

Retired Chief Judge Patricia Wald testified that this legislation is constitutional and highlighted the fact that Congress's greater power in accordance with the Constitution to confer full statehood on the District certainly contains the lesser power to grant District residents voting rights in the House of Representatives. She also reminded us that Congress has exercised this authority in the past without a rigid adherence to the constitutional text when it granted voting rights to Americans abroad in their last State of residence regardless of whether they are citizens of that State, pay taxes to that State, or have any intent to return to that State. Her former colleague on the DC Circuit, Ken Starr, echoed her conclusion that this legislation is constitutional.

Congress has repeatedly treated the District of Columbia as a "State" for various purposes. Congresswoman Eleanor Holmes Norton testified that although "the District is not a State," the "Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes." Examples of these actions include a revision of the Judiciary Act of 1789 that broadened article III diversity jurisdiction to include citizens of the District even though the Constitution only provides that Federal courts may hear cases "between citizens of different States." Congress has also treated the District as a "State" for purposes of congressional power to regulate commerce "among the several States." The 16th amendment grants Congress the power to directly tax incomes "without apportionment among the several States." That constitutional provision has been interpreted also to apply to residents of the District. In fact, the District of Columbia pays the second-highest Federal taxes per capita, yet has no vote in connection with how those dollars are spent. The local license plates say a good deal and remind us of our heritage when they say "Taxation without Representation."

As I said, in 2005, President Bush praised the Iraqi people for exercising their democratic right to vote, and he noted that "by participating in free elections, the Iraqi people have firmly rejected the antidemocratic ideology of the terrorists [a]nd they have demonstrated the kind of courage that is always the foundation of self-government." Unfortunately, the President does not speak so enthusiastically about voting rights for the American citizens living literally in his backyard. It is disappointing that the Bush administration has threatened to veto this legislation.

FOREIGN OPERATIONS APPROPRIATIONS

MEPI SCHOLARSHIP PROGRAM

Mr. SUNUNU. Mr. President, I commend the senior Senators from Vermont and New Hampshire for the

fine work that they did last week in managing H.R. 2764, the fiscal year 2008 State Department, Foreign Operations and Related Programs Appropriations Act. Given how busy they were, I regret that we did not have a chance to clarify a scholarship program funded in that Act through the Middle East Partnership Initiative, MEPI.

In Senate Report 110-128, the committee provides \$55,000,000 for MEPI, and recommends \$9,000,000 of those funds for scholarship programs for students from countries with significant Muslim populations at not-for-profit U.S. educational institutions in the Middle East.

In prior year foreign aid bills, eligibility criteria for scholarship programs included those students from countries with significant Muslim populations at not-for-profit institutions of basic and higher education in the Middle East which are accredited by an accrediting agency recognized by the Secretary of Education, and that are not controlled by the government of the country in which the institution is located.

Those who manage the MEPI program at the State Department added additional criteria, namely that American schools in the Middle East would be eligible only if U.S. Government dependents were enrolled in respective institutions, and only for students in the seventh through twelfth grades. I would ask the senior Senators from Vermont and New Hampshire if the State Department consulted with the committee prior to establishing additional criteria for the scholarship program.

Mr. LEAHY. I would say to my colleague from New Hampshire that my staff informs me that they were not consulted by the State Department on this matter.

Mr. GREGG. I would say to my friend from New Hampshire that my staff informs me that they, too, were not consulted on MEPI-added criteria.

Mr. SUNUNU. I fear that the State Department is severely limiting the scope of the scholarship program, including to conflict countries such as Lebanon that remain unaccompanied posts for State Department employees. To put that another way, no U.S. Government dependents are enrolled in schools in Lebanon. Moreover, I would like to suggest that the committee consider allocating \$7 million for scholarships at higher education institutions, and \$2 million for secondary schools.

Mr. GREGG. I appreciate your bringing these matters to my attention. My staff will request a briefing from the State Department on the scholarship program, and if needed, we will seek additional clarification during conference on this matter with the House.

HONORING OUR ARMED FORCES

SPECIALIST ERIC M. HOLKE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SPC Eric M. Holke, of Riverside, CA.

Specialist Holke's father describes him as an avid outdoorsman, a committed student of history, and someone with a keen eye for the arts. From a young age, Specialist Holke pursued his hobbies with zeal. His passion for the outdoors was matched only by his passion for film, which he discovered after he took a class on sports photography at Rim of the World High School in Lake Arrowhead, CA, where he was a graduate. After high school, he continued his studies in film and photography, and also worked at radio and television stations at San Bernadino Valley College.

Ready for a new challenge, Specialist Holke left San Bernadino Valley College to join the California Conservation Corps, where he spent the next 2 years backpacking through the wilderness of California. When he returned from this service, he became active in Renaissance fairs, where his specialty was demonstrating how the German military lived in the 1400s through 1600s, according to Pat Long, a cousin and producer of Renaissance fairs. Those who watched his performances remembered them for his passion and his enthusiasm.

Specialist Holke enlisted in the Army in 2000 in order to learn new skills as well as to save money to return to school. He served with the 82nd Airborne, like one of his grandfathers, a much-decorated World War II veteran. He went to Afghanistan, then to Iraq before being honorably discharged from the Army in 2005. He returned to Riverside, CA, where he became active again with the San Bernadino Valley College, performing re-enactments as well as studying film and business there. He also enlisted in the California National Guard at this time.

Specialist Holke and his wife Cassidhe were married in January of 2007. He was eager to earn his degree in business so he could start a new life in the film industry with his wife and their 16-year-old son, Steven.

In June of 2007, Specialist Holke began serving his second tour of duty in Iraq. He was serving with the 1st Battalion, 160th Infantry, California Army National Guard stationed in Kuwait. On July 15, 2007, Specialist Holke passed away in a noncombat-related incident in Talil. At his funeral, he was posthumously awarded five medals, including the Bronze Star. He was 31 years old.

In addition to his wife Cassidhe and son Steven, both of Riverside, CA, he is survived by his mother Monika Holke of Lincoln, NE, and father Jack Holke, of Las Vegas, NV. Today, I join all Americans in mourning the loss of a talented soldier, an active outdoorsman, and a loving husband, father, and son. He made the ultimate sacrifice through his service to our country. He will be remembered for his hunger for adventure. His memory will be honored by future generations of soldiers and civilians alike.

EXPLOSIVE ORDINANCE DISPOSALMAN 1ST CLASS
JEFFREY CHANEY

Mr. President, I also rise today to honor Navy Explosive Ordinance Disposalman First Class Jeffrey Chaney of Omaha.

Petty Officer Chaney was a 1990 graduate from Bellevue West High School. In 1993, he joined the Navy. His first ambition was to be a Navy SEAL; however, due to eyesight problems, he worked instead as a recruiter for the Navy. His success as a recruiter was a direct result of his enthusiasm and his dedication to his work, evidenced also by his brother Jim, whom he helped recruit. His sister April describes commitment to his work: “[He] loved the Navy; he just loved everything about his job. He was always talking about it,” she said.

Before his tour in Iraq, Chaney served in the Secret Service, where he had the opportunity to meet President George H.W. Bush, as well as Mikhail Gorbachev while he was on security detail at the President's 80th birthday party. His sister recalls that while that was a momentous occasion in his life, his proudest moment was the birth of his daughter Brianna, now 14.

Chaney was assigned to Explosive Ordinance Disposal Mobile Unit 11, stationed in Whidbey Island, WA. On July 17, 2007, after serving in Iraq for about 2 months, ED01 Chaney passed away during combat operations in Salahuddin Province. He was 35 years old.

In addition to his brother and sister, he is survived by his daughter Brianna Chaney, 14, of Omaha; his mother Connie Chaney also of Omaha, his father Jim Eckert of Oakland, IA and another brother Jim Eckert, also of Oakland. Today, I join all Americans in mourning the loss of a truly great sailor, proud father, and loving son. His service and his sacrifice will be remembered for generations to come.

SERGEANT JACOB SCHMUECKER

Mr. President, I rise today to honor Nebraska Army National Guard Sergeant Jacob Schmuecker of Atkinson, NE.

Sergeant Schmuecker was a 1999 graduate of West Holt High School in Atkinson, NE, and attended Northeast Community College in Norfolk. He joined the Nebraska Army National Guard in 2001, after serving the city of Atkinson as a police officer.

He and his wife Lisa were married for more than 4 years, and lived in Norfolk with their three children; Dylan, 4, Kierstan, 3, and Bryce, 19 months. Lisa describes her husband as someone who was deeply committed to his service, and someone who volunteered for a mission to make the world a safer place for his children. She knows her children will remember their father for being a loving husband to her, a dedicated father, and an outstanding soldier.

A member of the 755th chemical company based out of O'Neill, NE, Sergeant Schmuecker had proudly served in the

Army National Guard for 6 years. Having previously served in Afghanistan, he was 10 months into his first tour in Iraq when he passed away in Balad, after an improvised explosive device detonated near his armored vehicle. He was 27 years old.

In addition to his wife, Sergeant Schmuecker is survived by his parents Rodney and Patricia of Atkinson, and his brother Chris Shepperd of Norfolk. Today, I mourn the loss of a true American patriot, a devoted husband, and a loving father of three. He and his family have made the ultimate sacrifice to make our country a safer place to live.

CORPORAL RYAN A. WOODWARD

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Fort Wayne. Ryan Woodward, 22 years old, was killed on September 8 in Balad, Iraq, from injuries sustained by small arms fire during combat operations near Baghdad. With an optimistic future before him, Ryan risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Ryan graduated from Carroll High School in 2003 and joined the Army in 2006. It was concern for his country's welfare that drove him to enlist as his grandfather and uncle had before him. Ryan was hugely proud to follow in their footsteps. Excelling in his service, Ryan was awarded the Bronze Star, the Purple Heart, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Combat Infantryman's Badge and the Parachutist's Badge.

Ryan was killed while serving his country in Operation Iraqi Freedom. He was assigned to A Troop, 1st Squadron, 73rd Cavalry Regiment, 82nd Airborne Division from Fort Bragg, NC. Ryan is survived by his parents Michael and Sue Woodward, his sisters Tasha and Brooke, and his brother Ben. Those who knew him best describe an adventurous young man who enjoyed life and cared deeply about his family and friends. He will be remembered as a loving son, brother, and friend.

Today, I join Ryan's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Ryan, a memory that will burn brightly during these continuing days of conflict and grief.

Ryan was known for his dedication to his family and his love of country. Today and always, Ryan will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Ryan's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Ryan's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Ryan A. Woodward in the RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Ryan's can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ryan.

PRIVATE FIRST CLASS SHAWN D. HENSEL

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Logansport. Shawn Hensel, 20 years old, was killed on August 12 while deployed in West Baghdad, Iraq, of injuries sustained from rocket-propelled grenade and small arms fire. With his entire life before him, Shawn risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Shawn attended Logansport High School, and was known as a class clown who followed his own path instead of the crowd. His teacher, John Morgan, said, “Shawn was his own person. He would do just what he wanted to do. He wanted to experience life.” After receiving his general equivalency degree in 2006, Shawn joined the Army. Friends say he knew he wanted to join the military since he was 13 years old.

Shawn was killed while serving his country in Operation Iraqi Freedom. He was assigned to B Company, 2nd Battalion, 23rd Infantry Regiment, 2nd Infantry Division in Fort Lewis, WA. He is survived by his wife Laci N. Harmon, whom he married on December 28, 2006, his parents David and Elizabeth Ann Hensel, his sisters Autumn M. Vail and Angela R. Hensel, as well as his in-laws and extended family. Shawn will be remembered as a loving husband, son, and brother.

Today, I join Shawn's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his

courage and strength of character that people will remember when they think of Shawn, a memory that will burn brightly during these continuing days of conflict and grief.

Shawn was known for his daredevil streak, a tough exterior and a passion for the outdoors, especially kayaking. Those who knew him best will remember him for the devotion he had to his family and his love of country. Today and always, Shawn will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Shawn's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Shawn's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Shawn D. Hensel in the RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Shawn's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Shawn.

SERGEANT NICHOLAS J. PATTERSON

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Rochester. Nick Patterson, 24 years old, was killed on September 10 in Baghdad, Iraq, from injuries sustained when his vehicle rolled over returning from a raid. With an optimistic future before him, Nick risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Nick graduated from Rochester High School in 2001 where he excelled in basketball and baseball. His senior year, Nick was the leading scorer on the basketball team. He was known for being a star athlete that brought huge energy into sports and a hard-working student. His teacher, Linda Brenna, said, "He had such a great sense of humor and could make a tense moment light." Those who knew Nick respected him for his strong work ethic and his humor.

Nick was killed while serving his country in Operation Iraqi Freedom.

He was assigned to the 1st Squadron, 73rd Cavalry Regiment, 82nd Airborne Division in Fort Bragg, NC. Nick is survived by his wife Jayme Saner Patterson, his 4-year-old son Reilley, and his parents James and Virginia Patterson. He will be remembered as a loving husband, father, son, and friend.

Today, I join Nick's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Nick, a memory that will burn brightly during these continuing days of conflict and grief.

Nick was known for his dedication to his family and his love of country. Today and always, Nick will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Nick's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Nick's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Nicholas J. Patterson in the RECORD of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Nick's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Nick.

THE COLLEGE COST REDUCTION ACT

Mrs. LINCOLN. Mr. President, I was absent for the vote on September 7 on final passage of the College Cost Reduction Act of 2007 due to an official trip that I took to Iraq with the Senate Foreign Relations Committee. Had I been in Washington during the vote on final passage, I would have supported this important piece of legislation as I did when the Senate passed its version in July.

The rising costs of a college education have significantly increased the

financial burden on college students and their families in recent years. The largest increase in higher education aid since the G.I. bill, the College Cost Reduction Act will increase student aid to low-and middle-income students by \$17.4 billion over the next 5 years. It also increases the maximum Pell grant by \$500 to \$4,810 next year and incrementally increases it until it caps at \$5,400 in 2012. Further, the bill will help students manage their debt by capping student loan payments at 15 percent of their monthly income and reducing the student loan interest rate from 6.8 percent to 3.4 percent. In addition, the legislation will create a pilot program that reduces the amount of federal subsidies paid to student lending institutions and redirects the funds directly to students. The result will save students real dollars, save taxpayers money, and inject competition into the loan program.

Increasing the number of college graduates is one of the best investments that we as a nation can make, and I am proud that this Congress has worked to make college a reality for more Americans. The improvements contained in this legislation will expand the options students have to attend college and pay for higher education for years to come. Moreover, it will improve the quality of life for our citizens and our economy by preparing our workforce for the demands of an increasingly competitive marketplace.

Mr. KERRY. Mr. President, too many young people, from all walks of life, are either struggling to pay for college or flatout can't afford it. Those who aren't able to incur such steep costs are not only losing out on a degree, but setting themselves up to face a lifetime of lost opportunities, as study after study shows college graduates are the most attractive candidates for the fastest growing and best paying jobs of tomorrow. Greater college access and financial assistance is critical to making the American dream a reality for all. This bill strengthens educational resources for low-income students, giving every child the chance to succeed. It will mark the largest increase in student aid since the Montgomery GI bill and ensures that college is within the reach of children all over the country.

Today, families in New England with students in a community college spend 17 percent of their annual income to cover the cost of college for 1 year, while families nationally spend 13 percent. According to an analysis by the Massachusetts Board of Higher Education released last year, more than two thirds of families in Massachusetts last year still required approximately \$6,300 beyond financial aid to afford a college education. Faced with such a hardship, many Massachusetts students drop out, saying the costs are too steep. Those who do complete their degrees are often saddled with thousands of dollars in student loans—which can take years, often decades, to pay off.

The conference report cuts roughly \$20 billion from lender subsidies and