timmy put his own life at risk on a daily basis, saved the lives of many of our people and, as a result of just one such incident, was nominated by Gen. George Casey for the secretary of defense's ''Medal for Valor.''

Timmy was married at the time he decided to work with us and his wife was expecting, but when her father learned what he was up to, he had her kidnapped and the marriage annulled. Timmy has never seen his child and is now so well-known in Baghdad that those who work with him say he will be killed within days if we leave.

My daughter called me before she left Baghdad to tell me she and those who served with her want Timmy out. ''If we leave him,'' she said, ''we will be sentencing him to death and we can't do that because he's one of us and we owe him our lives.'' Then she put Timmy on the phone, introduced us and before she hung up said, ''I wanted you to say hello to him so that you'll remember that he's a person and not just a name on a piece of paper.''

Sadly, we have allowed very, very few Timmies into this country. He and thousands like him have risked everything in a common struggle for which many here and in Iraq have no stomach. But we have allowed fewer than 800 of them into the U.S. since 2003.

Democratic Rep. Earl Blumenauer of Oregon and Republican Rep. Christopher Shays of Connecticut want to expand that number. H.R. 2265, which they introduced, would help us deliver on Undersecretary of State Paula Dobriansky's promise that ''we are committed to those Iraqis who have provided assistance to the U.S. military and embassy.''

It's the least we can do for Timmy and those like him who have risked everything to help us.

FLEEING OUR RESPONSIBILITY: THE U.S. OWES SUCCOR TO IRAQI REFUGEES

(By Julia Taft)

Last month an Iraqi couple working for the U.S. Embassy in Baghdad were kidnapped and executed. Their deaths were not acknowledged by the State Department, and the media made little mention of the murders. They are among the most recent of thousands of cases in which Iraqis affiliated with the United States have been forced into hiding, tortured or, often, killed.

I found myself thinking of this husband and wife last week, as World Refugee Day passed, and struggling with a terrible contradiction. The United States is the world's most generous contributor to refugee relief, and we have always taken the lead on resettling refugees. Yet our country has done the bare minimum to help these Iraqis facing death and exile. Instead of clearing the way for their resettlement, we have blocked their path to safety with bureaucratic barriers and political hurdles.

President Bush should look to another Republican president, Gerald Ford, as an example of executive leadership in addressing refugee crises. In 1975 President Ford asked me to direct an interagency task force charged with resettling Indochinese refugees in the United States. Between May 1 and Dec. 20, 1975, we evacuated and resettled more than 131,000 Vietnamese who were at risk of persecution.

We rescued these people in the face of fierce political opposition. Initially, for example, California Gov. Jerry Brown announced that he wanted no refugees in his state. We overcame his reluctance and all other obstacles because the president had committed to doing everything possible to save the lives of the Vietnamese who had stood beside us. Ford persuaded Republicans and Democrats in Congress to appropriate emergency funds, and he visited refugees awaiting resettlement at Fort Chaffee in Arkansas. American families, churches and synagogues responded to the president's

leadership with offers to sponsor refugees in need. At staging grounds in the South Pacific, our immigration officers worked 14-hour days.

Why is there no similar sense of urgency for the 4.2 million Iraqis displaced and in danger? President Bush himself has yet to speak of the crisis. Although members of his administration claim to have made Iraqi refugees a top priority, admission numbers tell a different story. Only one Iraqi refugee made it through our process to safety in the United States in May, and only one made it the month before. The United States has committed to reviewing 7,000 cases and admitting 3,000 refugees by the end of this fiscal year, in September. That is as many as our team processed in a single day back in 1975.

What has happened to our leadership on this issue?

The administration and Congress cannot waste any more time. Their lack of political will has cost too many people their lives. A bill introduced last week by Sens. Edward Kennedy (D-Mass.) and Gordon Smith (R-Ore.), the Refugee Crisis in Iraq Act, would begin this process by swiftly providing increased resettlement options and visas for those at risk because of their association with the United States. The president also should direct that 20,000 unallocated refugee visas from this year be used for Iraqis. Finally, we must increase aid to countries in the Middle East that combined are hosting 2 million Iraqis; this would help ensure that the refugees can stay and that the host countries remain willing to keep their doors open.

Administration officials say that the best solution to the Iraqi refugee crisis is a stable homeland to which refugees can return. No one wants that solution more than the refugees themselves, but conditions in Iraq are not heading in that direction. The humanitarian crisis must not become a pawn in political pronouncements about the state of our efforts in Iraq. This was true with respect to our rescue of Vietnamese refugees, and it is true now. No matter your view of the war, welcoming the persecuted and standing by our friends is the right thing to do.

[From the USA Today, July 19, 2007]

ONE IRAQ ISSUE THAT SHOULD UNITE US ALL

(By Lanny J. Davis and Michael Medved)

Iraqis who have aided the U.S.-led mission are already targets. Once the American troops pull back—and they inevitably will—entire families will be left to fend for themselves. We still live with the haunting images from the Vietnam War. This country must not let history repeat itself in Iraq.

The war in Iraq has inspired bitter divisions—over whether America should have intervened, how we conducted the conflict, and how we should get out. But one issue should bring together all factions of the ongoing debate, and that is America's moral obligation to open our doors—immediately—to Iraqis who face danger and death because of their assistance to our forces.

Anna Husarska, a senior policy adviser at the International Rescue Committee, recently offered a chilling report of two Iraqis—a husband and wife team—who worked for the U.S. Embassy in Baghdad and were killed. As Husarska wrote, ''A statement on the Internet made clear why: 'The swords of the security personnel of the Islamic State in Iraq . . . are with God's grace slitting the throats of crusaders and their aides and lackeys.' ''

Another young Iraqi was more fortunate. Several weeks ago, he lost his job as a contractor on a U.S. Army base. Security rules forced him to leave the base immediately. Driven from the safety of an American enclave within hours, he faced the likelihood that his association with coalition forces would lead almost immediately to his murder—if not by the anti-American insurgents then by his own family, who believed he had dishonored them.

On the other side of the world, a group of U.S. lawyers working pro bono for this young man (including Lanny J. Davis, the co-author of this commentary) learned of his dilemma and interrupted a sunny spring afternoon to try to save his life. SOS calls to congressional VIPs, including staffers of Sens. Joe Lieberman, D-Conn., Edward Kennedy, D-Mass., and Lindsey Graham, R–S.C., produced a surprisingly quick response. Graham interrupted his weekend and called a senior government attorney in Iraq (late in the evening Iraq time) who had legal authority on this type of situation. A Washington lawyer close to U.S. Army senior officials reached top brass. The result: This Iraqi was placed in another job and allowed to stay on the base.

A CONSTANT RISK

This loyal young man continues working at the U.S. facility in Iraq, but he can't leave or he'll be killed. That is because under current immigration policies, despite his service to our country, he can't find refuge in the land of the free.

Regardless of one's views on the Iraq war, all people of goodwill must recognize that we owe a debt to those Iraqis who risked everything to assist the U.S. dream of a pro-Western democracy in the heart of the Middle East. Recently, the assistant secretary of the State Department's refugees bureau, Ellen Sauerbrey, announced spots for up to 25,000 Iraqis who can qualify for refugee status, but most of those slots remain unfilled.

According to Husarska, 11 were admitted to the USA in February, eight in March, one in April and one in May. Considering the direct peril to some of our closest associates among Iraqis, we need to improve on this pathetic record.

In 1975, we shared the revulsion of nearly all Americans at the awful scenes of Vietnamese civilians hanging on to the last U.S. helicopters, literally by their finger tips, as they took off from the rooftops of U.S. buildings in Saigon. We remember the images of women left behind, holding babies, crying hysterically, their hands reaching into the air as their American protectors abruptly departed. British historian Paul Johnson aptly observed that this moment symbolized ''the most shameful defeat in the whole of American history. . . . But it was the helpless people of the region who had to pay the real price.''

In response to that shame, President Ford authorized the admission to the USA of more than 131,000 South Vietnamese refugees. So why not show comparable commitment to Iraqis who have worked closely with our troops and civilian personnel and face dire risks because of their association with the American cause?

Even if the Bush administration succeeds in its determined efforts to stabilize the current Iraqi government, an American departure could still put at risk some of the individuals most closely associated with our long-term role in the country. And even if a greatly reduced contingent of U.S. troops remains in Iraq on a semipermanent basis to battle al-Qaeda (as even the anti-war Senate Democratic resolution stipulated), those soldiers will have their hands full with other assignments without diverting attention to the protection of Iraqi families whose pro-American roles placed them at risk. These people deserve our support, regardless of our differing positions on ongoing disputes about the war and its execution.

OPENING OUR GATES

Last month, a bipartisan group of senators, including Kennedy, who is anti-war, and Lieberman, who supports the war, introduced legislation that would provide special refugee status for Iraqis who are in danger because of their association with the United States or its contractors. This legislation, or something like it, needs strong support from the administration as well as from citizens across ideological and partisan lines. As the experience with the young Iraqi described above proves, days, even hours, could mean the difference between life and death for people who did nothing wrong other than help Americans.

No one—not even the most fervent critics of the Iraq war—expects that an end to that struggle will bring an overall conclusion to the larger war with Islamo-Nazi terrorists. In the continued battle against jihadist fanatics, the admission to our country of Iraqi Arabs who courageously proved their support of the American cause can only enrich our resources for challenges to come. The language skills and cultural perspective of moderate Iraqis won't damage our society and could play an important role in helping to defend it.

Finally, we must consider our moral obligation here, especially for those who support an immediate or definite timetable for withdrawal of U.S. forces. To deny that obligation, or worse, to ignore it, would tragically stain the legacy of another generation of Americans—whether pro- or anti-war—as did our passivity and indifference to the plight of Vietnamese allies left behind to suffer and die.

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 207(c) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 207(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2008 for four program integrity initiatives. The initiatives are continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

The Senate Appropriations Committee reported the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, on June 27, 2007. That bill contains provisions that fulfill the conditions of section 207(c) for adjustments related to continuing disability reviews and supplemental secrity income redeterminations, health care fraud and abuse control, and unemployment insurance improper payment reviews.

In addition, the Senate Appropriations Committee reported the Financial Services and General Government Appropriations Act, 2008, on July 13, 2007. That bill contains provisions that fulfill the conditions of section 207(c)

for Internal Revenue Service tax enforcement.

As a result, for fiscal year 2008, I am revising both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays. The amount of the adjustment is $1,042 million in budget authority and $699 million in outlays. The revised discretionary limits and allocations for discretionary budget authority and outlays are the appropriate levels to be used for enforcement during consideration of the fiscal year 2008 appropriations bills.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 207(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS

[In millions of dollars]

	Initial allocation/limit	Adjustment	Revised allocation/limit
FY 2008 Discretionary Budget Authority	953,053	1,042	954,095
FY 2008 Outlays	1,028,398	699	1,029,097

SAFE NURSING AND PATIENT CARE ACT

Mr. KERRY. Mr. President, every American who has ever visited a hospital knows that nurses are on the front lines of our health care system. Our Nation's nurses treat patients, work with doctors, and perform complex duties critical to providing care to all patients. For these reasons, I am joining Senator KENNEDY in introducing the Safe Nursing and Patient Care Act. I have done so for the last three sessions of Congress and will continue to do so until this vital legislation is enacted.

At the heart of the bill is the belief that nurses should not be forced to work beyond their ability to offer exemplary care to patients. Mandatory overtime requires nurses, given very short notice to work excessive hours in our hospitals and other institutions that provide health care services. Nurses are left with no recourse when mandatory overtime is applied. They continue treating patients, despite fatigue in many instances, impacting the delivery of care to patients. It is time that we answer the call made by nurses from across the Nation to immediately address this issue.

Individual States have begun to respond to this call. Massachusetts is one of several States seeking to tackle adverse nursing conditions and curb requirements of mandatory overtime for its nurses. This bill would give nurses the necessary tools to continue putting patient care first by prohibiting mandatory overtime and providing protections if nurses report cases of it happening. Each year, 98,000 deaths are attributed to medical errors, and so addressing this issue is critical to the safety of our patients and the well-being of our nurses.

The Safe Nursing and Patient Act is the first step toward addressing important issues in our Nation's health care system. Our legislation offers support and protections to nurses. It is time that Congress act to create a healthy and safe work environment for nurses so that they can continue to create healthy environments for patients.

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 21, 2007, in Hoboken, NJ, two men assaulted a gay couple near a well-known nightclub. They knock the two victims to the ground, beat them, and shouted antigay slurs. After noticing the attack, a bouncer at a nearby nightclub chased the two men down the street and held them until police arrived. The attackers now face charges of assault and bias intimidation. Police Captain Anthony Romano confirmed for reporters that the attackers hit the two men because they were gay.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING FREDERICK ''TIM'' McCLINTOCK

Mrs. FEINSTEIN. Mr. President, I wish to honor one of the Senate's own, a man who went above and beyond the call of duty to save another's life.

Frederick ''Tim'' McClintock has been a fixture in the Senate for over 30 years. He is a skilled carpenter and a familiar face in the Senate.

He has come to my office on numerous occasions to perform various tasks. He does his job well and is always ready with a smile and a kind word.

Yet, on Friday, July 6, 2007, Tim McClintock was confronted with a terrible scene, well outside the routine of the Senate.

As he headed home at the end of the day, he noticed a man laying face down in the reflecting pool in Lower Senate Park. Without hesitation, Tim McClintock came to his aid. He turned the man over and performed CPR until he was resuscitated. Then with the assistance of a Capitol Police officer, he pulled the man out of the water.

That afternoon, Tim McClintock selflessly and courageously saved a man from drowning.

He would deny that he is a hero.

He was quoted in Roll Call newspaper as saying, ''A hero is someone who risks their own well-being or life. The worst that was going to happen to me is that my feet would get wet.''

His modesty is astounding.

The fact is that acts of compassion and bravery such as these display the true character of a man.

On that day, Tim McClintock demonstrated quick thinking, resourcefulness, bravery, and, above all, compassion and humanity for a stranger. The brave actions that Friday afternoon, as many others rushed home eager to start the weekend, were the actions of a true hero.

So, on behalf of the Senate, I commend the heroism of Frederick ''Tim'' McClintock, who on July 6, 2007, demonstrated the principles of kindness, bravery, and compassion that we value so much.

TRIBUTE TO SENATOR THOMAS

Mr. ENZI. Mr. President, I ask unanimous consent that an Albert Caswell tribute entitled ''The Promise of Thomas'' be printed in the RECORD.

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

THE PROMISE OF THOMAS

The promise of Thomas
Wyo, Craig Thomas, Cowboys and The Marines
Are some of the greatest dam things, this our country has ever seen

Walk soft,
But, carry a big heart . . . A straight shooter, The Promise of Thomas
Surely, this was Craig's greatest of parts . . . as what his life so surely means

A cowboy, from the great wide west
A hero who worn the uniform, A Marine . . . one of America's Best
Then, upon House and Senate floors . . . as a legislator . . . his state and country he'd bless

He was so kind, and ever so cool . . .
He was nobody's patsy nor anybody's fool, following The Golden Rule
Understated, not complicated . . . just the way God created, a beautiful calm western scene

A Father and a Friend,
A Devoted and Loving Husband . . .
As has been this life of a patriot, time and again . . .

A man of the land,

For nature and wildlife he'd take a stand . . .
Like a beautiful Yellow Stone sunset . . . as was so this man

A leader of woman and man,
A quiet, and classy kind of guy . . . like a Gary Cooper he'd stride . . .
Making many a fan, under control, a thoughtful soul, as wherever you'd find honor . . . he'd stand

For he was as real as it gets,
The happiest, when in his cowboy boots and hat, in his jeans and belt buckle . . . heading for home on a jet
Yea, you my fine son . . . Craig . . . you were quite the one . . . we will never forget

About a week before you died,
Meeting inside, how you stopped to provide a warm moment still yet . . .
What does that say, about a man on death's way . . . nothing but greatness, yea you conveyed!

Now Marine, this is your life's final scene,
High and Tight, with our Lord up in Heaven . . . ready to fight . . .
As an Angel in The Army of Our Lord, on this night

In Yellow Stone, when on a quiet night all alone . . .
As the river runs through you in tone, and the wind in the branches to all heart so moans . . .
All in serenity, and in peace, among our Lord's beautiful beasts . . . you'll find Craig there at home! What to our world, such promises unfurled . . . do we so leave behind?

ADDITIONAL STATEMENTS

HONORING WARREN HERRON

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate my friend Warren Herron, who is a great Georgian, a great American, and a great citizen of Cobb County.

Warren Herron was the most important positive influence on my decision to enter public life. His active political participation and bipartisan approach is the role model I aspire to emulate to this day. He has given unselfishly of himself to make his community better through his work, his church and the Republican Party.

Warren was the first chairman of the Cobb County Board of Elections and Registration when it was created in 1985. As chairman, a post he held until January 1993, he shaped the organization through the creation of its policies and bylaws. He was known as a guiding force who led his team to a higher level by example, and his contributions can still be seen in the board today.

It gives me a great deal of pleasure and it is a privilege to recognize on the floor of the Senate the contributions of Warren Herron to Cobb County and the State of Georgia.•

RECOGNIZING WALL, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Wall, S.D. The town of Wall will celebrate the 100th anniversary of its founding this year.

Wall, located in Pennington County, has a rich history of hospitality towards visitors. It was here in 1931 that the world famous Wall Drug Store began handing out free ice water to travelers during the height of the Depression. Today, Wall Drug attracts over a million people each year. Despite the large number of visitors, the same generosity that first attracted people to the town back in 1931 can still be found today.

The Wall community is a fine example of what makes South Dakota such a great place to live and work. As they celebrate this milestone anniversary, I am confident that Wall will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Wall on their 100th anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING MEADOW, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Meadow, SD. The town of Meadow will celebrate the 100th anniversary of its founding this year.

Meadow, located in Perkins County, was founded in 1907. Since its beginning, Meadow has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Meadow will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Meadow on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING KAYLOR, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Kaylor, SD. The town of Kaylor will celebrate the 100th anniversary of its founding this year.

Kaylor, located in Hutchinson County, was founded in 1907. Since its beginning, Kaylor has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Kaylor will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Kaylor on this milestone anniversary and wish them continued prosperity in the years to come.•

RECOGNIZING INTERIOR, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Interior, SD. The town of Interior will celebrate the 100th anniversary of its founding this year.

Interior, located in Jackson County, was founded in 1907. Since its beginning, Interior has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Interior will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Interior on this milestone anniversary and wish them continued prosperity in the years to come.•

MESSAGE FROM THE HOUSE

At 2:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3043. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the National Council on the Arts: Ms. MCCOLLUM of Minnesota.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3043. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 479. A bill to reduce the incidence of suicide among veterans (Rept. No. 110–132).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1844. A bill to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. LEAHY):

S. 1845. A bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes; to the Committee on the Judiciary.

By Mr. BOND:

S. 1846. A bill to improve defense cooperation between the Republic of Korea and the

United States; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. NELSON of Florida):

S. 1847. A bill to reauthorize the Consumer Product Safety Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. WYDEN, Mr. COLEMAN, Ms. STABENOW, Ms. CANTWELL, Mr. SALAZAR, Mrs. MURRAY, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. LEVIN, and Mr. OBAMA):

S. 1848. A bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes; to the Committee on Finance.

By Mr. SMITH:

S. 1849. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. BAUCUS):

S. 1850. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. BUNNING):

S. 1851. A bill to amend the Internal Revenue Code of 1986 to allow personal exemptions under the individual alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. AKAKA, and Mr. STEVENS):

S. 1852. A bill to designate the Friday after Thanksgiving of each year as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KERRY, Mr. MCCAIN, Mrs. MCCASKILL, Ms. SNOWE, Mr. STEVENS, and Mr. INOUYE):

S. 1853. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. KERRY, and Mr. DODD):

S. 1854. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALLARD, and Mr. BROWNBACK):

S. 1855. A bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1856. A bill to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense; considered and passed.

By Mr. WARNER:

S. 1857. A bill to establish a digital and wireless network technology program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. HATCH, Mrs. CLINTON, and Mr. KENNEDY):

S. 1858. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. Res. 277. A resolution commemorating the 200th anniversary of the Archdiocese of New York; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 617

At the request of Mr. SMITH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 821

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 858

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 858, a bill to amend the

Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 881

At the request of Mr. SMITH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 923

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 923, a bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1306

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1306, a bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances.

S. 1354

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1354, a bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions.

S. 1382

At the request of Mr. REID, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1428

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1428, a bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare program.

S. 1451

At the request of Mr. WHITEHOUSE, the names of the Senator from Montana (Mr. TESTER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1476

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1476, a bill to authorize the Secretary of the Interior to conduct special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System.

S. 1605

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1697

At the request of Mr. SUNUNU, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1697, a bill to amend the Internal Revenue Code of 1986 to provide a credit for residential biomass fuel property expenditures.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemebers of tuition for programs of education interrupted by military service, for deferment of student loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1792

At the request of Mr. BROWN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1792, a bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act.

S. 1793

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1793, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards.

S. 1843

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. RES. 221

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 221, a resolution supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. NELSON of Florida):

S. 1847. A bill to reauthorize the Consumer Produce Safety Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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. 1847

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 ''Consumer Product Safety Modernization Act of 2007''.

SEC. 2. REAUTHORIZATION OF CONSUMER PRODUCT SAFETY ACT.

(a) IN GENERAL.—Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081) is amended by striking paragraphs (1) and (2), and inserting the following:

''(1) $70,000,000 for fiscal year 2008.

''(2) $77,500,000 for fiscal year 2009.

''(3) $85,000,000 for fiscal year 2010.

''(4) $92,500,000 for fiscal year 2011.

''(5) $100,000,000 for fiscal year 2012.''.

(b) REPEAL OF QUORUM REQUIREMENT FOR TRANSACTION OF BUSINESS.—Section 4(d) of such Act (15 U.S.C. 2053(d)) is amended by striking '', but three'' and all that follows through ''to decline to two''.

(c) REDUCED PERIOD OF NOTICE TO MANUFACTURERS AND PRIVATE LABELERS WITH RESPECT TO DISCLOSURE OF INFORMATION.—Section 6(b)(1) of such Act (15 U.S.C. 2055(b)(1)) is amended by striking ''not less than 30 days'' and inserting ''not fewer than 10 days''.

(d) EXPEDITION OF RELEASE OF INFORMATION IN CASE OF NONCOOPERATION BY MANUFACTURER OR PRIVATE LABELER.—Section 6(b) of such Act (15 U.S.C. 2055(b)) is amended by adding at the end the following:

''(9)(A) Notwithstanding any other provision of this subsection and paragraphs (5) and (6) of subsection (a), if the Commission makes an affirmative determination under subparagraph (B) with respect to information obtained under this Act pertaining to a consumer product of a manufacturer or private labeler, the Commission may immediately disclose such information to the public.

By Mr. BAUCUS (for himself, Ms. SNOWE, Mr. WYDEN, Mr. COLEMAN, Ms. STABENOW, Ms. CANTWELL, Mr. SALAZAR, Mrs. MURRAY, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. LEVIN, and Mr. OBAMA):

S. 1848. A bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am proud to join with my good friend and colleague Senator SNOWE to introduce the Trade and Globalization Adjustment Assistance Act of 2007. This legislation would invest in America's workers and firms, farmer, and communities. It would help them to compete in the global marketplace.

The open trade system that has evolved over the past 50 years has created new markets for American ingenuity. It has delivered more affordable goods to American consumers. In Montana alone, trade supports nearly one in five jobs.

But for some Americans, trade-related economic change has not always been smooth. In 2005, the Owens and Hurst sawmill in Eureka, Mt, closed its doors. That mill fell victim to an onslaught of unfairly dumped and subsidized Canadian lumber. Jerry Ross, a supervisor at the mill, lost the job that she had held for over a decade.

Jerry's prospects for reeployment looked dim. Luckily for Jerry, she qualified for Trade Adjustment Assistance, or TAA. With a diligent, caring job service caseworker by her side, Jerry charted a new course in life.

Jerry has been training intensively the Building Trades program at the Flathead Valley Community College in Kalispell, Mt. She is also taking accounting coursework. When she finishes her training in December, she will be qualified as a construction superintendent. She hopes to start her own business.

Trade Adjustment Assistance helps tens of thousands of American workers like Jerry retrain for and fill jobs, right here at home. But the program is set to expire on September 30. It is up to this Congress to reauthorize and expand the program.

I have consulted closely with workers in Montana. I have sought advice from not just Montana's Department of Labor I have also consulted with officials from Iowa, Michigan, Ohio, North Carolina, and Pennsylvania. I have sat down with unions, businesses, economists, and other experts.

Everyone agrees. TAA is a lifeline to American workers reentering an increasingly global labor market.

But for all the good that Trade Adjustment Assistance does, the current program is a complicated maze of hurdles and exceptions. For instance, workers can qualify for benefits if their jobs move offshore to Canada, Mexico, or another free trade agreement partner. But they will not qualify if their jobs move to China or India. Trade-displaced manufacturing workers can qualify for TAA if they lose their jobs. But accountants or any other service providers cannot. Workers can qualify for wage insurance, but only if they give up their right to retraining.

It does not have to be this way. The Trade and Globalization Adjustment Assistance Act authorizes a more fair, flexible, and relevant program.

Today's TAA overlooks the 80 percent of America's workforce employed in the services sector. Tens of thousands of workers who applied for TAA last year were shut out, simply because current law covers workers who produce ''an article.'' This technicality is a holdover from a different era. That was an era when only the manufacturing sector experienced strong foreign competition. We must extend the same protections to services sector workers.

Equally confounding is why workers whose firms move to Canada deserve any less protection than workers whose firms move to India. Globalization does not adhere to any trade agreement. My bill will end this discrimination, by covering any workers whose jobs move offshore, regardless of whether our nations have a trade agreement in force.

Losing health care coverage can be nearly as devastating as losing a job. In 2002, Congress passed legislation to provide TAA-certified workers and certain retirees with an advanceable, refundable healthcare tax credit to cover 65 percent of their insurance premiums. But few have used this credit to replace a portion of their former employer's contribution to their health care premiums. Since folks who are out of work cannot afford to pay more for health coverage, that means most are going without. Our bill would increase the Government share of participants' premiums to 85 percent. That could give workers a real shot at keeping their healthcare coverage. Our bill also would fix the glitches that have made it difficult for workers to access this tax credit.

Our bill would also ensure that States have enough funds to pay for the 2 years of training to which TAA-certified workers are entitled. Today, the law caps the amount of available funds. That leads some States either to run out of or to ration training funds. The Baucus-Snowe bill would double the cap on training funds. That would ensure that all workers, including newly eligible ones, get training. Our bill also includes a trigger to automatically raise the cap to respond to unanticipated training demands.

Our bill also would make important improvements to the pilot wage insurance program that Congress created in 2002. Wage insurance helps older workers supplement lost wages when they get a new job. While older workers suffer worse wage loss, they are certainly not alone. Our bill would allow younger workers to participate in the pilot program. It also would eliminate the requirement that workers forfeit training if they opt for wage insurance. Instead, our bill would allow workers to choose what income assistance is right for them. They could choose this assistance either with training, without training, or after successfully completing training. Wage insurance should supplement, not supplant, TAA benefits.

Our bill also would make important changes in the Commerce Department's TAA for firms program. This program helps workers *and* employers avoid painful layoffs in the first place. TAA for firms gives small businesses the technical assistance that they need to compete in the global economy. But the program runs a substantial backlog of approved but unfunded adjustment projects for participating firms. Our bill would extend coverage to services firms and triples funding to $50 million annually.

Likewise, our bill would improve the Department of Agriculture's TAA for Farmers program. It would ease the overly strict eligibility criteria that have kept many farmers and fishermen legitimately affected by trade from receiving assistance.

But we can do more than that. Many communities in which workers, firms, or farmers have been certified for TAA are struggling to redefine their place in

the global market. This bill would create a new TAA for Communities program to help communities uniquely challenged by trade to plan for the future and to access grant funding to implement that future.

Jerry Ross faced long odds when she lost her job. But because of Trade Adjustment Assistance, she has a bright career. ahead of her. Jerry believes in TAA. She traveled all the way to Washington, DC to urge its renewal and improvement at a Finance Committee hearing in June. I look forward to working with my Colleagues on the Finance Committee and in this chamber to ensure that this Congress does not disappoint Jerry and the tens of thousands of American workers just like her.

Ms. SNOWE. Mr. President, as we know, this administration has sought closer trade ties to a growing number of nations throughout the world. It asked the last Congress to consider four free trade agreements, and is currently negotiating at least that number of new agreements, in addition to the Doha round of the World Trade Organization. Yet, in its march to lower our tariffs on imported goods, we must be sure we are not selling our domestic businesses and their works short orworse still—out.

Last year saw a record U.S. trade deficit of $764 billion with the rest of the world. This includes bilateral imbalances with each of China, the European Union, and Japan. These are the latest figures demonstrating a steady slide of U.S. producers' market share in both the domestic and global markets.

One of the most troubling features of the decline of America's trade profile is the dramatic reduction in the number of manufacturing jobs in recent years. Since 2000, America has lost approximately 3 million, or 17 percent of its manufacturing jobs. Maine has lost over 21,000 jobs, representing over 26 percent of our manufacturing workforce. Other States have also found it difficult to retain these high-wage, high-benefit jobs as manufacturing operations move overseas and our demand for foreign-made goods surges.

Unlike job losses due to technological advances, which are the initiative of private enterprise, trade liberalization that sacrifices foundational domestic industries is the chosen policy of government. We therefore have an obligation to ensure that the costs are not borne by these most vulnerable workers alone.

That is why Senator BAUCUS and I—along with Senators WYDEN, COLEMAN, and STABENOW—are today introducing the Trade and Globalization Adjustment Assistance Act of 2007, which will reauthorize and expand the TAA program to cover new groups of Americans disfranchised by trade liberalization, as I had proposed in previous Congresses.

First among these are service workers and firms. While TAA currently aids U.S. citizens who lost their manufacturing jobs to trade, it fails to address the growing problem of those finding themselves unemployed as a result of foreign outsourcing, also known as offshoring. It is already bad enough that Americans who had careers in the service sector—which proponents of free trade argue should benefit from trade liberalization—are finding themselves out of work. But it is simply Kafkaesque that such service workers, now unemployed due to policies that were supposed to benefit them, would not be eligible for aid under TAA. That is why the legislation we are proposing today critically extends TAA to cover service workers and firms.

It is similarly illogical for workers to be excluded from the TAA program simply because they lost their job due to multilateral trade liberalization carried out under the auspices of the World Trade Organization, as opposed to a bilateral trade agreement, such as a free trade agreement. Yet, thousands of workers remain ineligible for TAA benefits under current law because they happened to lose their job to trade competition from a WTO member such as China or India rather than an FTA partner country. Accordingly, our legislation extends TAA to cover Americans who have been adversely affected by trade liberalization with WTO member, such as China, who are often the worst offenders of international trade rules.

Of critical importance to Maine and other coastal States is TAA's failure to cover fishermen who have suffered from the adverse effects of trade liberalization. U.S. fishermen have seen their livelihoods dissolve due to the reduction of duties on foreign fish and seafood imports. Yet, TAA benefits remain unavailable to these hard-working Americans under the current program. That is why I am pleased to cosponsor this legislation which will make such fisherman eligible for TAA.

An additional concern with the present TAA program is its failure to address the inability of displaced workers in communities that have few jobs to offer. In small towns, including many in Maine, where the livelihood of the local economy often depends on one industry, one plant, or one company that is suffering under trade liberalization, the closure of that business is sure to cause economic ruin and devastation of individual lives.

Accordingly, the legislation we are introducing today would create a program to address economic dislocation in entire communities negatively affected by international trade and provide readjustment assistance to such communities. As we approach the expiry of authorization for both the TAA program and trade promotion authority, I view inclusion of relief for trade-affected communities as a necessary component of any comprehensive trade package.

By Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. AKAKA, and Mr. STEVENS):

S. 1852. A bill to designate the Friday after Thanksgiving of each year as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise today to introduce a bill that would designate the Friday following Thanksgiving of each year as Native American Heritage Day.

I believe that it is well known to most Members of this body that the original inhabitants of the lands that now constitute the U.S.—the aboriginal, indigenous, native people of America—occupied and exercised sovereignty over more than 550 million acres of land prior to the first European contact.

In the early days of our history, well before our Nation was formed, the native people fought alongside our soldiers in the Revolutionary War. The Indian tribes enabled the survival of General George Washington and his troops during the harsh winter at Valley Forge by providing food to the troops.

A few years later, as our Founding Fathers were engaged in the challenge of forming a new Nation, they drew upon the democratic model of government that they learned from the Six Nations of the Iroquois Confederacy. There they found the well-institutionalized practice of the fundamental principles of freedom of speech and a system of governmental checks and balances provided through the separation of governmental powers.

In our early days as a Nation, we entered into treaties with Native Americans pursuant to the provisions of the U.S. Constitution that recognize them as sovereigns. But later, we abandoned the path of an honorable course of dealings, and turned to war. Thousands lost their lives through these battles and horrific massacres. The native population everywhere was decimated.

Forced marches to relocate the native people from their traditional homelands to areas west of the Mississippi in the dead of winter cost thousands of more lives. Few Americans know that there was not one Trail of Tears, but many.

The Treaties could have signaled a return to a course of honorable dealings with the native people had the U.S. not proceeded to break provisions in every single one of the treaties that were ratified by the U.S. Senate.

Amazingly, notwithstanding these appalling deeds, the native people of the U.S. have always been and continue to be staunchly patriotic and loyal to this country. They have volunteered to serve in the defense of our nation in every military action and war in which we have been engaged, and on a per capita basis, more Native Americans have put themselves in harm's way and given their lives to protect the U.S. than any other group of Americans. They have made the greatest sacrifice, but their contributions do not end there.

We have only to look to the history that is sadly not found in the public school textbooks of America's schools, but has been recorded by historians and anthropologists and through direct, eye-witness accounts, we know that the native people of the U.S. have made significant contributions to our society in every walk of life, in every profession, in medicine and agriculture and as stewards of the lands and resources we all hold dear.

There have been great men and women who have led their native nations out of war, poverty, and despair. Throughout the generations, they have shown us the true meaning of courage in the face of the greatest odds, and the quiet strength to persevere.

A recent nationwide poll of Americans conducted in March of this year reveals that 85 percent of those polled strongly support the setting aside of a day each year to honor the contributions that native people of this land have made to the fabric of American society. Such a day would provide an opportunity for all Americans to learn more about the rich cultural legacy that this Nation's native people have given to us.

I believe the time has come to honor the first Americans of the country in this manner, and I urge my colleagues to join me in this endeavor.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. KERRY, Mr. MCCAIN, Mrs. MCCASKILL, Ms. SNOWE, Mr. STEVENS, and Mr. INOUYE):

S. 1853. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Community Broadband Act of 2007. I am pleased to be joined in this effort by Senator SMITH of Oregon, Senator KERRY of Massachusetts, Senator MCCAIN of Arizona, Senator MCCASKILL of Missouri, and Senator SNOWE of Maine.

Far too many U.S. residents live in areas of the country where there is no broadband access. Too many others live in areas where there may as well be no access because broadband is so expensive. This legislation will promote economic development, enhance public safety, increase educational opportunities, and improve the lives of the people who live in those areas.

In 2004, President Bush called for universal and affordable broadband in the U.S. by the year 2007. We are now more than halfway through 2007, and the U.S. is far from reaching this goal. Not only has the U.S. failed to provide universal, affordable broadband, but we are lagging far behind other countries. A recent study by the International Telecommunication Union shows that the U.S. ranks 15th worldwide in the percentage of people with broadband connections. If you take into account the availability of affordable broadband, the U.S. ranks 21st in the world. The U.S. should be a leader in providing fast and affordable broadband to its citizens.

Many of the countries ahead of the U.S. have successfully combined public and private efforts to deploy municipal networks that connect their residents and businesses with high-speed Internet services. The U.S. should be encouraging these innovative networks. We should not be creating obstacles for municipalities that want to provide affordable broadband access. Unfortunately, 14 States have passed legislation to prohibit or significantly restrict the ability of local municipalities and communities to offer advanced communications services and capabilities to their citizens. More States are considering such legislation. The Community Broadband Act is in response to efforts by States to tell local communities that they cannot establish networks for their residents, even in communities that have no access to broadband, in communities where access is not affordable to all residents, and in communities that want to build high-capacity networks that are comparable to those being built in the leading cities in the world.

The Community Broadband Act is a simple bill. It says that no State can prohibit a municipality from offering high-speed Internet to its residents; and when a municipality is a provider, it cannot abuse its governmental authority as regulator to discriminate against private competitors. Furthermore, a municipality must comply with Federal telecommunications laws. It also contains provisions to ensure transparency by making sure the public is aware of its town's or city's effort and intention to provide broadband either itself or in partnership with a private entity, and provides those in the community with an opportunity to be heard on the costs and benefits of the project and potential alternatives.

This bill will allow communities to make broadband decisions that would: improve their economy and create jobs by serving as a medium for development, particularly in rural and underserved urban areas; aid public safety and first responders by ensuring access to network services while on the road and in the community; strengthen our country's international competitiveness by giving businesses the means to compete more effectively locally, nationally, and internationally; encourage long-distance education through video conferencing and other means of sharing knowledge and enhancing learning via the Internet; and create incentives for public-private partnerships.

A century ago, there were efforts to prevent local governments from offering electricity. Opponents argued that local governments didn't have the expertise to offer something as complex as electricity. They also argued that businesses would suffer if they faced competition from cities and towns. But local community leaders recognized that their economic survival depended on electrifying their communities. They knew that it would take both private investment and public investment to bring electricity to all Americans.

We face a similar situation today. Municipal networks can play an essential role in making broadband access universal and affordable. We must not put up barriers to this possibility.

Some local governments will decide to do this; others will not. Let me be clear, this is not going to be the right decision for every municipality. But there are plenty of examples of municipalities that need to provide broadband, and those municipalities should have the power to do so.

A few months ago, the Parish Council of Jefferson Parish, Louisiana voted unanimously to create a wireless network. Jefferson Parish, like New Orleans, was plagued with communications problems following Hurricane Katrina. New Orleans has already created a wireless network. Now, Jefferson Parish plans to establish its own network to make sure that, should another disaster strike, emergency officials and family members will be able to communicate with one another. During non-emergency times, the network will foster communication between public workers and stimulate economic development.

These stories come from all across the country, from small towns to underserved urban areas. The small town of Granbury, TX, population 6,400, initiated a wireless network after waiting years for private industry to take an interest. In Scottsburg, IN, a city and its 6000 residents and businesses north of Louisville, KY, could not get broadband service from their local phone company. When two important businesses threatened to leave unless they could obtain broadband connectivity, municipal officials stepped forward to provide wireless broadband throughout the town. The town retained the two businesses and gained much more. There are many Granburys and Scottsburgs across the country.

There are also underserved urban areas, where private providers may exist, but many in the community simply cannot afford the high prices. For example, the City of Philadelphia reports that 90 percent of the residents of its affluent neighborhoods have broadband, whereas only 25 percent of residents in its low-income areas have broadband. For that reason, Philadelphia is now creating a city-wide wireless network.

Community broadband networks have the potential to create jobs, spur economic development, and bring the full benefits of the Information Age to everyone. I hope my colleagues will join Senators SMITH, KERRY, MCCAIN, MCCASKILL, SNOWE and me in our effort to enact the Community Broadband Act of 2007.

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

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

S. 1853

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 ''Community Broadband Act of 2007''.

SEC. 2. LOCAL GOVERNMENT PROVISION OF ADVANCED TELECOMMUNICATIONS CAPABILITY AND SERVICES.

No State or local government statute, regulation, or other State or local government legal requirement may prohibit, or have the effect of prohibiting, any public provider from providing advanced telecommunications capability, or services using advanced telecommunications capability, to any person or any public or private entity.

SEC. 3. SAFEGUARDS.

(a) ADMINISTRATION.—To the extent any public provider regulates competing providers of advanced telecommunications capability or services, such public provider shall apply its ordinances and rules and policies, including those relating to the use of public rights-of-way, permitting, performance bonding, and reporting, without discrimination in favor of itself or any other provider of advanced telecommunications capability or service that such provider owns or with which such provider is affiliated.

(b) APPLICATION OF GENERAL LAWS.—Nothing in this Act exempts a public provider that offers advanced telecommunications capability or services to the public from any Federal communications law or regulation that applies to all providers of advanced telecommunications capability or services to the public.

SEC. 4. PUBLIC-PRIVATE PARTNERSHIPS ENCOURAGED.

Each public provider that intends to provide advanced telecommunications capability or services to the public is encouraged to consider the potential benefits of a public-private partnership prior to providing such capability or services.

SEC. 5. PUBLIC INPUT.

(a) NOTICE AND OPPORTUNITY TO BE HEARD.—Before a public provider may provide advanced telecommunications capability or services to the public, either directly or through a public-private partnership, such public provider shall—

(1) publish notice of its intention to do so;

(2) generally describe the capability or services to be provided and the proposed coverage area for such capability or services;

(3) identify any special capabilities or services to be provided in low-income areas or other demographically or geographically defined areas; and

(4) provide local citizens and private-sector entities with an opportunity to be heard on the costs and benefits of the project and potential alternatives to the project.

(b) APPLICATION TO EXISTING PROJECTS AND PENDING PROPOSALS.—Subsection (a) shall not apply to—

(1) any contract or other arrangement under which a public provider is providing advanced telecommunications capability or services to the public as of the date of enactment of this Act; and

(2) any public provider proposal to provide advanced telecommunications capability or services to the public that, as of the date of enactment of this Act—

(A) is in the request-for-proposals process;

(B) is in the process of being built; or

(C) has been approved by referendum.

SEC. 6. EXEMPTIONS.

The requirements of sections 3 and 5 shall not apply—

(1) when a public provider provides advanced telecommunications capabilities or services other than to the public or to such classes of users as to be effectively available to the public; or

(2) during an emergency declared by the President, the Governor of the State in which the public provider is located, or any other elected local official authorized by law to declare a state of emergency in the jurisdiction in which the public provider is located.

SEC. 7. DEFINITIONS.

In this Act:

(1) ADVANCED TELECOMMUNICATIONS CAPABILITY.—The term ''advanced telecommunications capability'' has the meaning given that term by section 706(c)(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 note).

(2) PUBLIC PROVIDER.—The term ''public provider'' means a State or political subdivision thereof, any agency, authority, or instrumentality of a State or political subdivision thereof, or an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or any entity that is owned, controlled, or otherwise affiliated with a State, political subdivision thereof, agency, authority, or instrumentality, or Indian tribe.

By Mr. REID (for himself, Mr. KERRY, and Mr. DODD):

S. 1854. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce the Stop Senior Suicide Act.

As many of you know, suicide prevention is an issue close to my heart for personal reasons. In 1972, I lost my own father to suicide. Over the years that followed, my family did not talk about it and instead carried the pain in a very private and lonely way.

Sadly, this continued until I was contacted by Jerry and Elsie Weyrauch from the Suicide Prevention Action Network USA, a national advocacy organization focused on suicide prevention. Knowing that I had lost my dad to suicide, they asked if I would speak at their second annual suicide awareness event. I was also asked to sponsor a suicide resolution to focus much needed attention on the issue of suicide in America. On May 6, 1997, I introduced such a resolution and saw it pass the Senate that same day with unanimous support. I was heartened that my work on suicide prevention had begun on this auspicious note, but it was also clear that much more work remained to be done.

Today, 10 years later, I rise to address one of those challenges before us: the unacceptably high suicide rates among the elderly. While the public is increasingly aware of suicide as a leading cause of death in America, what is less well-known is the vulnerability of older adults. Suicide is disproportionately a killer of seniors, with the risk climbing steadily with age. In fact, the suicide rate for men 85 years of age and older is the highest of all. Moreover, older adults who attempt suicide are much more likely than younger people to carry it out to completion.

As shocks to the national conscience, these statistics point us to the despair, hopelessness, and desperation that predispose so many seniors to suicide. They also lead to the question: Why are older Americans more vulnerable? Compared to other age groups, they often must deal with social isolation, financial hardship, and debilitating illnesses. We also know that far too many have mental health care needs that go unrecognized and unmet. Tragically, one-third of older adults who die from suicide had seen their primary care physician in the week before their deaths, and 70 percent during the prior month.

These findings do not just constitute a serious public health problem. They also conflict with America's belief in living our golden years in dignity. The ''bankruptcy of hope and resources'' affecting those at risk ultimately affect us all as a nation.

I am introducing the Stop Senior Suicide Act to take action on this issue. As a start, this legislation would create an Interagency Geriatric Mental Health Planning Council to improve the geriatric mental health and social services delivery system. Composed of representatives from the health Federal agencies and the community of older adults, the council will make recommendations and foster the integration of mental health, suicide prevention, health, and aging services. In doing so, the council will ensure that senior suicide and geriatric mental health receive the attention befitting a national priority.

As another step, my legislation would authorize a grant program for suicide prevention and early intervention programs focused on seniors. Many of the risk factors and challenges facing the elderly, after all, are unique. Through these grants, public and private nonprofit entities would be able to build innovative approaches and implement them in settings that serve seniors, such as Older Americans Act delivery sites. To help grantees achieve their goals, the bill also would authorize additional funding for the Suicide Prevention Technical Assistance Center to offer guidance and training.

Finally, the Stop Senior Suicide Act would eliminate a major barrier to receiving and affording mental health care. Clinical depression and suicidal feelings are not a normal part of aging, yet these treatable conditions are often misdiagnosed, untreated, or ignored in far too many seniors. Out-of-pocket expenses under Medicare, the health insurance program for 37 million Americans aged 65 years and older, is a key reason. Medicare currently imposes a 50 percent coinsurance payment for outpatient mental health services,

even though it charges just a 20 percent coinsurance for all other outpatient care. The resulting coverage inequity discourages beneficiaries, especially low-income and fixed-income retirees, from seeking mental health treatment. It keeps some from getting treatment altogether. The Stop Senior Suicide Act would thus adjust the 50 percent coinsurance to 20 percent.

Together, the provisions in the legislation I am introducing today are designed to take an important step forward in our efforts to prevent senior suicides. That is why the Stop Senior Suicide Act is endorsed by the American Association for Geriatric Psychiatry, the American Geriatrics Society, the American Psychiatric Association, the American Public Health Association, Mental Health America, the National Alliance on Mental Illness, the National Association of Social Workers, the National Council on Aging, and the Older Women's League. I would like to thank the Suicide Prevention Action Network USA in particular for all its hard work on this issue.

Anyone, regardless of age, can be at risk of suicide, but older Americans are especially vulnerable. The resulting call to action will only grow in importance and urgency as more of America's 77 million baby boomers enter their 60s in the coming years. As such, I hope that my Senate colleagues will join me in supporting the Stop Senior Suicide Act.

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. 1854

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 ''Stop Senior Suicide Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The rate of suicide among older adults is higher than that for any other age group, and the suicide rate for individuals 85 years of age and older is the highest of all. In 2004, 6,860 older Americans (age 60 and older) died by suicide (Centers for Disease Control and Prevention, 2007).

(2) In 2004, the elderly (age 65 and older) made up only 12.4 percent of the population but accounted for 16 percent of all suicides.

(3) According to the Centers for Disease Control and Prevention, from 1980 to 1992, the suicide rate rose 9 percent for Americans 65 years of age and above, and rose 35 percent for men and women ages 80 to 84.

(4) Older adults have a considerably higher rate of completed suicide than other groups. While for all age groups combined there is one suicide for every 20 attempts, there is one suicide for every 4 attempts among those 65 years of age and older.

(5) Of the nearly 35,000,000 Americans age 65 and older, it is estimated that 2,000,000 have a depressive illness and another 5,000,000 suffer from depressive symptoms and syndromes that fall short of meeting full diagnostic criteria for a disorder (Mental Health: A Report of the Surgeon General, 1999).

(6) Seniors covered by Medicare are required to pay a 50 percent co-pay for outpatient mental health services while they are only required to pay a 20 percent co-pay for physical health services.

(7) It is estimated that 20 percent of older adults who complete suicide visited a physician within the prior 24 hours, 41 percent within the past week, and 75 percent within the past month (Surgeon General's Call to Action to Prevent Suicide, 1999).

(8) A substantial proportion of older patients receive no treatment or inadequate treatment for their depression in primary care settings (National Institutes of Health Consensus Development Panel on Depression in Late Life, 1992; Lebowitz et al., 1997).

(9) Suicide in older adults is most associated with late-onset depression. Among patients 75 years of age and older, 60 to 75 percent of suicides have diagnosable depression (Mental Health: A Report of the Surgeon General, 1999).

(10) Research suggests that many seniors receive mental health assistance from their primary care providers or other helping professionals versus specialty mental health professionals (Mental Health: A Report of the Surgeon General, 1999).

(11) Objective 4.6 of the National Strategy for Suicide Prevention calls for increasing the proportion of State Aging Networks that have evidence-based suicide prevention programs designed to identify and refer for treatment of elderly people at risk for suicidal behavior.

(12) Objective 1.1 of the President's New Freedom Commission on Mental Health calls for advancing and implementing a national campaign to reduce the stigma of seeking care and a national strategy for suicide prevention. The report addresses targeting to distinct and often hard-to-reach populations, such as ethnic and racial minorities, older men, and adolescents (NFC Report, 2003).

(13) One of the top 10 resolutions at the 2005 White House Conference on Aging called for improving the recognition, assessment, and treatment of mental illness and depression among older Americans.

SEC. 3. ESTABLISHMENT OF A FEDERAL INTERAGENCY GERIATRIC MENTAL HEALTH PLANNING COUNCIL.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish an Interagency Geriatric Mental Health Planning Council (referred to in this section as the ''Council'') to coordinate and collaborate on the planning for the delivery of mental health services, to include suicide prevention, to older adults.

(b) MEMBERS.—The members of the Council shall include representatives of—

(1) the Substance Abuse and Mental Health Services Administration;

(2) the Indian Health Service;

(3) the Health Resources and Services Administration;

(4) the Centers for Medicare & Medicaid Services;

(5) the National Institute of Mental Health;

(6) the National Institute on Aging;

(7) the Centers for Disease Control and Prevention;

(8) the Department of Veterans Affairs; and

(9) older adults, family members of older adults with mental illness, and geriatric mental health experts or advocates for elderly mental health concerns, to be appointed by the Secretary of Health and Human Services in consultation with a national advocacy organization focused on suicide prevention, including senior suicide prevention.

(c) CO-CHAIRS.—The Assistant Secretary for Health and the Assistant Secretary for Aging of the Department of Health and Human Services shall serve as the co-chairs of the Council.

(d) ACTIVITIES.—The Council shall—

(1) carry out an interagency planning process to foster the integration of mental health, suicide prevention, health, and aging services, which is critical for effective service delivery for older adults;

(2) make recommendations to the heads of relevant Federal agencies to improve the delivery of mental health and suicide prevention services for older adults; and

(3) submit an annual report to the President and Congress concerning the activities of the Council.

SEC. 4. ELIMINATION OF DISCRIMINATORY CO-PAYMENT RATES FOR MEDICARE OUTPATIENT MENTAL HEALTH SERVICES.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by striking subsection (c).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2008.

SEC. 5. ELDERLY SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

Title V of the Public Health Service Act is amended by inserting after section 520E–2 (42 U.S.C. 290bb–36b) the following:

''SEC. 520E–3. ELDERLY SUICIDE EARLY INTERVENTION AND PREVENTION STRATEGIES.

''(a) IN GENERAL.—The Secretary shall award grants or cooperative agreements to eligible entities to develop strategies for addressing suicide among the elderly.

''(b) ELIGIBLE ENTITIES.—To be eligible for a grant or cooperative agreement under subsection (a) and entity shall—

''(1) be a—

''(A) State or local government agency, a territory, or a federally recognized Indian tribe, tribal organization (as defined in the Indian Self-Determination and Education Assistance Act), or an urban Indian organization (as defined in the Indian Health Care Improvement Act); or

''(B) a public or private nonprofit organization; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) develop and implement elderly suicide early intervention and prevention strategies in 1 or more settings that serve seniors, including senior centers, nutrition sites, primary care settings, veterans' facilities, nursing facilities, assisted living facilities, and aging information and referral sites, such as those operated by area agencies on aging or Aging and Disability Resource Centers (as those terms are defined in section 102 of the Older Americans Act of 1965);

''(2) collect and analyze data on elderly suicide early intervention and prevention services for purposes of monitoring, research and policy development; and

''(3) assess the outcomes and effectiveness of such services.

''(d) REQUIREMENTS.—An applicant for a grant or cooperative agreement under this section shall demonstrate how such applicant will—

''(1) collaborate with other State and local public and private nonprofit organizations;

''(2) offer immediate support, information, and referral to seniors or their families who are at risk for suicide, and appropriate postsuicide intervention services care, and information to families and friends of seniors who recently completed suicide and other interested individuals; and

''(3) conduct annual self-evaluations concerning the goals, outcomes, and effectiveness of the activities carried out under the grant or agreement, in consultation with interested families and national advocacy organizations focused on suicide prevention, including senior suicide prevention.

''(e) PREFERENCE.—In awarding a grant or cooperative agreement under this section, the Secretary shall give preference to applicants with demonstrated expertise and capability in providing—

''(1) early intervention and assessment services, including voluntary screening programs, education, and outreach to elderly who are at risk for mental or emotional disorders that may lead to a suicide attempt and that are integrated with aging services support organizations;

''(2) early intervention and prevention practices and strategies adapted to the community it will serve, with equal preference given to applicants that are already serving the same community, and applicants that will serve a new community under a grant or agreement under this section, if the applicant has already demonstrated expertise and capability in providing early intervention and prevention practices and strategies adapted to the community or communities it currently serves;

''(3) access to services and care for seniors with diverse linguistic and cultural backgrounds; and

''(4) services in States or geographic regions with rates of elder suicide that exceed the national average as determined by the Centers for Disease Control and Prevention.

''(f) REQUIREMENT FOR DIRECT SERVICES.—Not less than 85 percent of amounts received under a grant or cooperative agreement under this section shall be used to provide direct services.

''(g) COORDINATION AND COLLABORATION.—

''(1) IN GENERAL.—In carrying out this section (including awarding grants and cooperative agreements under subsection (a)), the Secretary shall collaborate with the Interagency Geriatric Mental Health Planning Council.

''(2) CONSULTATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in developing and implementing Federal policy to carry out this section, the Secretary shall consult with—

''(i) State and local agencies, including agencies comprising the aging network;

''(ii) national advocacy organizations focused on suicide prevention, including senior suicide prevention;

''(iii) relevant national medical and other health specialty organizations;

''(iv) seniors who are at risk for suicide, who have survived suicide attempts, or who are currently receiving care from early intervention and prevention services;

''(v) families and friends of seniors who are at risk for suicide, who have survived attempts, who are currently receiving care from early intervention and prevention services, or who have completed suicide;

''(vi) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve seniors at risk for suicide and their families; and

''(vii) other entities as determined by the Secretary.

''(B) LIMITATION.—The Secretary shall not consult with the entities described in subparagraph (A) for the purpose of awarding grants and cooperative agreements under subsection (a).

''(h) EVALUATIONS AND REPORTS.—

''(1) EVALUATIONS BY GRANTEES.—

''(A) EVALUATION DESIGN.—Not later than 1 year after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary a plan on the design of an evaluation strategy to assess the effectiveness of results of the activities carried out under the grant or agreement.

''(B) EVALUATION OF EFFECTIVENESS.—Not later than 2 years after receiving a grant or cooperative agreement under this section, an eligible entity shall submit to the Secretary an effectiveness evaluation on the implementation and results of the activities carried out by the eligible entity under the grant or agreement.

''(2) REPORT.—Not later than 3 years after the date that the initial grants or cooperative agreements are awarded to eligible entities under this section, the Secretary shall submit to the appropriate committees of Congress a report describing the projects funded under this section and include an evaluation plan for future activities. The report shall—

''(A) be a coordinated response by all representatives on the Interagency Geriatric Mental Health Advisory Council; and

''(B) include input from consumers and family members of consumers on progress being made and actions that need to be taken.

''(i) DEFINITION.—In this section:

''(1) AGING NETWORK.—The term 'aging network' has the meaning given such term in section 102(5) of the Older Americans Act of 1965.

''(2) EARLY INTERVENTION.—The term 'early intervention' means a strategy or approach that is intended to prevent an outcome or to alter the course of an existing condition.

''(3) PREVENTION.—The term 'prevention' means a strategy or approach that reduces the likelihood of risk or onset, or delays the onset, of adverse health problems that have been known to lead to suicide.

''(4) SENIOR.—The term 'senior' means—

''(A) an individual who is 60 years of age or older and being served by aging network programs; or

''(B) an individual who is 65 years of age or older and covered under Medicare.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purpose of carrying out this section there is authorized to be appropriated $4,000,000 for fiscal year 2008, $6,000,000 for fiscal year 2009 and $8,000,000 for fiscal year 2010.

''(2) PREFERENCE.—If less than $3,500,000 is appropriated for any fiscal year to carry out this section, in awarding grants and cooperative agreements under this section during such fiscal year, the Secretary shall give preference to applicants in States that have rates of elderly suicide that significantly exceed the national average as determined by the Centers for Disease Control and Prevention.''.

SEC. 6. INTERAGENCY TECHNICAL ASSISTANCE CENTER.

(a) INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.—Section 520C(d) of the Public Health Service Act (42 U.S.C. 290bb–34(d)) is amended—

(1) in paragraph (1), by striking ''youth suicide early intervention and prevention strategies'' and inserting ''suicide early intervention and prevention strategies for all ages, particularly for groups that are at a high risk for suicide'';

(2) in paragraph (2), by striking ''youth suicide early intervention and prevention strategies'' and inserting ''suicide early intervention and prevention strategies for all ages, particularly for groups that are at a high risk for suicide'';

(3) in paragraph (3)—

(A) by striking ''youth''; and

(B) by inserting before the semicolon the following: ''for all ages, particularly for groups that are at a high risk for suicide'';

(4) in paragraph (4), by striking ''youth suicide'' and inserting ''suicide for all ages, particularly among groups that are at a high risk for suicide'';

(5) in paragraph (5), by striking ''youth suicide early intervention techniques and technology'' and inserting ''suicide early intervention techniques and technology for all ages, particularly for groups that are at a high risk for suicide'';

(6) in paragraph (7)—

(A) by striking ''youth''; and

(B) by inserting ''for all ages, particularly for groups that are at a high risk for suicide,'' after ''strategies''; and

(7) in paragraph (8)—

(A) by striking ''youth suicide'' each place that such appears and inserting ''suicide''; and

(B) by striking ''in youth'' and inserting ''among all ages, particularly among groups that are at a high risk for suicide''.

(b) CONFORMING AMENDMENT.—Section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) is amended in the heading by striking ''youth''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) **In general**.—In addition to any other funds made available, there are authorized to be appropriated for each of fiscal years 2008 through 2010, such sums as may be necessary to carry out the amendments made by subsection (a).

(2) SUPPLEMENT NOT SUPPLANT.—Any funds appropriated under paragraph (1) shall be used to supplement and not supplant other Federal, State, and local public funds expended to carry out other activities under section 520C(d) of the Public Health Service Act (42 U.S.C. 290bb–34(d)) (as amended by subsection (a)).

(3) RESULT OF INCREASE IN FUNDING.—If, as a result of the enactment of this Act, a recipient of a grant under subsection (a)(2) of section 520C of the Public Health Service Act (42 U.S.C. 290bb–34) receives an increase in funding to carry out activities under subsection (d) of such section related to suicide prevention and intervention among groups that are at a high risk for suicide, then, notwithstanding any other provision of such section, such recipient shall provide technical assistance to all grantees receiving funding under such section or section 520E–3 of such Act (as added by section 5).

By Mr. GRASSLEY (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALLARD, and Mr. BROWNBACK):

S. 1855. A bill to amend the Internal Revenue Code of 1986 to provide relief to individuals from the penalty for failure to pay estimated taxes on amounts attributable to the alternative minimum tax in cases where the taxpayer was not subject to the alternative minimum tax in the preceding year; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, right now millions of Americans don't know whether they should be paying an estimated tax because Congress hasn't passed AMT relief. In other words, there are many taxpayers who will be facing a big tax bill if we don't pass AMT relief. By law, many of these taxpayers should be paying estimated tax right now based on the fact that as the law is today, they are subject to the AMT. In order to these taxpayers, I am introducing the AMT Penalty Protection Act of 2007.

Under this legislation, in computing tax for purpose of the penalties in the

tax code dealing with estimated tax, a taxpayer would be permitted to disregard the alternative minimum tax if the individual was not liable for the alternative minimum tax for the preceding tax year.

So if you didn't have to pay AMT last year we aren't going to penalize you if you don't file estimated taxes for AMT this year.

Just because Congress can't do its job, doesn't mean the taxpayer should be punished.

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. 1855

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 ''AMT Penalty Protection Act of 2007''.

SEC. 2. ESTIMATED TAX SAFE HARBOR FOR ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 6654 of the Internal Revenue Code of 1986 (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SAFE HARBOR FOR CERTAIN ALTERNATIVE MINIMUM TAX PAYERS.—In the case of any individual with respect to whom there was no liability for the tax imposed under section 55 for the preceding taxable year—

''(1) any required payment calculated under subsection (d)(1)(B)(i) shall be determined without regard to any tax imposed under section 55,

''(2) any annualized income installment calculated under subsection (d)(2)(B) shall determined without regard to alternative minimum taxable income, and

''(3) the determination of the amount of the tax for the taxable year for purposes of subsection (e)(1) shall not include the amount of any tax imposed under section 55.''.

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 277—COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

Mr. SCHUMER (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 277

Whereas it is a tradition of the Senate to honor and pay tribute to those places and institutions within the United States with historic significance that has contributed to the culture and traditions of the citizens of the United States;

Whereas, in accordance with this tradition, the Senate is proud to commemorate the 200th anniversary of the Archdiocese of New York and its history of faith and service;

Whereas the Archdiocese of New York has planned a year-long series of events beginning in April 2007 to celebrate its bicentennial;

Whereas the Archdiocese of New York is coordinating with Catholic Charities of New York to institute an Archdiocese of New York Day of Service to celebrate its history of serving the broader community;

Whereas, on April 8, 1808, the Diocese of New York was established with the Most Reverend R. Luke Concanen as its first Bishop, and the Diocese was elevated to an Archdiocese in 1850;

Whereas, on March 15, 1875, His Eminence John Cardinal McCloskey, the second Archbishop of the Archdiocese of New York, became the first Cardinal Archbishop of the Roman Catholic Church in the United States;

Whereas the Archdiocese of New York has welcomed Papal visits from Pope Paul VI, on October 5, 1965, and Pope John Paul II, on October 7, 1979 and October 5, 1995;

Whereas, on September 14, 1975, Elizabeth Ann Seton, a member of the Archdiocese of New York and founder of the modern Catholic education parochial school system, became the first person born in the United States to be named a saint;

Whereas Elizabeth Ann Seton is described on the front doors of St. Patrick's Cathedral as a ''Daughter of New York'' and several schools are named after her, including Seton Hall University in South Orange, New Jersey;

Whereas the Archdiocese of New York is currently under the spiritual guidance of His Eminence Edward M. Cardinal Egan, who was installed on June 19, 2000 and elevated to Cardinal on February 21, 2001;

Whereas the Archdiocese of New York originally included the entirety of the States of New York and New Jersey, an area that is now divided into 12 dioceses;

Whereas the Archdiocese of New York has 2,500,000 Catholics in its fold;

Whereas the Archdiocese of New York consists of 402 parishes, 278 elementary and high schools, and 3,729 charitable ministries, including Catholic Charities, hospitals, nursing homes, and outreach programs; and

Whereas, throughout its rich historical past and up to the present day, the Archdiocese of New York has been sustained by the beneficent efforts of countless parishioners and ministries that have generously supported their community with abundant kindness and good deeds: Now, therefore, be it

Resolved, That the Senate commemorates the 200th anniversary of the Archdiocese of New York.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2365. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table.

SA 2366. Mr. DORGAN proposed an amendment to the bill S. 1642, supra.

SA 2367. Mr. DEMINT proposed an amendment to the bill S. 1642, supra.

SA 2368. Mr. KENNEDY (for Mrs. BOXER (for herself, Mr. LEVIN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1642, supra.

SA 2369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1642, supra.

SA 2370. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1642, supra; which was ordered to lie on the table.

SA 2371. Mr. WARNER (for himself, Mr. KERRY, and Mr. WEBB) proposed an amendment to the bill S. 1642, supra.

SA 2372. Mr. AKAKA proposed an amendment to the bill S. 1642, supra.

SA 2373. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, supra.

SA 2374. Mr. SESSIONS proposed an amendment to the bill S. 1642, supra.

SA 2375. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, supra.

SA 2376. Mr. BROWN proposed an amendment to the bill S. 1642, supra.

SA 2377. Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 1642, supra.

SA 2378. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1642, supra; which was ordered to lie on the table.

SA 2379. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2380. Mr. HARKIN proposed an amendment to amendment SA 2377 proposed by Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

SA 2381. Mr. KENNEDY proposed an amendment to amendment SA 2369 submitted by Mr. COBURN to the bill S. 1642, supra.

SA 2382. Mr. KENNEDY (for himself and Mr. ENZI) proposed an amendment to the bill S. 1642, supra.

TEXT OF AMENDMENTS

SA 2365. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

On page 895, between lines 9 and 10, insert the following:

PART H—FEDERAL DIRECT LOANS

SEC. 498. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.

Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

''(m) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS AND THEIR SPOUSES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest on a loan made under this part shall not accrue for an eligible borrower.

''(2) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual—

''(A) who is—

''(i) serving on active duty during a war or other military operation or national emergency; or

''(ii) performing qualifying National Guard duty during a war or other military operation or national emergency; or

''(B) who is the spouse of an individual described in subparagraph (A).

''(3) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

SA 2366. Mr. DORGAN proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 802. STUDENT LOAN CLEARINGHOUSE.

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

SA 2367. Mr. DEMINT proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

SA 2368. Mr. KENNEDY (for Mrs. BOXER (for herself, Mr. LEVIN and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

In section 403(c) of the Higher Education Amendments of 2007, add at the end the following:

(7) by adding at the end the following:

''(h) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

''(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

''(ii) receive a grant score above 70 on the applicant's application.

''(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.''.

SA 2369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title I of the bill, insert the following:

SEC. 114. DEMONSTRATION AND CERTIFICATION REGARDING THE ABSENCE OF PAYMENTS FOR INFLUENCE.

Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that no student tuition amounts or funds from a Federal contract, grant, loan, or cooperative agreement received by the institution were used to hire a registered lobbyist or to pay any person or entity for influencing or attempting to influence an officer or employee of any agency of the Federal Government, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action.

SA 2370. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 114. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SA 2371. Mr. WARNER (for himself, Mr. KERRY, and Mr. WEBB) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title VIII of the bill, insert the following:

SEC. 802. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

At the end of title VIII (as added by section 801), add the following:

''PART N—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION

''SEC. 876. PURPOSES.

''The purposes of the program under this part are to—

''(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

''(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

''SEC. 877. DEFINITION OF ELIGIBLE INSTITUTION.

''In this part, the term 'eligible institution' means an institution that is—

''(1) a historically Black college or university that is a part B institution, as defined in section 322;

''(2) a Hispanic-serving institution, as defined in section 502(a);

''(3) a Tribal College or University, as defined in section 316(b);

''(4) an Alaska Native-serving institution, as defined in section 317(b);

''(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

''(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

''SEC. 878. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

''(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

''(b) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(A) a program of activities for carrying out 1 or more of the purposes described in section 876; and

''(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

''(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

''(A) demonstrated need for assistance under this part; and

''(B) diversity among the types of eligible institutions receiving assistance under this part.

''(c) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

''(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

''(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

''(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

''(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

''(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

''(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

''(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

''(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

''(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

''(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants under this part for the purposes of—

''(1) fostering collaboration and capacity-building activities among eligible institutions; and

''(2) disseminating information and ideas generated by such meetings.

''(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

''SEC. 879. ANNUAL REPORT AND EVALUATION.

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

''(b) EVALUATION BY SECRETARY.—The Secretary shall—

''(1) review the reports provided under subsection (a) each year; and

''(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

''(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

''(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

''SEC. 880. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

SA 2372. Mr. AKAKA proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of section 403, add the following:

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

SA 2373. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

Strike lines 14 through 23 on page 814 and insert the following:

''(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

Strike line 22 on page 821 and all that follows through line 2 on page 822 and insert the following:

''(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

SA 2374. Mr. SESSIONS proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title I, add the following:

SEC. 114. FOREIGN MEDICAL SCHOOLS.

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

SA 2375. Mr. ENZI (for Mr. BURR) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

After section 205 of the Higher Education Act of 1965 (as amended by section 201 of the Higher Education Amendments of 2007), insert the following:

''SEC. 205A. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

SA 2376. Mr. BROWN proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title IV of the bill, add the following:

PART H—FEDERAL SUPPLEMENTAL LOAN PROGRAM

SEC. 499. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

''SEC. 499B. FEDERAL SUPPLEMENTAL LOAN PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Federal Supplemental Loan Program in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to receive a loan under this section if such individual attends an institution of higher education on a full-time basis as an undergraduate or graduate student.

''(c) FIXED INTEREST RATE LOANS AND VARIABLE INTEREST RATE LOANS.—

''(1) IN GENERAL.—Beginning with academic year 2008–2009, the Secretary shall make fixed interest rate loans and variable interest rate loans to eligible individuals under this section to enable such individuals to pursue their courses of study at institutions of higher education on a full-time basis.

''(2) FIXED INTEREST RATE LOANS.—With respect to a fixed interest rate loan made under this section, the applicable rate of interest on the principal balance of the loan shall be set by the Secretary at the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

''(3) VARIABLE INTEREST RATE LOANS.—With respect to a variable interest rate loan made under this section, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

''(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

''(B) a margin determined on an annual basis by the Secretary to result in the lowest rate for the borrower that will result in no net cost to the Federal Government over the life of the loan.

''(d) MAXIMUM LOAN AMOUNT.—

''(1) IN GENERAL.—The Secretary shall make a loan under this section in any amount up to the maximum amount described in paragraph (2).

''(2) MAXIMUM AMOUNT.—For an eligible individual, the maximum amount shall be calculated by subtracting from the estimated cost of attendance for such individual to attend the institution of higher education, any

amount of financial aid awarded to the eligible individual and any loan amount for which the individual is eligible, but does not receive such amount, pursuant to the subsidized loan program established under section 428 and the unsubsidized loan program established under section 428H. For the purposes of this section, an institution of higher education may reduce its cost of attendance.

''(e) COSIGNERS.—The Secretary shall offer to eligible individuals both fixed interest rate loans and variable interest rate loans under this section with the option of having a cosigner or not having a cosigner.

''(f) REPAYMENT.—The Secretary shall offer a borrower of a loan made under this section the same repayment plans the Secretary offers under section 455(d) for Federal Direct Loans.

''(g) CONSOLIDATION.—A borrower of a loan made under this section may consolidate such loan with Federal Direct Loans made under part D.

''(h) DISCLOSURES AND COOLING OFF PERIOD.—

''(1) DISCLOSURES.—The Secretary shall provide disclosures to each borrower of a loan made under this section that are not less than as protective as the disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.), including providing a description of the terms, fees, and annual percentage rate with respect to the loan before signing the promissory note.

''(2) COOLING OFF PERIOD.—With respect to loans made under this section, the Secretary shall provide a cooling off period for the borrower of not less than 10 business days during which an individual may rescind consent to borrow funds pursuant to this section.

''(i) DISCRETION TO ALTER.—The Secretary may design or alter the loan program under this section with features similar to those offered by private lenders as part of loans financing postsecondary education.''.

SA 2377. Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

At the end of title IX, add the following:

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 951. SHORT TITLE.

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3001. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SA 2378. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1642, to extend the

authorization of programs under the Higher Education Act of 1965, and for other purposes; which was ordered to lie on the table; as follows:

On page 678, strike line 23 and all that follows through page 679, line 2, and insert the following:

(III) in clause (i)—

(aa) in subclause (I), by striking ''or'' after the semicolon;

(bb) by striking subclause (II) and inserting the following:

''(II) a critical foreign language; or

''(III) science, technology, engineering, or mathematics education, if such major requires students to take the same science, technology, engineering, or mathematics courses, respectively, as students majoring in science, technology, engineering, or mathematics, respectively; and''; and

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SA 2379. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141of title 10, United States Code, as amended by section 826cc of this Act, is further amended by adding at the end the following new section:

''§ 2410r Multiyear procurement authority: purchase of synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines, on the basis of a business case prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency; and

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations requiring the head of an agency initiating a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), to find that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of synthetic fuels as so authorized; and

(C) the technical risks associated with such technologies are not excessive.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring the synthetic fuel concerned through annual contracts. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring the synthetic fuel concerned through annual contracts, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

SA 2380. Mr. HARKIN proposed an amendment to amendment SA 2377 proposed by Mr. DURBIN (for himself, Mr. LEVIN, Ms. CANTWELL, Mrs. BOXER, and Mrs. CLINTON) to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

In part B of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 2007, insert after section 428K the following:

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

SA 2381. Mr. KENNEDY proposed an amendment to amendment SA 2369 submitted by Mr. COBURN to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

Strike all after the first word and insert the following:

114. RESTRICTION ON USE OF FEDERAL FUNDS

(1) No federal funds received by an institution of higher education may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in paragraph (2) of this section.

(2) The prohibition in paragraph (1) of this section applies with respect to the following Federal actions:

(a) the awarding of any Federal contract;

(b) the making of an Federal grant;

(c) the making of any Federal loan;

(d) the entering into of any cooperative agreement;

(e) the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(3) No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(4) Any person who makes an expenditure prohibited by section (1) or section (3) shall be subject to a civil penalty of not less than $100,000 and not more than $1,000,000.

(5) The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced in such agency.

SA 2382. Mr. KENNEDY (for himself and Mr. ENZI) proposed an amendment to the bill S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes; as follows:

On page 561, line 12, strike ''90'' and insert ''30''.

On page 577, strike lines 20 through 22, and insert the following:

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

On page 601, strike lines 5 through 12 and insert the following:

''(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

On page 611, line 9, after ''learning'' insert '', which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation''.

On page 611, strike lines 14 through 16 and insert the following:

''(G) use, in the case of an early childhood educator, age- and developmentally-appropriate strategies and practices for children in early education programs.

On page 614, strike lines 18 through 21 and insert the following:

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

On page 631, between lines 4 and 5, insert the following:

''(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

On page 631, line 5, strike ''(f)'' and insert ''(g)''.

On page 631, line 23, strike ''(g)'' and insert ''(h)''.

On page 632, line 6, strike ''(h)'' and insert ''(i)''.

On page 667, line 8, strike ''and''.

On page 667, strike line 10, and insert ''fied graduate program;''.

On page 667, between lines 10 and 11, insert the following:

''(Z) Kentucky State University qualified graduate program; and

''(AA) Grambling State University qualified graduate program.'';

On page 667, line 20, strike ''and''.

On page 667, line 20, after ''(Y)'' insert '', (Z), and (AA)''.

On page 668, line 3, strike ''and (Y)'' and insert ''(Y), (Z), and (AA)''.

On page 668, line 7, strike ''(Y)'' and insert ''(AA)''.

On page 679, strike lines 12 through 23 and insert the following:

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

On page 712, between lines 2 and 3, insert the following:

(3) in subsection (b), by adding at the end the following:

''(3) CARRY OVER.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.'';

On page 716, between lines 8 and 9, insert the following:

(4) in subsection (c)(1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,'';

On page 716, between lines 16 and 17, insert the following:

(5) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

On page 720, between lines 11 and 12, insert the following:

''(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

On page 767, strike lines 20 through 22 and insert the following:

SEC. 423. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: ''Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history.''; and

(B) by adding at the end the following:

''(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan.''; and

(2) by adding at the end the following:

On page 784, between lines 20 and 21, insert the following:

SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 451B. PERKINS LOAN FORBEARANCE.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.''; and

(2) in subsection (j), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

On page 824, strike lines 13 through 16 and insert ''who has completed secondary school; or''.

On page 828, strike lines 6 through 12 and insert the following:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

On page 838, line 4, strike ''institution's''.

On page 838, line 5, insert ''established by the institution'' after ''policies''.

On page 838, strike lines 8 through 11, and insert the following:

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

On page 887, strike lines 21 through 23, and insert the following:

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.'';

On page 827, between lines 20 and 21, insert the following:

(i) in subparagraph (G)—

(I) by striking ''program, and'' and inserting ''program,''; and

(II) by inserting '', and (iv) any plans by the institution for improving the academic program of the institution'' after ''instructional personnel''; and

On page 829, line 11, strike ''and'' after the semicolon.

On page 829, strike line 13 and insert the following:

institution pursuant to subsection (i).

''(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.'';

On page 883, strike line 1 and all that follows through page 884, line 9 and insert the following:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;'';

On page 887, line 24, strike ''and''.

On page 888, line 7, strike the second period and insert ''; and''.

On page 888, between lines 7 and 8, insert the following:

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

Strike line 24 on page 939 and all that follows through line 2 on page 940 and insert the following:

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.''.

After line 24 on page 1032, insert the following:

SEC. 802. ADDITIONAL PROGRAMS.

Title VIII (as added by section 801) is further amended by adding at the end the following:

''PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM

''SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.

''(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

''(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

''(C) a public or nonprofit entity that—

''(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

''(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

''(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(c) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

''(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

''(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

''(3) any other consideration the Secretary determines necessary.

''(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

''(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

''(f) DEFINITION OF PUBLIC HEALTH PRACTICE.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

''PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM

''SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for

a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

''(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

''(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

''(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

''(D) such other information as the Secretary may require.

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

''(C) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

''(C) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

''(i) were more likely to take a college-prep curriculum while in secondary school;

''(ii) submitted any college applications; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact on the parents of students eligible to participate in the demonstration program.

''(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

''(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

''(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) 2-year public degree-granting institutions of higher education;

''(bb) 4-year public degree-granting institutions of higher education; and

''(cc) 4-year private degree-granting institutions of higher education;

''(II) component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each award year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific college savings programs;

''(iv) State merit-based financial aid;

''(v) State need-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

''(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

''(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

"PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES

"SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

''(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

''(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

''(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

''(3) to support programmatic efforts associated with the web-based media projects of the archives;

''(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

''(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

''(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

''(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

''(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

''(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

''(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

''(B) improve student achievement; and

''(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

On page 1036, strike lines 8 through 15 and insert the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf.''; and

On page 1038, line 15, strike ''2007'' and insert ''2008''.

On page 900, line 1, strike ''(a) AUTHORIZATIONS.—'' and insert ''(a) AUTHORIZATIONS.—There are''.

On page 674, lines 20 and 21, strike ''paragraph (4) (as redesignated by subparagraph (C))'' and insert ''paragraph (5)''.

On page 675, lines 6 and 7, strike ''paragraph (5) (as redesignated by subparagraph (C))'' and insert ''paragraph (6)''.

On page 675, line 9, strike ''(5)'' and insert ''(6)''.

On page 579, between lines 11 and 12, insert the following:

SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

"SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''Oversight: Gulf Coast Disaster Loans and the Future of the Disaster Assistance Program,'' on Wednesday, July 25, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Monday, July 23, 2007, at 5 p.m., in room 215 of the Dirksen Senate Office Building, to consider S.J. Res. 16, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

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

PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Ann Clough, a fellow in my office, be granted floor privileges during the consideration of S. 1642, the Higher Education Amendments Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the following interns be given floor privileges for the duration of this debate: Kelly Shepherd, Christopher Schmidt, and Shannon Saltclah.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

75TH ANNIVERSARY OF THE INTERNATIONAL PEACE GARDEN

Mr. REID. I ask unanimous consent the Senate Judiciary Committee be discharged from further consideration of S. Res. 270 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 270) honoring the 75th anniversary of the International Peace Garden.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas the International Peace Garden was conceived in 1928 by Dr. Henry J. Moore, a Canadian member of the National Association of Gardeners, who said the garden would be ''a memorial to international friendship that shall endure to all time'';

Whereas the International Peace Garden, a National Park affiliate, was dedicated in 1932, with 50,000 people in attendance, on the border between the State of North Dakota and the Province of Manitoba as a symbol of the long-standing peace, friendship, and cooperation between the United States and Canada;

Whereas a cairn of native stone was constructed on the international border and inscribed ''To God in His Glory. . . We two nations dedicate this garden and pledge ourselves that as long as men shall live we will not take up arms against one another'';

Whereas in 1934 the Civilian Conservation Corps helped plant and construct the garden on the 2,339 acres of land donated by the State of North Dakota and Province of Manitoba;

Whereas the first building built by the Civilian Conservation Corps, the Lodge, made of North Dakota granite and timber from the Duck Mountains in Manitoba, still remains in the garden today;

Whereas more than 150,000 flowers grace the garden each year and another 2,000 to 5,000 plants and flowers comprise a large working floral clock, a centerpiece of the garden;

Whereas symbols of peace appear throughout the garden, including the 120 foot Peace Tower honoring early immigrants, the Peace Poles donated by the Japanese government that declare ''May Peace Prevail'' in 28 different languages, and the Peace Chapel, the only building to straddle the international border;

Whereas the garden's bell tower has a set of Sifton chimes, cast by Gillett and Johnston of Croydon, England, that are 1 of only 4 sets that exist in the world today;

Whereas more than 150,000 visitors travel to the International Peace Garden every year to view the floral displays, fountains, sunken garden, and other scenic vistas;

Whereas the International Peace Garden hosts the International Music Camp, which offers musical opportunities and instruction for students and adults from around the world, and the Legion Athletic Camp, one of the top student athletic training camps;

Whereas the State of North Dakota proudly declares itself the Peace Garden State in recognition and honor of the International Peace Garden;

Whereas the State of North Dakota, the Province of Manitoba, the United States, and the Canadian Governments have each contributed to the garden and its continued preservation;

Whereas the International Peace Garden is undertaking numerous restoration efforts of existing facilities and the addition of a stone-and-glass interpretive center, a tropical plant observatory, and a conflict resolution center; and

Whereas on July 14, 2007, the International Peace Garden will commemorate its 75th Anniversary: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the International Peace Garden on its 75th anniversary;

(2) honors the International Peace Garden for sharing its history, beautiful gardens, and a message of peace with the public; and

(3) urges support for continued restoration and expansion efforts at the International Peace Garden.

MAKING TECHNICAL CORRECTIONS TO THE NEW BORDER TUNNELS AND PASSAGES OFFENSE

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1856.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1856) to amend title 18 United States Code to make technical corrections to the new border tunnels and passages offense.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, without intervening action or debate.

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

The bill (S. 1856) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1856

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

SECTION 1. OFFENSE.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(b) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

SEC. 2. CRIMINAL FORFEITURE.

Section 982(a)(6)of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

SEC. 3. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 161, 232, 233, 234, 235, 236, 237, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table; that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

SECURITIES INVESTOR PROTECTION CORPORATION

William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2007.

Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be rear admiral

Jonathan W. Bailey

Subject to qualifications provided by law, the following for temporary appointment to the grade indicated in the National Oceanic and Atmospheric Administration.

To be rear admiral (lower half)

Philip M. Kenul

SECURITIES INVESTOR PROTECTION CORPORATION

William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2010.

IN THE COAST GUARD

PN581 COAST GUARD nomination of Jason D. Rimington, which was received by the Senate and appeared in the Congressional Record of May 21, 2007.

PN582 COAST GUARD nomination of Jeffery J. Rasnake, which was received by the Senate and appeared in the Congressional Record of May 21, 2007

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR TUESDAY, JULY 24, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, July 24; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1642, as under a previous order.

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

Mr. REID. Mr. President, I thank all Members for their cooperation today. We got a lot done.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Tuesday, July 24, 2007, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 23, 2007:

DEPARTMENT OF DEFENSE

MICHAEL G. VICKERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2007 VICE DEBORAH DOYLE MCWHINNEY, TERM EXPIRED.

MARK S. SHELTON, OF KANSAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008.

WILLIAM S. JASIEN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2009.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

JONATHAN W. BAILEY

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

PHILIP M. KENUL

SECURITIES INVESTOR PROTECTION CORPORATION

WILLIAM HERBERT HEYMAN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2010.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

COAST GUARD NOMINATION OF JASON D. RIMINGTON, 8958, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF JEFFERY J. RASNAKE, 8595, TO BE LIEUTENANT.

EXTENSIONS OF REMARKS

PRIME MINISTER IVO SANADER WORKS TO BRING CROATIA INTO NATO AND EUROPEAN UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LANTOS. Madam Speaker, I would like to call the attention of my colleagues in the Congress to the excellent work of the Croatian Prime Minister, His Excellency Dr. Ivo Sanader. Under his leadership Croatia has made important strides in the important task of integrating Croatia with NATO and in preparing Croatia for full membership in the European Union.

Dr. Sanader became the head of the Croatian government in December 2003 when his political party, the Croatian Democratic Union Party (HDZ), was victorious in the country's election on November 23, 2003.

Prime Minister Sanader has had a distinguished record of government service that has prepared him well to assume the position of Prime Minister. Following his election to parliament in 1992, shortly after Croatia became a fully independent country, he was appointed Minister of Science and Technology—a position he held until January 1993 when he was appointed Deputy Foreign Minister. In this capacity, he participated in the bilateral talks that led to the establishment of the Croat-Muslim Federation of Bosnia and Herzegovina (FBiH). At the end of November 1995, following the Dayton Peace Accords, Dr. Sanader left the cabinet to become chief of staff to then-President Franjo Tudjman. From 1996 to 2000, he again served as Deputy Minister for Foreign Affairs. In 1998 he was elected president of the HDZ, which he worked to strengthen, modernize and reform into a pro-European, center-right political party.

Madam Speaker, Dr. Sanader's main foreign policy priority has been Croatia's accession to NATO and the European Union. I applaud his efforts to ensure that his country becomes an active participant in these critically important international institutions that have done much to provide a framework for intra-European and trans-Atlantic cooperation.

In October 2001, the Government of Croatia signed a Stabilisation and Association Agreement (SAA) with the EU making the country an official candidate for membership. Since becoming Prime Minister, Dr. Sanader has taken important steps to prepare for EU membership. Under his leadership Croatia has seen healthy economic growth of some 4 percent anually, and there have been important reforms in the country's judicial system and the system of land registry. He has been willing to take tough decisions to move Croatia forward.

The Prime Minister has also steered his country toward NATO accession following Croatia's admission to the Membership Action Plan (MAP) in May 2002, which signified the institutionalization of relations with NATO and formally launched the accession process. It is expected that Croatia will receive a formal invitation to become a full member of the Alliance at the NATO Summit in Bucharest next summer.

Madam Speaker, the Prime Minister's efforts to foster trans-Atlantic dialogue were on display in early July at the important 2007 Croatian Summit on "Europe's New South", which he convened in the beautiful Adriatic city of Dubrovnik. An impressive group of political leaders from across Europe joined Dr. Sanader to discuss how South East Europe can fully integrate into the Euro-Atlantic community, focusing on pressing security interests as well as NATO and EU expansion.

Madam Speaker, in conclusion, I wish to commend Prime Minister Ivo Sanader for his role in moving Croatia from a past of divisive nationalism to a future of economic and political progress through active and responsible international cooperation.

A TRIBUTE TO GENE AUTRY AND THE AUTRY NATIONAL CENTER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the centennial of Gene Autry's birth. Gene Autry was a great American patriot and hero, whose vision and spirit was characteristic of the American West that he came to represent.

Today also marks another momentous occasion, the Autry National Center's 20th Annual Gala. Twenty years ago, the Autry National Center held its first gala prior to the opening of the Gene Autry Museum of Western Heritage.

Gene Autry was born 100 years ago in Tioga, TX. He arrived in California and became famous as the "singing cowboy." Gene, known for his innovation, revolutionized American cinema, pioneering the western musical. He is the only entertainer to date to have been awarded all five stars on the Hollywood Walk of Fame. Gene Autry was also the first movie star to use television as a way of reaching his audience. It was through his music and his warm and winning smile that he connected with people. He conveyed a deep sense of patriotism, encouraging his audience, young and old, to be kind to one another and live by the high minded standards of conduct, "The Cowboy Code," to which he held himself.

Gene Autry and his beloved horse Champion were always at the ready and eager to serve their country. Gene joined up with the Army Air Corps in 1942, earning the title of sergeant, flying fuel, ammunition, and arms over the Himalayas. After the war, Mr. Autry toured with a USO troupe in the South Pacific, bringing the familiar melody of home to the distantly stationed troops.

In 1988, Gene Autry, along with his wife Jackie Autry, founded the Gene Autry Museum of Western Heritage. In his lifetime Gene Autry was able to fulfill his dream of building a "museum which would exhibit and interpret the heritage of the West and show how it influenced America and the world."

In 2003, the Autry National Center was established, commemorating the American West through its three institutions, the Southwest Museum of the American Indian, the Museum of the American West, and the Institute for the Study of the American West. In keeping with the spirit of Gene Autry, the Autry National Center provides insight into the diverse tapestry of cultures and peoples that make up the American West. The success of the Autry National Center is largely due to Jackie Autry's unsurpassed dedication and devotion to the vision of her-late husband.

It is my pleasure to honor the centennial of Gene Autry's birth as well as the Autry National Center on its 20 years of service to the southern California community. I ask all members to join me in commending the Autry National Center.

HONORING DADE CITY POLICE CHIEF PHILLIP THOMPSON ON THE OCCASION OF HIS RETIREMENT

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize Dade City, Florida Police Chief Phillip Thompson on the occasion of his upcoming retirement. With more than 20 years of experience on the Dade City police force, his contributions to the community will be sorely missed.

As the top law enforcement officer for one of the largest cities in my district, I have seen firsthand the positive effect his leadership has had in combating crime in Dade City. In the period from 2005 to 2006, the Dade City community saw a reduction in reported crimes of 6½ percent. Police Chief Thompson's leadership and the dedication of his staff of 24 played a vital role in that reduction, as well as stepped-up enforcement patrols in troubled residential areas.

Chief Thompson, who at 55 years old has enough service years to begin his retirement, has worked for the Dade City Police Department for 20 years. Prior to his career with the Dade City force, Chief Thompson first joined the Brooksville Police Department when he was only 19. He then spent 11 years with the Pasco Sheriff's office and 1 year as a Hillsborough County deputy. On April 23, 1987, he became the Dade City police chief.

In recognition of his 20 years of service, the Florida Police Chiefs Association will present Chief Thompson with an award at an upcoming commission meeting.

While Chief Thompson's Parkinson's disease played a role in his retirement, he currently feels fine and has plans to pursue an active lifestyle in his retirement years. As a part-time teacher of criminal justice at Saint Leo University and Pasco-Hernando Community College, I am sure that Chief Thompson will have plenty of work to keep him active and involved in the law enforcement community.

Madam Speaker, Chief Thompson has spent his entire career working towards the safety of Pasco and Hernando County residents. While he is retiring from service, his contributions to Dade City as Police Chief for the past 20 years will never be forgotten. I would hope that all area residents recognize his decades of public service and thank him for all that he has done for Dade City.

A TRIBUTE TO DEION SANDERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great pride that I pay tribute today to Deion Sanders, former Dallas Cowboys football player. His many years of community service and dedication in making a difference in the lives of people are truly deserving of our appreciation and praise.

Deion Sanders, a former cornerback for the Dallas Cowboys and one of the best cornerbacks in the NFL, decided to graciously open up his home and heart to nine disadvantaged children in order to teach them responsibility and life skills.

Mr. Sanders is truly devoted to enhancing the lives of young people and he has decided to have 14 children, including his own 5 kids, live at his home for the summer. There are five adolescent boys and four girls. Most of the children come from families with no father in the home. Mr. Sanders is giving these children a fulfilling and productive summer. The children eat, pray, do chores and go on field trips together.

He believes that the true key to helping children is by teaching them responsibility. Along with opening up his home this summer, Deion Sanders is creating a biblically based mentoring program called Primetime Army. This program will give parents and their sons access to Sanders and his team of professionals on a 24–7 basis for a monthly fee.

Mr. Sanders wants to encourage children to dream big because anything can be possible. All children deserve a chance at success and Deion Sanders is helping to give them that chance.

I know that Deion will continue to play an important role in our community for decades to come, and that America will continue to benefit from his dedication, service and hard work.

Madam Speaker, I urge you and my colleagues in the U.S. House of Representatives to join me in saluting Deion Sanders and in applauding this remarkable citizen for all he has done in north Texas, to those of us whose lives he has touched.

PRIME MINISTER IVO SANADER WORKS TO BRING CROATIA INTO NATO AND EUROPEAN UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LANTOS. Madam Speaker, I would like to call the attention of my colleagues in the Congress to the excellent work of the Croatian Prime Minister, His Excellency Dr. Ivo Sanader. Under his leadership Croatia has made important strides in the important task of integrating Croatia with NATO and in preparing Croatia for full membership in the European Union.

Dr. Sanader became the head of the Croatian government in December 2003 when his political party, the Croatian Democratic Union Party (HDZ), was victorious in the country's election on November 23, 2003.

Prime Minister Sanader has had a distinguished record of government service that has prepared him well to assume the position of Prime Minister. Following his election to parliament in 1992, shortly after Croatia became a fully independent country, he was appointed Minister of Science and Technology—a position he held until January 1993 when he was appointed Deputy Foreign Minister. In this capacity, he participated in the bilateral talks that led to the establishment of the Croat-Muslim Federation of Bosnia and Herzegovina (FBiH). At the end of November 1995, following the Dayton Peace Accords, Dr. Sanader left the cabinet to become chief of staff to then-President Franjo Tudjman. From 1996 to 2000, he again served as Deputy Minister for Foreign Affairs. In 1998 he was elected president of the HDZ, which he worked to strengthen, modernize and reform into a pro-European, center-right political party.

Madam Speaker, Dr. Sanader's main foreign policy priority has been Croatia's accession to NATO and the European Union. I applaud his efforts to ensure that his country becomes an active participant in these critically important international institutions that have done much to provide a framework for intra-European and trans-Atlantic cooperation.

In October 2001, the Government of Croatia signed a Stabilisation and Association Agreement (SAA) with the EU making the country an official candidate for membership. Since becoming Prime Minister, Dr. Sanader has taken important steps to prepare for EU membership. Under his leadership Croatia has seen healthy economic growth of some 4 percent annually, and there have been important reforms in the country's judicial system and the system of land registry. He has been willing to take tough decisions to move Croatia forward.

The Prime Minister has also steered his country toward NATO accession following Croatia's admission to the Membership Action Plan (MAP) in May 2002, which signified the institutionalization of relations with NATO and formally launched the accession process. It is expected that Croatia will receive a formal invitation to become a full member of the Alliance at the NATO Summit in Bucharest next summer.

Madam Speaker, the Prime Minister's efforts to foster trans-Atlantic dialogue were on display in early July at the important 2007 Croatian Summit on "Europe's New South", which he convened in the beautiful Adriatic city of Dubrovnik. An impressive group of political leaders from across Europe joined Dr. Sanader to discuss how South East Europe can fully integrate into the Euro-Atlantic community, focusing on pressing security interests as well as NATO and EU expansion.

Madam Speaker, in conclusion, I wish to commend Prime Minister Ivo Sanader for his role in moving Croatia from a past of divisive nationalism to a future of economic and political progress through active and responsible international cooperation.

HONORING THE RETIREMENT OF CAROLYN LAVERNE DAVENPORT

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SCOTT of Georgia. Madam Speaker, I rise today to honor one of the finest educators ever to serve students in my congressional district. Please join me in congratulating Carolyn LaVerne Davenport for thirty-four years of outstanding service to my constituents in the 13th Congressional District of Georgia.

Ms. Davenport was born in Atlanta and raised in Jonesboro, Georgia, the heart of my district. As a youth, she attended the same school system in which she taught for many years, graduating as valedictorian from the W.A. Fountain School in 1965. She went on to earn a Bachelor's degree from Spelman College in 1969 and received her Master's of Elementary Education degree in 1972. Carolyn taught first and third grades at George M. Kilpatrick Elementary School. Throughout her career, Ms. Davenport received many accolades including an honorary life membership to the Georgia Parent Teacher Association, as well as a Certificate of Special Achievement from the American Red Cross Youth Services.

Not only was she a leader in the classroom, she was a leader in her community as well. Twenty-five years ago, Carolyn founded the Clayton County Campaign for the United Negro College Fund. Thanks to the UNCF and Carolyn's activism, thousands of students, including several of my colleagues in this great body, have been able to receive a higher education and pursue their dreams. In 1991, in recognition of her great efforts, Ms. Davenport received the UNCF Star Volunteer Award and the 2000 South Metro Salute to Higher Education Award. She has also volunteered for many civil rights, community and international organizations including the Concerned Black Citizens Coalition of Clayton County, the NAACP, the Rainbow/PUSH Coalition and CARE International.

Madam Speaker, Carolyn Davenport is a true public servant. The impact she has made continues to be felt by her colleagues, friends and other members of the community. As she enters retirement, she will still be regarded as an exceptional leader and a model citizen. Once again, I congratulate Carolyn for reaching this milestone.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mr. CONYERS. Madam Chairman, I rise in support of H.R. 3043, the Federal Year 2008 Departments of Labor, Health and Human Services, and Education Appropriations Bill. By passing this legislation today the House of Representatives is taking a significant step forward toward investing in our Nation's long-term future. This $152 billion investment marks a $10 billion increase over President Bush's 2008 request and a $7 billion increase over the Federal Year 2007 Departments of Labor, Health and Human Services, and Education Appropriations Bill. The increases in the appropriation's legislation before us today, will translate into more help for those in need of Low-Income Home Energy Assistance, more affordable higher education, and health care for the uninsured.

Home heating costs have skyrocketed over the last few years. Many people are finding themselves unable to keep up. We in Congress believe that no American should be forced to choose between whether to eat or heat your home. This is why we are increasing Low-Income Home Energy Assistance to $501 million in 2008, an increase that will ensure 1.3 million families are not left out in the cold this winter.

We have also used this appropriation to demonstrate the Democratic Party's commitment to reining in the sharp rise in college costs that continue to be a barrier to so many students. By increasing the Pell Grant from $4,050 to $4,700, an increase which will benefit more than 5.5 million low- and middle-income students, we have taken another major step in the 110th Congress toward making higher education more accessible.

Finally, it is a disgrace that there are 46.6 million Americans without health insurance; in this year's Labor, Health and Human Services, and Education Appropriations Bill we have taken major steps to expand access to health care for the uninsured. For example, the bill provides a $200 million increase in funds allocated to community health center initiatives—enabling these centers to serve an additional 1 million uninsured Americans. Furthermore, the bill provides $75 million for a new initiative to state health access grants—providing start-up grants to states that are ready with plans to expand health care coverage to targeted groups. Finally, H.R. 304 also includes $50 million for an initiative to assist states in providing high-risk insurance pools to support affordable insurance for almost 200,000 people who are medically high-risk.

This is finally a Labor, Health and Human Services, and Education Appropriations bill with the right priorities, one that puts working Americans first.

HONORING ROBLEY REX

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Robley Rex, a remarkable man with a long history of service to his country and to Kentucky. Mr. Rex recently celebrated his 106th birthday.

Mr. Rex was born on May 2, 1901 in Hopkinsville, KY. He enlisted in the U.S. Army upon his 18th birthday, serving with the 5th Infantry from 1919 to 1922. During an assignment in Germany, Mr. Rex witnessed firsthand the terrible aftermath of death and destruction caused by World War I. A gifted athlete, he was also an amateur boxer during his tenure in the Army.

Upon his return to Kentucky, Mr. Rex met Ms. Grace Bivens. The couple married April 3, 1926. Mr. Rex held jobs in a local tool factory and a rubber manufacturer before beginning a career as a railroad mail clerk for the U.S. Postal Department.

During his 106 years, Robley Rex has personally lived through many of the historical events that have shaped our country and the world including two World Wars, women's suffrage, the Great Depression, and the fall of communism in Eastern Europe.

It is my great privilege to honor Mr. Robley Rex today, before the entire U.S. House of Representatives, for his long life and service to our country. May his days continue to be filled with enriching experiences, the company of friends, and love for family and country.

TRIBUTE TO SAMANTHA MELVIN

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. CULBERSON. Madam Speaker, I rise today to congratulate Ms. Samantha Melvin, a teacher at Hunters Creek Elementary School in the Seventh Congressional District of Houston, Texas, who has received a 2006–07 Outstanding Teaching Award from Humanities Texas, the state affiliate of the National Endowment for the Humanities. Humanities Texas issues these awards annually to Texas teachers to recognize exemplary contributions in teaching, curriculum development and extracurricular programming.

Ms. Melvin's art curriculum sparks students' imaginations while also reinforcing lessons learned in other subject areas. In one of her major assignments, students develop elaborate, three-dimensional cityscapes that draw upon their training in art, social studies, math and science.

Stefanie Roach, Principal at Hunters Creek Elementary says of Ms. Melvin: "She is an outstanding educator whose passion for art and empowering children are evident in the lessons she creates and presents. She challenges children to see the 'big picture' in life and to use art as the means in which they can influence the world. She is a shining star to the profession. Energetic, committed, brilliant."

Karen Yates, Assistant Principal at Hunters Creek Elementary says, "Samantha Melvin is a passionate educator, always looking for ways to promote the interest of learning in her students. Because of her nurturing personality and art instruction, the young artists at Hunters Creek Elementary take risks and use their own creativity to produce a variety of pieces."

Teresa Henshaw, language arts school improvement specialist at Hunters Creek Elementary says, "She not only lives a 'Renaissance' life, but inspires it in others. Samantha Melvin encourages children to see the world as a whole, that everything is connected to everything else."

Humanities Texas Executive Director Michael L. Gillette says, "We are pleased to recognize such an accomplished teacher. Ms. Melvin instills the joy of learning in her students and motivates them to achieve at high levels."

Madam Speaker, again, I applaud Ms. Melvin for inspiring the children at Hunters Creek Elementary and congratulate her on her award.

APPROPRIATIONS COMMITTEE TIAHRT AMENDMENT VOTE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. RANGEL. Madam Speaker, I rise today to respond to the Appropriations Committee vote on amending the Tiahrt Amendment.

Sadly, last week the House Appropriations Committee voted 26 to 40 on an amendment offered by Congressman PATRICK KENNEDY that would have addressed the current restrictions on the Bureau of Alcohol Tobacco and Firearms with sharing gun trace data. The limitation, known as the Tiahrt Amendment, which prohibits the effective tracing of the ownership of weapons, puts handcuffs on illegal gun investigators all over the country. This vote was extremely disappointing. It was a rebuff to all Americans, who desperately want guns out of the hands of criminals. Once again law abiding Americans were victimized by the political pressure of National Rifle Association lobbyists.

Proponents of the Tiahrt Amendment argue that removing the restriction is a challenge to the Second Amendment. This is just not true; the Second Amendment right to bear arms is not affected by a more effective means of identifying illegal guns. I support removing the restriction and I also support the rights of legal gun ownership; the key word being legal.

Tiahrt Amendment supporters stress that there are privacy issues involved. That is absolutely true. The privacy of illegal gun dealers is being protected. This means they can continue to sell weapons to criminals and Americans will continue to be hurt and killed every single day as Congress sits back and watches.

HONORING HANAN Y. ''BEAN'' SIBEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. RUPPERSBERGER. Madam Speaker, it is with great honor that I rise before you today to honor the outstanding lifetime achievements of Hanan Y. ''Bean'' Sibel, one of Maryland's most successful business leaders and strongest community advocates. Hanan Y. ''Bean'' Sibel is an active and respected business and civic leader in all walks of life in greater Baltimore.

He is the founding chairman of the Maryland/Israel Development Center, a nonprofit partnership of the state of Maryland, Government of Israel and The ASSOCIATED: Jewish Community Federation of Baltimore, an organization that promotes trade and investment between Maryland and Israeli businesses. Under his leadership, the MIDC became one of the most respected US-Israel trade promotion organizations in the country. The MIDC was awarded an unprecedented five grants exceeding $3.5 million from the bi-governmental US-Israel Science and Technology Foundation.

He also serves on the board of The ASSOCIATED. He chaired The ASSOCIATED annual campaign in 1987 and has served on numerous strategic committees and task forces. He was also President of Israel Bonds for the state of Maryland and Vice President of the Jewish National Fund.

Hanan has been an outstanding leader beyond the Jewish Community as well. He is Chairman of the Baltimore County Revenue Authority. A graduate of the University of Maryland School of Law, Bean also serves on that school's Board of Visitors. He also served as President of the Signal 13 Foundation and the Governor's Mansion Foundation. Widely recognized as an important business leader in the state, Bean was a leader in Maryland's food brokerage industry for 45 years. He was elected to the Food Hall of Fame of Maryland in 2005 and has also served as a Board Member of Blue Cross/Blue Shield of Maryland and First Mariner Bank.

Bean and his wife Carole, a community leader in her own right and past chairman of the board of The ASSOCIATED, have three married children, Todd and Amy Sibel, Steve and Joyce Sibel and Cara and Jay Cohen, as well as seven grandchildren.

Madam Speaker, I ask that you join with me today in honoring Hanan Y. ''Bean'' Sibel, a man whose deep commitment to the business community, civic groups and philanthropic organizations has improved the quality of life for thousands of residents of the State of Maryland and the State of Israel.

IN MEMORY OF GENERAL WAYNE A. DOWNING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of General Wayne A. Downing.

General Downing was born May 10, 1940, in Peoria, Illinois, son of Francis Wayne ''Bud'' and Eileen Downing. He graduated from the U.S. Military Academy at West Point in 1962 with a Bachelor of Science degree. In 1971 he received a Master's degree in Business Administration from Tulane University.

General Downing served with the 173rd Airborne Brigade as an infantry officer in Vietnam. Later, he served a second combat tour in Vietnam with the 25th Infantry Division.

During the 1989 operation JUST CAUSE in Panama, General Downing commanded the special operations of all services as a general officer. Additionally, during Operation DESERT STORM he commanded a joint special operations task force behind the Iraqi lines.

General Downing spent time at Fort Bragg, N.C., serving as Commanding General, United States Army Special Operations Command.

In May of 1993, General Downing received his appointment as Commander in Chief of the United States Special Operations Command, headquartered at MacDill Air Force Base, Florida. In this position, he was responsible for the readiness of all special operations of the Army, Navy and Air Force. In 1996, after 34 years in service, he retired from the military.

General Downing was appointed by the President soon after his military retirement to assess the 1996 attack on the U.S. base at Khobar Towers in Saudi Arabia. He served on the National Commission on Terrorism from 1999–2000. As Deputy National Security Advisor for combating terrorism, he served the White House in 2001. Two years later, General Downing was appointed as the Chairman of the Combating Terrorism Center at West Point.

General Downing's awards and decorations include two Distinguished Service Medals, two Silver Stars, four Legions of Merit and the Purple Heart.

Madam Speaker, General Downing was an incredible leader who served our country with outstanding dedication. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Kathryn Bickerman Downing; two daughters, Elizabeth Revell, and Laura Downing; six stepchildren; his mother, Eileen Downing; a sister; and four grandchildren.

HONORING JOHN ALLEN OF THE TUSKEGEE AIRMEN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today to pay tribute to John Allen. Mr. Allen served with distinction and honor as one of the famed Tuskegee Airmen. He was unable to make it to Washington this past April to receive his Congressional Gold Medal and instead will be receiving it this coming Saturday in his home State of New Mexico.

The Tuskegee Airmen participated in more than 15,000 sorties on 1,500 missions. A thousand black pilots were trained at Tuskegee, and throughout World War II they shot down 111 German planes and disabled 150 German aircraft on the ground. In this same time, 150 Airmen were lost in battle or training, 66 were killed, and 33 were shot down and held as prisoners of war. And in one of the most significant demonstrations of commitment to mission, the Tuskegee Airmen did not allow a single bomber it protected to be shot down. These men showed a prejudiced Nation that courage has no color.

In his eagerness to serve, Mr. Allen exaggerated his age and was allowed to enlist in the Army. Even though he was younger than his fellow recruits, the Army noticed his remarkable intelligence and recommended he join the Air Corps where he was assigned to the 332nd Fighter Group. Mr. Allen never saw combat, but he did see hate. Despite their service, Tuskegee Airmen experienced bigotry and discrimination. Once, after eating at a whites-only officer's club, 103 Airmen were arrested and in spite of their clear commitment and patriotism, similar episodes marked the daily lives of black soldiers.

Even the timing of this commemoration reminds us of the difficult situation the Tuskegee Airmen faced. This honor should have been given 50 years ago. The failure of this country to properly honor these great men in a timely fashion speaks volumes about the legacy of injustice that made their sacrifice all the more remarkable. They fought for a country that wouldn't let them eat with white officers. They fought for a country that denied their sacrifice and dishonored their service. By honoring these men with the Congressional Gold Medal, we cannot undo the injustice that they have endured, but we can serve notice that we will not tolerate further injustice.

Mr. Allen retired from the Weapons Safety Division at Kirtland Air Force Base in 2000. He spent his entire career serving his country. I wish him a happy retirement and hope that his example will continue to inspire each of us to serve our Nation and to use our lives to make our Nation better.

TRIBUTE TO CHRISTOPHER J. ROBERTS

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. ARCURI. Madam Speaker, I rise today in recognition of Mr. Christopher J. Roberts, a resident of my congressional district in Upstate New York. Christopher is the incoming State Master Councilor of New York DeMolay.

DeMolay is a youth organization that develops leadership skills, civic awareness and personal responsibility among young men. With more than 1,000 chapters worldwide, DeMolay combines its serious mission with a fun approach. The organization was founded in 1919, and counts among its alumni Bill Clinton, John Wayne, Walter Cronkite and Walt Disney.

It is estimated that the members of New York DeMolay contribute over 10,000 hours of community service per year. During his tenure as State Master Councilor, Christopher will be organizing activities, planning social events and traveling to other States to talk about the work of New York DeMolay. Christopher is the first man from Utica to assume the office of State Master Councilor in over 20 years. He is also only the fourth person in New Yurk to be a recipient of the Past Master Councilor's Meritorious Service Award.

Christopher is a sophomore at the State University of New York (SUNY) Institute of Technology, where he is majoring in Health Services Management. He also serves as a Senator for SUNY Student Government.

Madam Speaker, I am pleased to recognize this young man serving my district. As the father of two teenagers, I recognize the importance of organizations like DeMolay that encourage young people to get involved in their communities. I thank Christopher for his commitment, and would once again like to congratulate him on his election to the position of State Master Councilor.

PERSONAL EXPLANATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, due to the tragic death of my grandmother, Sarah ''Big Mamma'' Morris, I was unable to vote during the week of July 16–July 20.

Had I been present I would have voted in favor of the Labor-HHS-Education Appropriations bill. The new Democratic-led Congress is determined to reverse the Republican pattern of disinvestment. Democrats have produced a bill that makes college more affordable, helps raise the achievement levels of America's students, expands access to health care for the uninsured and invests in the skills of America's workers and in community services.

In addition, I would have voted against the Kline amendment to the Labor-HHS-Education Appropriations bill. This amendment is another Republican farse designed to hurt those who need help most. The Kline amendment would increase funds to the Office of Labor Management Standards, an office that has enjoyed 33 percent increase in resources over the past four years and sacrifice funding to the International Labor Affairs Bureau. This bureau oversees child labor standards abroad to make sure that other countries are not using children to undercut American manufacturing. The sponsor claims that it will help rank and file workers from so-called union abuses, but in reality, those who support this amendment are the same opponents of a minimum wage increase. This amendment does not protect the American worker and I would have voted ''no''.

I would have also been a part of the 310 votes for the Energy and Water Appropriations bill. The bipartisan Energy and Water bill invests $3 billion—$1 billion more than the President's request—to research global warming and work on new technologies and renewable energy. I hope that it's sister bill, the Water Resources Development Act Reauthorization, will soon become law so that we can continue to improve the water infrastructure in this nation.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES; AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services; and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Mr. VAN HOLLEN. Madam Chairwomen, I rise in support of the Labor, Health and Human Services and Education Appropriations bill (H.R. 3043). This legislation makes important investments in education, health care and vital scientific research.

''Last November, voters around the country called for a change in direction and this bill epitomizes the differences in priorities between the old Republican-led Congress and the new Congress. In the past five years, even as the cost of attending college skyrocketed, the previous Congress raised the maximum Pell Grant by only $300. We said we could do better, and today we are increasing the Pell Grant by $390, more in one year than the Republican-led Congress did in five years. President Bush submitted a budget this year to freeze funding for child care and cut funding to Head Start by $100 million. We said we could do better, and today we are increasing both Child Care Block Grants and Head Start by $75 million each.

''Since the inception of No Child Left Behind, it has been underfunded by more than $55 billion, and this year the President's budget proposal fell $14.7 billion short of full funding. We said we could do better, and today we are reversing that trend and increasing the appropriation for No Child Left Behind by $2 billion, including a $1.5 billion increase for Title I. As we work to reauthorize that bill this year, I hope that we will continue this positive trend and commit to mandatory funding of primary and secondary education.

''I am also pleased that today, for the first time since fiscal year 2005, we are increasing funding for the Individuals with Disabilities Education Act. In 1975, Congress passed IDEA to ensure that all students with disabilities receive a free, appropriate public education. At that time, Congress made a pledge to states—the federal government would pay 40% of the costs to educate special needs students. We have never met that commitment, and in the past several years, the Congress has actually failed to increase funding for IDEA at all. This year, the President proposed a cut in these funds. Today, we are increasing IDEA funding by $509 million. While this is an excellent start, we must continue to work towards keeping our promise to states and fully funding IDEA. With that in mind, I urge my colleagues to join me to pass the EDUCATE Act, which creates a mandatory, fiscally responsible path to fully fund IDEA by 2015. Students and states have waited more than 30 years for Congress to fulfill its pledge, and we have a responsibility to do so.

''I am also pleased that in this bill today, we are increasing funding for many important education programs, including school counseling, afterschool programs, Even Start, Teacher training, education technology, and advanced placement. By strengthening these priorities, and putting the focus back on education at all levels, we are opening doors to students and increasing our ability as a nation to harness the energy, intelligence and ambition of our young people and keep our country in the forefront of discovery and innovation.

''The bill also addresses the fact that, in recent years, the nation's health scientists have faced shrinking laboratory budgets and dwindling research grants. Important investments need to be made today to reverse those trends. The House focuses an additional $1 billion to fund the National Institutes of Health to accelerate research discoveries that can treat and cure many diseases.

''In spite of the all of the positives that this bill will accomplish, I am concerned about what some might consider superficially attractive but ultimately counterproductive cuts to administrative accounts at the Department of Education and elsewhere. Federal employees work hard to deliver valuable services to our nation everyday and simply can't do their jobs without the minimum amount of resources necessary. This legislation includes roughly $175 million in funding cuts to federal employee salaries and resources. I'll be working in conference to ensure that our dedicated civil servants have the resources they need to continue providing their valuable services.

Madam Chairwoman, I am pleased to support this legislation which makes the critical investments needed to address the health, education and economic challenges we face.''

IN RECOGNITION OF MR. FRANK BATTLE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to Mr. Frank Battle. Mr. Battle served the Federal Government for 35 years prior to his retirement on April 3, 2007.

Frank's distinguished career began in 1973 as a Management Intern at the Department of Defense. His natural ability to navigate the complexities of government management and years of experience propelled him to senior management positions at the Department of Justice, the Voice of America, the Food and Drug Administration, and the National Labor Relations Board.

I would like to thank Mr. Battle for his decades of service to the United States, and wish him the best of luck in the future.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on Thursday, July 19, 2007 my vote

on the Amendment by Mr. CAMP of Michigan to H.R. 3043, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (rollcall vote 675) was recorded as a 'no' vote when I intended to cast a 'yes' vote. I wish to clarify on the record my support for seniors in Pennsylvania and across the Nation to access Medicare Advantage plans.

HONORING THE 90TH BIRTHDAY OF THE PRINCE WILLIAM CHAPTER OF THE AMERICAN RED CROSS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. TOM DAVIS of Virgina. Madam Speaker, I rise today to pay tribute to the Prince William Chapter of the American Red Cross as it celebrates its 90th birthday.

For ninety years the Prince William Red Cross has provided valuable and noble service to members of our armed forces and those in need. The Prince William Chapter has two locations, both in Manassas and Occoquan, and has a rich history of faithfully serving their community. As a result, they were recognized this year as Prince William County's oldest non-profit organization.

The birth of Prince William County's Red Cross can be traced all the way back to President Woodrow Wilson, who signed the organization's charter on July 24, 1917. Their charge was to support the war effort during World War I and their initial campaign raised over $2,600 for the war fund. At this time, they also began a service aiding the troops overseas by mailing out care packages that included handknit afghans, comfort kits, homemade jams, etc. The Prince William Chapter continues this tradition today as one of their many services. They have sent our troops in Iraq numerous packages containing the soldiers' favorite foods, athletic equipment, CD players and correspondence from home. This has all been done in an effort to aid our individual soldiers and military in every possible way.

The Red Cross has recently assumed another mission: aiding their community in preparing, responding and recovering from both manmade and natural disasters. Last year over 477 Prince William County residents suffered losses during home fires. As has become commonplace over the past ninety years, the Prince William Red Cross was there to support them and provide relief in their time of need.

Madam Speaker, in closing, I would like to thank the Prince William Chapter of the American Red Cross for its ninety years of remarkable and devoted service to its community and to our nation. I call upon my colleagues to join me in applauding the Prince William Red Cross on this distinguished achievement and in wishing them many more years of continued success.

THE COURAGE TO CARE: A TRIBUTE TO THE HEROIC ACTS OF SIR NICHOLAS WINTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LANTOS. Madam Speaker, I rise today to recognize the remarkable and heroic acts of Sir Nicholas Winton, who personally and by his own initiative saved the lives of 669 Jewish children from Nazi-occupied Czechoslovakia and brought them across Hitler's Germany to his native Great Britain. He is an immensely compelling symbol of how the caring of one man can truly make a difference while confronting evil on a personal level. Sir Winton said it best himself in a letter he wrote in 1939, ". . . There is a difference between passive goodness and active goodness. The latter is, in my opinion, the giving of one's time and energy in the alleviation of pain and suffering. It entails going out, finding and helping those who are suffering and in danger and not merely in leading an exemplary life, in a purely passive way of doing no wrong."

Nicholas Winton was guided by intuition and character. He understood the upcoming danger and realized the importance of acting fast. Having made many business trips to Germany in previous years, Winton saw Jews being arrested, harassed and beaten. Thousands of Jews fled to as-yet unoccupied Czechoslovakia, especially to Prague. Many settled into refugee camps in appalling conditions in the midst of winter. Near Prague Winton visited the freezing refugee camps. His visit deeply affected him and he felt the need for taking action.

He gathered information from parents who wanted their children out and then pleaded to countries all over the world to take them in. He also personally raised the funds to pay for the operation and continued his important struggle even though no countries except Sweden and the United Kingdom were willing to take the children in. Further, the media refused to deal with the tragedy about to unfold. The first 20 of "Winton's children" left Prague of March 14, 1939 and Hitler's troops overran all of Czechoslovakia the very next day. By the time World War II broke out on September 1, 1939, the rescue effort had transported 669 children out of the country.

I commend Nicholas Winton for his courage, compassion and foresight, for his willingness to stand up for what he believed was right in the face of indifference and to accept responsibility for being his brother's keeper. He has shown remarkable leadership, courage and ability of taking action when facing evil. Being a humble man who kept quiet about his heroic achievements for over 50 years, and without aspirations of being called a hero, he truly has shown complete selflessness and devotion to others. I also congratulate Sir Nicholas' small group of volunteers who helped him, not only for saving hundreds of lives but also for saving our faith in humanity.

As time goes by, the values for which Sir Nicholas Winton fought have increasingly penetrated the consciousness of the world. The children, grandchildren and great-grand children of those he saved will go on to establish a world where human rights and decency are the priorities of civilized society. This is the meaning of Winton's legacy to us and the meaning of our struggle for human rights around the world.

HONORING THE 50TH ANNIVERSARY OF MAPLEWOOD, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor Maplewood, Minnesota's 50th anniversary.

While the city was incorporated 50 years ago, the more complete history of Maplewood began more than 150 years ago. According to the Maplewood Area Historical Society, Maplewood's original residents were members of a Dakota tribe who were drawn to the lush land, lakes and wetlands.

In 1850, a group of families including the Bells, Caseys, Conlins, and the Vincents moved from Saint Paul to settle along an old Indian trail which is now Hazelwood Street in Maplewood. In 1858, this area became part of New Canada Township.

Nearly 30 years later, a town site was planned at the junction of the Wisconsin Central Railroad line and the Saint Paul and Duluth Railroad that was to "rival Saint Paul." In 1886, Mr. William Dawson and his wife, Mary, platted out this village that they called Gladstone in honor of Mr. William Gladstone, a popular British statesman. For a time, the little village thrived and employed 1,000 workers. However, this area suffered from a series, of setbacks such as a fire which destroyed a major business, and which ultimately led to less activity in the area.

One business which was very successful, was a stagecoach line that ran along what is now Edgerton Street. The line began in 1856 and cost $10 for a trip from Saint Paul to Duluth. The line remained in service until the first railroad was built to Duluth in 1870.

After World War II, the housing boom began as veterans took advantage of the GI Bill's home loan guaranty. Developments sprung up around Wakefield Lake people continued to be attracted to the area. Residents soon came together to seek improved services including sewer, water and better roads.

On February 26, 1957, in a vote of 5 to 1 New Canada Township officially incorporated into the Village of Maplewood. Upon hearing the new name Mr. Warren Berger went out to his backyard and traced a maple leaf that became the village logo. By the 1970's, the Village of Maplewood became the City of Maplewood and adopted the Council-Manager form of government which it continues today.

Today, Maplewood is home to many major businesses and hospitals as well as the widely known 3M Corporation headquarters. The people of Maplewood are proud of their parks and open spaces. Maplewood has become a leader in land conservation by protecting open spaces and planting rainwater gardens to help improve water quality.

Madam Speaker, in honor of the rich history of Maplewood, Minnesota and the events celebrating it, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing Maplewood's 50th anniversary.

INTRODUCTION OF UKRAINE ELECTIONS RESOLUTION

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Helsinki Commission I rise to introduce a concurrent resolution which addresses the current political uncertainty in Ukraine, a country of strategic importance to the United States. My resolution urges all sides to abide by the agreement signed by Ukraine's leadership on May 27th, providing for a new round of parliamentary elections to be held on September 30th, and encouraging the holding of these elections in a free, fair and transparent manner in keeping with Ukraine's commitments as a participating State of the Organization for Security and Cooperation in Europe.

I have just returned from Ukraine which hosted the 16th annual Parliamentary Assembly of the OSCE. While in Kyiv, I met with President Yushchenko and other prominent Ukrainian officials. My colleagues and I received assurances from Kyiv that Ukraine would not backtrack on the path to political reform and good governance.

Ukraine's current political conflict is the result of the ongoing power struggle that President Viktor Yushchenko and Prime Minister Viktor Yanukovich have been engaged in since Yanukovich became Prime Minister last August. Rooted in hastily conceived constitutional reforms, the ongoing power struggle threatens to undermine Ukraine's hard-fought and substantial democratic gains, especially those won since the 2004 Orange Revolution.

On April 2nd, President Yushchenko issued a decree dissolving the Verkhovna Rada, the Ukrainian parliament, asserting that the Prime Minister was attempting to monopolize power by forming a veto-proof parliamentary majority through illegal means, and called for new parliamentary elections. The parliament refused to disband and questioned the legality of the presidential decree. After several weeks of tension and standoff, violence was averted and an agreement was reached: President Yushchenko, Prime Minister Yanukovich and Parliamentary Speaker Moroz came together in support of holding pre-term parliamentary elections at the end of September.

Madam Speaker, it is important to recognize that Ukraine has made genuine democratic gains since the Orange Revolution. The December 2004 presidential vote was hailed as a stirring example of the triumph of peaceful protest and democratic ideals. Just over a year ago, as head of the OSCE-led International Election Observation Mission to Ukraine, I was pleased to declare that country's parliamentary elections were also free and fair. I am pleased that Ukraine has once again invited the OSCE Parliamentary Assembly to observe the September 30 elections. Moreover, Ukraine for the last two years has been designated by Freedom House as a "free" country, in contrast to the "partly free" assessment it held during its first 13 years of independence.

Nevertheless, democratic institutions and the rule of law in Ukraine are still emerging and lacking in their ability to safeguard democratic gains. It is this fragility, especially the lack of constitutional clarity in delineating the separation of powers that made it possible for the power struggle to ripen into a full-blown political crisis in recent months. However, it is heartening to see that more serious turmoil was averted through careful and constructive dialogue and capped by an agreement involving the country's leading political figures.

First and foremost, my resolution calls for the leadership and political parties of Ukraine to abide by the May 27th agreement and conduct elections as scheduled for September 30th. The dispute between the president and prime minister must be resolved in a manner consistent with Ukraine's democratic values and national interest, and in keeping with its OSCE commitments.

Madam Speaker, prolonged political uncertainties regarding the government's delineation of powers is clearly not in Ukraine's interest, and that nation's political leaders need to stand together in support of free, fair and transparent elections as a way out of the current impasse. While democratic elections will not, in and of themselves, resolve all of the challenges facing Ukraine in strengthening the rule of law and delineating power among the branches of government, they are a critical stepping-stone in Ukraine's democratic consolidation and should serve as a further testament of Ukraine's commitment to a democratic future.

As this resolution underscores, Congress has been a staunch supporter of the development of democracy and respect for human rights and the rule of law in Ukraine since the restoration of that nation's independence in 1991. The consolidation of democracy and the rule of law in Ukraine will further strengthen that country's independence and sovereignty, enhancing Ukraine's aspirations for full integration with the West and serving as a positive model for other former Soviet countries. I urge my colleagues to support this timely resolution as a demonstration of Congress's interest, concern, and support for the Ukrainian people.

HONORING ROBERT "BOB" LAYHER OF HAYS, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. MORAN of Kansas. Madam Speaker, today I rise to express my admiration of a Kansan's life—a life filled with honor and service to country, community and family. Mr. Robert "Bob" Layher of Hays, Kansas, a member of the "Greatest Generation," lived life with integrity, passion and enthusiasm.

Like so many young Americans of his generation, Bob put country before self and joined the U.S. military. Bob proudly fought for freedom during World War II, though he began serving prior to the start of the war. He was among those who resigned their U.S. military positions in order to volunteer for a covert operation with the Chinese Air Force before the U.S. entered the war. For his service in China as a member of The Flying Tigers, Bob was awarded the Distinguished Flying Cross.

Bob's dedication to those he served with and his presentation of their memories was unsurpassed. While the history and service of The Flying Tigers is well known in China, few in our country know about the courage and heroism of these men. Bob took a lead role in making certain that his community knew about The Flying Tiger's mission of protecting China's important Burma Road from Japanese attacks.

He was also involved in national education of The Flying Tigers. Appearing in stories and presenting at schools, he shared the history of this brave group of volunteers. During trips back to the area where they were stationed, members of The Flying Tigers found the need for education about their group was much less necessary in China. The idea that Americans would volunteer to defend another country all for the sake of freedom made a great impression on the Chinese.

While Bob was born and raised outside of Kansas, our State was lucky to have him settle here and begin farming after his military service. Bob was born in Dallas, Oregon, on September 3, 1916. He graduated from the University of Colorado where he also met his wife, Marian. In 1941, 4 days before he left for China, he and Marian were secretly married. This was also the same day as his birthday, so this way Bob would never forget their anniversary.

A very involved member of his community, Bob participated in several civic groups. After he moved to Hays in 1952, Bob became a member of the First Presbyterian Church and the Order of the Eastern Star. He was also a member of the ISIS Shrine and the Masonic Lodge in Salina.

Most important to Bob was his family. Over the course of their 65 years of marriage, he and his wife were committed parents and grandparents. Bob's son, R.F. "Bobby" Layher Jr., followed in his father's footsteps and served as a pilot with United States Marine Corps. Even though Bobby went on to be a civilian pilot with Federal Express for 29 years, Bob and his son were still able to fulfill their dream of farming together.

In the many important roles Bob filled in his life, he served out of a sense of duty and not out of selfish ambition. He helped make his community better and his nation safer. I join his many friends and admirers in paying tribute to a great man. My thoughts and prayers go out to Marian and her family during this time of loss.

COMMEMORATING THE 50TH ANNIVERSARY OF SHOREVIEW, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. McCOLLUM of Minnesota. Madam Speaker, today I rise to recognize the 50th anniversary of the city of Shoreview, Minnesota.

The area that is currently Shoreview served as home for members of Dakota and Ojibwe tribes more than 150 years ago. The abundant lakes and wetlands that attracted these first Americans still bring people to this beautiful community.

In 1850, Mr. Socrates A. Thompson ventured from Saint Paul in search of a good place to farm, settling in what is now part of Shoreview. Following Mr. Thompson, families

from other parts of the United States such as Vermont, Virginia, Illinois and New York moved in to begin farming the land there as well. This area also attracted people from other parts of the world including England, Germany, Ireland, and Switzerland.

On April 23, 1957, with a population of 5,231, area residents voted to incorporate as the Village of Shoreview. During the 1970s and 1980s Shoreview experienced rapid growth. In the 1990s, the city matured as less land was available for development. City planning has shifted from new development to infill, redevelopment and preserving its natural habitat.

Fifty years after incorporation, Shoreview has grown into a large suburb. It is a thriving community that is home to quiet neighborhoods, small businesses, excellent schools, and expansive wetlands, trails, parks and lakes.

Madam Speaker, in honor of the history of Shoreview, Minnesota and the events celebrating it, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing Shoreview's 50th anniversary.

HONORING THE LIFE OF PRIVATE FIRST CLASS STEVEN A. DAVIS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the life of Private First Class Steven A. Davis and to recognize his service to our nation.

PFC Davis was a true patriot who served his country with honor. Throughout his life he selflessly dedicated himself to his fellow soldiers, family and friends, and to our country.

His family moved to Woodbridge, Virginia, in 2001. Before joining the Army, PFC Davis worked in a fast food restaurant to try and pay for college. Yearning to serve his country, he enlisted in the Army in September 2005, and began his first deployment shortly thereafter. PFC Davis was assigned to C Company, 2nd Battalion, 12th Infantry Regiment, 2nd Infantry Division, Fort Carson, Colorado. Tragically, he was killed on July 4, 2007, after sustaining injuries from grenades detonated near his mounted patrol. He was honored with the Purple Heart and Bronze Star prior to his death.

PFC Davis is survived by his parents Guy and Tess, his wife Ayla and their one-year-old daughter Elizabeth, and his brother Specialist Chris Davis, who is also a soldier currently deployed to Iraq. His mother, Tess, is working in Iraq as a paramedic, and his grandfather is working there as a mechanic. His father, Buck, is also an Army veteran.

Words cannot express the gratitude we feel to those who have made the ultimate sacrifice for our nation; it is a debt that can never be repaid. I recognize that words are of little comfort for the family and friends of PFC Davis, who are truly suffering in the wake of the loss of this intelligent and dedicated man. I hope they will take some solace in I knowing that we will never forget PFC Davis and the tremendous sacrifice he made while defending our country.

Madam Speaker, in closing, I would like to honor the memory of Private First Class Steven A. Davis. I call upon my colleagues to remember him as a man who gave his life protecting the American people.

CELEBRATING THE BIRTH OF MISS JOELLA GALE MURRAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. WILSON of South Carolina. Madam Speaker, today, I am happy to congratulate Joseph and Kathryn Murray of Alexandria, Virginia, on the birth of their beautiful baby girl. Joella "Ella" Gale Murray was born on Thursday, June 21, 2007, at 1:03 pm weighing 7 pounds 4 ounces and measuring 19 inches long. Ella has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

PASSING OF GENNADI KRYUCHKOV

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. HASTINGS of Florida. Madam Speaker, on July 14, 2007, the Russian Federation lost one of its great leaders, although I am certain he would steadfastly reject such a characterization of himself.

He certainly wasn't a famous political figure, or a wealthy philanthropist, or a brilliant scientist, and his name was rarely found on the pages of the major media. Gennadi Kryuchkov's leadership was in the spiritual realm. He was a courageous and principled leader of the unregistered Evangelical Baptist Church in the Soviet Union in the days when merely sharing one's religious faith with a neighbor could lead to a "discussion" at the local police station or the feared KGB office, and actively preaching the Gospel without permission from the government was usually good for a ticket to one of the many forced labor camps that comprised the infamous Gulag.

Born in 1926, Gennadi Kryuchkov came to faith in 1951, and became active in an unregistered congregation of Baptist believers. In 1960, when he felt the officially registered Baptist organization had too deeply compromised itself with Soviet authorities by submitting to repressive new regulations, he became one of the leaders of the Initsiativniki, the unregistered and essentially underground network of congregations that defied Caesar's intrusion into the spiritual realm. Gennadi Kryuchkov became president of the underground church council and the late Georgi Vins was chosen as secretary. In May 1965, Pastor Kryuchkov and Pastor Vins led an open march on Communist Party headquarters in Moscow to protest government restrictions on believers in the Soviet Union.

According to church council statistics, by 1972 the unregistered or "reform" Baptist church numbered around 450 congregations and 18,000 members. Another reputable source reported in the mid-1980s that there were 2,000 reform Baptist congregations with approximately 70,000 adult members.

I would add parenthetically that in April 1979 Georgi Vins and four other Soviet dissidents were expelled from the Soviet Union in exchange for two convicted Soviet spies. In August 1985, the Helsinki Commission, of which I am honored to serve currently as Chairman, heard Pastor Vins' dramatic testimony on the plight of the unregistered Baptist church at Congressional hearings in Buffalo, New York, devoted to the subject of Soviet forced labor practices.

Meanwhile, as a result of his determination to preserve the freedom to worship without state interference, Pastor Kryuchkov was arrested and sentenced to three years in labor camp from 1966 to 1969. In 1970, under threat of continued persecution, he went into hiding and spent 20 years working underground, preaching to fellow believers in clandestine gatherings, publishing "illegal" religious literature, and staying one step ahead of the KGB.

Only when the chains of religious repression in the Soviet Union were cast off as a result of the new thinking that characterized the government of Communist Party General Secretary Mikhail Gorbachev, was Pastor Kryuchkov able to emerge from the shadows and return to his family and loved ones in the Tula Oblast, still fervently preaching the Scriptures and standing fast for separation of church and state.

Madam Speaker, like the Soviet Union itself, the days of cruel religious persecution and militant atheism in Russia are pretty much a thing of the past. But let us not forget the courage and persistence of church leaders like Gennadi Kryuchkov, who, like the "Remnant" of Old Testament times, kept the flame of faith of burning during the dark days of persecution.

HONORING MR. PETE DLABAL OF ELLSWORTH, KANSAS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. MORAN of Kansas. Madam Speaker, today I rise to express my respect and high regard for a Kansan who is truly a member of "the Greatest Generation"—Mr. Pete Dlabal of Ellsworth. The time has come to recognize this man who has served his community and country while remaining devoted to his family.

Mr. Dlabal was born to a family that included nine brothers and sisters in one of the fine small towns I have the privilege of representing, Wilson, Kansas. Following his graduation from Wilson High School and the Wichita Business School, he joined the millions of other selfless young men of his generation and enlisted in the United States Army. After serving in the Army for four and a half years during World War II, he returned to Ellsworth County, Kansas.

Upon returning home, his service to his community continued, serving as the county treasurer for two years. He then began his tenure at the Ellsworth County Farmers Cooperative Union in 1949. In this position he would remain for 31 years, including 24 years as General Manager. In honor of his dedication and leadership, Mr. Dlabal was one of only four individuals inducted into the Kansas Cooperative Hall of Fame this past March.

It is no small task to manage a farmer's co-operative in Kansas. Long days and an unpredictable harvest can make the job a thankless one. Agriculture is the backbone of the Kansas economy. And Ellsworth County is squarely settled in the heart of farm country, bordered on all sides by the vast fields and pastures that make my state the breadbasket of America.

While employed at the Ellsworth Co-operative, Mr. Dlabal also took time to serve his community by volunteering in several civic organizations. Throughout his career he was a part of the Ellsworth County Commission, Ellsworth School board, Ellsworth Library board, FFA Advisory board, and the Knights of Columbus. In his industry, he served on the boards of the Farmers Union Jobbing Association, the Co-operative Marketing Association, the Farmers Marketing Company and the Kansas Farmers Service Association.

Mr. Dlabal exemplifies what a community leader is all about. However, his most important role has been as husband to Lillian for 58 years and father to Joan, Deborah, Angie and Pam. Through his role as a father, grandfather, and great-grandfather, Mr. Dlabal provides an example by living his own life through a set of high personal standards. He would not settle for doing anything that bent any rules; anything other than honesty was completely unacceptable to him.

Madam Speaker, this man has made Kansas a better place to live through his devotion as a community leader and family man. Mr. Pete Dlabal not only served in our military, but served the agriculture industry and farmers of central Kansas. Although he has made an immeasurable impact through his professional and personal life, he remains a humble individual. Today we take a moment to simply say "thank you" and wish him well in a much-deserved retirement.

CELEBRATING THE 50TH ANNIVERSARY OF VADNAIS HEIGHTS, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor Vadnais Heights, Minnesota's 50th anniversary.

The history of Vadnais Heights began with many French Canadian families first settling the area. Families including the Bibeau, Garceau, Morrisette, and Vadnais families arrived in the 1840's. The city's namesake, Mr. Jean Vadnais, and his family mad their home in 1846 on the southeast side of the lake that became known as Vadnais Lake. In 1858, the same year that Minnesota became a state, this area became part of White Bear Township.

On July 23, 1957, with a population of approximately 2,000, area residents voted to incorporate as the Village of Vadnais Heights. Within a month, on August 20th, residents elected the new village's first officials. In 1974, the village became the City of Vadnais Heights and adopted the Council-Manager form of government which it continues today.

Vadnais Heights is home to a treasured scenic and recreational area—Vadnais-Sucker Lake Regional Park. This beautiful park features 1,200 acres of wetlands, woods, trails, and lakes. In addition, there are more than 100 acres of park land in Vadnais Heights.

Since its incorporation 50 years ago, the City has grown from a small, farming community to a lively suburban community with strong neighborhoods, prosperous businesses, and abundant open spaces.

Madam Speaker, in honor of the vibrant history of Vadnais Heights, Minnesota and the events celebrating it, I am pleased to submit this statement for the Congressional Record recognizing Vadnais Heights' 50th anniversary.

INTRODUCTION OF THE ENHANCED METHAMPHETAMINE TREATMENT GRANTS ASSISTANCE ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. HOOLEY. Madam Speaker, battling the meth epidemic is one of my top priorities here in Congress. Last year we passed the Combat Methamphetamine Epidemic Act and I was pleased that the legislation included several important international meth precursor controls that I drafted. We've made good progress with controlling the supply of meth precursors and other enforcement issues, but so far treatment issues have been largely neglected.

This is why I am introducing the Enhanced Methamphetamine Treatment Grants Assistance Act. My legislation will create three separate grant programs under SAMHSA, each one targeted at a particular treatment need.

The first grant program will award grants to community organizations to coordinate wrap-around services for meth addicts rejoining the community. I've heard over and over again just how important these wrap-around services are, like housing and transportation assistance, job training and ongoing mental health counseling. Meth treatment does not end when an addict leaves a treatment facility. They need comprehensive services that will help keep them off meth and rebuild their lives, which is why my bill will help communities build a network of these vital wrap-around services.

The second grant program is an expansion of the existing substance abuse treatment program for pregnant and postpartum women to include all parents. Priority will still be given to those pregnant and postpartum women, but we're also going to make sure that parents can get treatment too so that they can get clean and keep their children out of the foster care system.

Finally, the third grant program will target those addicts who actively seek treatment, only to find out that they will have to wait months before a bed will be available to them. My legislation directs grant money to treatment programs that are going to target the people who just can't get treatment, no matter how badly they want it, so they don't have to go through the criminal justice system to receive help.

I am committed to expanding treatment resources so providers have the resources to reach more people and addicts can get the help they need. I urge my colleagues to join me in this goal and to support the Enhanced Methamphetamine Treatment Grants Assistance Act.

TRIBUTE TO CRYSTLE STEWART, MISS TEXAS USA 2008

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LAMPSON. Madam Speaker, I come to the floor today to commemorate the accomplishment of one of my most remarkable constituents: Crystle Stewart. Formally Miss Fort Bend County, Crystle was recently crowned Miss Texas USA.

I am very proud that for the second year in a row a resident of the 22nd District has worn the Miss Texas USA crown. These successes prove true what I've known for quite some time—my district is home to the most intelligent, sophisticated and talented women in the country.

I commend Crystle not only because she brings a great deal of pride to Fort Bend, but because she truly is a role model for young women throughout Texas. Crystle bested 121 other contestants in this year's pageant, and is also only the second African-American woman to win Miss Texas USA, and the first in more than a decade.

Her triumph is a milestone, to be sure, but it is also a study in perseverance. Finishing as runner-up in both 2006 and 2007 and third runner up in 2005, Crystle never lost sight of her goal. Most importantly, Crystle is also a disciplined student. Throughout years of pageants and modeling, she has remained dedicated to her academic career, and is a hard-working student of consumer science and merchandising at the University of Houston.

I congratulate Crystle. She is a young woman with a very bright future ahead of her, and I know she will honor our great State at the Miss USA contest and beyond.

TRIBUTE TO POLICE OFFICER RUSSEL TIMOSHENKO

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. FOSSELLA. Madam Speaker, just over a week ago, the city of New York lost one of Its brave heroes. Police officer Russel Timoshenko of Staten Island was murdered in cold blood by a career criminal during what should have been a routine traffic stop in Brooklyn. He was only 23.

Officer Timoshenko was also a constituent of mine, and his death reminds us how precious life is . . . and how it can be stolen from us in an instant.

Officer Timoshenko embodied the American dream. He was born and raised in the former Soviet republic Belarus. His parents, Tatyana and Leonid, brought him to this country as a young boy in 1993 to give him a better life. They didn't speak English and arrived with almost nothing—all for their son. Russel grew up in Staten Island and, ultimately, chose to give back to the city he loved so much. He

joined the New York City Police Department just over a year and a half ago.

Much has been said about this brave young man. His friends and family have told us what an amazing person he was and how much he meant to them. But it is the words of his mother that speak volumes about Officer Timoshenko. So tonight, I wish to enter into the CONGRESSIONAL RECORD what Tatyana Timoshenko said about a proud American . . . a hero police officer . . . her beloved son.

Speaking of their decision to immigrate to the United States: "I felt my child would have better opportunities here and a safer life. We were looking for a better life for our son . . . We wouldn't move just for us. We didn't speak English. We came here with nothing but six bags—two each . . . Do I regret it? A little, but at the same time, would he be the same person he is today if we didn't leave? I don't know . . . I know he was happy here."

Of the kind of person that her son was during his short life: "He never walked the stairs, he just flew up, skipping a step . . . And this flying, his steps, I can't forget them, I still hear them. I still can't believe it . . . He was truly unique. I want him to be remembered as a jolly, funny, kind boy. He was a leader and a hero."

Remembering the day her son became a member of the New York City Police Department: "We ordered sushi. It was a real holiday for him . . . He was really proud. I wanted him to be happy in life. He went to the academy, and I didn't want him to, but it made him happy."

And finally on the passing of her son: "I'm happy that we had such a miraculous child. That he died, it struck me in the heart, but there is nothing we can do now."

For Russel Timoshenko, his life was lost much too early. I offer my condolences to the Timoshenko family. My words cannot possibly ease your suffering or bring light to these dark days, but I want you to know that we grieve with your family . . . say a prayer for healing . . . honor Russel and his service to New York . . . and thank you for raising a young man of immense character and integrity.

FISCAL YEAR 2008 INTERIOR AND ENVIRONMENT APPROPRIATIONS BILL

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to express my strong support for H.R. 2643, the Fiscal Year 2008 Interior and Environment Appropriations bill. For the first time in years, the House is investing the resources needed to improve air and water quality, protect our pristine natural landscapes and historic structures, manage wildfires appropriately, and increase services for visitors to national parks, refuges and forests.

H.R. 2643 provides $2,5 billion for our National Parks—$223 million above 2007 levels and $148 million above the President's request. This impressive commitment reverses years of chronic underfunding that has significantly weakened the system and represents a major step toward upgrading our parks in time for the centennial anniversary of the National Park Service in 2016. The bill also renews America's support for the National Endowments for the Arts and the Humanities by including $160 million for each program in Fiscal Year 2008. Significant increases over current funding levels will help arts and humanities programming across the country recover from a decade of deep cuts.

In addition, I am very pleased the bill includes funding for critically important U.S. Forest Service International Programs. The U.S. Forest Service International Programs promote sustainable forest management in countries around the world and return important technologies and innovations to the United States. H.R. 2643 includes $8 million to support Forest Service efforts abroad—a much-needed $1.1 million increase over the current level of funding.

The hard work of Forest Service professionals abroad is not a luxury: it is essential to the mission of the Forest Service. These International Programs support vital national priorities that matter to our constituents, including federal efforts to combat global climate change; strengthen the U.S. timber industry and fight illegal logging; protect North American migratory bird habitat; stop invasive species before they enter the U.S.; and improve America's global image by working in close partnership with Israel, Lebanon, Jordan, Indonesia, Mexico, Liberia and many other key U.S. partners.

America's forests are part of a global forest ecosystem. Protecting and sustaining a healthy forest system in the U.S. requires the Forest Service to work with scientists and land managers in countries around the world. Consider the fight against invasive species. One invasive species alone—the Asian Longhorn Beetle—threatens to inflict losses up to $138 billion on the U.S. economy. By investing in efforts to identify and suppress invasive species abroad, we can save the hundreds of billions of dollars needed to deal with a widespread infestation in America. In addition to saving taxpayers money, Forest Service International programs leverage private funds from groups including Ducks Unlimited and the Nature Conservancy.

Madam Speaker, this bill represents the values and priorities of the American people, from honoring our obligations to Native American communities to making critical investments in drinking water infrastructure. I urge my colleagues to join me in supporting the Fiscal Year 2008 Interior and Environment Appropriations bill.

IN REMEMBRANCE OF PAUL M. WELLS, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. KUCINICH. Madam Speaker, I rise today to remember Paul M. Wells, Sr. for a life dedicated to his family, country, faith, and fellow brothers and sisters. Paul passed away July 13, but the mark he left on the Cleveland community will endure.

Paul has always demonstrated a commitment to serving others. After completing his service to our country in the United States Army, Paul returned to Cleveland and started his career in public service, working for the City of Cleveland in the Division of Streets. As his career progressed, Paul sought more opportunities to serve. He became a union steward in an effort to improve working conditions and protect his fellow brothers and sisters. Paul eventually was elected Local 1099 President in 1971, a post he held for over 25 years. Over the course of his career, Paul spearheaded numerous efforts that led to historic gains for union workers.

Paul's faith guided him throughout his life. Paul is reunited in faith with his high school sweetheart, Nita Ruth Murray, to whom he was married for over 50 years. He is survived by his four children Pauletta; Constance; Paul, Jr.; and Eric, as well as seven grandchildren.

Madam Speaker and colleagues, please join me in remembering Paul M. Wells, Sr., for a life spent in service to his community. Paul seized every opportunity to improve the lives of others. May we all follow his example.

COMMENDING MR. PINKY KRAVITZ ON 50 YEARS OF RADIO BROADCASTS AND HIS OUTSTANDING SERVICE TO HIS COMMUNITY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. LOBIONDO. Madam Speaker, I rise today to commend Mr. Pinky Kravitz on his long and distinguished service to his community, and congratulate him on 50 years as an on-air radio talk show host in Atlantic City.

Starting his career on WLDB 1490AM and airing weekdays during the mid-afternoon, his first show was called "Pinky's Pool Party." Three years later, Pinky would move to his current home on WOND 1400AM, where for the last 47 years he has hosted his talk show at various times and locations across Atlantic County. For the past 28 years, he has broadcast live from Atlantic City's famed casinos including the Hilton, which is the current home of "Pinky's Corner."

A respected radio personality and dedicated community servant, Pinky has interviewed all of New Jersey's governors since 1974, all of the state's sitting U.S. Senators for the past 35 years, and myself on countless occasions—always with class and character. Without question, Pinky is an institution in southern New Jersey. On behalf of the House of Representatives and the residents of New Jersey, I would like to personally congratulate Mr. Pinky Kravitz who has entertained and informed his faithful listeners for five decades.

DEMOCRACY IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. BURTON of Indiana. Madam Speaker, as many of our colleagues in this House know, India prides itself on being the world's most populous democracy. Although relations between India and the United States have been rocky in the past, since 2004 Washington and New Delhi have been pursuing a

"strategic partnership" based on shared values such as democracy, multiculturalism, and rule of law. In addition, numerous economic, security and globally focused initiatives, including plans for "full civilian nuclear energy cooperation," are currently underway. I support these initiatives but I remain deeply concerned about the numerous serious problems that remain when it comes to India's respect for the rights of all of her citizens.

In fact, according to the Department of State's 2006 Human Rights Report for India: "Major problems included extrajudicial killings of persons in custody, disappearances, torture and rape by police and security forces. The lack of accountability permeated the government and security forces, creating an atmosphere in which human rights violations often went unpunished. Although the country has numerous laws protecting human rights, enforcement was lax and convictions were rare."

Again, these are not my words; this is from the State Department's official report on Human Rights. I firmly believe that as the United States and India move towards greater cooperation in numerous endeavors we must at the same time continue to insist that India adhere to the full expression of democracy and basic human rights; especially for members of ethnic or religious minorities.

For example, according to reports, on April 20, 2006, Sikh activist Daljit Singh Bittu was arrested after making a speech. He was charged with sedition and "making inflammatory speeches." Mr. Bittu's crime was to speak out against the acquisition of the land of poor farmers by the State of Punjab on behalf of private business firms. Fortunately, Mr. Bittu was ultimately released on bail. The issue of government taking land by eminent domain for private usage is also extremely controversial in this country, but to the best of my knowledge no one has ever been charged with sedition for speaking out about it. On June 2nd of this year, Daljit Singh Bittu, was again arrested and charged with sedition. What did Mr. Bittu do this time? He participated in a peaceful march protesting government inaction on several issues where some of the marchers—and by all accounts not Mr. Bittu—allegedly expressed their desire—unrelated to the topic of the march—for an independent Sikh nation of Khalistan by shouting "Khalistan Zindabad."

As I understand it, according to the Indian Supreme Court in the case Balwant Singh vs. State of Punjab, the mere public use of the slogan "Khalistan Zinabad" is not illegal; and as the march itself was peaceful, it is difficult to understand how the Indian Government believes Mr. Bittu did anything that can, to the best of my knowledge, be legitimately considered a crime—much less sedition—under United States, International, or Indian law.

What is really at issue here, Madam Speaker, is the fact that India is a nation comprised of a hodgepodge of ethnicities, some of whom do not wish to be a part of Hindu-dominated India. The conflict over the Muslim-majority region of Jammu and Kashmir is perhaps most familiar to Americans as it has sparked three major wars between India and Pakistan, but it is by no means the only ethnic or religious conflict roiling India. In 1948, India promised a free and fair plebiscite on the status of Kashmir. No such vote has ever been held. As our Nation fights to spread democracy to oppressed people across the globe, why don't we insist on a simple democratic vote, with international monitors, in Kashmir, in Punjab, Khalistan, in predominantly Christian Nagalim, and wherever people seek their freedom from India? The answer tragically is all too obvious, in the world of international diplomacy and geopolitics, sometimes expedience and "good relations" trump freedom and human rights.

I do not know whether the plebiscite promised to the people of Kashmir will ever happen, and I do not know whether a Sikh nation of Khalistan or a Christian nation of Nagalim will ever come into existence; but I do know that the Muslims of Kashmir, the Sikhs of Punjab/Khalistan and the Christians of Nagalim should never have to live in fear for freely and peacefully expressing their opinions.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of H.R. 980, the Public Safety Employer-Employee Cooperation Act.

I am a cosponsor of H.R. 980, which ensures that police officers, firefighters, emergency medical personnel, and other public safety officers have basic collective bargaining rights. Americans depend on public safety workers and first responders to keep us safe and healthy. These critical personnel should be able to depend on Congress to provide them basic rights, including the ability to negotiate for the wages and benefits that they deserve.

This bill promotes the development of labor-management partnerships, which are frequently established through collective bargaining. These partnerships enhance public safety by increasing communication and cooperation between employees and employers, leading to more effective and efficient delivery of services.

It is important to note that the Public Safety Employer-Employee Cooperation Act in no way undermines existing State laws. It simply establishes a basic minimum standard that most states already meet and many exceed. This balanced legislation does not force parties to reach agreement, but rather opens the door for dialogue and negotiation. Additionally, H.R. 980 recognizes that public safety officers play a significant role in emergency situations, and for that reason includes a provision Outlawing strikes.

This bipartisan bill is widely supported by the American public, and it is endorsed by the International Association of Fire Fighters, Association of State, County, and Municipal Employees, Fraternal Order of Police, International Union of Police Associations, and the National Association of Police Organizations.

It is essential for all workers to have a voice at work. Please join me in supporting collective bargaining rights for public safety officers.

HONORING THE DEDICATION OF EMIL "LUCKY" REZNIK OF SOUTH BEND, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. DONNELLY. Madam Speaker, I rise today to recognize Emil "Lucky" Reznik's dedication to the community of South Bend, Indiana. Since its conception 40 years ago, Lucky has served on the South Bend Public Transportation Board of Directors which established the successful TRANSPO bus service in the greater South Bend area. This service, cultivated in part from Lucky's vision, provides over three million rides each year to area residents.

When not working hard with TRANSPO, Lucky is a popular advocate for higher education, specifically at Indiana University and Indiana University South Bend. His service with the Indiana University Alumni Association, the Indiana University South Bend Board of Advisors and as president of the Indiana University South Bend Alumni Board earned Lucky the Indiana University South Bend Distinguished Alumnus Award in 1982 and the very first Sue H. Talbot Distinguished Hoosiers for Higher Education Member Award in 2006.

This month, TRANSPO is honoring Lucky with a celebration dinner and the presentation of a flag flown over the U.S. Capitol. Mayor Steve Luecke of South Bend will be presenting Lucky with the keys to the city. Indiana Governor Mitch Daniels will also present Lucky with the Outstanding Hoosier Award. Lucky will receive other commendations from Indiana Speaker of the House B. Patrick Bauer and Mayor Jeff Rea of Mishawaka.

It is my pleasure to join these dignitaries and the people of St. Joseph County by paying tribute to the many years of unselfish dedication of this tireless and devoted civil servant, Lucky Reznik. The South Bend and Mishawaka communities have been forever changed thanks to his commitment.

TRIBUTE TO DURANGO CITY MANAGER BOB LEDGER

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SALAZAR. Madam Speaker, I rise today to honor a distinguished civic leader from my district. After 25 years of service, Robert F. Ledger Jr. will retire as the City Manager for Durango, Colorado. His long history as a public servant has been marked with dedication and integrity at every stop.

Mr. Ledger has led Durango through both troubled and prosperous times, always with a passion for progress and in a way that preserved the historic and environmental ethic of the community. He championed numerous public works projects, encouraged community policing, opened city government to the citizens of the community and encouraged the public workforce to be the best that it could be.

Durango has come a long way under Bob Ledger. During his time with the City of Durango he oversaw the construction of public

recycling buildings, water and wastewater treatment facilities, police substations, parks, a world class recreation center and many trails including the renowned Animas River trail. Programs started by Mr. Ledger include publicly accessible geographic information systems, recycling collection and processing, historic preservation efforts, planning and community development operations, broad-based public safety reorganization, and award-winning financial management and reporting. Bob Ledger has led the City of Durango in its efforts to build or expand public library facilities, public transit, wastewater facilities, airport infrastructure, and numerous recreational opportunities.

Mr. Ledger could not have accomplished all that was done in Durango over the last 25 years without the support of a strong staff, visionary city councils and the community of Durango as a whole. But without his drive, talents and skills many of the changes that have occurred in the Durango community would never have been realized. A man of passion and compassion, his legacy will live long. I salute Mr. Bob Ledger for his long and distinguished career of public service and wish him well in all his future endeavors.

IN SUPPORT OF H.R. 50, THE MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT AND H.R. 465, THE ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2007

Mr. SHAYS. Madam Speaker, I rise in support of H.R. 50, the Multinational Species Conservation Funds Reauthorization Act, which reauthorizes the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act through 2012, and in support of H.R. 465, the Asian Elephant Conservation Reauthorization Act. These conservation funds have a tremendous impact on the survival of threatened species.

The ivory and bushmeat trades, as well as competition from humans for space and resources, continue to threaten the survival of the African Elephant. Rhinos and tigers similarly fall victim to these black market trades. In addition, deforestation and overworking have had devastating impacts on Asian Elephant populations. The grants awarded through the MSCF have proven to be effective in creating nature reserves, enhancing wildlife and ecosystem management, and developing antipoaching campaigns, helping to combat the practices that endanger these species the most.

As of January, the Department of Interior had approved 280 conservation grants in 23 African countries to assist African elephants, 321 grants for rhinos and tigers, and 171 grants for Asian elephants. By using $17 million in federal funding, the African elephant program has leveraged $72 million in private matching funds, and the rhino and tiger program has generated nearly $20 million in private funds to match its federally allocated $7.8 million. The Asian elephant program has been almost as successful, leveraging $10 million in private matching funds from $7.8 million in federal funding.

H.R. 50 and H.R. 465 would reauthorize the Multinational Species Conservation Fund to support three important international conservation laws and help to protect these animals on a federal level. I strongly urge their support.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 24, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

July 25

9:30 a.m.

Foreign Relations

To hold hearings to examine S. 732, to empower Peace Corps volunteers.

SD–419

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs health care funding.

SD–562

10 a.m.

Finance

Business meeting to consider the nominations of David H. McCormick, of Pennsylvania, to be an Under Secretary, and Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary, both of the Department of the Treasury, Kerry N. Weems, of New Mexico, to be Administrator of the Centers for Medicare and Medicaid Services, Tevi David Troy, of New York, to be Deputy Secretary of Health and Human Services, and Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation.

SD–215

Health, Education, Labor, and Pensions

Business meeting to consider S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, S. 898, to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention, a bill entitled, ''Newborn Screening Saves Lives Act of 2007'', and the nominations of Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education, David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences, and Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts, and other pending calendar business.

SD–106

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

SD–342

Small Business and Entrepreneurship

To hold an oversight hearing to examine Gulf Coast disaster loans, focusing on the future of the disaster assistance program.

SR–428A

Joint Economic Committee

To hold hearings to examine the national foreclosure crisis, focusing on subprime mortgage fallout.

SH–216

11:30 a.m.

Energy and Natural Resources

Business meeting to consider S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, S. 278, to establish a program and criteria for National Heritage Areas in the United States, S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, S. 444, to establish the South Park National Heritage Area in the State of Colorado, S. 471, to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, S. 645, to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals, S. 647, to designate certain land in the State of Oregon as wilderness, S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, S. 838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, S. 955, to establish the Abraham Lincoln National Heritage Area, S. 1089, to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, S. 1203, to enhance the management of electricity programs at the Department of Energy, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System, S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission, H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, H.R. 407, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, and other pending calendar business.

SD–366

2 p.m.

Environment and Public Works

Superfund and Environmental Health Subcommittee

To hold an oversight hearing to examine the Environmental Protection Agency's Environmental Justice programs.

SD–406

2:30 p.m.

Foreign Relations

To hold hearings to examine Pakistan's future, focusing on the challenges of building a democracy.

SD–419

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine United States trade relations with China.

SR–253

3 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the implementation of the Postal Accountability and Enhancement Act. (Public Law 109–435).

SD–342

3:30 p.m.
Banking, Housing, and Urban Affairs
Security and International Trade and Finance Subcommittee
To hold hearings to examine reforming key international financial institutions for the 21st century.
SD–538

July 26

9:30 a.m.
Foreign Relations
To hold hearings to examine extraordinary rendition, extraterritorial detention, and treatment of detainees, focusing on restoring our moral credibility and strengthening our diplomatic standing.
SD–419

Indian Affairs
To hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services.
SR–485

10 a.m.
Budget
Business meeting to consider the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget.
SD–608

Commerce, Science, and Transportation
To hold hearings to examine preparation taken for digital television transition.
SR–253

Environment and Public Works
To hold hearings to examine the case for the California waiver, including an update from the Environmental Protection Agency.
SD–406

Judiciary
Business meeting to consider S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. 453, to prohibit deceptive practices in Federal elections, S. 1692, to grant a Federal charter to Korean War Veterans Association, Incorporated, an original bill entitled, ''School Safety and Law Enforcement Act'', and the nomination of Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico.
SD–226

2:30 p.m.
Foreign Relations
International Operations and Organizations, Democracy and Human Rights Subcommittee
To hold hearings to examine the United Nations Human Rights Council, focusing on its shortcomings and prospects for reform.
SD–419

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To continue hearings to examine the Railroad Safety Enhancement Act.
SR–253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

July 31

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.
SR–253

2:30 p.m.
Judiciary
To hold hearings to examine death and serious injury relating to oxycontin and defective products.
SD–226

9:30 p.m.
Veterans' Affairs
To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.
SD–562

August 2

10 a.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9669–S0793

Measures Introduced: Fifteen bills and one resolution were introduced, as follows: S. 1844–1858, and S. Res. 277. **Pages S9773–74**

Measures Reported:

S. 479, to reduce the incidence of suicide among veterans. (S. Rept. No. 110–132) **Page S9773**

Measures Passed:

Honoring International Peace Garden 75th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 270, honoring the 75th anniversary of the International Peace Garden, and the resolution was then agreed to. **Page S9792**

New Border Tunnels: Senate passed S. 1856, to amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense. **Page S9792**

Measures Considered:

Higher Education Amendments Act: Senate began consideration of S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, and taking action on the following amendments proposed thereto: **Pages S9760–67**

Adopted:

Dorgan Amendment No. 2366, to provide for the development of a student loan clearinghouse. **Pages S9724–27**

DeMint Amendment No. 2367, to have the Government Accountability Office conduct a study regarding the employment of postsecondary education graduates. **Pages S9727–31**

Kennedy (for Boxer) Amendment No. 2368, to amend provisions relating to the upward bound program under section 402C of the Higher Education Act of 1965. **Pages S9731–33**

Warner Amendment No. 2371, to establish a digital and wireless network technology program. **Pages S9733–37**

Sessions Amendment No. 2374, to amend the provisions of the Higher Education Act of 1965 regarding graduate medical schools located outside of the United States. **Pages S9739–43**

Akaka Amendment No. 2372, to include Native Hawaiians as groups underrepresented in graduate education for purposes of the Ronald E. McNair postbaccalaureate achievement program. **Pages S9737–38**

Enzi (for Burr) Amendment No. 2373, to amend provisions relating to the study group regarding simplifying the process of applying for Federal financial aid. **Pages S9738–39**

Enzi (for Burr) Amendment No. 2375, to amend the Higher Education Act of 1965 with respect to teacher development. **Pages S9743–45**

Kennedy/Enzi Amendment No. 2382, of a perfecting nature. **Pages S9759–60**

Harkin Amendment No. 2380 (to Amendment No. 2377), to amend the Higher Education Act of 1965 in order to provide funding for student loan repayment for civil legal assistance attorneys. **Pages S9757–58**

Durbin Amendment No. 2377, to provide loan repayment for prosecutors and public defenders. **Pages S9749–52**

Rejected:

By 38 yeas to 53 nays (Vote No. 273), Brown Amendment No. 2376, to provide for a Federal supplemental loan program. **Pages S9745–49, S9760–67**

Withdrawn:

Reid Modified Amendment No. 2328, to provide for campus-based digital theft prevention. **Pages S9739, S9756–57**

Pending:

Coburn Amendment No. 2369, to certify that taxpayers' dollars and students' tuition support educational rather than lobbying activities. **Pages S9752–56**

Kennedy Amendment No. 2381 (to Amendment No. 2369), of a perfecting nature. **Pages S9758–59, S9767**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10 a.m., on Tuesday, July 24, 2007; that no amendments other than those in this agreement remain in order, and there be 20 minutes of debate time remaining, divided as follows: 10 minutes each for

Senators Kennedy and Enzi; that upon the use or yielding back of that time, Senate vote on or in relation to Kennedy Amendment No. 2387, that upon disposition of the amendment, if the amendment is agreed to, then it be in order for Senator Coburn to offer a further second-degree amendment on the same subject; that there be 2 minutes of debate prior to a vote on or in relation to Coburn second-degree amendment, if offered, with the time equally divided and controlled in the usual form; and that upon disposition of Coburn second-degree amendment, that there be 2 minutes of debate, equally divided, prior to a vote on or in relation to Coburn Amendment No. 2369 (listed above), as amended, that upon disposition of the amendment, as amended, if amended, the committee amendment in the nature of a substitute, as amended, be agreed to, the motion to reconsider be laid upon the table, the bill be read a third time, and Senate vote on passage of the bill. **Page S9767**

Nominations Confirmed: Senate confirmed the following nominations:

William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2007 vice Deborah Doyle McWhinney, term expired.

William Herbert Heyman, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2010.

Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

William S. Jasien, of Virginia, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

2 National Oceanic and Atmospheric Administration nominations in the rank of admiral.

Routine lists in the Coast Guard. **Page S9793**

Messages from the House: **Page S9773**

Measures Placed on the Calendar: **Page S9773**

Additional Cosponsors: **Pages S9774–75**

Statements on Introduced Bills/Resolutions: **Pages S9775–82**

Additional Statements: **Page S9773**

Amendments Submitted: **Pages S9782–91**

Notices of Hearings/Meetings: **Page S9791**

Authorities for Committees to Meet: **Page S9792**

Privileges of the Floor: **Page S9792**

Record Votes: One record vote was taken today. (Total—273) **Page S9760**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:16 p.m., until 10 a.m. on Tuesday, July 24, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9793.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported S.J. Res. 16, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 3122–3136; 1 private bill, H.R. 3137; and 3 resolutions, H. Con. Res. 189; and H. Res. 563–564 were introduced. **Page H8292**

Additional Cosponsors: **Pages H8292–93**

Reports Filed: Reports were filed today as follows:

H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects (H. Rept. 110–243);

H.R. 50, to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994, with an amendment (H. Rept. 110–244);

H.R. 465, to reauthorize the Asian Elephant Conservation Act of 1997, with an amendment (H. Rept. 110–245);

H.R. 716, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan, with an amendment (H. Rept. 110–246);

H.R. 761, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, with an amendment (H. Rept. 110–247);

H.R. 1239, to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, with an amendment (H. Rept. 110–248);

H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station, with an amendment (H. Rept. 110–249);

H.R. 1388, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, with an amendment (H. Rept. 110–250);

H.R. 1503, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project, with an amendment (H. Rept. 110–251);

H.R. 1526, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, with an amendment (H. Rept. 110–252);

H.R. 2400, to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States, with an amendment (H. Rept. 110–253, Pt. 1);

H.R. 176, to authorize assistance to the countries of the Caribbean to fund educational development and exchange programs, with an amendment (H. Rept. 110–254);

H. Res. 562, providing for consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008 (H. Rept. 110–255);

H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012 (H. Rept. 110–256, Pt. 1); and

H.R. 2844, to promote United States emergency and nonemergency food and other assistance programs to promote United States agricultural export programs (H. Rept. 110–257, Pt. 1). **PagesH 8291–92**

Speaker: Read a letter from the Speaker wherein she appointed Representative McNerney to act as Speaker Pro Tempore for today. **Page H8189**

Recess: The House recessed at 10:38 a.m. and reconvened at noon. **Page H8190**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Star-Spangled Banner National Historic Trail Act: H.R. 1388, amended, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; **Pages H8191–93**

Authorizing the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska: H.R. 761, amended, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail; **Pages H8193–94**

Snoqualmie Pass Land Conveyance Act: H.R. 1285, amended, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station; **Pages H8194–95**

Santa Rosa Urban Water Reuse Plan Act: H.R. 716, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Rosa Urban Water Reuse Plan; **Page H8195**

Avra/Black Wash Reclamation and Riparian Restoration Project: H.R. 1503, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Avra/Black Wash Reclamation and Riparian Restoration Project; **Pages H8195–96**

Bay Area Regional Water Recycling Program Authorization Act of 2007: H.R. 1526, amended, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program; **Pages H8196–97**

Oregon Water Resources Management Act of 2007: H.R. 495, to update the management of Oregon water resources; **Pages H8197–99**

Ocean and Coastal Mapping Integration Act: H.R. 2400, amended, to direct the Administrator of the National Oceanic and Atmospheric Administration to establish an integrated Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the Continental Shelf of the United States; **Pages H8199–H8201**

Multinational Species Conservation Funds Reauthorization Act of 2007: H.R. 50, amended, to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994; **Pages H8201–02 H**

Asian Elephant Conservation Reauthorization Act of 2007: H.R. 465, amended, to reauthorize the Asian Elephant Conservation Act of 1997; **Pages H8202–03**

National Underground Railroad Network to Freedom Reauthorization Act of 2007: H.R. 1239, amended, to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act; **Pages H8203–04**

Agreed to amend the title so as to read: ''To amend the National Underground Railroad Network to Freedom Act of 1998 to authorize additional funding to carry out the Act, and for other purposes.''. **Page H8204**

Overseas Private Investment Corporation Reauthorization Act of 2007: H.R. 2798, amended, to reauthorize the programs of the Overseas Private Investment Corporation; **Pages H8204–10**

Commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games: H. Res. 380, to commend Idaho on winning the bid to host the 2009 Special Olympics World Winter Games; **Pages H8210–11**

Expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India: H. Con. Res. 139, amended, to express the sense of the Congress that the United States should address the ongoing problem of untouchability in India; **Pages H8211–13**

Celebrating the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York: H. Res. 521, to celebrate the 75th Anniversary of the 1932 Winter Olympic Games in Lake Placid, New York; **Pages H8213–14**

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003: H.J. Res. 44, amended, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; **Pages H8214–16**

Agreed to amend the title so as to read: ''Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.''. **Page H8216**

Congratulating the University of Wyoming Cowgirls for winning the Women's National Invitational Tournament for the first time and for their most successful season in school history: H. Res. 384, to congratulate the University of Wyoming Cowgirls for winning the Women's National Invitational Tournament for the first time and for their most successful season in school history; **Pages H8216–17**

Recognizing the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness and endeavoring to continue working to eliminate homelessness in the United States: H. Res. 561, to recognize the 20th anniversary of the McKinney-Vento Homeless Assistance Act and the impact it has made on homelessness and endeavoring to continue working to eliminate homelessness in the United States; **Pages H8217–20**

Commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes: H. Res. 535, to commend David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and to recognize his efforts in promoting Federal legislation to combat hate crimes; **Pages H8220–26**

Agreed by unanimous consent that the House vacate the ordering of the yeas and nays on agreeing to H. Res. 535 to the end that the Chair put the question de novo. **Page H8253**

Expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child: H. Con. Res. 175, to express the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States Code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child; **Pages H8226–28**

Amending the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes: H.R. 3095, to amend the Adam Walsh Child Protection and Safety Act of 2006 to modify a deadline relating to a certain election by Indian tribes; **Pages H8228–30**

Campaign Expenditure Transparency Act: H.R. 2630, amended, to amend the Federal Election Campaign Act of 1971 to prohibit authorized committees and leadership PACs of a candidate or an individual holding Federal office from making payments to the candidate's or individual's spouse and to require such committees and PACs to report on disbursements made to the immediate family members of the candidate or individual; **Pages H8230–34**

Agreed to amend the title so as to read: ''To amend the Federal Election Campaign Act of 1971 to prohibit certain political committees from compensating the spouse of the candidate for services provided to or on behalf of the committee, to require such committees to report on payments made to the spouse and the immediate family members of the candidate, and for other purposes.''. **Page H8234**

Federal Customer Service Enhancement Act: H.R. 404, amended, to require the establishment of customer service standards for Federal agencies, by a 2/3 yea-and-nay vote of 383 yeas with none voting ''nay'', Roll No. 687; **Page H8234–36 H8253–54**

Commemorating the 300th anniversary of the Town of New Milford, Connecticut: H. Res. 528, to Commemorate the 300th anniversary of the Town of New Milford, Connecticut; **Pages H8236–37**

Mourning the passing of former First Lady, Lady Bird Johnson, and celebrating her life and contributions to the people of the United States: H. Res. 553, to mourn the passing of former First Lady, Lady Bird Johnson, and to celebrate her life and contributions to the people of the United States, by a 2/3 yea-and-nay vote of 381 yeas with none voting ''nay'', Roll No. 688; and **Pages H8237–41, H8254–55**

Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth: H. Res. 519, to honor the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth, by a 2/3 yea-and-nay vote of 384 yeas with none voting ''nay'', Roll No. 689. **Pages H8241–43, H8255**

Recess: The House recessed at 6:05 p.m. and reconvened at 6:49 p.m. **Page H8253**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed until Tuesday, July 24th:

Commemorating the 200th anniversary of the Archdiocese of New York: H. Res. 345, to commemorate the 200th anniversary of the Archdiocese of New York. **Pages H8243–45**

Late Report: Agreed that the Committee on Agriculture have until midnight on July 23rd to file a report on H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012. **Page H8257**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008: The House began consideration of H.R. 3074, to make appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008. Further consideration is expected to resume tomorrow, July 24th. **Pages H8245–53, H8257–80**

Withdrawn:

Blumenauer amendment that was offered and subsequently withdrawn that would have increased funding, by offset, for Transportation Planning, Research, and Development by $6.2 million and **Pages H8261–64**

Smith (NJ) amendment that was offered and subsequently withdrawn that would have added a new section to the end of title I relating to the Surface Transportation Board of the Department of Transportation and the transportation of solid waste. **Pages H8277–79**

Proceedings Postponed:

Mica amendment that seeks to strike language relating to the rescission of funds under the Highway Trust Fund; **Pages H8264–70**

Bachmann amendment that seeks to increase funding, by offset, for Homeless Assistance Grants by $106 million; **Pages H8270–71**

Flake amendment that seeks to strike language relating to Operating Grants to the National Railroad Passenger Corporation; **Pages H8271–74**

Flake amendment that seeks to reduce funding for Capital and Debt Service Grants to the National Railroad Passenger Corporation by $425 million; and **Pages H8274–77**

Chabot amendment that seeks to reduce funding for Public and Indian Housing by $330 million. **Page H8279**

H. Res. 558, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 210 yeas to 179 noes, Roll No. 690. **Pages H8255–56**

Presidential Messages: Read a letter from the President wherein he notified the House that he

planned to undergo a routine medical procedure requiring sedation and determined to transfer temporarily his Constitutional powers and duties to the Vice President during the brief period of the procedure and recovery. **Page H8190**

Read a letter from the President wherein he notified the House that, following his routine medical procedure requiring sedation, he was able to immediately resume the discharge of the Constitutional powers and duties of the office of the President of the United States. **Page H8190**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H8190.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H8294–96.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H8254, H8254–55, H8255, H8256. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 11:41 p.m.

Committee Meetings

COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS FISCAL YEAR 2008

Committee on Rules: Granted, by a vote of 9 to 0, an open rule. The rule provides 1 hour of general debate on H.R. 3093, Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that the bill shall be considered as read. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the Congressional Record. Amendments so printed shall be considered as read. The rule provides one motion to recommit with or without instructions. The rule permits the Chair, during consideration of the bill in the House, to postpone further consideration of it to a time designated by the Speaker. Finally, the rule permits the chairman of the Committee on Appropriations to file, on behalf of the Committee, a supplemental report to accompany H.R. 3093. Testimony was heard from Representatives Mollohan and Frelinghuysen.

Joint Meetings

ENERGY SECURITY

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine energy and democracy, focusing on whether the development of democracy is incompatible with the development of a country's energy resources, after receiving testimony from Senator Cardin; Representative Hastings (FL); Simon Taylor, Global Witness, Washington, DC; and Roman Kupchinsky, Radio Free Europe and Radio Liberty, London, United Kingdom.

COMMITTEE MEETINGS FOR TUESDAY, JULY 24, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the protection of children on the internet, 10 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, to hold hearings to examine economic and international issues, focusing on global warming policy, 2:30 p.m., SD–406.

Committee on Finance: to hold an oversight hearing to examine the government tax policy in farm country, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the nominations of Michael W. Michalak, of Michigan, to be Ambassador to the Socialist Republic of Vietnam, and Eric G. John, of Indiana, to be Ambassador to the Kingdom of Thailand, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nomination of Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development, 2:15 p.m., SD–419.

Full Committee, to hold a closed briefing regarding Gulf Security dialogue, 4 p.m., S–407, Capitol.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget, 10 a.m., SD–342.

Committee on the Judiciary: to continue oversight hearings to examine the Department of Justice, 9:30 a.m., SH–216.

Committee on Veterans' Affairs: business meeting to markup the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement), 2 p.m., Room to be announced.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, Subcommittee on Seapower and Expeditionary Forces, hearing on the surface combatant construction update, 2 p.m., 2212 Rayburn.

Committee on Education and Labor, Subcommittee on Health, Employment, Labor and Pensions and the Subcommittee on Workforce Protections, joint hearing on the Misclassification of Workers as Independent Contractors: What Policies and Practices Best Protect Workers? 10:30 a.m., 2175 Rayburn.

Subcommittee on Healthy Families and Communities, hearing on Runaway, Homeless, and Missing Children: Perspectives on Helping the Nation's Vulnerable Youth, 3 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing entitled ''Oversight of the Federal Communications Commission—Part 2,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, to consider H.R. 2761, Terrorism Risk Insurance Revision and Extension Act of 2007, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, briefing and hearing on Deportees in Latin America and the Caribbean, 3 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain,'' 10 a.m., 311 Cannon.

Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled ''Chemical Security–A Rising Concern for America: Examination of the Department's Chemical Security Regulation and its Effect on the Public and Private Sector,'' 1 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on Privacy in the Hands of the Government: the Privacy and Civil Liberties Oversight Board and the Privacy Officer for the U.S. Department of Homeland Security, 1 p.m., 2237 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, to mark up the following bills: H.R. 1943, Stop AIDS in Prison Act of 2007; H.R. 1199, Drug Endangered Children Act of 2007; H.R. 400, War Profiteering Prevention Act of 2007; H.R. 2740, MEJA Expansion and Enforcement Act of 2007; and H.R. 3013, Attorney-Client Privilege Protection Act of 2007; followed by a hearing on H.R. 2908, Deaths in Custody Reporting Act of 2007, 1 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, oversight hearing on the Implementation of the Compact of Free Association between the United States and the Republic of the Marshall Islands, 2 p.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on H.R. 1970, Northwestern New Mexico Rural Water Projects Act; and H.R. 2515, Lower Colorado River Multi-Species Conservation Program Act, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, hearing on Inadvertent File Sharing Over Peer-to-Peer Networks, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on NASA's Space Shuttle and International Space Station Programs: Status and Issues, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on FAA's Aging ATC Facilities: Investigating the Need to Improve Facilities and Worker Conditions, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on IT Inventory Management, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, oversight hearing on Tax-Exempt Organizations, focusing on Charities and Foundations, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Executive Order on Detention and Interrogation, 5:15 p.m., H–405 Capitol.

Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, to continue hearings on Weapons of Mass Destruction, Part II, 1 p.m., H–405 Capitol.

Next Meeting of the SENATE

10 a.m., Tuesday, July 24

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 1642, Higher Education Amendments Act, and consider and vote on certain amendments.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, July 24

House Chamber

Program for Tuesday: Continue consideration of H.R. 3074—Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008. Consideration of the following suspension: H. Con. Res. 187—Expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes.

Extensions of Remarks as inserted in this issue

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