SANDERS, Mr. BROWN, Mr. BIDEN, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SALAZAR, Mr. CARDIN, and Ms. COLLINS):

S. 358. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DURBIN, and Mr. OBAMA):

S. 359. A bill to amend the Higher Education Act of 1965 to provide additional support to students; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself and Mr. GRASSLEY):

S. Res. 35. A resolution expressing support for prayer at school board meetings; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mrs. CLINTON):

S. Res. 36. A resolution honoring women's health advocate Cynthia Boles Dailard; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2, supra.

S. 3

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 10

At the request of Mr. REID, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 101

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 101, a bill to update and reinvigorate universal service provided under the Communications Act of 1934.

S. 184

At the request of Mr. INOUYE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 184, a bill to provide improved rail and surface transportation security.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 242

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 291

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 340

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. CON. RES. 2

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 2, a concurrent resolution expressing the bipartisan resolution on Iraq.

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 2, supra.

S. RES. 34

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 34, a resolution calling for the strengthening of the efforts of the United States to defeat the Taliban and terrorist networks in Afghanistan.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. STEVENS):

S. 342. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

Mr. VOINOVICH. Mr. President, I rise to introduce The Secure Travel and Counterterrorism Partnership Act of 2007, along with my good friends Senators AKAKA, LUGAR, and MIKULSKI.

This legislation would expand the U.S. Visa Waiver Program in a way that would increase cooperation with key allies in the War on Terror while strengthening U.S. national security.

The bill provides a way for us to expand and improve the Visa Waiver Program so that Americans are safer and our Nation is more prosperous for years to come.

This legislation comes at a particularly important time in our Nation's history. We are currently facing multiple foreign policy challenges in the post–9/11 world. We need the cooperation of several allies to combat transnational threats. As such, we are asking our friends and allies to contribute more of their troops and resources to Iraq, Afghanistan, and other conflicts in the world, so that we can be successful. This legislation will help us to solidify key relationships and increase goodwill toward the U.S. for years to come, while also enhancing travel security standards and safety at home.

My legislation would authorize the Department of Homeland Security, in consultation with the Department of State, to expand the Visa Waiver Program to countries that are true friends of America and are prepared to do more to help us keep terrorists and criminals out of our borders.

For those that do not know about the Visa Waiver Program, it was established in 1986 to improve relations with U.S. allies and strengthen the U.S. economy. The program permitted nationals from the selected countries to enter the United States without a visa for up to 90 days for tourism or business purposes.

Currently, 27 countries participate in the program, including the United Kingdom. No countries have been added to the Visa Waiver Program since 1999. But there are a number of newer allies who would also like to participate in the Visa Waiver Program and are willing to meet strict security requirements and cooperate on counterterrorism initiatives.

Many of these countries were former members of the Soviet Union. They were victims of Soviet oppression for years, against their will, and despite their desire for freedom. These countries have a unique understanding of the struggle for democracy taking place in Iraq and Afghanistan. Today, many of these countries have had boots on the ground in Iraq and Afghanistan

and want to help the U.S. combat terrorism and promote democracy.

Despite their commitments to the principles of freedom and democracy, these countries are still paying a price that other countries in the West do not pay. Citizens of Portugal, the UK, or Spain can travel easily to the U.S., while citizens of Poland, Hungary, and Slovakia are given second-class treatment.

I recently learned of a story involving a young Czech officer who served in Iraq with Americans. This soldier wanted to come to America to visit the American friends he made during combat operations. But his application for a visa was refused. Why? Because his passport included a visit to Iraq, the very place he served with American soldiers.

Many young people from places like Latvia, Estonia, and Bulgaria have a positive view of America and hope to visit our country. However, their expensive visa applications are frequently rejected, dampening their spirits and tainting their image of America. And this view is spreading every day.

By limiting legitimate travel to the U.S., we are risking a loss of influence with the future leaders of our closest allies.

I have been working for many months to develop legislation that will expand the Visa Waiver Program, without sacrificing U.S. security. I was pleased last November when I heard President Bush announce his intention to work with Congress on this issue. On the margins of the NATO Summit in Riga, he called on Congress to expand the Visa Waiver Program so that we can reward our closest allies for their help and friendship.

I agree with the President—but I want to clarify that visa-free travel privileges are not simply a reward for our allies. The true reward is the knowledge that we are free and democratic countries working together to advance international security. The foremost goal of this legislation is to create mutually beneficial partnerships with clear national security advantages for the United States.

By continuing on the current path, we risk marginalizing some of our closest allies in the War on Terror and losing the hearts and minds of their future leaders and citizens. We have an opportunity to change direction in a way that will promote our own national security interests and improve control of our borders. The Secure Travel and Counterterrorism Partnership Act of 2007 can achieve all of these objectives.

The legislation would give the executive branch the necessary authority to expand visa-free travel privileges for up to five new countries, for a probationary period of three years.

In order for a country to participate in the plan, the executive branch would first need to certify that the country is cooperative on counterterrorism and does not pose a security or law enforcement threat to the United States. Prospective countries would also be required to take a number of new steps to enhance our common security.

Prior to participation, the countries would be required to conclude new agreements with the United States to further strengthen cooperation on counterterrorism and improve information-sharing about critical security issues.

Some might say—if these countries are key allies, aren't they cooperating with us already? The answer is yes. They are very cooperative. But in today's heightened security environment, there is more that each country can do, such as sharing additional sensitive information that can help our intelligence community and law enforcement agencies investigate threats and combat terrorist activity. By negotiating new agreements on counterterrorism and information-sharing to permit participation in the Visa Waiver Program, we can reduce threats to the United States. Additionally, the legislation would require the countries to enact a number of significant security measures, which would limit illegal entry and unlawful presence in their countries and impede travel by terrorists and transnational criminals. Security standards required for participation in the program would include electronic passports with biometric information, as well as prompt reporting of lost, stolen, or fraudulent travel documents to the U.S. and Interpol.

These new requirements would help make the U.S. more secure. Expanding the number of participating visa waiver countries would increase the number of states meeting common security standards. This would allow the United States to shift consular resources used to issue visas to other missions with more critical security needs.

If at any time, participant countries are not complying with these requirements, their probationary status in the program could be revoked.

Likewise, if the program is determined to be successful, it could be expanded to include additional countries.

The last part of the legislation is aimed at enhancing security requirements for countries who are currently participating in the Visa Waiver Program. In this post-9/11 world, the U.S. Government has already required additional security measures of participating visa waiver countries, such as machine readable passports with biometric information. But we can and must do more.

I was very pleased last November when Homeland Security Secretary Chertoff recommended several new measures to further enhance the efficiency and security of the Visa Waiver Program. His recommendations included an electronic travel authorization system, additional passenger information exchanges, common standards for airport security and baggage screening, cooperation in the air marshal program, and home country assistance in repatriation of any traveler who overstays the terms of their visa or violates U.S. law.

As the Administration works to develop the details of its recommendations, my legislation would require that within one year, the executive branch provide a report to Congress on its plans for Visa Waiver Program improvements.

In addition to the substantial benefits my legislation would create for U.S. foreign relations and homeland security, the bill would also advance U.S. economic competitiveness. Visa-free travel to the United States has been proven to significantly boost tourism and business, as well as airline revenues, and would generate substantial economic benefits to the United States well into the future. Additionally, it would improve attitudes toward the United States throughout the world, which would benefit the U.S. economy and national security for generations to come.

As a member of both the Foreign Relations and the Homeland Security and Governmental Affairs Committees, I have studied this issue from every angle. I believe the legislation I am introducing presents us with a real opportunity to strengthen diplomatic relationships, enhance our homeland security, and improve the Visa Waiver Program overall.

I look forward to working with my colleagues in the Congress and the President to move this legislation forward.

I ask unanimous consent that the text of this 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. 342

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 ''Secure Travel and Counterterrorism Partnership Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the United States should expand the visa waiver program to extend visa-free travel privileges to nationals of foreign countries that are allies in the war on terrorism as that expansion will—

(1) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(2) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(3) strengthen bilateral relationships.

SEC. 3. VISA WAIVER PROGRAM EXPANSION.

Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following:

''(8) PROBATIONARY PARTICIPATION OF PROGRAM COUNTRIES.—

''(A) REQUIREMENT TO ESTABLISH.—Notwithstanding any other provision of this section and not later than 1 year after the date of the enactment of the Secure Travel and Counterterrorism Partnership Act, the Secretary of Homeland Security, in consultation

with the Secretary of State, shall establish a pilot program to permit not more than 5 foreign countries that are not designated as program countries under paragraph (1) to participate in the program.

''(B) DESIGNATION AS A PROBATIONARY PROGRAM COUNTRY.—A foreign country is eligible to participate in the program under this paragraph if—

''(i) the Secretary of Homeland Security determines that such participation will not compromise the security or law enforcement interests of the United States;

''(ii) that country is close to meeting all the requirements of paragraph (2) and other requirements for designation as a program country under this section and has developed a feasible strategic plan to meet all such requirements not later than 3 years after the date the country begins participation in the program under this paragraph;

''(iii) that country meets all the requirements that the Secretary determines are appropriate to ensure the security and integrity of travel documents, including requirements to issue electronic passports that include biometric information and to promptly report lost, stolen, or fraudulent passports to the Government of the United States;

''(iv) that country cooperated with the Government of the United States on counterterrorism initiatives and information sharing before the date of the enactment of this paragraph; and

''(v) that country has entered into an agreement with the Government of the United States by which that country agrees to further advance United States security interests by implementing such additional counterterrorism cooperation and information sharing measures as may be requested by the Secretary of Homeland Security, in consultation with the Secretary of State.

''(C) CONSIDERATIONS FOR COUNTRY SELECTION.—

''(i) VISA REFUSAL RATES.—The Secretary of Homeland Security may consider the rate of refusals of nonimmigrant visitor visas for nationals of a foreign country in determining whether to permit that country to participate in the program under this paragraph but may not refuse to permit that country to participate in the program under this paragraph solely on the basis of such rate unless the Secretary determines that such rate is a security concern to the United States.

''(ii) OVERSTAY RATES.—The Secretary of Homeland Security may consider the rate at which nationals of a foreign country violate the terms of their visas by remaining in the United States after the expiration of such a visa in determining whether to permit that country to participate in the program under this paragraph.

''(D) TERM OF PARTICIPATION.—

''(i) INITIAL PROBATIONARY TERM.—A foreign country may participate in the program under this paragraph for an initial term of 3 years.

''(ii) EXTENSION OF PARTICIPATION.—The Secretary of Homeland Security, in consultation with the Secretary of State, may permit a country to participate in the program under this paragraph after the expiration of the initial term described in clause (i) for 1 additional period of not more than 2 years if that country—

''(I) has demonstrated significant progress toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section;

''(II) has submitted a plan for meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section; and

''(III) continues to be determined not to compromise the security or law enforcement interests of the United States.

''(iii) TERMINATION OF PARTICIPATION.—The Secretary of Homeland Security may terminate the participation of a country in the program under this paragraph at any time if the Secretary, in consultation with the Secretary of State, determines that the country—

''(I) is not in compliance with the requirements of this paragraph; or

''(II) is not able to demonstrate significant and quantifiable progress, on an annual basis, toward meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

''(E) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical guidance to a country that participates in the program under this paragraph to assist that country in meeting the requirements of paragraph (2) and all other requirements for designation as a program country under this section.

''(F) REPORTING REQUIREMENTS.—

''(i) ANNUAL REPORT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to Congress an annual report on the implementation of this paragraph.

''(ii) FINAL ASSESSMENT.—Not later than 30 days after the date that the foreign country's participation in the program under this paragraph terminates, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit a final assessment to Congress regarding the implementation of this paragraph. Such final assessment shall contain the recommendations of the Secretary of Homeland Security and the Secretary of State regarding permitting additional foreign countries to participate in the program under this paragraph.''.

SEC. 4. CALCULATION OF THE RATES OF VISA OVERSTAYS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall develop and implement procedures to improve the manner in which the rates of nonimmigrants who violate the terms of their visas by remaining in the United States after the expiration of such a visa are calculated.

SEC. 5. REPORTS.

(a) VISA FEES.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall review the fee structure for visas issued by the United States and submit to Congress a report on that structure, including any recommendations of the Comptroller General for improvements to that structure.

(b) SECURE TRAVEL STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit a report to Congress that describes plans for enhancing secure travel standards for existing visa waiver program countries, including the feasibility of instituting an electronic authorization travel system, additional passenger information exchanges, and enhanced airport security standards.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2013 to carry out this Act and the amendment made by this Act.

By Mr. VOINOVICH (for himself, Mr. BROWNBACK, Mr. AKAKA, and Ms. LANDRIEU):

S. 343. A bill to extend the District of Columbia College Access Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, today I am pleased to introduce legislation to reauthorize the District of Columbia Tuition Assistance Grant (D.C. TAG) program for an additional five years. This successful program, which began in 2000, has produced dramatic results in higher education in the District of Columbia by enabling District students to choose a college that best suits their educational needs.

One of the most worthwhile things I have done during my time in the Senate was to sponsor the legislation that created the D.C. TAG program. The aim of this program is to assist District students who do not have access to State-supported education systems. Originally, the D.C. TAG program provided District residents with grant funding to pay the difference between in-State and out-of-State tuition at State universities nationwide. D.C. TAG participants are eligible for up to $10,000 per student per school year, capped at $50,000. Since March 2002, District students attending private institutions in Maryland and Virginia, as well as Historically Black Colleges and Universities nationwide are eligible to receive tuition grants of $2,500 per student per school year, capped at $12,500.

Since the programs inception, more than 26,000 grants have been dispersed to 9,769 District students, amounting to approximately $141 million. As a result, the District has seen a 50 percent increase in college attendance. Our States have benefited from having these talented students attending their universities. In Ohio, District students attend nine of our colleges and universities with grants valued at $500,000. Reauthorizing this successful program will ensure that D.C. TAG grants are available for future generations of deserving District high school students.

As the ranking member of the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, I am committed to ensuring quality educational opportunities for District residents. I urge all of my colleagues to support this legislation.

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. 343

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

SECTION 1. 5-YEAR REAUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) PUBLIC SCHOOL PROGRAM.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec. 38–2702(i), D.C. Official Code) is amended by striking ''each of the 7 succeeding fiscal years'' and inserting ''each of the 12 succeeding fiscal years''.

(b) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official

Code) is amended by striking ''each of the 7 succeeding fiscal years'' and inserting ''each of the 12 succeeding fiscal years''.

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. SCHUMER, and Mr. FEINGOLD):

S. 344. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, once again I seek recognition to introduce legislation that will give the public greater access to our Supreme Court. This bill requires the high Court to permit television coverage of its open sessions unless it decides by a majority vote of the Justices that allowing such coverage in a particular case would violate the due process rights of one or more of the parties involved in the matter.

The purpose of this legislation is to open the Supreme Court doors so that more Americans can see the process by which the Court reaches critical decisions of law that affect this country and everyday Americans. The Supreme Court makes pronouncements on Constitutional and Federal law that have a direct impact on the rights of Americans. Those rights would be substantially enhanced by televising the oral arguments of the Court so that the public can see and hear the issues presented to the Court. With this information, the public would have insight into key issues and be better equipped to understand the impact of and reasons for the Court's decisions.

In a very fundamental sense, televising the Supreme Court has been implicitly recognized—perhaps even sanctioned—in a 1980 decision by the Supreme Court of the United States entitled Richmond Newspapers v. Virginia. In this case, the Court noted that a public trial belongs not only to the accused but to the public and the press as well and recognized that people now acquire information on court procedures chiefly through the print and electronic media.

That decision, in referencing the electronic media, appears to anticipate televising court proceedings, although I do not mean to suggest that the Supreme Court is in agreement with this legislation. I should note that the Court could, on its own initiative, televise its proceedings but has chosen not to do so, which presents, in my view, the necessity for legislating on this subject.

When I argued the case of the Navy Yard, Dalton v. Specter, back in 1994, the Court proceedings were illustrated by an artist's drawings—some of which now hang in my office. Today, the public gets a substantial portion, if not most, of its information from television and the internet. While many court proceedings are broadcast routinely on television, the public has little access to the most important and highest court in this country. Although the internet has made receipt of the Court's transcripts, and even more recently, audio recordings, more widely accessible, the public is still deprived of the real time transmission of audio and video feeds from the Court. I believe it is vital for the public to see, as well as to hear, the arguments made before the Court and the interplay among the justices. I think the American people will gain a greater respect for the way in which our High Court functions if they are able to see oral arguments.

Justice Felix Frankfurter perhaps anticipated the day when Supreme Court arguments would be televised when he said that he longed for a day when: ''The news media would cover the Supreme Court as thoroughly as it did the World Series, since the public confidence in the judiciary hinges on the public's perception of it, and that perception necessarily hinges on the media's portrayal of the legal system.''

When I spoke in favor of this legislation in September of 2000, I said, ''I do not expect a rush to judgment on this very complex proposition, but I do believe the day will come when the Supreme Court of the United States will be televised. That day will come, and it will be decisively in the public interest so the public will know the magnitude of what the Court is deciding and its role in our democratic process.'' I reiterated those sentiments in September of 2005 when I re-introduced an identical bill. Today, I believe the time has come and that this legislation is crucial to the public's awareness of Supreme Court proceedings and their impact on the daily lives of all Americans.

I pause to note that it was not until 1955 that the Supreme Court, under the leadership of Chief Justice Warren, first began permitting audio recordings of oral arguments. Between 1955 and 1993, there were apparently over 5,000 recorded arguments before the Supreme Court. That roughly translates to an average of about 132 arguments annually. But audio recordings are simply ill suited to capture the nuance of oral arguments and the sustained attention of the American citizenry. Nor is it any response that people who wish to see open sessions of the Supreme Court should come to the Capital and attend oral arguments. For, according to one source: ''Several million people each year visit Washington, D.C., and many thousands tour the White House and the Capitol. But few have the chance to sit in the Supreme Court chamber and witness an entire oral argument. Most tourists are given just three minutes before they are shuttled out and a new group shuttled in. In cases that attract headlines, seats for the public are scarce and waiting lines are long. And the Court sits in open session less than two hundred hours each year. Television cameras and radio microphones are still banned from the chamber, and only a few hundred people at most can actually witness oral arguments. Protected by a marble wall from public access, the Supreme Court has long been the least understood of the three branches of our Federal Government.''

In light of the increasing public desire for information, it seems untenable to continue excluding cameras from the courtroom of the Nation's highest court. As one legal commentator observes: ''An effective and legitimate way to satisfy America's curiosity about the Supreme Court's holdings, Justices, and modus operandi is to permit broadcast coverage of oral arguments and decision announcements from the courtroom itself.''

Televised court proceedings better enable the public to understand the role of the Supreme Court and its impact on the key decisions of the day. Not only has the Supreme Court invalidated Congressional decisions where there was, in the views of many, simply a difference of opinion as to what is preferable public policy, but the Court determines novel issues such as whether AIDS is a disability under the Americans with Disabilities Act, whether Congress can ban obscenity from the Internet, and whether states can impose term limits upon members of Congress. The current Court, like its predecessors, hands down decisions which vitally affect the lives and liberties of all Americans. Since the Court's historic 1803 decision, Marbury v. Madison, the Supreme Court has the final authority on issues of enormous importance from birth to death. In Roe v. Wade (1973), the Court affirmed a Constitutional right to abortion in this country and struck down state statutes banning or severely restricting abortion during the first two trimesters on the grounds that they violated a right to privacy inherent in the Due Process Clause of the Fourteenth Amendment. In the case of Washington v. Glucksberg, 1997, the court refused to create a similar right to assisted suicide. Here the Court held that the Due Process Clause does not recognize a liberty interest that includes a right to commit suicide with another's assistance.

In the Seventies, the Court first struck down then upheld state statutes imposing the death penalty for certain crimes. In Furman v. Georgia, 1972, the Court struck down Georgia's death penalty statute under the cruel and unusual punishment clause of the Eighth Amendment and stated that no death penalty law could pass constitutional muster unless it took aggravating and mitigating circumstances into account. This decision led Georgia and many States to amend their death penalty statutes and, four years later, in Gregg v. Georgia, 1976, the Supreme Court upheld Georgia's amended death penalty statute.

Over the years, the Court has also played a major role in issues of war and peace. In its opinion in Scott v. Sanford, 1857—better known as the Dredd Scott decision—the Supreme Court held that Dredd Scott, a slave who had been taken into ''free'' territory by his owner, was nevertheless still a slave.

The Court further held that Congress lacked the power to abolish slavery in certain territories, thereby invalidating the careful balance that had been worked out between the North and the South on the issue. Historians have noted that this opinion fanned the flames that led to the Civil War.

The Supreme Court has also ensured adherence to the Constitution during more recent conflicts. Prominent opponents of the Vietnam War repeatedly petitioned the Court to declare the Presidential action unconstitutional on the grounds that Congress had never given the President a declaration of war. The Court decided to leave this conflict in the political arena and repeatedly refused to grant writs of certiorari to hear these cases. This prompted Justice Douglas, sometimes accompanied by Justices Stewart and Harlan, to take the unusual step of writing lengthy dissents to the denials of cert.

In New York Times Co. v. United States, 1971—the so called ''Pentagon Papers'' case—the Court refused to grant the government prior restraint to prevent the New York Times from publishing leaked Defense Department documents which revealed damaging information about the Johnson Administration and the war effort. The publication of these documents by the New York Times is believed to have helped move public opinion against the war.

In its landmark civil rights opinions, the Supreme Court took the lead in effecting needed social change, helping us to address fundamental questions about our society in the courts rather than in the streets. In Brown v. Board of Education, the Court struck down the principle of ''separate but equal'' education for blacks and whites and integrated public education in this country. This case was then followed by a series of civil rights cases which enforced the concept of integration and full equality for all citizens of this country, including Gamer v. Louisiana, 1961, Burton v. Wilmington Parking Authority, 1961, and Peterson v. City of Greenville, 1963.

In recent years Marbury, Dred Scott, Furman, New York Times, and Roe, familiar names in the lexicon of lawyerly discussions concerning watershed Supreme Court precedents, have been joined with similarly important cases like Hamdi, Rasul and Roper—all cases that affect fundamental individual rights. In Hamdi v. Rumsfeld, 2004, the Court concluded that although Congress authorized the detention of combatants, due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker. The Court reaffirmed the nation's commitment to constitutional principles even during times of war and uncertainty. Similarly, in Rasul v. Bush, 2004, the Court held that the Federal habeas statute gave district courts jurisdiction to hear challenges of aliens held at Guantanamo Bay, Cuba in the U.S. War on Terrorism. In Roper v. Simmons, a 2005 case, the Court held that executions of individuals who were under 18 years of age at the time of their capital crimes is prohibited by Eighth and Fourteenth Amendments.

When deciding issues of such great national import, the Supreme Court is rarely unanimous. In fact, a large number of seminal Supreme Court decisions have been reached through a vote of 5–4. Such a close margin reveals that these decisions are far from foregone conclusions distilled from the meaning of the Constitution, reason and the application of legal precedents. On the contrary, these major Supreme Court opinions embody critical decisions reached on the basis of the preferences and views of each individual justice. In a case that is decided by a vote of 5–4, an individual justice has the power by his or her vote to change the law of the land.

Since the beginning of its October 2005 Term when Chief Justice Roberts first began hearing cases, the Supreme Court has issued 11 decisions with a 5–4 split out of a total of 93 decisions. It has also issued 4 5–3 decisions in which one justice recused. Finally, it has issued a rare 5–2 decision in which Chief Justice Roberts and Justice Alito took no part. In sum, since the beginning of its October 2005 Term, the Supreme Court has issued 16 decisions establishing the law of the land in which only 5 justices explicitly concurred. Many of these narrow majorities occur in decisions involving the Court's interpretation of our Constitution—a sometimes divisive endeavor on the Court. I will not discuss all 16 thinly decided cases but will describe a few to illustrate my point about the importance of the Court and its decisions in the lives of Americans.

The first 5–4 split decision, decided on January 11, 2006, was Brown v. Sanders. In this case the Court considered ''the circumstances in which an invalidated sentencing factor will render a death sentence unconstitutional by reason of its adding an improper element to the aggravation scale in the jury's weighing process.'' A majority of the Court held that henceforth in death penalty cases, an invalidated sentencing factor will render the sentence unconstitutional by reason of its adding an improper element to the aggravation scale unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances. The majority opinion was authored by Justice Scalia and joined by Chief Justice Roberts and Justices O'Connor, Kennedy and Thomas. Justice Stevens filed a dissenting opinion in which Justice Souter joined. Similarly, Justice Breyer filed a dissenting opinion in which Justice Ginsburg joined.

Last November the Supreme Court decided Ayers v. Belmontes, a capital murder case in which the Belmontes contended that California law and the trial court's instructions precluded the jury from considering his forward looking mitigation evidence suggesting he could lead a constructive life while incarcerated. In Ayers the Supreme Court found the Ninth Circuit erred in holding that the jury was precluded by jury instructions from considering mitigation evidence. Justice Kennedy authored the majority opinion while Justice Stevens wrote a dissent joined by three other justices.

Other 5–4 split decisions since October 2005 include United States v. Gonzalez-Lopez, concerning whether a defendant's Sixth Amendment right to counsel was violated when a district court refused to grant his paid lawyer permission to represent him based upon some past ethical violation by the lawyer, June 26, 2006; LULAC v. Perry, deciding whether the 2004 Texas redistricting violated provisions of the Voting Rights Act, June 28, 2006; Kansas v. Marsh, concerning the Eighth and Fourteenth Ariiendments in a capital murder case in which the defense argued that a Kansas statute established an unconstitutional presumption in favor of the death sentence when aggravating and mitigating factors were in equipoise, April 25, 2006; Clark v. Arizona, a capital murder case involving the constitutionality of an Arizona Supreme Court precedent governing the admissibility of evidence to support an insanity defense, June 29, 2006; Garcetti v. Ceballos, a case holding that when public employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline, May 30, 2006.

The justices have split 5–3 4 times since October 2005.

In Georgia v. Randolph, March 22, 2006, a 5–3 majority of the Supreme Court held that a physically present co-occupant's stated refusal to permit a warrantless entry and search rendered the search unreasonable and invalid as to that occupant. Justice Souter authored the majority opinion. Justice Stevens filed a concurring opinion as did Justice Breyer. The Chief Justice authored a dissent joined by Justice Scalia. Moreover, Justice Scalia issued his own dissent as did Justice Thomas. In Randolph, there were six opinions in all from a Court that only has nine justices. One can only imagine the spirited debate and interplay of ideas, facial expressions and gestures that occurred in oral arguments. Audio recordings are simply inadequate to capture all of the nuance that only cameras could capture and convey.

In House v. Bell, a 5–3 opinion authored by Justice Kennedy, (June 12, 2006), the Supreme Court held that because House had made the stringent showing required by the actual innocence exception to judicially-established procedural default rules, he

could challenge his conviction even after exhausting his regular appeals. Justice Alito took no part in considering or deciding the House case. It bears noting, however, that if one justice had been on the other side of this decision it would have resulted in a 4–4 tie and, ultimately, led to affirming the lower court's denial of House's post-conviction habeas petitions due to a procedural default.

In Hamdan v. Rumsfeld, a 5–3 decision in which Chief Justice Roberts took no part, the Supreme Court held that Hamdan could challenge his detention and the jurisdiction of the President's military commissions to try him despite recent enactment of the Detainee Treatment Act. A thin majority of the justices supported the decision despite knowledge that the DTA explicitly provides ''no court . . . shall have jurisdiction to hear or consider . . . an application for . . . habeas corpus filed by . . . an alien detained . . . at Guantanamo Bay.'' In deciding the merits, the Court went on to hold that the President lacked authority to establish a military commission to try Hamdan or others without enabling legislation passed by both houses of Congress and enacted into law. This case was one of a handful of recent cases in which the Supreme Court released audiotapes or oral arguments almost immediately after they occurred. Yet it would have been vastly preferable to watch the parties' advocates grapple with the legal issues as the justices peppered them with jurisdictional, constitutional and merits-related questions from the High Court's bench.

In another fascinating 5–3 case, Jones v. Flowers, April 26, 2006, Supreme Court considered whether, when notice of a tax sale is mailed to the owner and returned undelivered, the government must take additional reasonable steps to provide notice before taking the owner's property. In an opinion by Chief Justice Roberts, the Court held that where the Arkansas Commissioner of State Lands had mailed Jones a certified letter and it had been returned unclaimed, the Commissioner had to take additional reasonable steps to provide Jones notice. Justices Thomas, Scalia and Kennedy dissented and Justice Alito took no part in the decision.

Though Jones v. Flowers involved the Due Process Clause of the Fourteenth Amendment, not the Takings Clause of Fifth Amendment, one could draw interesting analogies to the Court's controversial 2005 decision in Kelo v. City of New London. In Kelo, a majority of the justices held that a city's exercise of eminent domain power in furtherance of a privately initiated economic development plan satisfied the Constitution's Fifth Amendment ''public use'' requirement despite the absence of any blight. Four justices dissented in Kelo and public opinion turned sharply against the decision immediately after it was issued.

It's possible, though merely speculation, that the public ire aimed at Kelo informed what became a majority of justices in Jones v. Flowers. In a passage by Chief Justice Roberts, the Court notes, ''when a letter is returned by the post office, the sender will ordinarily attempt to resend it, if it is practicable to do so. This is especially true when, as here, the subject matter of the letter concerns such an important and irreversible prospect as the loss of a house.''

Not only lawyers but all homeowners could benefit from knowing how the Court grapples with legal issues governing the rights to their houses. My legislation creates the opportunity for all interested Americans to watch the Court in action in cases like these. From his perch on the High Court one justice has been heard to contend that most Americans could care less about the arcane legal issues argued before the Court. But as elected representatives of the people we must endeavor to view America from a bottoms-up, rather than a top-down perspective.

Regardless of ones view concerning the merits of these decisions, it is clear that they frequently have a profound effect on the interplay between the government, on the one hand, and the individual on the other. So, it is with these watershed decisions in mind that I introduce legislation designed to make the Supreme Court less esoteric and more accessible to common men and women who are so clearly affected by its decisions.

Given the enormous significance of each vote cast by each justice on the Supreme Court, televising the proceedings of the Supreme Court will allow sunlight to shine brightly on these proceedings and ensure greater public awareness and scrutiny.

In a democracy, the workings of the government at all levels should be open to public view. With respect to oral arguments, the more openness and the more real the opportunity for public observation the greater the understanding and trust. As the Supreme Court observed in the 1986 case of Press-Enterprise Co. v. Superior Court, ''People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.''

It was in this spirit that the House of Representatives opened its deliberations to meaningful public observation by allowing C–SPAN to begin televising debates in the House chamber in 1979. The Senate followed the House's lead in 1986 by voting to allow television coverage of the Senate floor.

Beyond this general policy preference for openness, however, there is a strong argument that the Constitution requires that television cameras be permitted in the Supreme Court.

It is well established that the Constitution guarantees access to judicial proceedings to the press and the public. In 1980, the Supreme Court relied on this tradition when it held in Richmond Newspapers v. Virginia that the right of a public trial belongs not just to the accused, but to the public and the press as well. The Court noted that such openness has ''long been recognized as an indisputable attribute of an Anglo-American trial.''

Recognizing that in modern society most people cannot physically attend trials, the Court specifically addressed the need for access by members of the media: ''Instead of acquiring information about trials by first hand observation or by word of mouth from those who attended, people now acquire it chiefly through the print and electronic media. In a sense, this validates the media claim of acting as surrogates for the public. [Media presence] contributes to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system.''

To be sure, a strong argument can be made that forbidding television cameras in the court, while permitting access to print and other media, constitutes an impermissible discrimination against one type of media over another. In recent years, the Supreme Court and lower courts have repeatedly held that differential treatment of different media is impermissible under the First Amendment absent an overriding governmental interest. For example, in 1983 the Court invalidated discriminatory tax schemes imposed only upon certain types of media in Minneapolis Star & Tribune Co. v. Minnesota Commissioner of Revenue. In the 1977 case of ABC v. Cuomo, the Second Circuit rejected the contention by the two candidates for mayor of New York that they could exclude some members of the media from their campaign headquarters by providing access through invitation only. The Court wrote that: ''Once there is a public function, public comment, and participation by some of the media, the First Amendment requires equal access to all of the media or the rights of the First Amendment would no longer be tenable.''

However, in the 1965 case of Estes v. Texas, the Supreme Court rejected the argument that the denial of television coverage of trials violates the equal protection clause. In the same opinion, the Court held that the presence of television cameras in the Court had violated a Texas defendant's right to due process. Subsequent opinions have cast serious doubt upon the continuing relevance of both prongs of the Estes opinion.

In its 1981 opinion in Chandler v. Florida, the court recognized that Estes must be read narrowly in light of the state of television technology at that time. The television coverage of Estes' 1962 trial required cumbersome equipment, numerous additional microphones, yards of new cables, distracting lighting, and numerous technicians present in the courtroom. In contrast, the court noted, television coverage in 1980 can be achieved

through the presence of one or two discreetly placed cameras without making any perceptible change in the atmosphere of the courtroom. Accordingly, the Court held that, despite Estes, the presence of television cameras in a Florida trial was not a violation of the rights of the defendants in that case. By the same logic, the holding in Estes that exclusion of television cameras from the courts did not violate the equal protection clause must be revisited in light of the dramatically different nature of television coverage today.

Given the strength of these arguments, it is not surprising that over the last two decades there has been a rapidly growing acceptance of cameras in American courtrooms which has reached almost every court except for the Supreme Court itself.

On September 6, 2000, the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts held a hearing titled ''Allowing Cameras and Electronic Media in the Courtroom.'' The primary focus of the hearing was Senate bill S. 721, legislation introduced by Senators GRASSLEY and SCHUMER that would give Federal judges the discretion to allow television coverage of court proceedings. One of the witnesses at the hearing, the late Judge Edward R. Becker, then-Chief Judge U.S. Court of Appeals for the Third Circuit, spoke in opposition to the legislation and the presence of television cameras in the courtroom. The remaining five witnesses, however, including a Federal judge, a State judge, a law professor and other legal experts, all testified in favor of the legislation. They argued that cameras in the courts would not disrupt proceedings but would provide the kind of accountability and access that is fundamental to our system of government.

On November 9, 2005, the Judiciary Committee held a hearing to address whether Federal court proceedings should be televised generally and to consider S. 1768, my earlier version of this bill, and S. 829, Senator GRASSLEY's ''Sunshine in the Courtroom Act of 2005.'' During the November 9 hearing, most witnesses spoke favorably of cameras in the courts, particularly at the appellate level. Among the witnesses favorably disposed toward the cameras were Peter Irons, author of May It Please the Court, Seth Berlin, a First Amendment expert at a local firm, Brian Lamb, founder of C–SPAN, Henry Schleif of Court TV Networks, and Barbara Cochran of the Radio-Television News Directors Association and Foundation.

The notable exception was the Honorable Judge Jan DuBois of the Eastern District of Pennsylvania, who testified on behalf of the Judicial Conference. Judge DuBois warned of problems particularly at the trial level, where witnesses who appear uncomfortable because of cameras might seem less credible to jurors. I note, however, that appellate courts do not appear susceptible to this criticism because there are no witnesses or jurors present for appellate arguments.

The Judiciary Committee considered and passed both bills on March 30, 2006. The Committee vote to report S. 1768 was 12–6, and the bill was placed on the Senate Legislative Calendar. Unfortunately, due to the press of other business neither bill was allotted time on the Senate Floor.

During their confirmation hearings over the past two years, Chief Justice John Roberts stated he would keep an open mind on the issue and Justice Alito stated that as a circuit judge he unsuccessfully voted (in the minority) to permit televised open proceedings in the Third Circuit. I applaud the fact the new Chief Justice has taken steps to make the Court more open and to ensure the timely publication of audio recordings of the arguments as well as the written transcripts.

In my judgment, Congress, with the concurrence of the President, or overriding his veto, has the authority to require the Supreme Court to televise its proceedings. Such a conclusion is not free from doubt and is highly likely to be tested with the Supreme Court, as usual, having the final word. As I see it, there is clearly no constitutional prohibition against such legislation.

Article 3 of the Constitution states that the judicial power of the United States shall be vested ''in one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish.'' While the Constitution specifically creates the Supreme Court, it left it to Congress to determine how the Court would operate. For example, it was Congress that fixed the number of justices on the Supreme Court at nine. Likewise, it was Congress that decided that any six of these justices are sufficient to constitute a quorum of the Court. It was Congress that decided that the term of the Court shall commence on the first Monday in October of each year, and it was Congress that determined the procedures to be followed whenever the Chief Justice is unable to perform the duties of his office.

Beyond such basic structural and operational matters, Congress also controls more substantive aspects of the Supreme Court. Most importantly, it is Congress that in effect determines the appellate jurisdiction of the Supreme Court. Although the Constitution itself sets out the appellate jurisdiction of the Court, it provides that such jurisdiction exist ''with such exceptions and under such regulations as the Congress shall make.''

Some objections have been raised to televised proceedings of the Supreme Court on the ground that it would subject justices to undue security risks. My own view is such concerns are vastly overstated. Well-known members of Congress walk on a regular basis in public view in the Capitol complex. Other very well-known personalities, presidents, vice presidents, cabinet officers, all are on public view with even incumbent presidents exposed to risks as they mingle with the public. Such risks are minimal in my view given the relatively minor ensure that Supreme Court justices would undertake through television appearances. Also, any concerns could be mitigated by focusing only on the attorneys presenting arguments. There is no requirement that the justices permit the cameras to focus on the bench.

As I explained earlier, the Supreme Court could, of course, permit television through its own rule but has decided not to do so. Congress should be circumspect and even hesitant to impose a rule mandating the televising of Supreme Court proceedings and should do so only in the face of compelling public policy reasons. The Supreme Court has such a dominant role in key decision-making functions that their proceedings ought to be better known to the public; and, in the absence of Court rule, public policy would be best served by enactment of legislation requiring the televising of Supreme Court proceedings.

This legislation embodies sound policy and will prove valuable to the public. I urge my colleagues to support this bill.

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

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

S. 344

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

SECTION 1. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''§ 678. Televising Supreme Court proceedings

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

By Mr. REID (for Mr. BIDEN):

S. 345. A bill to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BIDEN. Mr. President, I rise today to introduce the Homeland Security Trust Fund Act of 2007. I introduced this legislation in the last Congress, and I do so again because it is my sincere belief that in order to better prevent attacks here at home, we must dramatically reorder the priorities of the Federal Government.

This legislation says in basic terms that we value the security of all Americans over the tax cuts for our Nation's millionaires. Right now, we under fund homeland security and public safety, and at the same time, we have established extremely large tax cuts for the wealthiest among us. This legislation will re-set our priorities by creating a homeland security trust fund that will set aside $53.3 billion dollars—less than one year of the tax cut for millionaires—for the exclusive purpose of investing in our homeland security. Through this trust fund we will allocate an additional $10 billion per year over the next 5 years to enhance the safety and security of our communities.

Everyone in this body knows that we are not yet safe enough. Independent experts, law enforcement personnel, and first responders have warned us that we have not done enough to prevent an attack and we are ill-equipped to respond to one. Hurricane Katrina showed us that little has been done to enhance our preparedness and the devastating consequences of our failure to act responsibly here in Washington. And, just over a year ago, the 9/11 Commission issued their report card on the Administration's and Congresses' progress in implementing their recommendations. The result was a report card riddled with D's and F's.

Last November, the American people voted for a change and their decision ushered in a new Democratic Congress. Under new leadership, we have made a decision to implement the 9/11 Recommendations. I have long argued that we need to take these prudent steps, and I look forward to working with my colleagues to see that this is done, but under the proposals currently being circulated we do not put forward any dedicated funding to pay for these security upgrades.

I believe that the most important responsibility of our Federal Government is to provide for the safety and security of the American people. And, I also believe that we need to do this in a fiscally responsible way. Secretary Chertoff has argued that one strategy of Al Qaeda is to bankrupt us by forcing us to invest too much in our domestic security.

This is an outrageous claim. This is simply a matter of priorities.

This year the tax cut for Americans that make over $1 million is nearly $60 billion. Let me repeat that, just one year of the Bush tax cut for Americans making over $1 million dollars is nearly $60 billion. In contrast, we dedicate roughly one-half of that—approximately $34 billion—to fund the operations of the Department of Homeland Security. We have invested twice as much for a tax cut for millionaires—less than 1 percent of the population—than we do for the Department intended to help secure the entire Nation.

For a Nation that is repeatedly warned about the grave threats we face, how can this be the right priority? The Homeland Security Trust Fund Act of 2007 would change this by taking less than 1 year of the tax cut for millionaires and invest it in homeland security over the next 5 years.

By investing $10 billion per year over the next 5 years, we could implement all the 9/11 Commission recommendations. We could hire 50,000 additional police officers and help local agencies create locally based counter-terrorism units. We could hire an additional 1,000 FBI agents to help ensure that FBI is able to implement critical reforms without abandoning its traditional crime fighting functions. We could also invest in security upgrades within our critical infrastructure, fund efforts to implement 100 percent scanning of cargo containers, fund a grant program to ensure that our first responders can talk in the event of an emergency, and nearly double the funding for state homeland security grants. And, the list goes on.

To add to the concerns that we face with respect to homeland security, crime is unquestionably on the rise in the United States. The FBI reported earlier this past fall that violent crime and murders are on the rise after years of decreases. Given all of this, it is hard to argue that we are as safe as we should be.

We know that the murder rate is up and that there is an officer shortage in communities throughout the nation. Yet, we provide $0 funding for the COPS hiring program, and we've slashed funding for the Justice Assistance Grant.

We know that our first responders can't talk because they don't have enough interoperable equipment and available spectrum. Yet, we have not forced the networks to turn over critical spectrum, and we vote down funding to help local agencies purchase equipment every year.

We know that only 5 percent of cargo containers are scanned, yet we do not invest in the personnel and equipment to upgrade our systems.

We know that our critical infrastructure is vulnerable. Yet, we allow industry to decide what is best and provide scant resources to harden soft targets.

I am hopeful that this will change under the new Democratic Congress, and this legislation will help ensure that we do all this in a fiscally responsible manner.

In addition, this legislation will also establish an independent agency whose sole purpose will be to make recommendations to the Department of Homeland Security with respect to distributing homeland security with respect to risk and vulnerabilities, to improve the grant making process to ensure that all spending is made towards the common goal of improving preparedness and response, and to eliminate any waste of our precious homeland security resources. This board will be comprised of experts at the Federal, State and local level, with law enforcement and first responder experience to ensure that all stakeholders' viewpoints are considered in the recommendation process.

I will conclude where I started. This is all about setting the right priorities for America. Instead of giving a tax cut to the richest Americans who don't need it, we should take some of it and dedicate it towards the security of all Americans. Our Nations most fortunate are just as patriotic as the middle class. They are just as willing to sacrifice for the good of our Nation. The problem is that no one has asked them to sacrifice.

The Homeland Security Trust Fund Act of 2007 will ask them to sacrifice, and I am convinced that they will gladly help us out. And to those who say this won't work, I would remind them that the 1994 Crime Bill established the Violent Crime Reduction Trust Fund, specifically designated for public safety that put more than 100,000 cops on the street, funded prevention programs, and more prison beds to lock up violent offenders. It worked; violent crime went down every year for 8 years from the historic highs to the lowest levels in a generation.

Our Nation is at its best when we all pull together and sacrifice. The bottom line is that with this legislation, we make clear what our national priorities should be, we set out how we will pay for them, and we ensure those who are asked to sacrifice that money the government raises for security actually gets spent on security.

This legislation is about re-ordering our homeland security priorities. I will push for its prompt passage, and I hope to gain the support of my colleagues in this effort.

By Mr. CRAPO:

S. 348. A bill to improve the amendments made by the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today I introduce the Improving No Child Left Behind (INCLB) Act. As a father and a legislator, I am committed to advocating for public education in Idaho and throughout the Nation. Ensuring that every child receives a good education is one of my top priorities. President Bush's sweeping education reforms included in the No Child Left Behind Act have had measurable positive effects on many students across the country, and I support the law's objective of ensuring that every child achieves his or her potential.

However, five years after passage of the law, it is now appropriate to review opportunities for needed improvements to the underlying program. After conferring with a number of organizations in Idaho and at the national level, I have identified implementation concerns that seem common to various stakeholder groups. In response, I have created the INCLB Act. This bill contains a number of workable, common-

sense modifications to the law. These provisions preserve the major focus on student achievement and accountability and, at the same time, ensure that schools and school districts are accurately and fairly assessed. The act ensures that local schools and districts have more flexibility and control in educating our Nation's children. The goal of the act is expressed in its name: to improve No Child Left Behind.

The bill does a number of things: INCLB would allow supplemental services like tutoring to be offered to students sooner than they are currently available; INCLB would provide flexibility for States to use additional types of assessment models for measuring student progress; INCLB grants states more flexibility in assessing students with disabilities; INCLB would ensure more fair and accurate assessments of Limited English Proficiency (LEP) students; INCLB would create a student testing participation range, providing flexibility for uncontrollable variations in student attendance; INCLB would allow schools to target resources to those student populations who need the most attention by applying sanctions only when the same student group fails to make adequate progress in the same subject for two consecutive years; and INCLB would ensure that students are counted properly and accurately in assessment and reporting systems.

Taken together, these provisions reflect a realistic assessment of both the strengths and weaknesses of No Child Left Behind. While there may be many issues that divide us, our responsibility in education is clear. We must promote successful, meaningful public education for our children. The INCLB Act will ensure that NCLB continues to be an avenue to success for educators and students throughout Idaho and the Nation.

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. 348

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 ''Improving No Child Left Behind Act''.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

SEC. 3. ADEQUATE YEARLY PROGRESS.

(a) ACCOUNTABILITY.—Section 1111(b)(2) (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (I)(ii)—

(A) by striking ''95 percent'' the first place the term appears and inserting ''90 percent (which percentage shall be based on criteria established by the State in the State plan)''; and

(B) by striking ''95 percent'' the second place the term appears and inserting ''90 percent'';

(2) by redesignating subparagraph (K) as subparagraph (N); and

(3) by inserting, after subparagraph (J), the following:

''(K) SINGLE COUNT OF STUDENTS.—In meeting the definition of adequate yearly progress under subparagraph (C), a student who may be counted in 2 or more groups described in subparagraph (C)(v)(II), may be counted as an equal fraction of 1 for each such group.

''(L) STUDENTS WITH DISABILITIES REQUIRING ALTERNATE ASSESSMENTS.—Notwithstanding any other provision of this part, a State may implement the amendments made to part 200 of title 34, Code of Federal Regulations on December 9, 2003 (68 Fed. Reg. 68698) (related to achievement of students with significant cognitive disabilities) as if such amendments—

''(i) permitted the proficient or advanced scores on alternate assessments of not more than 3.0 percent of all tested students to be considered as proficient or advanced, respectively, for the purposes of determining adequate yearly progress, except that—

''(I) any assessment given to any such so considered student for the purposes of determining such adequate yearly progress shall be required by the individualized education program of such so considered student;

''(II) the individualized education program shall reflect the need for any such alternate assessment based on the evaluation of such so considered student and the services provided such so considered student under section 614 of the Individuals with Disabilities Education Act; and

''(III) the individualized education program shall include written consent from the parent of such so considered student prior to such alternate assessment being administered;

''(ii) used the term 'students requiring alternate assessments' in lieu of the term 'students with the most significant cognitive disabilities'; and

''(iii) permitted the eligibility, of such so considered students to have the students' scores of proficient or advanced on alternate assessments counted as proficient or advanced for purposes of determining adequate yearly progress, to be determined by the State educational agency, except that such eligibility shall, at a minimum, include—

''(I) such so considered students who are receiving services pursuant to a plan required under section 504 of the Rehabilitation Act of 1973;

''(II) the students described in subclause (I) who are assessed at a grade level below the grade level in which the students are enrolled (out of level assessments); and

''(III) the students described in subclause (I) who are considered students with the most significant cognitive disabilities, as defined by the State educational agency, on the day before the date of enactment of the Improving No Child Left Behind Act .

''(M) OTHER MEASURES OF ADEQUATE YEARLY PROGRESS.—Notwithstanding any other provision of this paragraph, a State may establish in the State plan an alternative definition of adequate yearly progress, subject to approval by the Secretary under subsection (e). Such alternative definition may—

''(i) include measures of student achievement over a period of time (such as a value added accountability system) or the progress of some or all of the groups of students described in subparagraph (C)(v) to the next higher level of achievement described in subparagraph (II) or (III) of paragraph (1)(D)(ii) as a factor in determining whether a school, local educational agency, or State has made adequate yearly progress, as described in this paragraph; or

''(ii) use the measures of achievement or the progress of groups described in clause (i) as the sole basis for determining whether the State, or a local educational agency or school within the State, has made adequate yearly progress, if—

''(I) the primary goal of such definition is that all students in each group described in subparagraph (C)(v) meet or exceed the proficient level of academic achievement, established by the State, not later than 12 years after the end of the 2001–2002 school year; and

''(II) such definition includes intermediate goals, as required under subparagraph (H).''.

(b) ASSESSMENTS.—Section 1111(b)(3)(C) (20 U.S.C. 6311(b)(3)(C)) is amended—

(1) in clause (ix), by striking subclause (III) and inserting the following:

''(III) the inclusion of limited English proficient students, who—

''(aa) may, consistent with paragraph (2)(M), be assessed, as determined by the local educational agency, through the use of an assessment which requires achievement of specific gains for up to 3 school years from the first year the student is assessed for the purposes of this subsection;

''(bb) may, at the option of the State educational agency, be assessed in the first year the student attends school in the United States (not including the Commonwealth of Puerto Rico); and

''(cc) shall not be included in any calculation of an adequate yearly progress determination when the student is in the first year of attendance at a school in the United States (not including the Commonwealth of Puerto Rico).''; and

(2) in clause (x), by inserting ''of clause (ix)'' after ''subclause (III)''.

(c) REGULATIONS AFFECTING LIMITED ENGLISH PROFICIENT CHILDREN AND CHILDREN WITH DISABILITIES.—Section 1111 (20 U.S.C. 6311) is amended by adding at the end the following:

''(n) CODIFICATION OF REGULATIONS AFFECTING LIMITED ENGLISH PROFICIENT CHILDREN.—Notwithstanding any other provision of this part, this part shall be implemented consistent with the amendments proposed to part 200 of title 34 of the Code of Federal Regulations on June 24, 2004 (69 Fed. Reg. 35462) (relating to the assessment of limited English proficient children and the inclusion of limited English proficient children in subgroups) as if such amendments permitted students who were previously identified as limited English proficient to be included in the group described in subsection (b)(2)(C)(v)(II)(dd) for 3 additional years, as determined by a local educational agency (based on the individual needs of a child) for the purposes of determining adequate yearly progress.''.

SEC. 4. SCHOOL IMPROVEMENT AND PUBLIC SCHOOL CHOICE.

Section 1116(b) (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''(in the same subject for the same group of students, as described in section 1111(b)(2)(C)(v))'' after ''2 consecutive years'';

(B) in subparagraph (E)(i)—

(i) by striking ''In the case'' and inserting ''Except as provided in subparagraph (G), in the case''; and

(ii) by striking ''all students enrolled in the school with the option to transfer to another public school'' and inserting ''students who failed to meet the proficient level of achievement on the assessments described in section 1111(b)(3), are enrolled in the school, and are in the group whose academic performance caused the identification under

this paragraph, with the option to transfer to one other public school identified by and''; and

(C) by adding at the end the following:

''(G) OPTIONS.—A local educational agency may offer supplemental educational services as described in subsection (e) in place of the option to transfer to another public school described in subparagraph (E), for the first school year a school is identified for improvement under this paragraph.'';

(2) in the matter preceding subparagraph (A) of paragraph (5), by inserting ''(in the same subject for the same group of students)'' after ''adequate yearly progress''; and

(3) in the matter preceding clause (i) of paragraph (7)(C), by inserting ''(in the same subject for the same group of students)'' after ''adequate yearly progress''.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. SPECTER, Mr. GRAHAM, Mr. FEINGOLD, Mr. CORNYN, Mr. DURBIN, Mr. CRAIG, and Mr. ALLARD):

S. 352. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to reintroduce the Sunshine in the Courtroom Act, a bipartisan bill which will allow judges at all Federal court levels to open their courtrooms to television cameras and radio broadcasts.

Openness in our courts improves the public's understanding of what goes on there. Our judicial system is a secret to many people across the country. Letting the sun shine in on Federal courtrooms will give Americans an opportunity to better understand the judicial process. It is the best way to maintain confidence and accountability in the system and help judges do a better job.

For decades, States such as my home State of Iowa have allowed cameras in their courtrooms, with great results. As a matter of fact, only the District of Columbia prohibits trial and appellate court coverage entirely. Nineteen States allow news coverage in most courts; fifteen allow coverage with slight restrictions; and the remaining sixteen allow coverage with stricter rules.

The bill I'm introducing today, along with Senator SCHUMER and eight other cosponsors from both sides of the aisle, including Judiciary Chairman LEAHY and Ranking Member SPECTER, will greatly improve public access to Federal courts. It lets Federal judges open their courtrooms to television cameras and other electronic media.

The Sunshine in the Courtroom Act is full of provisions that ensure that the introduction of cameras and other broadcasting devices into the courtrooms goes as smoothly as it has at the State level. First, the presence of the cameras in Federal trial and appellate courts is at the sole discretion of the judges—it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a three-year sunset provision. The bill also protects the privacy and safety of nonparty witnesses by giving them the right to have their faces and voices obscured. Finally, it includes a provision to protect the due process rights of any party, and prohibits the televising of jurors.

We need to bring the Federal judiciary into the 21st Century. This bill improves public access to and therefore understanding of our Federal courts. It has safety provisions to ensure that the cameras won't interfere with the proceedings or with the safety or due process of anyone involved in the cases. Our States have allowed news coverage of their courtrooms for decades. It is time we join them.

I ask unanimous consent that the text of this 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. 352

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 ''Sunshine in the Courtroom Act of 2007''.

SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness' testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph, if that judge determines the action would constitute a violation of the due process rights of any party.

(B) NO TELEVISING OF JURORS.—The presiding judge shall not permit the televising of any juror in a trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(4) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under paragraph (2) shall terminate 3 years after the date of the enactment of this Act.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 353. A bill to authorize ecosystem restoration projects for the Indian River Lagoon-South and the Picayune Strand, Collier County, in the State of Florida; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, today I am introducing legislation authorizing two important Everglades projects: the Indian River Lagoon, IRL, and the Picayune Strand Restoration, PSR. Senator MEL MARTINEZ has joined me as an original cosponsor.

These two projects constitute the first phase of the overall restoration of the Everglades. IRL at the northern tip of the Everglades ecosystem and PSR in the southwest section of the Everglades—are essential to getting the water right. IRL will restore natural sheet flow to the Everglades ecosystem by re-directing water to the Everglades instead of out to the ocean, provide reservoirs for storage of water in the wet season and release in the dry season, build stormwater treatment facilities to improve the water quality of the water flowing through the Everglades ecosystem and remove millions of cubic yards of muck from the St. Lucie Estuary.

I toured the St. Lucie River when it turned phosphorescent green during an algae bloom and what was more amazing to me was that I saw absolutely no wildlife, it was a dead river.

PSR will re-establish the natural sheet flow to the Ten Thousand Islands, restore 72,320 acres of habitat, and restore ecological connectivity of the Florida Panthers National Wildlife Refuge, the Belle Meade State Conservation and Recreation Lands Project Area and the Fakahatchee Strand State Preserve. For these reasons, the Indian River Lagoon and Picayune Strand projects must be authorized and completed.

Last year we came close to meeting that goal, as the projects were included in the Senate passed WRDA 2006. Today I am renewing this effort and will work to ensure these projects are included in WRDA 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. 353

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 ''Restoring the Everglades, an American Legacy Act of 2007''.

SEC. 2. INDIAN RIVER LAGOON-SOUTH, FLORIDA.

(a) INDIAN RIVER LAGOON-SOUTH.—The Secretary of the Army may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon-South, Florida, at a total cost of $1,357,167,000, with an estimated Federal cost of $678,583,500 and an estimated non-Federal cost of $678,583,500, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers, dated August 6, 2004.

(b) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(1) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(2) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), Martin County, Florida modifications to the Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(3) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 740), East Coast Backpumping, St. Lucie—Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

SEC. 3. PICAYUNE STRAND ECOSYSTEM RESTORATION, COLLIER COUNTY, FLORIDA.

The Secretary of the Army may carry out the project for ecosystem restoration, Picayune Strand, Collier County, Florida, at a total cost of $375,328,000, with an estimated Federal cost of $187,664,000 and an estimated non-Federal cost of $187,664,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), Report of the Chief of Engineers dated September 15, 2005.

By Mr. DOMENICI (for himself and Mrs. FEINSTEIN):

S. 355. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

Mr. DOMENICI. Mr. President, I rise today with my colleague, Senator FEINSTEIN to introduce the Social Security and Medicare Solvency Commission Act.

Our country is facing a looming financial crisis. The Medicare and Social Security programs face major financial problems. Current trends show that these programs are not sustainable, and that if we do not take action soon to reform both these programs, they will drive Federal spending to unprecedented levels.

Without reform, spending on these programs will consume nearly all projected federal revenues, and threaten our country's future prosperity. Social Security costs are projected to rise from about 4.2 percent of gross domestic product today to 6.3 percent of gross domestic product by 2080. Similarly, Medicare expenditures are projected to rise from 2.7 percent of gross domestic product today to more than 11 percent of gross domestic product by 2080. At this rate, no money will be left for any other federal activity. There will be no money for education, defense, federal law enforcement, or any of our other valued social programs.

Federal Reserve Board Chairman Bernacke and GAO Comptroller Walker have testified in front of the Senate Budget Committee in recent weeks that entitlement spending is already a threat to the U.S. economy. However, despite the universal recognition of out of control entitlement spending growth and the problems this will cause, Congress has repeatedly failed to come together to work on a solution.

The legislation we are introducing today will create a bipartisan commission tasked with making recommendations and creating legislation that will ensure the solvency of both Social Security and Medicare. However, unlike past commissions, these recommendations will not sit on a shelf and collect dust. This legislation will force action by Congress.

This legislation mandates that the commission seek public input through a series of public hearings, and then requires the commission to put together a report and submit accompanying legislative language. However, then this bill goes further. It sets a mandatory timelines for Congress to introduce the legislation, take committee action and for action on the floor. In short, it forces Congress to do its job.

When this legislation passes, Congress will be forced to take action that will generate a sustainable Social Security and Medicare system. And, most importantly, this will be a bipartisan effort. I am very pleased that my distinguished colleague, Senator FEINSTEIN has joined me in taking up this cause.

Though highly challenging, the financial difficulties facing Social Security and Medicare are not insurmountable. But the time has come to take action. The sooner these challenges are addressed, the more solutions will be available to us and the less pain they will cause. We need serious and thoughtful engagement from everyone to make sure that Medicare and Social Security are strengthened and sustainable for future generations.

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. 355

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 ''The Social Security and Medicare Solvency Commission Act''.

SEC. 2. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION.—The term ''Commission'' means the National Commission on Entitlement Solvency established under section 3(a).

(4) COMMISSION BILL.—The term ''Commission bill'' means a bill consisting of the proposed legislative language submitted by the Commission under section 3(c)(2)(A) that is introduced under section 7(a).

(5) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(6) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(7) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)

(8) MEDICARE.—The term ''Medicare'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(9) SOCIAL SECURITY.—The term ''Social Security'' means the program of old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(10) SOLVENCY OF MEDICARE PROGRAM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''solvency'', in relation to the Medicare program, means any year in which there is not excess general revenue Medicare funding (as defined in section 801(c)(1) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2358)).

(B) TREATMENT OF NEW REVENUE.—

(i) IN GENERAL.—For purposes of the requirement that the Commission evaluate the solvency of the Medicare program and recommend legislation to restore such solvency as needed, the Commission shall treat any new revenue that is a result of any action

taken or any legislation enacted by Congress pursuant to the recommendations of the Commission, as being a dedicated medicare financing source (as defined in section 801(c)(3) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2358)).

(ii) DEFINITION OF NEW REVENUE.—For purposes of this subparagraph, the term ''new revenue'' means only those revenues collected as a result of legislation enacted by Congress pursuant to section 7 of this Act. The term ''new revenue'' shall not include any revenue otherwise collected under law, including any such revenue that is dedicated to the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) or the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(11) SOLVENCY OF SOCIAL SECURITY PROGRAM.—The term ''solvency'', in relation to Social Security, means any year in which the balance ratio (as defined under section 709(b) of the Social Security Act (42 U.S.C. 910(b)) of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) is greater than zero; and

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is permanently established an independent and bipartisan commission to be known as the ''National Commission on Entitlement Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Social Security and Medicare programs for the following purposes:

(1) REVIEW.—Reviewing relevant analyses of the current and long-term actuarial financial condition of the Social Security and Medicare programs.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Social Security and Medicare programs.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Social Security and Medicare programs.

(4) PROVIDING RECOMMENDATIONS AND PROPOSED LEGISLATIVE LANGUAGE.—Providing recommendations and proposed legislative language that will ensure the long-term solvency of the Social Security and Medicare programs and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Social Security and Medicare programs consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT, RECOMMENDATIONS, AND PROPOSED LEGISLATIVE LANGUAGE.—

(A) REPORT.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Commission shall submit a report on the long-term solvency of the Social Security and Medicare programs that contains a detailed statement of the findings, conclusions, recommendations, and the proposed legislative language (as required under subparagraph (C)) of the Commission to the President, Congress, the Commissioner, and the Administrator.

(ii) PROPOSED LEGISLATIVE LANGUAGE.—The Commission shall submit the proposed legislative language (as required under clause (i)) in the form of a proposed bill for introduction in Congress.

(B) FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.—A finding, conclusion, or recommendation of the Commission shall be included in the report under subparagraph (A) only if not less than 10 members of the Commission voted for such finding, conclusion, or recommendation.

(C) LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—If a recommendation submitted with respect to the Social Security or Medicare programs under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action. Such legislative language shall only be included in the report under subparagraph (A) if the Commission has considered the impact the recommendation would have on the Medicaid program.

(ii) EXCLUSION OF RECOMMENDATIONS WITH RESPECT TO MEDICAID.—Proposed legislative language to carry out any recommendation submitted by the Commission with respect to the Medicaid program shall not be included in the legislative language submitted under clause (i).

SEC. 4. STRUCTURE AND MEMBERSHIP OF THE COMMISSION.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 7 members shall be appointed by the President—

(i) 3 of whom shall be Democrats, appointed in consultation with the Majority Leader of the Senate and the Speaker of the House of Representatives;

(ii) 3 of whom shall be Republicans; and

(iii) 1 of whom shall not be affiliated with any political party;

(B) 2 members shall be appointed by the Majority Leader of the Senate, 1 of whom is from the Committee on Finance of the Senate;

(C) 2 members shall be appointed by the Minority Leader of the Senate, 1 of whom is from the Committee on Finance of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives, 1 of whom is from the Committee on Ways and Means of the House of Representatives; and

(E) 2 members shall be appointed by the Minority Leader of the House of Representatives, 1 of whom is from the Committee on Ways and Means of the House of Representatives.

(2) QUALIFICATIONS.—The members shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than January 1, 2008.

(4) TERMS.—A member of the Commission shall be appointed for a single term of 5 years, except the members initially appointed shall be appointed for terms of 6 years.

(b) VACANCIES.—A vacancy on the Commission shall be filled not later than 30 calendar days after the date on which the Commission is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(c) COMMITTEE MEMBERS OF COMMISSION.—In the case of an individual appointed to the Commission under subsection (a)(1) who is required to be a member of the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, if such individual is no longer a member of the required Committee they shall no longer be eligible to serve on the Commission. Such individual shall be removed from the Commission and replaced in accordance with subsection (b).

(d) CO-CHAIRPERSON.—The Commission shall designate 2 Co-Chairpersons from among the members of the Commission, neither of whom may be affiliated with the same political party.

SEC. 5. POWERS OF THE COMMISSION.

(a) MEETINGS AND HEARINGS.—

(1) MEETINGS.—The Commission shall meet at the call of the Co-Chairpersons. The Co-Chairpersons of the Commission or their designee shall convene and preside at the meetings of the Commission

(2) HEARINGS.—

(A) INITIAL TOWN-HALL STYLE PUBLIC HEARINGS.—

(i) IN GENERAL.—The Commission shall hold at least 1 town-hall style public hearing within each Federal reserve district not later than the date on which the Commission submits the report required under section 3(c)(2)(A), and shall, to the extent feasible, ensure that there is broad public participation in the hearings.

(ii) HEARING FORMAT.—During each hearing, the Commission shall present to the public, and generate comments and suggestions regarding, the issues reviewed under section 3(b), policies designed to address those issues, and tradeoffs between such policies.

(B) ADDITIONAL HEARINGS.—In addition to the hearings required under subparagraph (A), the Commission shall hold such other hearings as the Commission determines appropriate to carry out the purposes of this Act.

(3) QUORUM.—Ten members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(b) ADMINISTRATION.—

(1) COMPENSATION.—Each member, other than the Co-Chairpersons, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. The Co-Chairpersons shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(d) PERSONNEL.—

(1) DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) STAFF APPOINTMENT.—With the approval of the Co-Chairpersons, the Executive Director may appoint such personnel as the Executive Director and the Commission determines to be appropriate.

(3) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Co-Chairpersons, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Co-Chairpersons, the

head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, the Chief Actuary of Social Security, the Secretary of Health and Human Services, the Centers for Medicare & Medicaid Services, the Congressional Budget Office, and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Co-Chairpersons of the Commission shall make requests for such access in writing when necessary.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

SEC. 7. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—A Commission bill shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the majority leader, or the majority leader's designee. Upon such introduction, the Commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of the Commission report under section 3(c)(2)(A).

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Commission bill introduced in the House of Representatives shall be referred jointly to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 60 calendar days after the introduction of the Commission bill, each Committee of Congress to which the Commission bill was referred shall report the bill. Each such reported bill shall meet the requirement of ensuring the long-term solvency of the Social Security and Medicare programs, and the provision of appropriate benefits, that the proposed legislative language provided by the Commission is subject to under section 3(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission bill has not reported such Commission bill at the end of 60 calendar days after its introduction, such committee shall be automatically discharged from further consideration of the Commission bill and it shall be placed on the appropriate calendar.

(b) EXPEDITED PROCEDURE.—

(1) AMENDMENTS.—No amendment that is not relevant to the provisions of the Commission bill shall be in order in either the Senate or the House of Representatives. In either House, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(2) FLOOR CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—Not later than 30 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the majority leader of the Senate, or the majority leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the Senate. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the Senate until disposed of.

(C) LIMITED DEBATE.—

(i) IN GENERAL.—Consideration in the Senate of the Commission bill and all amendments to such bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the majority leader and the minority leader of the Senate or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(ii) RECOMMITAL TO COMMITTEE.—Upon expiration of the 40-hour period provided under clause (i), the Commission bill shall be recommitted to committee for further consideration unless ⅗ of the Members, duly chosen and sworn, of the Senate agree to proceed to passage. Any bill reported by a committee as a result of such further consideration shall—

(I) meet the requirement of ensuring the long-term solvency of the Social Security and Medicare programs and the provision of appropriate benefits that the proposed legislative language provided by the Commission is subject to under section 3(b)(4); and

(II) be considered under the expedited procedures under this subsection.

(D) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the Senate of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (C) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the Senate to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the Senate to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(3) FLOOR CONSIDERATION IN THE HOUSE.—

(A) IN GENERAL.—Not later than 30 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the majority leader of the House of Representatives, or the majority leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the House of Representatives to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the House of Representatives. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the House of Representatives until disposed of.

(C) LIMITED DEBATE.—

(i) IN GENERAL.—Consideration in the House of Representatives of the Commission bill and all amendments to such bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the majority leader and the minority leader of the House of Representatives or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(ii) RECOMMITAL TO COMMITTEE.—Upon expiration of the 40-hour period provided under clause (i), the Commission bill shall be recommitted to committee for further consideration unless ⅗ of the Members, duly chosen and sworn, of the House of Representatives agree to proceed to final passage. Any bill reported by a committee as a result of such further consideration shall—

(I) meet the requirement of ensuring the long-term solvency of the Social Security and Medicare programs and the provision of appropriate benefits that the proposed legislative language provided by the Commission is subject to under section 3(b)(4); and

(II) be considered under the expedited procedures under this subsection.

(D) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the House of Representatives of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (C) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the House of Representatives to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the House of Representatives to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(4) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission bill that was introduced in such House, such House receives from the other House a Commission bill as passed by such other House—

(A) the Commission bill of the other House shall not be referred to a committee and may only be considered for passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission bill of the other House, with respect to the Commission bill that was introduced in the receiving House, shall be the same as if no Commission bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission bill of the other House.

Upon disposition of a Commission bill that is received by one House from the other House, it shall no longer be in order to consider the Commission bill that was introduced in the receiving House.

(5) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—In the case of any disagreement between the two Houses of Congress with respect to a Commission bill passed by both Houses, conferees shall be promptly appointed and a conference convened. All motions to proceed to conference are nondebatable. The committee of conference shall make and file a report with respect to such Commission bill within 30 calendar days after the day on which managers on the part of the Senate and the House of Representatives have been appointed. Notwithstanding any rule in either House concerning the printing of conference reports or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than 5 calendar days after the conference report is filed in the House in which such report is filed first. In the event the conferees are unable to agree within 30 calendar days after the date on which the conference was convened, they shall report back to their respective Houses in disagreement.

(B) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

Mrs. FEINSTEIN. Mr. President, as the new Congress begins work, I am pleased to join with Senator DOMENICI in addressing one of the most serious and intractable problems facing the Nation—restoring the long-term fiscal health of Social Security and Medicare.

Today we propose a bipartisan, independent and permanently existing commission to return these essential programs to solid financial footing for generations to come.

Our legislation mandates the periodic, comprehensive review of Social Security and Medicare to ensure their present and future solvency. By a year from the date of enactment, it requires the Commission to devise and recommend to Congress and the President a benefit and revenue structure that allows Social Security and Medicare to become, once again, stable and effective.

A key aspect of the bill is that its mission is ongoing indefinitely. Every five years the Commission returns with new recommendations—small tweaks or larger adjustments, whatever is necessary—to keep these entitlement programs in actuarial balance.

Since 2005, the President, Congress and the Nation have stalemated over the issue of privatizing Social Security. The issue remains contentious. Recent press articles suggest the Administration would be prepared to drop carve out accounts as the price of overall reform.

Meanwhile, the Social Security funding shortfall is projected to balloon to roughly $4.6 trillion over the next 75 years to pay all scheduled benefits. This unfunded obligation has increased by $600 billion alone over the last year. Medicare is in far worse shape, needing $11.3 trillion over the next seventy-five years to close the gap and remain in balance.

The 2006 report from the Trustees of Medicare and Social Security is alarming to say the least. They describe the current path of spending for both as ''problematic'', ''unsustainable,'' ''severe'', and in ''poor fiscal shape.'' In sum the Trustees say that ''the problems of both programs are driven by inexorable demographics, and, in the case of Medicare, inexorable health care cost inflation, and are not likely to be ameliorated by economic growth or mere tinkering with program financing.''

Simple numbers tell the story: growing cash flow deficits will exhaust the Medicare trust fund in 2018, and Social Security reserves will be overcome in 2040, according to the Trustees report.

Our legislation takes a new approach and is bipartisan to the core. Instead of emphasizing the merits of one proposal over another, we wipe the slate clean.

Fifteen experts, some of whom are Members of Congress from the committees of jurisdiction, are appointed. They take a full year to conduct town hall meetings nationwide, assess these trillion dollar programs from top to bottom, and rationalize their cost structure through intensive evaluation.

We advocate an open process, where all American voices can be heard. We have learned in the last two years that these issues effectively surpass the Congress' and President's ability to reach a compromise.

Relying strictly on elected officials to meet privately and out of the public view to negotiate a multi-trillion agreement I believe risks more failure. We have no demonstrated track record since 2005 of being able to achieve bipartisan consensus. And there are no new developments of late that suggest a different outcome than more partisan gridlock.

I know Majority Leader REID is instructing on certain members of the Senate to gather and discuss these issues in the coming months. I hope it works. But I basically share his outlook for the prospects of a bipartisan deal: ''It's a tremendous long shot. If you were a Las Vegas bookmaker, you'd put the odds pretty [long] for being able to do that.''

The Commission we propose would not be offering one-time solutions that get tossed aside and collect dust. Far from it: the Commission's detailed analysis, nonpartisan recommendations and findings are provided in writing and take the form of legislation that Congress formally considers.

The Senate and House, in turn, through expedited legislative procedures, will hopefully be poised to amend if need be and then enact the changes into law.

Compromise, in the form of increasing payroll tax revenues or other fees and cutting benefits, is the inevitable reality which we face. Senator DOMENICI and I are focused on creating a pathway to reach that compromise. We do not hold out, today, certain ideas that we believe Commission Members ought to consider.

We rely on their independent expertise and motivation to derive what is best for the Nation. Then we let the chips fall where they may from there.

The former Chairman of the Federal Reserve, Alan Greenspan, said two years ago that we had little time to waste in fixing Social Security. He endorsed the notion of establishing a Commission, much like the one he led in 1983 that led to historic changes in the program. His congressional testimony bears repeating:

> This is not a hugely difficult problem to solve . . . And I guess what is missing is the fact that at this stage there has been a rather low interest in actually joining, in finding out where some of the agreements are, and I have a suspicion that when that occurs, that will happen. It may well be that some mechanism such as that which we employed in 1983 may be a useful mechanism to get groups together and find out where there are agreements. I tend to think what happens in these debates is nobody talks about what they agree about but only about what they differ about. And something has got to give soon because we do not have the choice of not resolving this issue.

Chairman Greenspan is absolutely right that it is only a matter of time that we implement Social Security reform. That is because 48 million people, or 1 out of every 6 Americans, depend on it. And by 2050, an astounding 82 million Americans will receive this guaranteed benefit.

For more than 20 percent of retirees, Social Security is it: their only source of income.

For half of those 48 million, Social Security keeps them out of poverty. And for almost two-thirds, Social Security makes up more than half of their total income.

4.8 million widows and widowers rely on Social Security, as do 6.8 million disabled workers and 4 million children.

The long-term challenges are significant. It is not a crisis, we have time to implement gradual reform over time, but we need to get started.

While the current projected shortfall for Social Security amounts to about $4.6 trillion, the fact of the matter is that 100 percent of benefits can be paid until 2040 by some estimates (Social Security Administration) or 2046 by

others (CBO). Beyond that time horizon, 73 percent of benefits can be paid.

So the bottom line is, there is time, the know-how, and the resources to be able to maintain the current system, with phased adjustments occurring over many years to the Social Security Trust Fund.

The key, of course, is coming to a rational consensus—Democrats and Republicans united—in the effort to make Social Security solvent from this day forward.

Most budget experts agree that the Social Security problem pales in comparison to the enormous shortfall facing the Medicare Trust Fund (Part A)—over the next 75 years a total of $11.3 trillion. The various technical estimates are that Medicare is projected to become insolvent far sooner than Social Security.

In fact the most recent Medicare Trustees report confirms that the trust fund will be exhausted in 2018, yet the number of beneficiaries skyrockets upwards—from 42.7 million now, a number which will double by 2030—as the Baby Boom generation ages.

Compounding the problem, the Congressional Budget Office projects that Medicare spending will rise to 11 percent of the gross domestic product by 2080, up from 3.21 percent of GDP in 2006.

And the number of those paying into the system gets smaller and smaller: in 2000, 4 workers supported every Medicare beneficiary. That number shrinks to 2.4 workers per beneficiary by 2030.

The plain truth is that surging health care costs need to come under control or Medicare faces a dire situation. Because the program is financed through payroll taxes on working Americans, and general tax revenue, the pressure is building now on working Americans, given the huge demographic changes we expect when Baby Boomers retire.

In closing let me share one pertinent fact from the Social Security and Medicare Trustees and their 2006 report: ''to the extent that changes are delayed or phased in gradually, greater adjustments in scheduled benefits and revenues would be required.'' The time to act is now, and Senator DOMENICI and I believe that our legislation represents a reasonable and good faith step for curing what ills these vital safety net programs.

By Mr. BROWNBACK (for himself, Mr. ALEXANDER, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Mr. CORNYN, Mr. DEMINT, Mrs. DOLE, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 356. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Unborn Child Pain Awareness Act. I am joined by 27 original cosponsors.

After carefully reviewing the medical and ethical arguments that underpin this Act, I am convinced that my colleagues will agree that this legislation is pro-woman, pro-child, and pro-information.

The Unborn Child Pain Awareness Act is about empowering women with information and treating them as adults who are able to participate fully in the medical decision-making process. It is also about respecting and treating the unborn child more humanely. This legislation is, at heart, an informed consent bill which would do two simple things: first, this act would require abortion providers to present women seeking an abortion twenty or more weeks after fertilization with scientific information about what is known regarding the pain capacity of the unborn child inside of her womb.

Second, should the woman desire to continue with the abortion after being presented with this information, the legislation calls for her to be given the opportunity to choose anesthesia for the unborn child in order to lessen its pain.

No abortion procedures would be prohibited by the Unborn Child Pain Awareness Act. This is strictly an informed consent bill.

I don't believe that anyone in this chamber thinks that any patient should ever be denied her right to all the information that is available on a surgery she or her child is about to undergo simply because the patient is pregnant. Providing a woman with medical and scientific information on the development of her unborn child and the pain the child will experience during an abortion will equip her to make an informed decision about how or if to proceed. Pregnant women must be treated as intelligent, mature human beings who are capable of understanding this information and making difficult choices.

Due to amazing advances in medical technology, we have known for some time now that unborn children can and do respond to pain and to human touch in general. This is evidenced by anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults.

In light of this knowledge, when a child undergoes prenatal surgery in order to alleviate certain types of congenital hernias which can affect the child's liver and lungs or to correct prenatal heart failure, both the child and the mother are offered anesthesia as a matter of course. Certainly everyone would agree that, at the very least, abortion is a surgical procedure performed on the fetus. Why should the medical community be required to offer anesthesia to one 20-week-old unborn baby undergoing any other type of prenatal surgery, but not require it for another 20-week-old unborn baby who is undergoing the life-terminating surgery of an abortion? Are both babies not at the same stage of development with the same capacity for pain?

Of course, this new scientific knowledge that unborn babies can experience pain is not news to most women. Any mother can tell you her unborn child can feel and respond to stimuli from outside the womb. Sometimes a voice or a sharp movement by the mother will cause the unborn child to stir. And usually, at some point in the late second trimester, even the father can feel and see the unborn child's movements. And if you push the unborn child's limb, the limb may push back. I have many fond memories of feeling my own children kick and move around inside my wife's womb. It was obvious to both of us that our children were very much alive.

In the proposed legislation, we have settled on a 20-week benchmark because there is strong medical and scientific knowledge that unborn children feel and experience pain by 20 weeks after fertilization.

Many scientists and anesthesiologists believe that unborn children actually feel pain weeks earlier, but we chose the 20 week benchmark as a point on which the most scientists and doctors can agree.

We do know that unborn children at 20 weeks' gestation can not only feel, but that their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

The Unborn Child Pain Awareness Act offers us a rare chance to transcend the traditional political boundaries on the abortion issue. It is a matter of human decency, access to information for women, and patients' rights.

It is my hope that this bill will offer us a chance to work across political divides to forge new understandings in this chamber.

I think that we can all support giving women more information when they are making life-altering decisions.

In fact, according to a Wirthlin Worldwide poll conducted after the 2004 election, 75 percent of respondents favored ''laws requiring that women who are 20 weeks or more along in their pregnancies be given information about fetal pain before having an abortion.''

During the 2006 elections, candidates from both sides of the aisle promised to support bipartisan solutions dealing with abortion, such as promoting adoption and passing parental notification requirements for minors seeking abortions.

Adoption and parental notification for minors are indeed issues on which I hope we can work together. Perhaps we

can begin with this measure. The Unborn Child Pain Awareness Act would provide a wonderful opportunity for us to affirm that the 110th Congress is pro-woman, pro-child, and pro-patient access to information.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. INOUYE, Mr. DURBIN, Mr. KERRY, Mrs. BOXER, Mr. NELSON of Florida, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MENENDEZ, and Ms. COLLINS):

S. 357. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to offer a bill with my colleagues Senators SNOWE, INOUYE, DURBIN, KERRY, BOXER, BILL NELSON, CANTWELL, LAUTENBERG, LIEBERMAN, MENENDEZ, and COLLINS to close the SUV loophole.

This bill would increase Corporate Average Fuel Economy, CAFE, standards for SUVs and other light duty trucks. It would increase the combined fleet average for all automobiles—SUVs, light trucks and passenger cars—from 25 miles per gallon to 35 miles per gallon by model year 2019.

The high price of oil is not a problem we can drill our way out of. Global oil demand is rising. China imports more than 40 percent of its record 6.4 million-barrel-per-day oil demand and its consumption is growing by 7.5 percent per year, seven times faster than the U.S.

India imports approximately 70 percent of its oil, which is projected to rise to more than 90 percent by 2020. Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our finite fuel supplies more wisely.

This legislation is an important first step to limit our Nation's dependence on oil and better protect our environment.

If implemented, closing the SUV Loophole would: save the U.S. 2.1 million barrels of oil a day by 2025, almost the same amount of oil we currently import from the Persian Gulf.

It would also prevent about 350 million tons of carbon dioxide—the top greenhouse gas and biggest single cause of global warming from being emitted into our atmosphere by 2025. This is an 18 percent reduction, the equivalent of taking 60 million cars—or 50 million cars and light trucks—off the road in one year.

This bill would also save SUV and light duty truck owners hundreds of dollars each year in gasoline costs.

CAFE standards were first established in 1975. At that time, light trucks made up only a small percentage of the vehicles on the road, they were used mostly for agriculture and commerce, not as passenger cars.

Today, our roads look much different, SUVs and light duty trucks comprise more than half of the new car sales in the United States. As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, because fuel economy standards for these vehicles are so much lower than they are for other passenger vehicles.

The bill we are introducing today would change that. SUVs and other light duty trucks would have to meet the same fuel economy requirements by 2013 that passenger cars meet today.

In 2002, the National Academy of Sciences, NAS, released a report stating that adequate lead time can bring about substantive increases in fuel economy standards. Automakers can meet higher CAFE standards if existing technologies are utilized and included in new models of SUVs and light trucks.

In 2003, the head of the National Highway Traffic Safety Administration said he favored an increase in vehicle fuel economy standards beyond the 1.5-mile-per-gallon hike slated to go into effect by 2007. ''We can do better,'' said Jeffrey Runge in an interview with Congressional Green Sheets. ''The overriding goal here is better fuel economy to decrease our reliance on foreign oil without compromising safety or American jobs,'' he said.

With this in mind, we have developed the following phase-in schedule which would follow up on what NHTSA has proposed for the short term and remain consistent with what the NAS report said is technologically feasible over the next decade or so. As a first step, by model year 2010, passenger cars must meet an average fuel economy standard of 29.5 mpg, and SUVs and light trucks must meet 23.5 mpg. By way of comparison, passenger cars in model year 2005 averaged 30 mpg, light trucks averaged 21.8 mpg, and the overall combined fleet average is 25.2 mpg.

The bill also increases the weight limit within which vehicles are bound by CAFE standards to make it harder for automotive manufacturers to build SUVs large enough to become exempted from CAFE standards. Because SUVs are becoming larger and larger, some may become so large that they will no longer qualify as even SUVs anymore.

We are introducing this legislation because we believe that the United States needs to take a leadership role in the fight against global warming.

We have already seen the potential destruction that global warming can cause in the United States.

Snowpacks in the Sierra Nevada are shrinking and will almost entirely disappear by the end of the century, devastating the source of California's water.

Eskimos are being forced inland in Alaska as their native homes on the coastline are melting into the sea.

Glaciers are disappearing in Glacier National Park in Montana. In 100 years, the park has gone from having 150 glaciers to fewer than 30. And the 30 that remain are two-thirds smaller than they once were.

Beyond our borders, scientists are predicting how the impact of global warming will be felt around the globe.

It has been estimated that two-thirds of the glaciers in western China will melt by 2050, seriously diminishing the water supply for the region's 300 million inhabitants. Additionally, the disappearance of glaciers in the Andes in Peru is projected to leave the population without an adequate water supply during the summer.

The United States is the largest energy consumer in the world, with 4 percent of the world's population using 25 percent of the planet's energy.

And much of this energy is used in cars and light trucks: 43 percent of the oil we use goes into our vehicles and one-third of all carbon dioxide emissions come from our transportation sector.

The U.S. is falling behind the rest of the world in the development of more fuel efficient automobiles. Quarterly auto sales reflect that consumers are buying smaller more fuel efficient cars and sales of the big, luxury vehicles that are the preferred vehicle of the American automakers have dropped significantly.

Even SUV sales have slowed. First quarter 2005 deliveries of these vehicles are down compared to the same period last year—for example, sales of the Ford Excursion is down by 29.5 percent, the Cadillac Escalade by 19.9 percent, and the Toyota Sequoia by 12.6 percent.

On the other hand, the Toyota Prius hybrid had record sales in March with a 160.9 percent increase over the previous year.

The struggling U.S. auto market cannot afford to fall behind in the development of fuel efficient vehicles. Our bill sets out a reasonable time frame for car manufacturers to design vehicles that are more fuel efficient and that will meet the growing demand for more fuel efficient vehicles.

We can do this, and we can do this today. I urge my colleagues to support this legislation.

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. 357

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ten-in-Ten Fuel Economy Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''NON-PASSENGER AUTOMOBILES.—'' and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—''; and

(B) by striking ''(except passenger automobiles)'' and inserting ''(except passenger automobiles and light trucks)''; and

(2) by amending subsection (b) to read as follows:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2010 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2019 of at least 35 miles per gallon (or such other number of miles per gallon as the Secretary may prescribe under subsection (c)).

''(2) ELIMINATION OF SUV LOOPHOLE.—Beginning not later than model year 2013, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

''(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

''(A) increase the applicable average fuel economy standard ratably beginning with model year 2010 and ending with model year 2019;

''(B) require that each manufacturer achieve—

''(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 29.5 miles per gallon not later than model year 2010; and

''(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.5 miles per gallon not later than model year 2010.

''(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and foreign fleet, as calculated under section 32904 as in effect before the date of the enactment of the Ten-in-Ten Fuel Economy Act, shall be the greater of—

''(A) 27.5 miles per gallon; or

''(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

''(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.''.

SEC. 3. PASSENGER CAR PROGRAM REFORM.

Section 32902(c) of title 49, United States Code, is amended to read as follows:

''(c) AMENDING PASSENGER AUTOMOBILE STANDARDS.—Not later than 18 months before the beginning of each model year, the Secretary of Transportation may prescribe regulations amending a standard prescribed under subsection (b) for a model year to a level that the Secretary determines to be the maximum feasible average fuel economy level for that model year. Section 553 of title 5 applies to a proceeding to amend any standard prescribed under subsection (b). Any interested person may make an oral presentation and a transcript shall be taken of that presentation. The Secretary may prescribe separate standards for different classes of passenger automobiles.''.

SEC. 4. DEFINITION OF WORK TRUCK.

(a) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49 is amended by adding at the end the following:

''(17) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations).''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of the enactment of this Act; and

(2) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(c) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(17) of title 49, United States Code) manufactured by a manufacturer in each model year beginning with model year 2013.

SEC. 5. DEFINITION OF LIGHT TRUCK.

(a) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (11) the following:

''(11) 'light truck' means an automobile that the Secretary determines by regulation—

''(A) is manufactured primarily for transporting not more than 10 individuals;

''(B) is rated at not more than 10,000 pounds gross vehicle weight;

''(C) is not a passenger automobile; and

''(D) is not a work truck.''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2010.

(b) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2010.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $25,000,000 for each of fiscal years 2009 through 2021 to carry out the provisions of chapter 329 of title 49, United States Code.

SEC. 6. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as such terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(c) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2010; and

(B) a final rule under such section not later than December 31, 2011.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective not later than September 1, 2013.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility and aggressivity reduction standard''.

SEC. 7. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by adding at the end the following:

''§ 32920. Fuel economy indicators and devices

''(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2014 that requires each such automobile and light truck to be equipped with—

''(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

''(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

''(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

''(b) EXCEPTION.—Subsection (a) shall not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

''(c) ENFORCEMENT.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32919 the following:

''32920. Fuel economy indicators and devices''.

SEC. 8. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2010, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall annually determine and certify to Congress the reduction in United States consumption of gasoline and petroleum distillates used for vehicle fuel and the reduction in greenhouse gas emissions during the most recent year that are properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 9. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) in subsection (a)(2), by striking ''clause (1) of this subsection'' and inserting ''paragraph (1)''; and

(4) by amending subsection (e) to read as follows:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.''.

SEC. 10. REPORT TO CONGRESS.

Not later than December 31, 2014, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(1) of title 49, United States Code.

SEC. 11. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking ''of this title'' and inserting ''and a light truck manufactured by a manufacturer in a model year after model year 2010; and'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by redesignating subparagraph (F) as subparagraph (H); and

(ii) by inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks; and

''(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(B) by adding at the end the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Not later than 2 years after the date of the enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

''(B) ELIGIBILITY.—Not later than 3 years after the date described in subparagraph (A), the Administrator shall issue requirements for the label or logo required under paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

''(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

''(i) The recyclability of the automobile.

''(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'Fuelstar Program', under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the Fuelstar Program, a manufacturer may include on the label maintained on an automobile under paragraph (1)—

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902; and

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds such standard.

''(C) GOLD STARS.—Under the Fuelstar Program, a manufacturer may include a gold star on the label maintained on an automobile under paragraph (1) if—

''(i) in the case of a passenger automobile, the automobile attains a fuel economy of at least 50 miles per gallon; and

''(ii) in the case of a light truck, the truck attains a fuel economy of at least 37 miles per gallon.''.

Mr. INOUYE. Mr. President: I rise today to join my colleague Senator FEINSTEIN in introducing probably one of the most important bills we can consider this Congress in terms of energy, economic, and environmental security: the Ten-In-Ten Fuel Economy Act of 2007. Simply put, this bill would raise the average fuel economy standards for all passenger cars and light trucks from 25 miles per gallon to 35 miles per gallon by the year 2019.

While Senator FEINSTEIN and I have taken the lead on this issue, the bill we are introducing today is the product of considerable input and expertise provided by our colleagues Senators SNOWE, DURBIN, and CANTWELL.

I also want to thank Senators KERRY, BOXER, BILL NELSON, LAUTENBERG, LIEBERMAN, MENENDEZ, and COLLINS for joining us in this effort.

This bill is a win-win for the American public. It will substantially reduce America's dependence on foreign oil from unstable governments, as well as decrease the amount of harmful emissions coming from our nation's passenger vehicles. At the same time, it will save American families money by reducing their fuel costs.

According to the Union of Concerned Scientists, this bill, if enacted, would save 6 billion gallons of gas—equating to $12 billion in fuel cost savings for motorists in this country—within 6 years of the first model year requiring improvement.

That $12 billion in fuel cost savings also translates into a reduction of 65 million metric tons of carbon dioxide emissions—one of the largest contributors to global warming. This level of savings after only 6 years would be accomplished before the full contribution of the bill is achieved.

By 2025, assuming today's price for a gallon of gas, enactment of this bill would effectively reduce consumption of foreign oil by 2.1 million barrels a day by saving over 35 billion gallons of gasoline annually. It would provide motorists with $64 billion in fuel cost savings, and reduce emissions of carbon dioxide by 358 million metric tons. This decrease in carbon dioxide emissions would be the equivalent of taking 52 million cars and trucks off the road. This incredible savings is achieved by simply raising the fuel economy standard from 25 miles per gallon to 35 miles per gallon in a 10 year period.

Some of our colleagues may question whether this proposed standard can be achieved. Let me just note that the Commerce Committee helped establish the first CAFE standards in 1975, against the cries of critics then. History, however, shows that Congress' action then was largely responsible for the Nation's decreased demand for oil during the 1980s necessitated by the Arab Oil Embargo. Since the 1980s, however, the fuel economy average for cars and light trucks combined has remained essentially flat even though advances in technology have continued. It is time to update CAFE standards. The benefits gained from undertaking this endeavor are many, and too long overdue.

By Ms. SNOWE (for herself, Mr. KENNEDY, Mr. ENZI, Mr. DODD, Mr. GREGG, Mr. HARKIN, Ms. MURKOWSKI, Ms. MIKULSKI, Mr.

HATCH, Mr. BINGAMAN, Mr. ALLARD, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BIDEN, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. SALAZAR, Mr. CARDIN, and Ms. COLLINS):

S. 358. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Genetic Information Nondiscrimination Act of 2007 and I am joined in doing so by a number of my colleagues including the Chairman and Ranking Member of the Senate HELP Committee, Senators KENNEDY and ENZI. The bill we are introducing today represents a triumph of bipartisan collaboration—true consensus-building which is so vital to achieving substantive action for our constituents. Such efforts are certainly not always easy—as so many here today know—I have worked with many of you for more than 10 years on this issue.

Today we are on the threshold of a new era, as for the first time, we act to prevent discrimination before it has taken firm hold. Indeed, Senator GREGG described this legislation so well when he said it is, truly, ''the first civil rights act of the 21st Century.''

And that is what makes this legislation so unique. For in the past Congress has had to act to address existing discrimination. But today we are acting proactively to address genetic bias, before discrimination becomes entrenched.

This type of discrimination is so different than other forms. Because most discrimination is a response to an obvious trait, such as one's gender or the color of your skin. But discrimination based on one's genetic makeup involves actively looking for information on which to discriminate. Because it is so deliberate, one cannot even argue it was—on any level—subconscious or unintentional.

It used to be difficult to find such information on which to discriminate. You might be asked if you had a family history of a disorder. But today things have changed dramatically.

We have long known about a small number of genes which play a role in some diseases—such as Huntington's Disease, and early onset Alzheimer's. Yet the progress of discovery and study was so slow and tedious. But the Human Genome Project changed all that. Today, with new technology we are seeing an explosive increase in our understanding of genetics and human health.

That growing genetic knowledge offers the potential of disease cures and even customized therapies. Even more promising, genetic advances will enable us to actually prevent the development of disease. But this potential . . . and the billions spent in discovering genetic relationships and developing treatments and preventive agents . . . will certainly be in vain if Americans do not avail themselves of these advances.

To do so, Americans will need to take genetic tests. But would you do so if you knew that the information about your genetic makeup would be used against you—to deny you employment or health coverage?

Some say that kind of discrimination is but a future possibility—that we can afford to wait until genetic discrimination begins to take a toll. But it already has done so. I learned from the real life experience of one of my constituents, Bonnie Lee Tucker. In 1997, Bonnie Lee wrote me about her fear of having the BRCA test for breast cancer, even though she has nine women in her immediate family who were diagnosed with breast cancer, and she herself is a survivor. She wrote to me about her fear of having the BRCA test, because she worried it will ruin her daughter's ability to obtain insurance in the future. And Bonnie Lee isn't the only one who has this fear. When the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer risk declined to take it citing concerns about health insurance discrimination. Mr. President, what good is scientific progress if it cannot be applied to those who would most benefit?

And we have seen cases where some attempted to mandate genetic testing. Even when this is done to improve the delivery of health care, it must be recognized that once that information is disclosed . . . and is unprotected . . . a future employer or insurer may not necessarily use that information in such a benign way. Yet we recognize that if an individual can avail themselves of a genetic test, they may be able to take action as a result which prevents disease or premature death, and reduces the burden of high health costs. And wouldn't everyone want to see that?

I recall the testimony before Congress of Dr. Francis Collins, the Director of the National Human Genome Research Institute, without whom we wouldn't have reached this day. In speaking of the next step for those involved in the Genome project, he explained that the project's scientists were engaged in a major endeavor to ''uncover the connections between particular genes and particular diseases,'' to apply the knowledge they just unlocked. In order to do this, Dr. Collins said, ''we need a vigorous research enterprise with the involvement of large numbers of individuals, so that we can draw more precise connections between a particular spelling of a gene and a particular outcome.'' Well, this effort cannot be successful if people are afraid of possible repercussions of their participation in genetic testing.

The bottom line is that, given the advances in science, there are two separate issues at hand. The first is to restrict discrimination by health insurers. The second is to prevent employment discrimination based simply upon an individual's genetic information.

Some of us saw this danger 10 years ago and the threat it could pose to millions of Americans. I think back to when Representative LOUISE SLAUGHTER and I first introduced our bills to ban genetic discrimination in health insurance back in the 104th Congress. At that time the completion of the human genome seemed far away. But the science has certainly out-paced Congressional action.

The following year, with the commitment of Senators Frist and Jeffords to address this issue, I introduced a bill to ensure we would effectively provide the needed protections to prevent genetic discrimination in the health insurance industry. In turn, that bill was the basis for an amendment offered by Senator Jeffords, to the Fiscal Year 2001 Departments of Labor, Health and Human Services Appropriations bill which passed the Senate by a vote of 58–40.

While that victory was a notable step forward, unfortunately, it was not followed by the enactment of our bill. It did, however, re-spark the debate—which helped lay the foundation for our subsequent efforts.

Indeed, in March of 2002, I was again joined by Senators Frist and Jeffords in introducing an updated version of our bill with the added support of Senator GREGG and Senator ENZI. That bill not only addressed what had become the real threat of employment discrimination but also captured the changing world of science as this was the first bill to include what we had learned with the completion of the Genome Project.

In June of 2003, after sixteen months of bipartisan negotiation, we achieved a unified, bipartisan agreement to address genetic discrimination. Today we again introduce the legislation encompassing that agreement, which the Senate has twice passed . . . unanimously.

The bill we are introducing again today addresses genetic discrimination in both employment and health insurance based on the firm foundation of current law. With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. Indeed, as Congress considered what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information.

Moreover, any legislation that seeks to fully address these issues must consider the interaction of the new protections with the privacy rule which was mandated by HIPAA—and our legislation does just that. Specifically, we clarify the protections of genetic information as well as information on the request or receipt of genetic tests, from being used by the insurer against the patient.

Because the fact of the matter is, genetic information only detects the potential for a genetically linked disease or disorder—and potential does not equal a diagnosis of disease. At the same time, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. This is a distinction that begs our acknowledgment, as we discuss protect patients from potential discriminatory practices by insurers.

On the subject of employment discrimination, unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is not as extensive. To that end, our bipartisan bill creates these protections in the workplace—and there should be no question of this need.

As demonstrated by the Burlington Northern case, the threat of employment discrimination is very real, and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes more widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

Indeed, as we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law—for instance under the ADA or the EEOC. The bill we introduce today creates new protections by paralleling current law and clarifies the remedies available to victims of discrimination. Ensuring that regardless of whether a person is discriminated against because of their religion, their race or their DNA, these people will all receive the same strong protections under the law.

Indeed, I believe those who have questioned the need for this legislation will see that if we can provide these protections, then individuals can avail themselves of medical knowledge which will not only improve their health, but will reduce health care costs. For employers attempting to address the escalating cost of coverage, isn't it essential to utilize our investment in advancing medical knowledge to prevent disease and disability? Isn't that just the sort of action we need to encourage to reduce health costs and make our businesses, large and small, more competitive?

Indeed we have seen the business community recognizing the critical importance of putting our medical investment to work to reduce health costs . . . not discouraging employees from undergoing tests that could prevent disease or death. To that end, I noted during the last Congress that IBM pledged to not use genetic information in its hiring practices or in deciding eligibility for health insurance coverage. This demonstrates an admirable understanding of how such discrimination can harm both individuals and business.

It has been more than six years since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it. This bill is the product of over a year of bipartisan negotiations and is a shining example of what we can accomplish if we set aside partisan differences in order to address the challenges facing the American people. Certainly this bill was only possible due to the commitment of members working together—setting aside partisanship—and for that I am grateful.

I know I speak for my colleagues when I say that it is my hope that we shall see this bill again receive the unanimous support of the Senate and that this will allow the House of Representatives to act swiftly to pass this legislation so that the President can sign this bill into law and finally ensure the American public is protected from this newest form of discrimination.

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Genetic Information Nondiscrimination Act of 2007. It is an honor to join Senator SNOWE, Senator ENZI, Senator DODD, Senator HARKIN, Senator GREGG, and other members of our committee in support of this needed legislation.

I especially commend Senator SNOWE for her leadership in this effort to establish protections for the public against genetic discrimination. It is now over a decade since Senator SNOWE first introduced legislation on the issue. It passed the Senate 98–0 in the last Congress, and I am very hopeful we can work with our colleagues in the House and enact it into law, so that our people will finally have the protections they need against the misuse of genetic information.

In this century of the life sciences, much of what we learn through biomedical research is being translated into new treatments and cures, and nowhere is the explosion of scientific progress more apparent than in the field of genetics. Four years after the remarkable achievement of discovering the sequence of the human genome, clinical testing is now possible for over a thousand genetic diseases. It has led to rapid growth in the field of personalized medicine, in which patients' treatment and care is individualized according to their genetic makeup.

In the absence of federal protections, however, patients fear that undergoing genetic tests may lead to disqualification from future insurance coverage, or that an employer will fire them or deny a promotion based on the results of a genetic test. The consequence is that many Americans are choosing not to be tested, and are declining to participate in clinical trials so important for the development of new treatments.

Discrimination based on genetics is just as wrong as discrimination based on race or gender. Our bill provides specific protections for citizens against genetic discrimination. It prohibits health insurers from picking and choosing their customers based on genetics. Employers cannot fire or refuse to hire persons because of their genetic characteristics. It enables Americans to benefit from better health care through the use of genetic information, without the fear that it will be misused against them.

It is difficult to imagine information more personal or more private than a person's genetic makeup. It should not be shared by insurers or employers, or be used in making decisions about health coverage or a job. It should only be used by patients and their doctors to make the best diagnostic and treatment decisions they can.

In the near future, genetic tests will become even cheaper and more widely available. If we don't ban discrimination now, it may soon be routine for employers to use genetic tests to deny jobs to employees, based on their risk for disease.

If Congress enacts clear protections against genetic discrimination in employment and health insurance, all Americans will be able to enjoy the benefits of genetic research, free from the fear that their personal genetic information will be misused. If Congress fails to make sure that genetic information is used only for legitimate purposes, we may well squander the vast potential of genetic research to improve the nation's health.

The bill that we are considering today has been unanimously approved by the full Senate in the past two Congresses. We passed it 95–0 in the 108th Congress, and 98–0 in the 109th Congress. It had over 240 cosponsors in the House in both Congresses, but the leadership refused to bring it to a vote.

As President Bush himself has said, ''Genetic information should be an opportunity to prevent and treat disease, not an excuse for discrimination. Just as our nation addressed discrimination based on race, we must now prevent discrimination based on genetic information.''

We are closer than ever to enactment. I urge the Senate to approve the bill, and this time, I think we will finally see it become law.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. SCHUMER, Mr. DURBIN, and Mr. OBAMA):

S. 359. A bill to amend the Higher Education Act of 1965 to provide additional support to students; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today I rise to introduce the Student Debt Relief Act of 2007.

It's long past time for Congress to take action to address the crisis in college affordability. The cost of college has more than tripled in the last 20 years. Today, the average cost of attendance at a 4-year public college is almost $13,000.

As a result, students and families are pinching pennies more than ever to pay for higher education. Increasingly, more and more students are finding it's just not possible. Every year, 400,000 students who are qualified to attend a 4-year college find themselves shut out because of cost factors.

At a time when 6 out of 10 jobs require some form of post-secondary training, this is completely unacceptable. When qualified students are blocked from the college gates because of cost, they're also blocked from their ticket to the American Dream. It's a situation that's putting our prosperity and economic security as a country at risk.

But the crisis on college affordability is not just limited to those most in need. Every low and middle income family in America is affected by it.

Today, the average student in the U.S. leaves college saddled with more than $17,000 in federal student loans on graduation day. At private universities, the level of student loan debt has increased 108 percent over the past decade. And at public universities, student loan debt has increased an astonishing 116 percent.

This mountain of debt is distorting countless young Americans' basic life choices, from decisions on their career, to getting married, to buying a home, and to starting a family. It's discouraging many from occupations such as teaching, social work and law enforcement, which are lower paying, but bring large rewards for our society. And it's perpetuating a shameful status quo, in which low-income and first-generation students are far less likely to earn a college degree than other students.

It's obvious we need to act immediately to make both college costs and student debt more manageable—and that is what this bill is all about. The Student Debt Relief Act will help lift the financial yoke that burdens our students and families as they try to pay for college.

To assist our neediest students, it will immediately increase the maximum Pell Grant from $4050 to $5100 with mandatory funding. The Pell Grant has been the indispensable lifeline to college for low-income and middle income students for more than 40 years. But today—after five years of broken promises from the President to increase the maximum grant—we've seen its buying power erode.

Twenty years ago, the maximum Pell grant covered 55 percent of the cost of tuition, fees, room and board at a public 4-year college. Now it covers less than 32 percent of those costs. Over the last five years, the gap between the cost of attending college and the maximum Pell grant has continued to grow.

In addition, for the first time in six years, the average Pell Grant has declined. We must reverse this trend. It's time to say, No more broken promises. That's what we'll do by passing the Student Debt Relief Act. The Act will also cut interest rates in half—from 6.8 percent to 3.4 percent—on new student loans for our neediest students.

Last year, the Republican Congress allowed interest rates to rise on student loans, putting college even further out of reach for millions of students. Because of this interest rate hike, typical student borrowers—already straining with more than $17,000 in debt—will be forced to pay an additional $5,800 for their college loans.

But a new day has now dawned in Congress, and last week, our colleagues in the House showed they have their priorities right on college costs by cutting student loan interest rates in half. Now it's our turn in the Senate. But we won't stop there.

We also need to do more to help students manage the burden of unreasonable debt on their student loans. No student should have to mortgage their future to pay for college. And no one should have their lives thrown into disarray when unexpected financial hardship makes it much harder for them to make their student loan payments.

That's why the Student Debt Relief Act caps student loan payments at 15 percent of monthly discretionary income. It forgives loans after 25 years, and also provides a 10-year loan forgiveness option for students who work in public service professions.

This Act will also help reform our broken student loan system, which is larded with inexcusably large subsidies to big lenders and filled with rules that are unfriendly to borrowers.

Like my Student Aid Reward Act, it gives colleges new incentives to offer loans to students through the Direct Loan program—which is cheaper for taxpayers—rather than the more expensive loan FFEL program that's operated through private lenders.

President Bush's own figures back this up. According to his 2007 education budget, the privately-funded student loan program costs taxpayers $6 more for every $100 lent than the same loans made through the Direct Loan program.

When colleges switch to the less-expensive program, the Student Debt Relief Act will let them keep a portion of the savings to the government generated by that switch by giving it back to the schools, in the form of increased Pell Grant aid to students.

The savings generated by this Act will be enough to increase federal Pell Grants by $1000 each at many colleges, making higher education more affordable for millions of students. For example, in my home state of Massachusetts, college students would reap an extra $53 million in Pell Grant scholarships per year. And all told, it could generate an additional $13 billion in Pell Grants for students over 10 years.

The Student Debt Relief Act also extends the college tuition tax deduction, increasing the allowable deduction to $12,000. It repeals the student-unfriendly rule that prevents students from consolidating their loans while they're still in school, and allows them to reconsolidate them as well.

In the Direct Loan program, it also reduces the origination fee that students pay when loans are made, also helping to ease the burden on borrowers. In short, it's a comprehensive plan to ease the double blow of soaring college costs and heavy student loan burdens. It's a plan we must move forward—for the sake of our students, their future, and the future of our Nation.

Access to college is the key to our opportunity, to our economy, and to our values. So we must act now.

Today, in communities across America, students are dreaming about what they want to be when they become adults. And as their parents watch tomorrow's doctors, teachers, engineers and lawyers in action, they know that all of those dreams depend on a college education.

When our children dream about their future, they need to know that those dreams are within their reach. A college education is the foundation of the opportunity society that will keep this country strong and growing in the 21st century. So let's work together to get it done.

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. 359

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 ''Student Debt Relief Act of 2007''.

SEC. 2. INCREASE IN FEDERAL PELL GRANTS.

(a) PROGRAM AUTHORITY.—Section 401(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070a(a)(1)) is amended by striking ''2004'' and inserting ''2012''.

(b) AMOUNT OF GRANTS.—Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A)) is amended by striking clauses (i) through (v) and inserting the following:

''(i) $5,100 for academic year 2007–2008;

''(ii) $5,400 for academic year 2008–2009;

''(iii) $5,700 for academic year 2009–2010;

''(iv) $6,000 for academic year 2010–2011; and

''(v) $6,300 for academic year 2011–2012,''.

(c) ADDITIONAL FUNDS.—

(1) IN GENERAL.—For an academic year, there are authorized to be appropriated, and there are appropriated, to carry out paragraph (2) (in addition to any other amounts appropriated to carry out section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) and out of any money in the Treasury not otherwise appropriated) as follows:

(A) For academic year 2007–2008, $4,331,000,000.

(B) For academic year 2008–2009, $5,674,000,000.

(C) For academic year 2009–2010, $7,050,000,000.
(D) For academic year 2010–2011, $8,452,000,000.
(E) For academic year 2011–2012, $9,894,000,000.

(2) INCREASE IN PELL GRANTS.—The amounts made available pursuant to paragraph (1) shall be used to increase the amount of the maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for which funds are appropriated under appropriations Acts for a fiscal year by—

(A) $1,050 for award year 2007–2008;
(B) $1,350 for award year 2008–2009;
(C) $1,650 for award year 2009–2010;
(D) $1,950 for award year 2010–2011; and
(E) $2,250 for award year 2011–2012.

SEC. 3. STUDENT AID REWARD PROGRAM.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 489 the following:

''SEC. 489A. STUDENT AID REWARD PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a Student Aid Reward Program to encourage institutions of higher education to participate in the student loan program under this title that is most cost-effective for taxpayers.

''(b) PROGRAM REQUIREMENTS.—In carrying out the Student Aid Reward Program, the Secretary shall—

''(1) provide to each institution of higher education participating in the student loan program under this title that is most cost-effective for taxpayers, a Student Aid Reward Payment, in an amount determined in accordance with subsection (c), to encourage the institution to participate in that student loan program;

''(2) require each institution of higher education receiving a payment under this section to provide student loans under such student loan program for a period of 5 years after the date the first payment is made under this section;

''(3) where appropriate, require that funds paid to institutions of higher education under this section be used to award students a supplement to such students' Federal Pell Grants under subpart 1 of part A;

''(4) permit such funds to also be used to award need-based grants to lower- and middle-income graduate students; and

''(5) encourage all institutions of higher education to participate in the Student Aid Reward Program under this section.

''(c) AMOUNT.—The amount of a Student Aid Reward Payment under this section shall be not less than 50 percent of the savings to the Federal Government generated by the institution of higher education's participation in the student loan program under this title that is most cost-effective for taxpayers instead of the institution's participation in the student loan program that is not most cost-effective for taxpayers.

''(d) TRIGGER TO ENSURE COST NEUTRALITY.—

''(1) LIMIT TO ENSURE COST NEUTRALITY.—Notwithstanding subsection (c), the Secretary shall not distribute Student Aid Reward Payments under the Student Aid Reward Program that, in the aggregate, exceed the Federal savings resulting from the implementation of the Student Aid Reward Program.

''(2) FEDERAL SAVINGS.—In calculating Federal savings, as used in paragraph (1), the Secretary shall determine Federal savings on loans made to students at institutions of higher education that participate in the student loan program under this title that is most cost-effective for taxpayers and that, on the date of enactment of this section, participated in the student loan program that is not most cost-effective for taxpayers, resulting from the difference of—

''(A) the Federal cost of loan volume made under the student loan program under this title that is most cost-effective for taxpayers; and

''(B) the Federal cost of an equivalent type and amount of loan volume made, insured, or guaranteed under the student loan program under this title that is not most cost-effective for taxpayers.

''(3) DISTRIBUTION RULES.—If the Federal savings determined under paragraph (2) is not sufficient to distribute full Student Aid Reward Payments under the Student Aid Reward Program, the Secretary shall—

''(A) first make Student Aid Reward Payments to those institutions of higher education that participated in the student loan program under this title that is not most cost-effective for taxpayers on the date of enactment of this section; and

''(B) with any remaining Federal savings after making Student Aid Reward Payments under subparagraph (A), make Student Aid Reward Payments to the institutions of higher education eligible for a Student Aid Reward Payment and not described in subparagraph (A) on a pro-rata basis.

''(4) DISTRIBUTION TO STUDENTS.—Any institution of higher education that receives a Student Aid Reward Payment under this section—

''(A) shall distribute, where appropriate, part or all of such payment among the students of such institution who are Federal Pell Grant recipients by awarding such students a supplemental grant; and

''(B) may distribute part of such payment as a supplemental grant to graduate students in financial need.

''(5) ESTIMATES, ADJUSTMENTS, AND CARRY OVER.—

''(A) ESTIMATES AND ADJUSTMENTS.—The Secretary shall make Student Aid Reward Payments to institutions of higher education on the basis of estimates, using the best data available at the beginning of an academic or fiscal year. If the Secretary determines thereafter that loan program costs for that academic or fiscal year were different than such estimate, the Secretary shall adjust by reducing or increasing subsequent Student Aid Reward Payments rewards paid to such institutions of higher education to reflect such difference.

''(B) CARRY OVER.—Any institution of higher education that receives a reduced Student Aid Reward Payment under paragraph (3)(B), shall remain eligible for the unpaid portion of such institution's financial reward payment, as well as any additional financial reward payments for which the institution is otherwise eligible, in subsequent academic or fiscal years.

''(e) DEFINITION.—In this section:

''(1) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS MOST COST-EFFECTIVE FOR TAXPAYERS.—The term 'student loan program under this title that is most cost-effective for taxpayers' means the loan program under part B or D of this title that has the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.

''(2) STUDENT LOAN PROGRAM UNDER THIS TITLE THAT IS NOT MOST COST-EFFECTIVE FOR TAXPAYERS.—The term 'student loan program under this title that is not most cost-effective for taxpayers' means the loan program under part B or D of this title that does not have the lowest overall cost to the Federal Government (including administrative costs) for the loans authorized by such parts.''.

SEC. 4. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—

(1) Section 427A(*l*) of the Higher Education Act of 1965 (20 U.S.C. 1077a(*l*)) is amended by adding at the end the following:

''(4) REDUCED RATES FOR UNDERGRADUATE SUBSIDIZED LOANS.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before July 1, 2012, the applicable rate of interest shall be as follows:

''(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2007, 6.8 percent on the unpaid principal balance of the loan.

''(B) For a loan for which the first disbursement is made on or after July 1, 2007, and before July 1, 2008, 6.12 percent on the unpaid principal balance of the loan.

''(C) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 5.44 percent on the unpaid principal balance of the loan.

''(D) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 4.76 percent on the unpaid principal balance of the loan.

''(E) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.08 percent on the unpaid principal balance of the loan.

''(F) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 3.40 percent on the unpaid principal balance of the loan.''.

(2) SPECIAL ALLOWANCE CROSS REFERENCE.—Section 438(b)(2)(I)(ii)(II) of such Act is amended by striking ''section 427A(l)(1)'' and inserting ''section 427A(*l*)(1) or (*l*)(4)''.

(b) DIRECT LOAN INTEREST RATES.—Section 455(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following:

''(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2012, the applicable rate of interest shall be as follows:

''(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2007, 6.8 percent on the unpaid principal balance of the loan.

''(ii) For a loan for which the first disbursement is made on or after July 1, 2007, and before July 1, 2008, 6.12 percent on the unpaid principal balance of the loan.

''(iii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 5.44 percent on the unpaid principal balance of the loan.

''(iv) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 4.76 percent on the unpaid principal balance of the loan.

''(v) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.08 percent on the unpaid principal balance of the loan.

''(vi) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 3.40 percent on the unpaid principal balance of the loan.''.

SEC. 5. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

''(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under

this part or section 428C(b)(5) for a borrower—

''(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

''(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

''(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, or public interest legal services (including prosecution or public defense).

''(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.''.

SEC. 6. FAIR PAYMENT ASSURANCE.

(a) AMENDMENT.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

''SEC. 493C. FAIR PAYMENT ASSURANCE.

''(a) DEFINITIONS.—In this section:

''(1) EXCEPTED PLUS LOAN.—The term 'excepted PLUS loan' means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

''(2) PARTIAL FINANCIAL HARDSHIP.—The term 'partial financial hardship' means the amount by which the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) to a borrower as calculated under the standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A) exceeds 15 percent of the result obtained by calculating the amount by which—

''(A) the borrower's adjusted gross income; exceeds

''(B) 150 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act.

''(b) FAIR PAYMENT ASSURANCE PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

''(1) a borrower of any loan made, insured or guaranteed under part B or D (other than an excepted PLUS loan) who has a partial financial hardship may elect, during any period the borrower has the partial financial hardship, to have the borrower's aggregate monthly payment for all such loans not exceed 15 percent of the result described in subsection (a)(2) divided by 12;

''(2) the holder of such a loan shall apply the borrower's monthly payment under this subsection first toward interest due on the loan and then toward the principal of the loan;

''(3) any interest due and not paid under paragraph (2)—

''(A) in the case of a Federal Stafford Loan or Federal Direct Stafford Loan, shall be paid by the Secretary; or

''(B) in the case of any other loan under part B or D (other than a loan described in subparagraph (A) or an excepted PLUS loan), shall be capitalized;

''(4) any principal due and not paid under paragraph (2) shall be deferred in the same manner as deferments under section 428(b)(1)(M);

''(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

''(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

''(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection; and

''(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years; and

''(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than an excepted PLUS Loan) to a borrower who—

''(A) is in deferment due to an economic hardship described in section 435(o) for a period of time prescribed by the Secretary, not to exceed 25 years; or

''(B)(i) makes the election under this subsection; and

''(ii) for a period of time prescribed by the Secretary, not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets any 1 or more of the following requirements:

''(I) Has made reduced monthly payments under paragraph (1).

''(II) Has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection.

''(III) Has made payments under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

''(IV) Has made payments under an income contingent repayment plan under section 455(d)(1)(D).''.

(b) CONFORMING ICR AMENDMENT.—Section 455(d)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)(D)) is amended by inserting ''made on behalf of a dependent student'' after ''PLUS loan''.

SEC. 7. DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by striking ''100 percent of the poverty line for a family of 2'' and inserting ''150 percent of the poverty line applicable to the borrower's family size'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking ''(1)(C)'' and inserting ''(1)(B)''.

SEC. 8. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking ''not in excess of 3 years''.

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking ''not in excess of 3 years''.

(c) DIRECT LOANS.—Section 455(f)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)(D)) is amended by striking ''not in excess of 3 years''.

(d) PERKINS.—Section 464(c)(2)(A)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking ''not in excess of 3 years''.

SEC. 9. MAXIMUM REPAYMENT PERIOD.

(a) IN GENERAL.—Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(7) MAXIMUM REPAYMENT PERIOD.—In calculating the extended period of time for which an income contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

''(A) is not in default on any loan that is included in the income contingent repayment plan; and

''(B)(i) is in deferment due to an economic hardship described in section 435(o);

''(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b); or

''(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or subsection (d)(1)(A).''.

(b) TECHNICAL CORRECTION.—Section 455(d)(1)(C)) (20 U.S.C. 1087e(d)(1)(C)) is amended by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)''.

SEC. 10. IN-SCHOOL CONSOLIDATION.

Section 428(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(7)(A)) is amended by striking ''shall begin'' and all that follows through the period and inserting ''shall begin—

''(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

''(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.''.

SEC. 11. CONSOLIDATION LOAN CHANGES.

Section 428C(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(3)) is amended to read as follows:

''(3) DEFINITION OF ELIGIBLE BORROWER.—For the purpose of this section, the term 'eligible borrower' means a borrower who—

''(A) is not subject to a judgment secured through litigation with respect to a loan under this title or to an order for wage garnishment under section 488A; and

''(B) at the time of application for a consolidation loan—

''(i) is in repayment status as determined under section 428(b)(7)(A);

''(ii) is in a grace period preceding repayment; or

''(iii) is a defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loans.''.

SEC. 12. REDUCTION OF DIRECT LOAN ORIGINATION FEES.

Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''4.0 percent'' and inserting ''3.0 percent''; and

(B) by striking ''shall'' and inserting ''is authorized to''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking '' '3.0 percent' for '4.0 percent' '' and inserting '' '2.0 percent' for '3.0 percent' '';

(B) in subparagraph (B), by striking '' '2.5 percent' for '4.0 percent' '' and inserting '' '1.5 percent' for '3.0 percent' '';

(C) in subparagraph (C), by striking '' '2.0 percent' for '4.0 percent' '' and inserting '' '1.0 percent' for '3.0 percent' '';

(D) in subparagraph (D), by striking '' '1.5 percent' for '4.0 percent' '' and inserting '' '0.5 percent' for '3.0 percent' ''; and

(E) in subparagraph (E), by striking '' '1.0 percent' for '4.0 percent' '' and inserting '' '0.0 percent' for '3.0 percent' ''.

SEC. 13. ADMINISTRATIVE ACCOUNT FOR DIRECT LOAN PROGRAM.

Section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (3) and inserting the following:

''(2) MANDATORY FUNDS FOR FISCAL YEARS 2007 THROUGH 2011.—Each fiscal year there

shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

''(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

''(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b),

not to exceed (from such funds not otherwise appropriated) $904,000,000 (less any amounts previously appropriated for the costs and fees described this paragraph for fiscal year 2007) for fiscal year 2007, $943,000,000 for fiscal year 2008, $983,000,000 for fiscal year 2009, $1,023,000,000 for fiscal year 2010, $1,064,000,000 for fiscal year 2011, and $1,106,000,000 for fiscal year 2012.'';

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (3) (as redesignated in subparagraph (B)), by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)''.

SEC. 14. COLLEGE TUITION DEDUCTION AND CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) EXPANSION OF DEDUCTION FOR HIGHER EDUCATION EXPENSES.—

(1) AMOUNT OF DEDUCTION.—Subsection (b) of section 222 of the Internal Revenue Code of 1986 (relating to deduction for qualified tuition and related expenses) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATIONS.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

''(B) APPLICABLE DOLLAR LIMIT.—The applicable dollar limit for any taxable year shall be determined as follows:

''Taxable year:	Applicable dollar amount:
2007	$8,000
2008 and thereafter	$12,000.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

''(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

''(i) the excess of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $65,000 ($130,000 in the case of a joint return), bears to

''(ii) $15,000 ($30,000 in the case of a joint return).

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

''(i) without regard to this section and sections 199, 911, 931, and 933, and

''(ii) after the application of sections 86, 135, 137, 219, 221, and 469.

For purposes of the sections referred to in clause (ii), adjusted gross income shall be determined without regard to the deduction allowed under this section.

''(D) INFLATION ADJUSTMENTS.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2007, both of the dollar amounts in subparagraph (B)(i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.''.

(2) QUALIFIED TUITION AND RELATED EXPENSES OF ELIGIBLE STUDENTS.—

(A) IN GENERAL.—Section 222(a) of the Internal Revenue Code of 1986 (relating to allowance of deduction) is amended by inserting ''of eligible students'' after ''expenses''.

(B) DEFINITION OF ELIGIBLE STUDENT.—Section 222(d) of such Code (relating to definitions and special rules) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) ELIGIBLE STUDENT.—The term 'eligible student' has the meaning given such term by section 25A(b)(3).''.

(3) DEDUCTION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 431 of such Act.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made in taxable years beginning after December 31, 2006.

(b) CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

''SEC. 25E. INTEREST ON HIGHER EDUCATION LOANS.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

''(b) MAXIMUM CREDIT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000 ($40,000 in the case of a joint return).

''(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined without regard to sections 199, 222, 911, 931, and 933.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2007, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2006' for '1992'.

''(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

''(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

''(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

''(e) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' has the meaning given such term by section 221(d)(1).

''(2) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

''(f) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

''(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Interest on higher education loans.''.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25E(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2006.

Mr. OBAMA. Mr. President, since coming to the Senate two years ago, I have worked to fulfill pledges I made during my campaign. The first piece of legislation I introduced, the HOPE Act, addressed my pledge to make college more affordable. The HOPE Act arose from what I heard when meeting people across Illinois during my Senate campaign, and what I now continue to hear from students and families across the Nation.

The dreams of our Nation's youth increasingly require a college diploma, but that diploma is becoming, for many, ever more difficult to attain. That difficulty arises not from lack of ambition or aptitude, but from lack of any realistic way for many American families to afford the requisite college education.

This difficulty impacts not only the dreams of millions of students, but also the wellbeing of our Nation. Competition in the global economy requires the attainment of a college degree, in order to create and strengthen the innovative and flexible workforce America needs.

But as college costs increase, financial aid lags. The College Board reports that over the most recent five-year period, the cost of tuition and fees at public four-year colleges jumped 35 percent, even adjusting for inflation. Over that same five-year period, the maximum award offered by the Federal Government through Pell grants increased little. As a result, the proportion of college expenses met by Pell Grants decreased from 42 percent to 33 percent over that five-year period. At the same time, we see that qualified high school graduates from low- and moderate-income families are much less likely to earn that college degree than their wealthier peers.

That is why I am pleased to support Senator KENNEDY as he introduces the Student Debt Relief Act. Not only does it substantially increase Federal support for the Pell Grant, it also takes other steps to make college more affordable. The Act proposes to cut student loan interest rates, to make loan reconsolidation more feasible for many students, and to cap the amount of monthly loan payments for graduates who enter public service careers.

These measures require a major investment. I believe we must continue to support qualified students who deserve the opportunity to turn their dreams into reality. I will continue to work to increase support for our students though the Pell Grant Program, and other measure that make a college degree attainable for many. This remains a priority for me, and I ask all my colleagues to join in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 35—EXPRESSING SUPPORT FOR PRAYER AT SCHOOL BOARD MEETINGS

Mr. VITTER (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 35

Whereas the freedom to practice religion and to express religious thought is acknowledged to be a fundamental and unalienable right belonging to all individuals;

Whereas the United States was founded on the principle of freedom of religion and not freedom from religion;

Whereas the framers intended that the first amendment to the Constitution would prohibit the Federal Government from enacting any law that favors one religious denomination over another, not prohibit any mention of religion or reference to God in civic dialogue;

Whereas in 1983, the Supreme Court held in Marsh v. Chambers, 463 U.S. 783, that the practice of opening legislative sessions with prayer has become part of the fabric of our society and invoking divine guidance on a public body entrusted with making the laws is not a violation of the Establishment Clause of the first amendment, but rather is simply a tolerable acknowledgment of beliefs widely held among the people of the Nation;

Whereas voluntary prayer in elected bodies should not be limited to prayer in State legislatures and Congress;

Whereas school boards are deliberative bodies of adults similar to a legislature in that they are elected by the people, act in the public interest, and hold sessions that are open to the public for voluntary attendance; and

Whereas voluntary prayer by an elected body should be protected under law and encouraged in society because voluntary prayer has become a part of the fabric of our society, voluntary prayer acknowledges beliefs widely held among the people of the Nation, and the Supreme Court has held that it is not a violation of the Establishment Clause for a public body to invoke divine guidance: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that prayer before school board meetings is a protected act in accordance with the fundamental principles upon which the Nation was founded; and

(2) expresses support for the practice of prayer at the beginning of school board meetings.

SENATE RESOLUTION 36—HONORING WOMEN'S HEALTH ADVOCATE CYNTHIA BOLES DAILARD

MS. SNOWE (for herself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on Judiciary.

S. RES. 36

Whereas women's health advocate Cynthia Boles Dailard was born on February 29, 1968 and grew up in Syosset, New York;

Whereas Cynthia Dailard excelled as a student both at Harvard University, from which she graduated cum laude with a bachelor's degree in English in 1990, and at the University of California at Berkeley's Boalt Hall School of Law, from which she graduated in 1994;

Whereas Cynthia Dailard entered the nonprofit sector upon graduating from law school, receiving a year-long fellowship at the National Women's Law Center in Washington, D.C.;

Whereas Cynthia Dailard worked as legislative assistant and counsel for Senator Olympia J. Snowe, bringing to bear her keen intelligence, vision, energy, expertise, and talent in service to the Nation and the women of the United States;

Whereas Cynthia Dailard worked as associate director for domestic policy for President William J. Clinton;

Whereas Cynthia Dailard worked for 8 years for the Guttmacher Institute, a respected public policy think tank devoted to women's health;

Whereas Cynthia Dailard spearheaded the Guttmacher Institute's policy work on issues related to domestic family planning programs and sex education;

Whereas Cynthia Dailard was a member of the National Family Planning and Reproductive Health Association Board of Directors;

Whereas Cynthia Dailard spoke and wrote prolifically on matters including family planning, adolescent sexual behavior, and insurance coverage for contraception;

Whereas Cynthia Dailard worked in a bipartisan fashion with elected officials and their staffs to promote the health and well-being of women and families;

Whereas Cynthia Dailard was a gifted and passionate voice within the women's health community;

Whereas Cynthia Dailard was driven by an abiding concern for human relationships and the health and well-being of all individuals;

Whereas Cynthia Dailard has left a thoughtful and enduring mark on women's health policy and will remain a role model for advocates by virtue of her wisdom, character, commitment, and scholarship; and

Whereas Cynthia Dailard is survived by her husband Scott and her daughters Miranda and Julia: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow the death of Cynthia Boles Dailard on December 24, 2006;

(2) extends its heartfelt sympathy to Scott, Miranda, and Julia Dailard; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to the family of Cynthia Boles Dailard.

Mrs. CLINTON. I rise today to join my good friend Senator SNOWE in introducing a resolution recognizing the life and untimely loss of a distinguished women's advocate and beloved friend to so many in New York, Washington and beyond: Cynthia Boles Dailard. A native New Yorker, Cynthia will be remembered not only for her incredible work and impressive career, but also for the way she touched so many in her all too short life.

Throughout her career, Cynthia impressed and inspired countless colleagues at the National Women's Law Center, as a legislative assistant and counsel for Senator SNOWE and as an associate director for domestic policy in the Clinton Administration. She was known for working in a bipartisan manner to promote her passion: the health and wellbeing of women and their families. This passion was matched by a genuine concern for the lives of others.

Cynthia then moved to the Guttmacher Institute, where her passionate and talented voice catalyzed research and policy regarding family planning, adolescent sexual behavior and insurance coverage for contraception. In remembering Cynthia, her friends at the Institute noted how her prolific writings pushed the women's health community ''to think deeply and to stretch in new directions.'' Indeed, it is the sort of innovative work that Cynthia was known for that impacts lives the most, as it spurs policy that can truly make a difference.

As we reflect upon Cynthia's life, we can see a path paved with far more than laudatory academic and professional achievement. Cynthia's legacy is one of commitment, thoughtfulness, character and kindness.

I remain touched by the myriad of ways Cynthia made a difference in people's lives as a wife and a mother, as a lawyer and a writer, and as an advocate and a friend.

I had the pleasure of working with Cynthia on numerous occasions and was always impressed with her intellect, knowledge and passion for women's health.

I extend my deepest sympathies to Cynthia's husband of 14 years, Scott and her daughters Miranda and Julia. And it is with the utmost respect that I pledge to celebrate Cynthia's work and her life through this resolution to honor her memory and through my work in the future to honor the health