United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, FEBRUARY 7, 2008 No. 20

House of Representatives

The House met at 10 a.m.

Pastor Wes Davis, Riverton Friends Church, Riverton, Kansas, offered the following prayer:

Father God, maker of heaven and Earth, You are Lord of all things created and sovereign over this great Nation. We humbly bow before You this day to thank You for Your mercies being new every morning.

It is because of Your great mercy that we would again ask for Your blessing and Your favor over these women and men who gather here as representatives of our Congress. Please extend to them Your mercy and Your grace and remind them that You love them.

Your scriptures tell us, ''As iron sharpens iron, so one person sharpens another.'' May these, Your people, sharpen one another today as their ideologies clash together, as one philosophy grates against another philosophy different than their own. Help them to see this diversity, not as tearing, for these are not people of sheer fabric. For they have been forged stronger by the rigors of politics and public scrutiny. But help them see this clashing and grating as an opportunity to sharpen thought, to cut through rhetoric and to pierce conscience for the benefit of humanity.

May their actions and decisions of today not become future apologies, but may they be a statement of this Congress' character, their firm resolve, and a hope for a better America.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3541. An Act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

WELCOMING PASTOR WES DAVIS

The SPEAKER. Without objection, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 1 minute.

There was no objection.

Mrs. BOYDA of Kansas. Madam Speaker, Rev. Wes Davis left the beaches of California in the early 1990s to pastor a small church in Kansas in the town of Riverton. He helped to construct the building that is the Riverton Friends Church in Cherokee County, and he helped to grow the congregation from about 100 to nearly 400 people. He did this while sharing his knowledge and faith from around the world, from Haiti to Liberia to Hungary.

In addition to being a pastor, family man, and missionary, Pastor Davis is the executive director of STOA Ministries. STOA in Greek means ''porch.'' In Solomon's day, people gathered on area porches to discuss theology and their faith. Wes Davis is a man of faith who has made the world his porch, always striving to help others learn God's grace.

Pastor Wes Davis, thank you for expanding your porch to the Halls of Congress today.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute speeches on each side.

LOOMING INFRASTRUCTURE CRISIS

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

Mr. BLUMENAUER. Madam Speaker, for the first time in American history, the highway trust fund is running a deficit this year. What is the solution from this administration? Well, instead of having a comprehensive approach to dealing with the shortfall, they just want to steal some money from the mass transit administration account and walk away. This will only delay the problem for 1 year, and it will push mass transit into deficit the next year, instead of a practical solution to fix the looming transportation trust fund crisis.

This is consistent with their consistent underinvestment in our Nation's infrastructure. It is why the American Society of Civil Engineers has rated our infrastructure a D minus, and estimates it will cost us $1.6 trillion over the next 5 years to repair water, sewer, and transportation infrastructure, a crisis not just for the Federal Government but even worse for State and local governments.

A hundred years ago, Teddy Roosevelt had a vision for a national conference to develop a plan to deal with the Nation's infrastructure. It is time for this Congress to revisit that concept, maybe have a transportation vision for this century.

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HONORING THOMAS JEFFERSON HIGH SCHOOL

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on Friday, December 14, 2007, the varsity football team from Thomas Jefferson High School in Jefferson Hills, Pennsylvania, won the Class AAA State football championship in Hershey, clinching the Jaguars' second title in 4 years. With a final score of 28–3, the Jaguars finished a perfect season. Zach Decicco, Thomas Jefferson's quarterback, threw for 137 yards and two scores, ran for 11 yards and a score, and picked off a pass on defense.

Coach Bill Cherpak became just the third head coach in western Pennsylvania history to achieve a perfect win record in more than one appearance at the State championship game in Hershey.

Thomas Jefferson High School and the West Jefferson Hills School District also excel in academics, ranking in the top 20 of Pennsylvania's 501 school districts.

Congratulations to coach Bill Cherpak and the Thomas Jefferson High School Jaguars for being champions on the field and champions in the classroom.

BUSH BUDGET HAS MISPLACED PRIORITIES

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

Mr. MCNERNEY. Mr. Speaker, our national budget should invest in our future. Unfortunately, the President's final budget is more of the same, missed opportunities and misplaced opportunities.

The President's budget is fiscally reckless, adding $1.6 trillion in deficit over the next 5 years instead of becoming balanced over that same period. But you won't hear that from the President. He claims that the budget is balanced by 2012, but that is only because he leaves out enormous costs, including the 5-year cost of fixing the alternative minimum tax and the full cost of the Iraq war.

When realistic costs are included, the budget runs into significant deficits over each of the next 5 years. This, unfortunately, is more of the same. The President took a 10-year surplus of $5.6 trillion that he inherited and turned it into a $3.6 trillion deficit. This budget continues down the same path by borrowing from our children and grandchildren.

Mr. Speaker, Democrats can simply not afford this fiscal recklessness. In the coming months, we will present a fiscally responsible budget that meets our pay-as-you-go requirements.

MEXICO THROWS ROCKS AND CRIES TEARS

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

Mr. POE. Mr. Speaker, the border war with Mexico continues. On the Mexican side of the border, Mexican nationals hide on rocky hills and throw rocks at American border agents. These assaults have continued to increase and escalate to the point that the Border Patrol recently acted in self-defense and fired tear gas at the unruly mobs.

You see, these are the same Mexican nationals that later will illegally sneak into America when the Border Patrol isn't watching. After the most recent tear gas episode, the Mexican Government sent a self-righteous statement to the United States that said, even though ''these incidents are a response to hostile acts against Border Patrol agents by Mexican citizens, the actions by U.S. authorities are unacceptable.''

The Mexican Government seems to arrogantly support its rock-throwing nationals but doesn't want Americans to defend themselves.

Mexico needs to get its lawless house in order and control the disorderly mobs that lurk on the border. The United States should use every tool available to protect our borders from invaders, rock throwers, and drug smugglers. And if Mexico cries tears about it, too bad.

And that's just the way it is.

MISSED OPPORTUNITIES IN BUSH BUDGET

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

Mr. BRALEY of Iowa. Mr. Speaker, this week the President unveiled his final budget proposal, and like previous budgets, it fails to properly address the needs and concerns that are central to the everyday lives of our constituents.

Perhaps most troubling is the fact that the Bush budget continues the President's legacy of fiscal irresponsibility and leaves behind a $407 billion deficit. The five largest deficits in American history have all occurred on the President's watch. When President Bush took office, the debt stood at $5.7 trillion, and it is projected to stand at $9.7 trillion by the time President Bush leaves office. This fiscal record ties the hands of the next generation, which faces growing obligations with increasingly limited resources.

The Bush budget also hurts Americans struggling to make ends meet by cutting Medicare and Medicaid, and the low income home energy assistance program. This budget also hurts our long-term efforts to prepare Americans for better jobs in the global marketplace by slashing important education and literacy programs.

Mr. Speaker, the American people do not want more of the same. This Democratic Congress will propose a budget alternative that takes America in a new direction.

HONORING DR. JOSEPH PATTON

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

Mr. BARRETT of South Carolina. Mr. Speaker, today I want to honor an individual who has a rich background in managing health care services and agencies within the State of South Carolina.

His experience and education in health care has placed him throughout locations in the South, affiliating him with dozens of communities and civic organizations.

As February recognizes Black History Month, I honor Dr. Joseph Patton, who has continuously reached out to provide knowledge, support, and service to benefit those in the community.

A native of Spartanburg, South Carolina, Dr. Patton is an ordained elder in the Presbyterian Church and holds an honorary doctorate degree for his services to the church and community.

Along with his service to his region, Dr. Patton has served overseas, is a veteran of the United States Army, and is currently a member of the American Legion and the Veterans of Foreign Wars.

During Black History Month, I give recognition to Dr. Patton for serving as an educated leader of health, for being well known as a caring husband, father, grandfather, and mentor to those in the community.

DEMOCRATS WORK TO STIMULATE ECONOMY

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

Mr. SIRES. Mr. Speaker, when Democrats took control of Congress last year, we vowed to work on behalf of all Americans. Last year, we recognized that middle-class families were struggling to make ends meet, and so we worked hard to ease that economic crunch. We passed billions of dollars in tax relief to middle-income families. We increased the minimum wage for the first time in a decade, and we enacted an energy bill that will save the average family anywhere between $700 and $1,000 a year in energy costs, and help families better afford college.

This is a good start, but as economic indicators continue to head in the wrong direction, we worked with the White House and House Republicans on an economic stimulus package that will provide a real and significant short-term boost to this economy.

The House bipartisan economic stimulus plan is the most progressive package this decade. It will help jump-start

our economy, and will provide real assistance to lower and middle-income families. I hope our friends in the Senate will act on this legislation this week.

□ 1015

SUPPORT OUR TROOPS

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

Mr. WILSON of South Carolina. Mr. Speaker, the City of Berkeley, California, recently disgraced itself by referring to brave marines with slander when the city council voted to tell the Marine Corps to close its recruiting station. As a veteran, as the son-in-law of a veteran, and as the father of four sons in the military, I know firsthand of the education and opportunities provided by military service while promoting freedom.

In response to Berkeley, Congressman JOHN CAMPBELL has introduced legislation that would remove $2 million in secret earmarks for the City of Berkeley and instead send the money to the Marines. While I believe wholeheartedly in free speech, we owe respect to the very people who are sacrificing so much to defend our freedoms. I invite the Berkeley City Council to visit Beaufort, South Carolina, home of Parris Island, the naval hospital, and the Marine Corps Air Station to see how our patriotic community supports the brave men and women who serve as proud marines.

In conclusion, God bless our troops and the United States Marine Corps, and we will never forget September the 11th.

BUSH BUDGET IS MORE OF THE SAME MISSED OPPORTUNITIES AND MISPLACED PRIORITIES

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, we are here to talk today about the recent unveiling of the President's budget. I think we should give the President credit. At least he's consistent. Like all of his previous budgets, this one does several things. It leaves most Americans behind and puts this Nation further in debt.

At a time of a slowing economy and Americans increasingly struggling to make ends meet, the President focuses on $1 trillion in tax breaks to the top 1 percent of Americans. While the wealthiest few continue to prosper under the President, the President cuts vital energy, education, and health care investments. At a time of rising energy costs, the President slashes low-income energy assistance programs. At a time of college costs skyrocketing, the budget eliminates nearly $1 billion in grant programs. At a time of rising health care costs, the President proposes devastating Medicare and Medicaid cuts that would reduce affordable access to health care for our seniors.

The one good thing that people know is the winds of change have been blowing. This Democratic Congress will restore these and put the priorities of American people first.

BUSH BUDGET AND HEALTH CARE MISSED OPPORTUNITIES AND MISPLACED PRIORITIES

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, at a time when more and more Americans are struggling to obtain affordable health care, the President's budget drastically slashes health care for seniors and low-income working Americans.

Today, 36 million seniors get health care coverage through Medicare. The President's budget takes a swipe at their pocketbooks by proposing to save nearly $6 billion by increasing the monthly premiums that seniors pay.

If the President was concerned about seniors, he would instead go after the vast overpayments made by Medicare to private managed care plans. Instead, he has raised premiums on our seniors and focused his cuts on our Nation's hospitals, skilled nursing facilities, and other health care providers. The President also cuts Medicaid by $33 billion over the next 5 years.

Today, Medicaid serves 55 million low-income and disabled Americans. Such cuts force cash-strapped States to either reduce benefits or cut provider payments.

Mr. Speaker, as our economy continues to face uncertain times, this is the worst time for the President to promote drastic cuts in Medicare and Medicaid.

Rest assured, the Democrats would not allow these cuts to become law. These provisions are as good as dead as they come to Capitol Hill.

DEMOCRATS HAVE WORKED IN BIPARTISAN FASHION ON STIMULUS PACKAGE

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, our economy is in trouble, and millions of hardworking American families are feeling the impact as we speak. Since 2001, the real income of a typical working family has fallen by $2,500, and workers' wages have failed to keep up with the inflation for the fourth time in the past 5 years.

In December, the unemployment rate shot up to a 2-year high of 5 percent with over 900,000 more Americans looking for work over the same period last year. Stagnant wages are not only forcing families to squeeze more out of every dollar, but are also taking a toll on our overall economy. Retailers suffered their worst December shopping season in 5 years, and consumer confidence fell this month to its lowest point on record.

Last week, the House approved a bipartisan economic package that will provide urgent relief to 117 million Americans. This is a fair economic package that gets money to the workers, the people who need it the most; and they are most likely to spend it on necessities like groceries and gas.

Economists estimate that each dollar of the rebate will lead to $1.26 in economic growth. Mr. Speaker, economists also say we have to act fast. That's exactly what this House did, and I hope the Senate joins us.

DEMOCRATS WANT TO CONTINUE MOVING NATION IN A NEW DIRECTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today the House will address one of the most important issues in America's future, that is, the opportunity to give young people a chance for a higher education. H.R. 4137, the College Opportunity and Affordability Act, does just that. It is interesting, however, that the President's budget unfortunately does not recognize that opportunity, and it is in the business of cutting those opportunities for our young people.

The supplemental education opportunity grants for needy undergraduates is now being cut. So I hope that on the floor today we will make a statement to support our schools.

I represent Texas Southern University, a school that has been under seige by its Republican State government. A school that is historically black received moneys from the past administration and the desegregation settlements. But yet even today, it is not receiving the funding that it should receive from the State of Texas.

I will be introducing legislation that will ensure that historically black colleges, Hispanic-serving colleges cannot be undermined by State government funding when they come under the supervision of the Department of Education. Our bill is a good bill. It's a step forward.

Mr. President, I hope that you will recognize that we cannot cut the opportunities of young people.

THE CASE FOR BIPARTISANSHIP

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, last week this House came together in a bipartisan fashion to address the economic uncertainty that many of our citizens are facing. President Bush worked with both Democratic and Republican leaders of the House to develop an economic stimulus package

that is timely, targeted, and temporary. That plan, which was passed here in the House last week, will help jump-start our economy by putting tax rebates in the hands of 117 million hardworking middle- and lower-income workers.

We should be proud of the bipartisanship that made this compromise package possible. I would hope that we could bring that same bipartisanship to bear on the continuing war in Iraq.

Last month, the Iraqi defense minister said that his country will not be able to take full control of its security until 2012 and will not be able to defend its borders from outside threats until at least 2018. Democrats do not believe that American troops should be on the ground in Iraq for another decade and neither do the American people. The status quo cannot continue.

I would hope that we could continue to work together to bring this war to an end.

URBAN VIOLENCE

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

Mr. RUSH. Mr. Speaker, I come to the floor today to speak about an issue that is very close to my heart personally as a father and American and as a Member of Congress. There is a plague across this Nation that has taken the lives of hundreds of thousands of American citizens, and it is disturbing and upsetting that there is no public outcry over the destruction that it leaves in its path. The plague is urban violence.

Mr. Speaker, over the Christmas break I was shocked by a piece of news that I saw on ''Nightline'' which detailed how medics who are sent to Iraq are honing their skills by working in urban hospitals attending to gunshot victims.

The documentary went on to say that over 75 African American and Latino males are killed in our inner cities on a daily basis. Over 75 Latinos and American males are killed on a daily basis in American streets, a number that dwarfs the number of fatalities, Iraqi and American, that are suffered in the war zone.

Mr. Speaker, we must break this silence and stop this violence. It is time to stop the killing, stop the violence.

EXPANDING PROSPERITY BY PASSING THE COLLEGE OPPORTUNITY AND AFFORDABILITY ACT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, one of the best ways to expand prosperity for more Americans is to make college more affordable. Today, an education at a private university is close to $50,000 a year, and things aren't much better at public universities where prices have shot up 40 percent above inflation in the last 7 years alone.

This Democratic Congress has worked to eliminate some of the sticker shock. Last year we passed the College Cost Reduction Act of 2007, which was the single largest increase in college aid since the GI Bill. But we are not done.

Today we will vote on the College Opportunity and Affordability Act, which will make college more affordable and accessible. The bill encourages colleges to rein in price increases and to provides consumers with helpful information so they can make the best decisions on which school to choose.

The legislation also simplifies the Federal student aid application process, expands college access and support for low-income and minority students, and increases aid for our veterans and military families.

Mr. Speaker, let's continue to strengthen our Nation's future by passing the College Opportunity and Affordability Act today.

PROVIDING FOR CONSIDERATION OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 956 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 956

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. During consideration in the House of H.R. 4137 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 6. House Resolution 941 is laid upon the table.

□ 1030

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 956.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

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

House Resolution 956 provides for consideration of H.R. 4137, the College Opportunity and Affordability Act of 2007, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Education and Labor.

The rule makes in order the Education and Labor Committee reported substitute as an original bill for the purpose of amendment.

The rule makes in order the 27 amendments listed in the Rules Committee report, each of which is debatable for 10 minutes, except the Miller manager's amendment, which is debatable for 20 minutes.

Mr. Speaker, last year Congress passed the College Cost Reduction Act to increase college financial aid by $18 billion, the single largest increase in aid in over 60 years. That legislation significantly increased the maximum amount that Pell Grant recipients can receive at no new cost to taxpayers and was a strong start to this Congress' efforts to make higher education a reality for America's students. But that, Mr. Speaker, was just the beginning.

I'm proud to rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act. This will continue our efforts to make college more affordable and more accessible for America's students, while making investments in critical areas to strengthen our workforce.

Our Nation is blessed to have the finest system of higher education in the world. There is a breadth of opportunities available to our graduating high school seniors: vocational and technical school, 2- and 4-year colleges, and graduate and professional schools.

Mr. Speaker, the challenge we face today is to ensure that our institutions of higher education are accessible to all, and the legislation we are passing today will make it easier for low-income and middle-class families to achieve the benefits of higher education as they climb up the ladder of success.

Investing in our students not only improves their future, but it helps our economy and strengthens our competitive edge in the global marketplace. This bill continues this Congress' efforts to strengthen America's workforce by creating programs to improve teacher training and bolster student interests in science, math, and technology.

We must also recognize and applaud our nontraditional students, those members of our workforce who are seizing the opportunity to continue their education while holding down full-time jobs and sometimes raising families. These students are often attending school less than half time, and thus, they sometimes benefit very little from traditional student aid. That's why I support my colleague Congressman BAIRD's amendment, which I hope will be incorporated into this bill, to require the Secretary of Education to study and recommend how best to design a loan program targeted at less than half-time students.

One of the keys to expanding access to our institutions of higher learning is to bring down the exorbitant cost of attending college. Tuition hikes in recent years have been stunning, amounting to a 31 percent increase at a 4-year public college in the last 5 years alone.

This bill enhances transparency in college tuition by requiring colleges to report their reasons for tuition hikes and the plans they have for lowering costs. It also requires the Secretary of Education to publish a higher education price index, providing students with the opportunity to compare institutions by State, sector, and change in tuition and fees from one year to the next. This will allow students to make wiser decisions in choosing institutions that are a good fit for them and the dreams to which they aspire.

A more immediate way to make the possibility of attaining a college degree a reality is to increase the aid available to our students, and I'm proud that this bill does that, doubling the maximum Pell Grant amount to $9,000.

Beyond the sticker price of tuition, any student will tell you that the cost of textbooks is also a challenging cost they incur. The average student spends about $1,000 per year on textbooks, which is nearly 20 percent of tuition and fees at a 4-year public institution. Such high costs for textbooks can be the deciding factor which dashes or delays the dream of obtaining a college degree and a better life for many.

This legislation requires publishers to provide specific information about pricing so that faculty has full information when making purchasing decisions so students can help plan for expenses.

And in addition, Mr. Speaker, I'm proud to support an amendment offered by my colleague from Ohio, Congressman TIM RYAN, along with Representative JASON ALTMIRE, which will create a pilot grant program to assist colleges in setting up textbook rental programs. These programs already exist in 25 schools, and a pilot test at Bowling Green State University in Ohio last spring saved 151 students $11,000.

We must also continue to strive to reduce the achievement gap in higher education between low-income and minority students and their peers. We can do this by ensuring that all students are prepared for the rigorous demands of higher learning. This bill strengthens the proven TRIO and GEAR UP college readiness and support programs for low-income and first generation students. I have seen firsthand, Mr. Speaker, the great things that these programs can do in Elyria in my district, which is a GEAR UP site, and the University of Akron, which has received TRIO funding. I look forward to the expansion of these proven programs so that more students in Ohio and around the country may benefit.

This legislation also addresses the disappointment we saw last year as the student loan scandal unfolded. Those financial aid directors that received kickbacks and payoffs and luxury gifts from private lenders exhibited a spectacular abuse of power and betrayal of the students they serve. This legislation cracks down on that abuse and restores accountability by requiring institutions and lenders to adopt strict codes of conduct and protect students from aggressive marketing by lenders. Institutions will also be required to provide students with information about Federal and private borrowing options.

This bill will also encourage and make it financially feasible for students to become public servants by authorizing up to $10,000 in loan forgiveness for military servicemembers, firefighters, law enforcement officers, first responders, nurses, educators, prosecutors, and public defenders.

This bill also continues the work this Congress has undertaken to support our troops by creating new scholarship and support programs for active duty military personnel, their family members, and veterans. It also establishes support centers to help veterans succeed in college and ensures fairness in student aid and housing aid for veterans to make it easier for them to go to college while also fulfilling their military service duties.

I'm also proud to support an amendment being offered by my colleague Congresswoman SUSAN DAVIS that is based on legislation of which I'm a cosponsor. Her amendment will prevent interest from accruing for active duty servicemembers and qualifying National Guard members for the duration of their activation up to 60 months when serving in a combat zone.

Mr. Speaker, the dream of a college education is moving further and further out of reach for middle- and low-income families. We need to put this prospect of a college education and a brighter future back in reach. Passing H.R. 4137 and building on the work we started last year is an important and priceless investment in the future of our children, our communities, and our country.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlelady from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I believe that we must do all that we can to make education more affordable so that more Americans can achieve the dream of graduating from college. This year alone over $90 billion in Federal financial aid is available to students. However, with tuition costs on the rise, students and their families continue to face the inevitable question of how to pay for a college education. I believe a balanced approach is needed, one that increases transparency of higher education costs and targets aid to the neediest students while simplifying the financial aid process and addressing the growing

number of burdensome reporting requirements colleges and universities face.

I share the goal of increasing access to higher education, but I have a number of concerns with the College Opportunity and Affordability Act, and I believe improvements to the bill are needed. Mr. Speaker, apparently Members on both sides of the aisle also share this view because over 60 amendments were submitted to the Rules Committee before the deadline.

The last time that this House considered a comprehensive higher education reauthorization bill was in 1998. At that time, the Rules Committee reported a modified open rule, and as a result, all Members of the House had an opportunity to preprint their amendments in the CONGRESSIONAL RECORD and offer them on the floor.

Mr. Speaker, I am disappointed that this time the Democrat-controlled Rules Committee chose a closed process to consider a long overdue reauthorization of the Higher Education Act. Unfortunately, by reporting out a closed rule, Democrats on the Rules Committee once again chose to deny over 400 Members of Congress the opportunity to offer amendments to improve the bill. Furthermore, this rule makes in order five times as many Democrat amendments as Republican amendments.

Reauthorizing the Higher Education Act is important, but by adopting this closed rule, an opportunity will be missed to make the underlying bill even better. Therefore, Mr. Speaker, I urge my colleagues to vote against this closed rule.

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

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. Mr. Speaker, I thank my colleague from Ohio.

Mr. Speaker, I rise today to support the College Opportunity and Affordability Act of 2007 and this rule because we are committed to making the cost of attending college more affordable and accessible. This is great news for hardworking, middle-class families and students across America and students in my hometown, which is a college town with thousands and thousands of students enrolled in the community college and at the University of South Florida.

There's great debate in Washington today over the economy and how we are going to provide relief to middle-class families. One of the answers is to address the soaring costs of attending college and keep the doors to a higher education open by making college affordable through grants and low-rate loans.

A college diploma is a critical step toward a higher paying job and success in life, and one of the best investments we can make for the future of our great Nation is to ensure that the doors to our colleges and universities remain wide open.

In my home State of Florida, unfortunately, we're undergoing a budget crisis, and the funding for higher education unfortunately has been targeted for millions and millions of dollars of cuts. This has resulted in the university and community college doors being kept shut for many students.

One student in my hometown in Tampa from Jefferson High School, Gabby Rodriguez, has a 4.3 grade point average, but because of the budget cuts in the State of Florida and the lack of student financial assistance, she may have to go to college out of State or put her college dreams on hold entirely.

So the passage of this crucial bill could not come at a better time. With passage of this bill, we will increase need-based aid and make the Federal Pell Grants more available to students.

□ 1045

You know, last year the Congress battled the Bush administration over the ability of first-generation students to attend college and work through the Upward Bound initiative. Well, we are focused on better jobs for the future, so we will strengthen the Upward Bound program through this bill today. We are focused on better jobs for the future, so we will provide loan forgiveness for graduates who decide to enter public service careers in areas of national need, such as early childhood educators, child welfare workers, and firefighters. We are focused on better jobs for the future, so we encourage students' interest in math, science, and technology through this bill.

Through the leadership of Chairman GEORGE MILLER, who is a hero for college students throughout America, Congressman JOHN TIERNEY, Ranking Member MCKEON, BOBBY SCOTT, LYNN WOOLSEY, all of the members of the Education and Labor Committee, I salute them and thank them for their leadership because, Mr. Speaker, this is an important bipartisan milestone for education.

I urge my colleagues to support the rule and the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the ranking member of the Education and Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding.

A decade ago, the last time we renewed the Higher Education Act, it was debated under an open rule that allowed every Member the opportunity for full participation. On an issue so important to our Nation's continued success, I would expect nothing less than a full and open debate. I am disappointed that the same opportunity was not provided today. Sadly, suppressed debate is all we have known under this majority.

I am also disappointed that misuse of the budget reconciliation process last year has left us with a bill that includes many important reforms, but does not provide a full review of the largest financial aid programs.

Because the budget reconciliation bill contained drastic and far-reaching changes to Federal student loans, the bill before us pays very little consideration to student lending. Unfortunately, circumstances surrounding the loan programs have changed in the last several months, and it looks like now is exactly the time when we should be looking at these programs.

We are all painfully aware of the collapse in the subprime mortgage market. Those financial insecurities have spread the higher quality assets, including the asset-backed equities that are often used to finance Federal and non-Federal student loans.

As we face these market insecurities, the full extent of the cuts enacted through last year's budget reconciliation bill are just beginning to be understood. Taken together, it appears our Federal loan program may be facing a perfect storm, yet here we are with a comprehensive higher education renewal that does not consider the student loan programs.

I had hoped to offer an amendment today that would acknowledge the challenges facing the loan program. Although my amendment did not call for any immediate changes within the credit markets or the loan program structure, a sense of Congress urged the Secretary of Education to closely monitor the student loan marketplace so that if in the near future these market insecurities translate into a loss of loan availability, we could act quickly to protect the interests of students.

Mr. Speaker, I won't be offering that amendment today; it was not ruled in order. Somehow, a sense of the Congress acknowledging the very real challenges facing our Nation's largest financial aid program was deemed unfit for consideration.

We also won't be considering an amendment to protect students' free speech rights on campus, or either of two amendments to ensure taxpayers aren't forced to provide assistance under this bill to illegal immigrants. Nor will we take up any of the other Republican amendments that were stifled by a heavy-handed majority.

Mr. Speaker, we're here to consider a bipartisan bill that I strongly support. In fact, the bill was voted out of committee with a vote of 45–0. Yet even on a bipartisan college access bill, the majority could not bring itself to allow a fair and open debate.

Just four of the 27 amendments we'll consider today were offered by Republicans, about 15 percent. For every 6 minutes we spend debating Democrat proposals today, the Republican ideas will be given 60 seconds. Democrats will claim that's how we ran things when Republicans were in charge. But during this same debate in 2006, when we considered comprehensive higher education reform, more than one-third

of the amendments considered on the floor were offered by Democrats.

This is not just a problem of amendments being made in order. Republicans were blocked from even submitting amendments just 3 minutes after the deadline Tuesday morning. Key Republican proposals were rejected from consideration some 30 hours and 57 minutes before the Rules Committee met. Is this a majority that strictly adheres to deadlines no matter what the circumstances? Evidently not, at least not when they stand to benefit from a little flexibility.

The listing of amendments on the Rules Committee Web site was modified at 4:39 p.m. Wednesday, just 21 minutes before the committee met. Fully 20 of the Democrats' amendments were modified or withdrawn after the submission deadline.

I cannot help but ask, Why are Republicans being shut out of a bipartisan bill? Why is the majority only permitting Republican amendments that align with their policy goals? Is this payback because Republicans plan to demand a vote today on earmark reform?

Mr. Speaker, this is an unreasonable rule that taints the bipartisanship of the underlying bill, and I strongly oppose it.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), also a member of the committee.

Mr. SOUDER. I thank my distinguished friend from Washington State.

A little bit of irony here. I had an amendment that we fully debated in committee on students' free speech, and I wanted to offer it today. But isn't it ironic that while I was trying to argue for a student bill of rights and free speech, that we're not allowed to have free speech and a bill of rights in the United States Congress. How in the world, when we're having 27 amendments, and this amendment was overwhelmingly supported by our party, we only have, out of 27, four from Republicans, and two of those are Republican opposed. If we have time for 27 amendments, why can't we have an amendment for free speech? I just don't understand.

I never understood the opposition to the amendment, but what an insult to the American people that when we want to debate whether there should be a student bill of rights on campuses, which is being adopted and introduced in many places around the country, that the United States Congress can't even debate on the House floor a free speech amendment and protection for speech in colleges. This is an outrage, an embarrassment, and a humiliation to the Rules Committee. Why 27 amendments, but not one on a student bill of rights? Could it be that it's a difficult vote?

David Horowitz, and I will insert into the RECORD an article, ''In Defense of Intellectual Diversity,'' has been a champion of this problem. Now, we had a very interesting debate in committee. The chairman of the committee said that some of these students who have been complaining should grow up, and cited a case of where he struggled. And certainly when I was a college student in the late sixties and early seventies and wore a button ''I'm proud to be a square'' when most of America wasn't proud to be a square, I certainly had my share of debates, my share of harassment, my share of being yelled down, trying to offer a differing view than the view that was popular in the late sixties. And some of that goes with being on a college campus, but there are examples all over this country where intellectual diversity, intellectual alternatives are being stymied in academia. This amendment would try to protect those rights.

Some of it's from the far left; a lot of it is on the conservative side right now. In fact, next Tuesday Ben Stein has a movie coming out, ''Expelled: No Intelligence Allowed,'' that will debut about one of those debates in science. Where there is an effort to stamp it out, particularly when you get into government, economics, sociology, philosophy, and so on, increasingly there is a rigidity; and if you disagree you are harassed, your grades can be altered, your papers can be given back to you, speeches and alternative speakers are shouted down. And, yes, there are nominal processes to do it, but if there are nominal processes to do it, what is wrong? This amendment says, for example, ''Individual colleges and universities have different missions and each institution should design its academic program in accordance. Within the context of institutional mission, the college should promote intellectual pluralism and facilitate free and open exchange of ideas.'' Well, that's not very controversial.

''D, Students should not be intimidated, harassed, discouraged from speaking out, discriminated against, or subject to official sanctions because of their personal, political, ideological or religious beliefs.'' Isn't that a terrible, risky, difficult vote?

''Students should be treated equally and fairly, including evaluation and grading, without regard to or consideration of their personal political views or ideological beliefs.'' That's just awful. How could we vote on that in the United States Congress to say there would be no persecution? There is no ''whereas'' clauses here. There's nothing in here that says campuses are liberal, campuses are conservative. We don't have any ''whereas'' clauses that are insulting in here. There is nothing in here that's partisan; I just read you the guts of the bill.

Why can't we vote on this? Why is this opposed? Why is it opposed so much that we're not even allowed to debate it on the floor of Congress? How can we say, in a higher education bill, that we believe in inquiry, that we believe in searching for knowledge, but when we had an amendment to protect students who might have a difference of opinion that we wouldn't even allow a vote?

[From the Chronicle Review, Feb. 13, 2004]

IN DEFENSE OF INTELLECTUAL DIVERSITY

(By David Horowitz)

I am the author of the Academic Bill of Rights, which many student governments, colleges and universities, education commissions, and legislatures are considering adopting. Already, the U.S. House of Representatives has introduced a version as legislation, and the Senate should soon follow suit.

State governments are also starting to rally around efforts to protect student rights and intellectual diversity on campuses: In Colorado, the State Senate president, John K. Andrews Jr., has been very concerned about the issue, and State Rep. Shawn Mitchell has just introduced legislation requiring public institutions to create and publicize processes for protecting students against political bias. Lawmakers in four other states have also expressed a strong interest in legislation of their own, based on some version of the Academic Bill of Rights. Students for Academic Freedom is working to secure the measure's adoption by student governments and university administrations on 105 member campuses across the country (http://www.studentsforacademicfreedom.org).

The Academic Bill of Rights is based squarely on the almost 100-year-old tradition of academic freedom that the American Association of University Professors has established. The bill's purposes are to codify that tradition; to emphasize the value of ''intellectual diversity,'' already implicit in the concept of academic freedom; and, most important, to enumerate the rights of students to not be indoctrinated or otherwise assaulted by political propagandists in the classroom or any educational setting.

Although the AAUP has recognized student rights since its inception, however, most campuses have rarely given them the attention or support they deserve. In fact, it is safe to say that no college or university now adequately defends them. Especially recently, with the growing partisan activities of some faculty members and the consequent politicization of some aspects of the curriculum, that lack of support has become one of the most pressing issues in the academy.

Moreover, because I am a well-known conservative and have published studies of political bias in the hiring of college and university professors, critics have suggested that the Academic Bill of Rights is really a ''right-wing plot'' to stack faculties with political conservatives by imposing hiring quotas. Indeed, opponents of legislation in Colorado have exploited that fear, writing numerous op-ed pieces about alleged right-wing plans to create affirmative-action programs for conservative professors.

Nothing could be further from the truth. The actual intent of the Academic Bill of Rights is to remove partisan politics from the classroom. The bill that I'm proposing explicitly forbids political hiring or firing: ''No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs.'' The bill thus protects all faculty members—left-leaning critics of the war in Iraq as well as right-leaning proponents of it, for example—from being penalized for their political beliefs. Academic liberals should be as eager to support that principle as conservatives.

Some liberal faculty members have expressed concern about a phrase in the bill of rights that singles out the social sciences and humanities and says hiring in those

areas should be based on competence and expertise and with a view toward ''fostering a plurality of methodologies and perspectives.'' In fact, the view that there should be a diversity of methodologies is already accepted practice. Considering that truth is unsettled in these discipline areas, why should there not be an attempt to nurture a diversity of perspectives as well?

Perhaps the concern is that ''fostering'' would be equivalent to ''mandating.'' The Academic Bill of Rights contains no intention, implicit or otherwise, to mandate or produce an artificial ''balance'' of intellectual perspectives. That would be impossible to achieve and would create more mischief than it would remedy. On the other hand. a lack of diversity is not all that difficult to detect or correct.

By adopting the Academic Bill of Rights, an institution would recognize scholarship rather than ideology as an appropriate academic enterprise. It would strengthen educational values that have been eroded by the unwarranted intrusion of faculty members' political views into the classroom. That corrosive trend has caused some academics to focus merely on their own partisan agendas and to abandon their responsibilities as professional educators with obligations to students of all political persuasions. Such professors have lost sight of the vital distinction between education and indoctrination, which—as the AAUP recognized in its first report on academic freedom, in 1915—is not a legitimate educational function.

Because the intent of the Academic Bill of Rights is to restore academic values, I deliberately submitted it in draft form to potential critics who did not share my political views. They included Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago; Michael Bérubé, a professor of English at Pennsylvania State University at University Park; Todd Gitlin, a professor of journalism and sociology at Columbia University; and Philip Klinkner, a professor of government at Hamilton College. While their responses differed, I tried to accommodate the criticisms I got, for example deleting a clause in the original that would have required the deliberations of all committees in charge of hiring and promotion to be recorded and made available to a ''duly constituted authority.''

I even lifted wholesale one of the bill's chief tenets—that colleges and professional academic associations should remain institutionally neutral on controversial political issues—from an article that Dean Fish wrote for The Chronicle (''Save the World on Your Own Time,'' January 23, 2003). He has also written an admirable book, Professional Correctness (Clarendon Press, 1995), which explores the inherent conflict between ideological thinking and scholarship.

Since the Academic Bill of Rights is designed to clarify and extend existing principles of academic freedom, its opponents have generally been unable to identify specific provisions that they find objectionable. Instead, they have tried to distort the plain meaning of the text. The AAUP itself has been part of that effort, suggesting in a formal statement that the bill's intent is to introduce political criteria for judging intellectual diversity and, thus, to subvert scholarly standards. It contends that the bill of rights ''proclaims that all opinions are equally valid,'' which ''negates an essential function of university education.'' The AAUP singles out for attack a phrase that refers to ''the uncertainty and unsettled character of all human knowledge'' as the rationale for respecting diverse viewpoints in curricula and reading lists in the humanities and social sciences. The AAUP claims that ''this premise . . . is anti-thetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge.''

The association's statements are incomprehensible. After all, major schools of thought in the contemporary academy—pragmatism, postmodernism, and deconstructionism, to name three—operate on the premise that knowledge is uncertain and, at times, relative. Even the hard sciences, which do not share such relativistic assumptions, are inspired to continue their research efforts by the incomplete state of received knowledge. The university's mission is not only to transmit knowledge but to pursue it—and from all vantage points. What could be controversial about acknowledging that? Further, the AAUP's contention that the Academic Bill of Rights threatens true academic standards by suggesting that all opinions are equally valid is a red herring, as the bill's statement on intellectual diversity makes clear: ''Exposing students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a major responsibility of faculty.'' (Emphasis added.)

As the Academic Bill of Rights states, ''Academic disciplines should welcome a diversity of approaches to unsettled questions.'' That is common sense. Why not make it university policy?

The only serious opposition to the Academic Bill of Rights is raised by those who claim that, although its principles are valid, it duplicates academic-freedom guidelines that already exist. Elizabeth Hoffman, president of the University of Colorado System, for example, has personally told me that she takes that position.

But with all due respect, such critics are also mistaken. Most universities' academic-freedom policies generally fail to make explicit, let alone codify, the institutions' commitment to intellectual diversity or the academic rights of students. The institutions also do not make their policies readily available to students—who, therefore, are generally not even aware that such policies exist.

For example, when I met with Elizabeth Hoffman, she directed me to the University of Colorado's Web site, where its academic-freedom guidelines are posted. Even if those guidelines were adequate, posting them on an Internet site does not provide sufficient protection for students, who are unlikely to visit it. Contrast the way that institutions aggressively promote other types of diversity guidelines—often establishing special offices to organize and enforce all sorts of special diversity-related programs—to such a passive approach to intellectual diversity.

At Colorado's Web site, for example, one can read the following: ''Sections of the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure have been adopted as a statement of policy by the Board of Regents.'' Few people reading that article or visiting the site would suspect that the following protection for students is contained in the AAUP's 1940 statement: ''Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.''

Is there a college or university in America—including the University of Colorado—where at least one professor has not introduced controversial matter on the war in Iraq or the Bush White House in a class whose subject matter is not the war in Iraq, or international relations, or presidential administrations? Yet intrusion of such subject matter, in which the professor has no academic expertise, is a breach of professional responsibility and a violation of a student's academic rights.

We do not go to our doctors' offices and expect to see partisan propaganda posted on the doors, or go to hospital operating rooms and expect to hear political lectures from our surgeons. The same should be true of our classrooms and professors, yet it is not. When I visited the political-science department at the University of Colorado at Denver this year, the office doors and bulletin boards were plastered with cartoons and statements ridiculing Republicans, and only Republicans. When I asked President Hoffman about that, she assured me that she would request that such partisan materials be removed and an appropriate educational environment restored. To the best of my knowledge, that has yet to happen.

Not everyone would agree about the need for such restraint, and it should be said that the Academic Bill of Rights makes no mention of postings and cartoons—although that does not mean that they are appropriate. I refer to them only to illustrate the problem that exists in the academic culture when it comes to fulfilling professional obligations that professors owe to all students. I would ask liberal professors who are comfortable with such partisan expressions how they would have felt as students seeking guidance from their own professors if they had to walk a gantlet of cartoons portraying Bill Clinton as a lecher, or attacking antiwar protesters as traitors.

The politicized culture of the university is the heart of the problem. At Duke University this year, a history professor welcomed his class with the warning that he had strong ''liberal'' opinions, and that Republican students should probably drop his course. One student did. Aided by Duke Students for Academic Freedom, the young man then complained. To his credit, the professor apologized. Although some people on the campus said the professor had been joking, the student clearly felt he faced a hostile environment. Why should the professor have thought that partisanship in the classroom was professionally acceptable in the first place?

At the University of North Carolina at Chapel Hill, a required summer-reading program for entering freshmen stirred a controversy in the state legislature last fall. The required text was Barbara Ehrenreich's socialist tract on poverty in America, Nickel and Dimed: On (Not) Getting By in America (Metropolitan Books, 2001). Other universities have required the identical text in similar programs, and several have invited Ehrenreich to campus to present her views under the imprimatur of the institution and without rebuttal.

That reflects an academic culture unhinged. When a university requires a single partisan text of all its students, it is a form of indoctrination, entirely inappropriate for an academic institution. If many universities had required Dinesh D'Souza's Illiberal Education: The Politics of Race and Sex on Campus (Vintage Books, 1992) or Ann Coulter's Treason: Liberal Treachery From the Cold War to the War on Terrorism (Crown Forum, 2003) as their lone freshman-reading text, there would have been a collective howl from liberal faculties, who would have immediately recognized the inappropriateness of such institutional endorsement of controversial views. Why not require two texts, or four? (My stepson, who is a high-school senior, was required to read seven texts during his summer vacation.)

The remedy is so simple. Requiring readings on more than one side of a political controversy would be appropriate educational policy and would strengthen, not weaken, the democracy that supports our educational

system. Why is that not obvious to the administrators at Chapel Hill and the other universities that have instituted such required-reading programs? It's the academic culture, stupid.

Ms. SUTTON. Mr. Speaker, I'd like to take this opportunity to refresh the memory of my colleagues on the other side of the aisle on past rules.

The last time the higher education reauthorization bill was considered in the House was just 2 years ago, in the 109th Congress. It, too, was done under a structured amendment process using two rules. Those two structured rules allowed a total of 22 amendments out of the 113 submitted, fewer than the rule we are offering today.

This is a very fair rule, and I urge my colleagues to support it and the bill. The rule makes in order 27 amendments on a wide variety of important issues relating to the higher education of our Nation's youth and others seeking a post-secondary education. Members on both sides of the aisle will be able to offer amendments that they believe will further improve this already very bipartisan bill.

This bill is one of the most bipartisan products of the 110th Congress, reported from the Education and Labor Committee by a vote of 45–0. There is no arguing with those facts.

And, Mr. Speaker, the benefits of higher education are undeniable for students, their families, and for our country and society at large. As a nation, we recognize this, having always been a global standard bearer and our high regard for the merits of higher education. Reaching the American Dream of leading a secure and fulfilling life is a goal that we can make achievable when we open the doors of college to all.

The fact that this bill passed 45–0 out of the Education Committee is a testament to the great work that the committee has done on this bill and to the fact that we care tremendously about the future of our children.

Listening to parents from my district, Mr. Speaker, and across the country, I hear about how the ability to send their children to college weighs on their minds. And talking to professors, counselors, and administrators at the University of Akron, Loraine County Community College, and other schools across Ohio, I also know that student debt is a tremendous factor in determining which professions our students are choosing to enter.

Nearly two-thirds of all students at 4-year colleges nationwide graduate with loan debt these days, with the average amount of debt surpassing $15,000. This bill we're passing goes a long way to changing that distressing fact.

By increasing aid and encouraging colleges to rein in tuition, this legislation will enable more students to pursue their passions and give back in service to their communities and our country.

I am proud that this bill continues the work of this New Direction Congress in making necessary improvements for the workforce of tomorrow. We have seen the necessity of investing in stem education, and this legislation continues the effort we began last year in passing the innovation agenda by improving teacher training and development programs and focusing on recruiting teachers into high-demand science and technology fields.

In today's global economy, it's essential that America's workforce remain competitive at an international level.

Mr. Speaker, the Higher Education Act has not been reauthorized in a decade. The Senate has already passed a reauthorization, so we must act expediently to pass this vital bill so the President may sign it into law.

I hope that my colleagues on both sides of the aisle will join me in voting for this bill and supporting a brighter future for our students, our families, and our communities.

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

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to my friend from Utah, the gentlelady made the point in her initial remarks when she was talking about the reauthorization 2 years ago that it was done in a bipartisan way and it was done successfully. We know that this process, the administration already has some problems with it. And while they haven't issued a veto threat, they have some concerns.

With that, Mr. Speaker, I want to yield 3 minutes to the gentleman from Utah (Mr. BISHOP), a member of the committee.

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Mr. BISHOP of Utah. I appreciate the gentleman from Washington yielding me the time.

Mr. Speaker, if you remember back in the 1960s when Volkswagens were very popular and they had this wonderful self-deprecating campaign going on for their advertising. For instance, putting a Volkswagen in a carport and the caption would read, ''It makes your house look bigger.'' My favorite one was taking a Volkswagen, ripping off the fenders, putting big tires on it, putting even a spoiler in the back, a painted stripe, jacking it up on the back, and the caption read ''Is nothing sacred?'' Sometimes while I've been here in Congress, I have often wondered if nothing is actually sacred.

Education, even higher education, is still the purview of States. The 10th amendment gives them that parameter. And yet it is possible that we often ignore that. It is possible to soup up a Volkswagen, but we never should. It is also possible for us to tell States how to run their policy on education and how to appropriate their money to education, but it never should happen.

The provision to which I object is called ''maintenance of effort.'' This is a provision that was added to the Budget Reconciliation Act, or was attempted to, and was removed. And most of the people in local government are surprised to see this effort coming back here in this particular bill. This was also not discussed in our committee to any detail.

It is one of those things that the Rules Committee will always talk about how these things should be discussed in committee. But when we, in committee after committee, have major pieces of legislation held close to the vest and only brought forward only hours or days before the actual markup in a committee, oftentimes we find things within those bills that are surprising. This provision was found in this bill, and it was not one of those pleasant surprises.

The maintenance of effort amendment that was put into this bill requires the States to maintain a 5-year rolling average of their funding for higher education, and if they ever go under that 5-year average of education, their LEAP funds, which are now renamed in this particular bill, will be yanked from those States, unless they go to the Department of Education and grovel before the Secretary of Education to try to get some kind of penitence so they can get those moneys back.

This proposal is counterproductive. We all know that States have cyclical budget years like we do. In 2002, the average State increase in higher education was 1.8 percent. In 2006, it was up 9.3 percent. If I was a State legislator again responsible for those budgets, realizing this proposal was in here, when we had a chance to add more money for higher education, knowing we would now be judged on a 5-year rolling average, there is no way I would ever put that kind of increase in there. This is going to be counterproductive to actually States funding their higher education system.

But even if this policy worked, we should not do it. H.L. Mencken once said, ''There is always an easy solution to every human problem. It's neat, it's plausible, and it's wrong.'' Even if this Federal stick to States was effective, it is wrong. It is wrong to tell States how they will appropriate their money. It is wrong to give them more Federal mandates.

Now, the chairman of the committee, Mr. MILLER, will soften this proposal in the manager's amendment. That is good but doesn't nearly go far enough. Mr. HOEKSTRA had a perfect compromise amendment that was refused to be considered by the Rules Committee on a technicality. It is wrong. It should have been considered. And I had an amendment to remove this, to put it back to the status quo so we could have a chance in the committee to discuss this issue, and it was not allowed to be made in order. That is wrong. The proposal is wrong. The discussion process is wrong. If we're not going to discuss these issues in the committee, it should be the purview of allowing people to come here on the floor and discuss these issues, which are not just

technical in nature but philosophical in nature, of what the Federal Government ought to do and what it ought not to do. This particular provision in here should be discussed.

We should know full well what we are doing to States if we move forward in that area. And for the Rules Committee not to make that in order, I think, is wrong.

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

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am pleased to yield 2 minutes to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. I thank my friend for yielding.

This is a very important piece of legislation, Mr. Speaker. We all know, and I was happy to hear my friend in Ohio talk about, the importance of our global competitiveness and we have to have the best educated people as we proceed to make sure that we can compete in that global economy. But I have to say, Mr. Speaker, that the process around which we are considering this very important legislation is just plain wrong.

We had 61 amendments that were submitted to us in the Rules Committee. Now, the last time that this was successfully authorized, as Mr. HASTINGS has pointed out to our colleagues, was 10 years ago. It was done under a modified open rule.

We had four Democrats sit before us on one of the panels last night, and they complimented the Rules Committee members for the hard work. And the very distinguished Chair of the Committee on Rules proceeded to talk about how life was tantamount to a living hell when we as Republicans were in control versus this great new day that we have. Well, Mr. Speaker, let me tell you just a little bit about this great new day that we have.

There have been more than double, I repeat that, more than double the number of closed rules in the first session of the 110th Congress and during this month of January leading up to the first of February than we had in the first session and leading up to the first of February in the 109th Congress, more than double the number of closed rules. And as I said, the last time we authorized this bill was in 1998, and it was done under a modified open rule. Yes, there was an attempt two Congresses ago to do it, and when we had a structured rule, it failed. Why don't those colleagues of ours who are in charge learn from the mistake of having not done this under an open amendment process?

So though we continue to hear, Mr. Speaker, that this is a great new day and all these wonderful changes have taken place, we actually have had Democrats and Republicans, Democrats and Republicans, prevented from improving this bill.

Now, Mr. HASTINGS correctly pointed to the fact that the administration has raised a number of concerns, dozens of new programs that are duplicative that are included in this bill. The President wants to work with us to improve this legislation. Doing it under the structure that we have today undermines the potential to see that happen.

Reject this rule, and let's come back with at least a modified open rule so that we can proceed with something that in a bipartisan way we very much want to see happen.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. KLINE), also a member of the Education and Labor Committee.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule.

The bill under consideration today is a product of a multiyear, bipartisan effort by the Education and Labor Committee. Democrats and Republicans worked together to craft this legislation. Now the Rules Committee has thrown this bipartisan effort to the wind and revealed their true partisan colors that are flying there. By allowing 20 Democrat amendments and only four Republican amendments, the Rules Committee has effectively announced that the minority party is not to be a player. Folks, it isn't fair. It's not a democracy.

I submitted an amendment to the Rules Committee earlier this week. But my colleagues will not even have the chance to consider its merits because it was not made in order by the Rules Committee.

It is a particularly sad statement, given the nature of my amendment. On January 29, the City of Berkeley passed resolutions that, among other things, state that the United States Marine Corps recruiting office ''is not welcome in'' their ''city, and if recruiters choose to stay, they do so as uninvited and unwelcome intruders.''

I am appalled.

My amendment addresses this action by denying Federal funding to colleges that contract with an entity that takes action to discriminate or condones discrimination against the military by denying equal public access. The amendment essentially holds colleges and universities accountable for maintaining agreements or contracts with entities that allow this open discrimination.

Mr. Speaker, during the Vietnam era, and I'm old enough to not only remember but to have experienced it, many of our servicemembers and veterans received shameful treatment at the hands of those who opposed our Nation's foreign policy. We must protect our current servicemembers from the same treatment by showing that the Berkeley City Council's appalling behavior is unacceptable in this great Nation. Demonizing the men and women serving our country in the military, as demonstrated by the Berkeley City Council, has no place in our Nation's political discourse.

As a graduate of the ROTC program and a 25-year veteran of the Marine Corps, I am profoundly disappointed with the appalling actions of the Berkeley City Council. Institutions that continue to maintain contracts and agreements with this city are, in effect, condoning this discriminatory and unjust treatment of our servicemembers.

They deserve better from us, Mr. Speaker. This structured rule excluding my amendment denies this body the opportunity to reaffirm our strong support for the men and women who so honorably and bravely defend our Nation.

Mr. Speaker, I urge my colleagues to vote against this restrictive rule.

Ms. SUTTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), former member of the Rules Committee.

Mr. GINGREY. I thank the gentleman for yielding.

Mr. Speaker, I rise not in opposition to the bill. I think there are some good things in the bill. I was a former member of the Education and Workforce Committee. I know our ranking member, Mr. MCKEON, is a supporter of the bill. I rise in strong opposition to this rule, Mr. Speaker.

The gentlewoman on the Rules Committee on the majority side, the gentlewoman from Ohio, has mentioned a couple of things in her remarks, talking about what we Republicans did when we controlled this body and, indeed, the Rules Committee and how restrictive we may have been. But what I want to remind her is that I sat on that Rules Committee during that time, and I can remember the comments that were made from the minority, the then Democratic minority, that if they had an opportunity to control this place, then rules would be open and fair and people would be treated fair so that each Member would have an opportunity. They didn't say, Well, when we get the majority, we're going to stick it to you just like you've stuck it to us. So I think they should live by what they said they would do.

And the other thing I want to point out to the gentlewoman from Ohio is that she talked about the bipartisanship on this bill, a 45–0 vote. Well, 45 Members of this body is 10 percent, and 90 percent of us don't get an opportunity to speak on the bill and to offer what I think are very good amendments. Now, 47 were submitted; 27 were made in order. But how many Republican amendments? It was 4 out of 27.

Mine wasn't one of them, and I had a very good amendment, Mr. Speaker. This is the only opportunity I get to

talk about it. It's a bipartisan amendment.

Basically, Mr. Speaker, this amendment deals with FERPA, the Family Education Privacy Rights Act of 1974. The tragedy at Virginia Tech where we lost so many lives was, I think, because colleges and universities misinterpret that law. And my amendment would simply say that if a parent lists a child, a student, on their tax return as a dependent, even though they might be over age 18 or maybe they are a junior and age 20, but if they are a dependent as verified by the tax return, then those parents should have access to academic records, disciplinary records, drinking on campus, whatever. And many of us, I'm sure, have had college students where because of FERPA we never could find out how our youngsters were doing until they were in dire trouble, maybe flunking out of school or having a substance abuse problem. I commend Representative TIM MURPHY for his work in regard to mental health issues along this same line. But this was a very good amendment, Mr. Speaker, and one that I would think Democrats would want to join Republicans and vice versa and have unanimous support of that.

So I am very disappointed. I am very disappointed not only for myself but for the American people, my constituents, students, and parents all across this country.

So, again, it's not the bill that I am opposed to. I am opposed to this restrictive rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I urge my colleagues to vote ''no'' on this rule so that we can amend it or offer an amendment on earmark reform.

As we heard the President last week speak about earmarks in the State of the Union, to my knowledge, no President has ever talked about something that's ordinarily a House and Senate procedure in his State of the Union comments. But in it he declared war, you may say, on earmarks.

Now, we believe in the prerogative of the legislative branch to put things in the budget and take things out of the budget. Indeed, the White House earmarks all the time. But the reality is, Mr. Speaker, we need to have a discussion on earmarks. We do need to stop the practice of air-dropping earmarks into conference committees, earmarks that haven't been debated, discussed, or had hearings held on them at the House or on the Senate level. I think that's the first step. But I think there is a whole lot of other things we should do.

For example, there are earmarks routinely in the transportation bill.

□ 1115

There are earmarks in trade bills, earmarks all over the place in any tax bill. We believe that earmarking should be reformed on all committee levels. We always talk about appropriations, but there are lots of committees that do it. If we allow for it, we will set up a joint bicameral, bipartisan select committee on earmarks that will come up with recommendations on how to do a better job with them. This would require, or we would urge, a moratorium on earmarks until the select committee comes back to Congress with recommendations.

But there are so many things that we could do that would improve this process: for example, financial disclosure on earmarks, does the Member have anything at stake to personally gain; transparency so that when an earmark is added on a subcommittee or full committee or floor level, transparency so that the earmark is put in and Members have an opportunity to ask why is that in there, who put it in there, what does it do and why should the people of Idaho have their tax dollars go to something that happens in Florida. We want to be able to have that debate. I think that that is so important.

And, again, there are tax loopholes that are basically industry-specific earmarks. Who puts them? At least with appropriations right now you know who puts them in, but on tax earmarks you do not. The White House does all kinds of earmarking, and we and certainly the press let them get away with it because for some reason they are the White House. But under the constitutional concept of equal branches of government, particularly when spending bills originate in the House, we have the right to earmark; but we should all be measured by the same yardstick.

The other thing that is important is what is the impact of earmarks on the budget. When you take an earmark out of a bill, it does not reduce the bill. Is that something that we should look at? There are all types of things that a bipartisan, bicameral committee could look at that would improve this process. So I urge a ''no'' vote on the rule so that we can come back and have this opportunity to vote on this amendment.

Ms. SUTTON. Mr. Speaker, I have only one remaining speaker who will close debate for this side. Because we have the right to close, I will reserve the time until the gentleman has closed and yielded back his time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Washington has 4½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, much has been talked about about this unfair closed rule dealing with this underlying issue, and that seems to be a recurring pattern, and I wish that it would change, but I don't hold out any hope that that will happen. But, Mr. Speaker, since House earmark rules were changed just last year, loopholes and concerns have been raised. Questions remain such as what is and what is not an earmark; when do earmark rules apply and how are earmark rules enforced? We have seen examples of Members trying to enforce earmark rules only to be told they can't because the rules don't apply, and we have seen earmarks repeatedly air-dropped into bills at the last minute that were not subject to transparency or scrutiny.

Time and time again, Republicans have come to the floor advocating for additional earmark reforms, including stronger transparency and enforceability. Taxpayers also recognize the earmark process is broken and are outraged with wasteful spending. This has lead to an erosion of public confidence in Congress and could explain part of the reason why Congress' approval ratings are so low. It is clear Americans want Congress to act now and fix the broken earmark process. An earmark timeout is needed in order to get our fiscal house in order and restore public confidence.

In January, House Republicans united together and called on House Democrats to join us in an immediate moratorium on earmarks and the appointment of a bipartisan, bicameral joint committee to reform the earmark process and eliminate wasteful spending. House Democrat leaders were invited to join with Republicans and take the sensible bicameral course of action and reform a broken earmark process, but Democrats have remained silent and chosen to continue the broken status quo. So, today, I am going to give all Members an opportunity to show their support for a bipartisan solution.

Mr. Speaker, I am asking my colleagues to vote against the previous question so that I can amend the rule to allow the House to immediately consider House Concurrent Resolution 263, which would establish a Joint Select Committee on Earmark Reform. The Joint Select Committee on Earmark Reform would hold hearings and make recommendations for the comprehensive reform of the earmark process. The resolution would also prohibit bills, resolutions, and conference reports containing earmarks requested by Members of Congress or the administration to be considered until the joint select committee has filed its report.

Considering and adopting House Concurrent Resolution 263 today is a sensible, bipartisan solution that will bring genuine accountability and transparency to the spending process and will restore taxpayer trust and the integrity of Congress.

Let me be clear: with my motion, every Member of this House will have a chance to publicly vote and take a stand and end earmark abuse and earmark secrecy. Every Member will vote on whether they believe the earmark process must be reformed.

So, Mr. Speaker, we will do all that we can on our side to challenge the

leaders to adopt this resolution. Until a moratorium or bipartisan committee is in place, House Republicans have adopted already a series of earmark reforms standards that we will adhere to, including barring Members from using taxpayer money named after themselves and prohibiting earmarks from being air-dropped into bills at the last minute to avoid transparency.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment, the letter sent from the Republican leaders to Speaker PELOSI on January 25, 2008, and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge all of my colleagues to join me today in acting to permanently change the way in which Washington spends taxpayers' money. Vote ''no'' on the previous question so we can address this very important House concurrent resolution.

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

Ms. SUTTON. Mr. Speaker, it is my honor to yield the balance of my time to the gentleman from Wisconsin, the distinguished chairman of the Committee on Appropriations (Mr. OBEY), who will close for our side.

Mr. OBEY. Mr. Speaker, to listen to the last two speakers, one would think that they had Rip Van Winkled their way through the last year in this House. For the Republican Party leadership to belatedly give us lectures on earmarks is, in my view, akin to reformed alcoholics giving lectures on temperance.

The higher education bill being debated today is funded through the Labor-H appropriation bill. In fiscal year 1995, the last year I chaired that subcommittee, that bill contained virtually no earmarks. By the year 2000, that same bill contained 491 earmarks; and by 2006, that bill had 3,031 earmarks totaling $1.2 billion.

The previous Republican leadership was notorious for using earmarks as enticements in order to get their membership to vote for bills that individuals otherwise would not be inclined to vote for. For example, newspapers at the time reported that the previous Republican leadership used earmarks in the Transportation authorization bill as rewards for several Republican Members to switch their votes and agreed to support the Medicare part D provision that forbade the Federal Government from negotiating with the drug industry to provide lower costs for seniors under Medicare.

Under the Republican leadership, the cost of the earmarks quadrupled, and we were treated to stories about Mr. Cunningham, Mr. Ney, Mr. Abramoff abusing the process, as well as several other.

When Democrats took over the House, until we could reform the process, we suspended earmarks for a year, over the fierce objections of as many Members of the Republican Party as we saw in my own party.

In response to demands from both parties, after we reformed the process, we then resumed the earmarking process with the expressed intention of cutting in half the cost of earmarks in non-project accounts. We made no such commitments for accounts that are by their nature project-based because to do so would gut the very purpose of the bills under consideration.

For example, the Army Corps budget is by its nature project-based. In fiscal 2006, the administration sent up a budget request for the Army Corps containing 984 projects. Of the final amount provided by the Corps, 86 percent of the projects were administration-requested earmarks. The Corps is an interesting example. The administration argues that they have a system for selecting projects and that they only select projects that score a 3 or better on their scale. However, in 2006, there were 16 projects requested by the administration that did not even qualify for funding based on the administration's own criteria.

After all the shouting was over last year, we essentially met our promise, cutting nonproject earmarks by 43 percent after negotiations with the Senate, cutting it from $16 billion down to $9 billion. So we came pretty doggone close to our goal. I would have preferred a larger reduction than 50 percent, but the 43 percent reduction is a 43 percent larger reduction than any Republican Congress ever produced, and we did it under a reform process.

At the beginning of the 110th Congress, the new Democratic majority passed unprecedented new rules that required the listing of the sponsors of every earmark, that required that any Member of Congress requesting an earmark disclose in writing the name and address of the intended recipient, the purpose of the earmark, and required that Members certify that he or she had no financial interest in the project.

We also required that all matters before a conference committee including earmarks must be subjected to full and open debate and that no item might be added to the conference report after the conference committee had adjourned, as has happened many times in the past.

As we moved forward with earmarks last year, I brought a motion to the floor to see if Members wanted to eliminate all earmarks. That motion failed by a vote of 53–369, with a majority of both parties voting against it.

I am assuming they did that because an overwhelming number of honorable Members on both sides of the aisle believe that Members should not lose the ability to fund priority items for their districts because of the scurrilous behavior of a handful of renegade Members.

During House consideration of fiscal year 2008 appropriation bills, 71 earmark-related amendments were debated and voted on in the floor, including three amendments to eliminate all earmarks from the bill under consideration and 68 amendments to eliminate particular earmarks. Of the 48 amendments on which record votes were taken, only 13 received the support of more than half the Republicans who voted. On those 13, the percentage of Republicans voting ''yes'' never exceeded 57 percent.

Every Member knows that even if the House unilaterally suspends earmarks, the Senate will not follow suit. A firm majority on both sides will see to that. I have learned that lesson the hard way.

One last point: the resolution introduced by our friends on the other side calls for the suspension of earmarks for 6 months until yet another group offers their suggestions for change. It is ironic indeed that that delay would force us to do the same thing that the Republican leadership so roundly criticized me for last year when I proposed to delay earmarks 1 month until we had more time to review them. The practical effect of the resolution which our Republican friends want to bring up to date, even though it is nongermane to this bill, would be to require the air-dropping of every single earmark in the entire Federal budget. It would guarantee that no earmarks could be discussed or debated while the bill was on the floor of the House of Representatives. It would then give you in spades what our friends on the Republican side said last year they wanted to avoid.

I fail to see how requiring every single earmark in appropriation bills this year, I fail to see how requiring all of those earmarks to be air-dropped rather than debated when we consider the bills is reform. It moves exactly in the opposite direction of that which our Republican friends said we should move last year. So as far as I am concerned, the truth is this is not serious reform at all. It is a grandstanding attempt to escape the reputation of previous Congresses. If I had presided over those previous Congresses, I would be running away from their reputation just as fast as the minority appears to be today.

Mr. WOLF. Mr. Speaker, by defeating the previous question on the rule, Members will allow consideration of H. Con. Res. 263, earmark reform legislation introduced by JACK KINGSTON, ZACH WAMP, and myself.

Quite frankly, our effort in the House to bring a level of transparency in the earmark process has yet to satisfy the American public. Congress holds the power of the purse and I don't believe the American public really wants us to cede that authority to the executive branch. And while I believe that the majority of earmarks are for purposes which help people, those Members who oppose earmarks have made some legitimate claims.

H. Con. Res. 263 would help restore confidence in Congress by creating a Joint Select Committee on earmarks and place a moratorium on all earmarks while the panel undertakes its work. The Joint Select Committee

(JSC) on Earmark Reform would be comprised of 16 members, evenly split between the House and Senate and Republicans and Democrats. The panel would examine the way earmarks are included in authorizing, appropriations and tax and tariff measures. Executive branch earmarks would also be studied. Reviewing earmarks in all bills considered by Congress is key.

The House should place a moratorium on all earmarks until the Joint Select Committee has finished its work and we are able to put into place a rules system that restores the confidence of Americans that legislation is not loaded up with hidden special interest, wasteful spending. I strongly support earmark reform including listing names of sponsors of earmarks or specific line-item spending. But the rules must apply an equal standard in all legislation, appropriations as well as authorizing and tax bills, in disclosing earmark sponsors. It must be across-the-board in every bill, but it also must be a process of indisputable integrity and probity that is honest and authentic and in which the American people have absolute trust.

Earmark reform should be a bipartisan issue that every member of Congress is concerned about.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to $9,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students. The amendment offered by my colleagues Representative EDDIE BERNICE JOHNSON and Representative DON YOUNG, expands upon current Pell Grant eligibility allowing children who lost a mother or father to our wars in Iraq or Afghanistan eligible for the maximum amount of Pell Grant assistance. In this age of global war on terror, it is imperative that we ensure that those left behind by those who the ultimate sacrifice for our great nation are given the greatest opportunity our country can provide. As such, I encourage all my colleagues to join me in supporting this important amendment.

In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university. The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities. I strongly support the amendment offered by my distinguished colleagues, Representatives ALCEE HASTINGS and Representative LINDA SÁNCHEZ, authorizing a nationwide program through the Department of Education to promote holistic community-centered partnerships aimed at mitigating gang violence and reducing recidivism rates among juvenile ex-offenders previously detained for gang-related offenses. This amendment a second-chance to America's most vulnerable youth, I fully support the vision of this amendment and urge my colleagues to join me in supporting this amendment.

Mr. Speaker, this legislation contains important provisions opening up even wider opportunities for our veterans by increasing college aid and housing aid for not only veterans, but their families. This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Speaker, I would also like to express my strong support for an amendment introduced by my distinguished colleague, Congressman DANNY DAVIS, restoring safeguards to student loan borrowers. Mr. Speaker, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines. Under Mr. DAVIS's amendment, government student loans and loans made by nonprofit entities would remain non-dischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first five years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Speaker, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for Federal Student Aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process giving families the tools they need to properly plan for their college expenses. This legislation will reform our higher education system ensuring students and their families have they information they need to understand their borrowing options when applying for federal and private loans.

Mr. Speaker, as an active Member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires that the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137.

□ 1130

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 956 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 7. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 2008.

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

DEAR SPEAKER PELOSI: The earmark process in Congress has become a symbol of a broken Washington. Wasteful pork-barrel spending has outraged American families and eroded public confidence in our institution. Both of our parties bear responsibility for this failure.

We write tonight to notify you that House Republicans believe that the earmark system should be brought to an immediate halt, and a bipartisan select committee should immediately be established for the purpose of identifying ways to bring fundamental change to the way in which Washington spends taxpayers' money.

In the spirit of bipartisan cooperation fostered by our recent cooperation on a short-term economic growth package, we offer our hope that you and the members of the House Democratic Caucus will join House Republicans in supporting these steps, which are urgently needed to begin the process of fixing Washington's broken spending practices and restoring trust between the American people and their elected leaders. We respectfully ask that you and your Caucus consider these urgently-needed actions and join us in supporting them by the conclusion of your Caucus retreat next week.

In the interim, until a complete earmark moratorium is in place and a bipartisan panel is formed to identify ways to fix Washington's wasteful pork-barrel spending habits, House Republicans will proceed with the adoption of a series of earmark reform standards we will insist that all House Republican members honor. These earmark reform standards include:

No more ''monuments to me.'' Lawmakers should not use taxpayer money to fund projects named after themselves.

No more ''airdrops.'' The process by which Congress spends the American people's money should be completely transparent. Members of Congress should not circumvent transparency by airdropping earmarks into bills in conference at the last minute.

No more ''fronts'' or ''pass-through'' entities. Taxpayer funds should not be laundered through ''front'' operations that mask their true recipients.

Members of Congress who request earmarks should put forth a plan detailing exactly how the money will be spent and why they believe the use of taxpayer funding is justified. Members of Congress who ''secure'' earmarks should place these plans in the Congressional Record well in advance of floor votes on those earmarks.

To improve accountability, Members of Congress should require outside earmark recipients to put up ''matching funds'' where applicable so that American taxpayers do not bear all the risk for such expenditures.

The Executive Branch should be held accountable for its own earmark practices. The Executive Branch asks for earmarks, too, and has done so under administrations Democratic and Republican alike. Members of Congress should hold present and future Administrations accountable for the way in which taxpayer-funded earmarks are used.

It is our hope that you and your members will discuss and move quickly to adopt similar standards during your Caucus retreat.

The American people believe Washington is broken. Bold action must be taken to show them we can fix it. We believe the actions House Republicans are taking today can be a starting point for this kind of change. We hope that by the end of your own Caucus retreat next week, you and all House Democrats will join us in supporting an immediate moratorium on all earmarks and the immediate formation of a bipartisan panel for the purpose of identifying ways to end wasteful pork-barrel spending in Washington and bring needed change to the way in which Congress spends taxpayers' hard-earned money.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.
ROY BLUNT,
Republican Whip.
ADAM PUTNAM,
Chairman, Republican Conference.
KAY GRANGER,
Vice-Chair, Republican Conference.
TOM COLE,
Chairman, National Republican Congressional Committee.
DAVID DREIER,
Ranking Republican, Committee on Rules.
THADDEUS MCCOTTER,
Chairman, Republican Policy Committee.
JOHN CARTER,
Secretary, Republican Conference.
ERIC CANTOR,
Chief Deputy Whip.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have . . . always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SUTTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 956; suspending the rules and adopting House Concurrent Resolution 283; and suspending the rules and passing H.R. 4848.

The vote was taken by electronic device, and there were—yeas 204, nays 196, not voting 29, as follows:

[Roll No. 32]

YEAS—204

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)

Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Baldwin
Blackburn
Boucher
Cramer
Davis, Lincoln
Everett
Farr
Filner
Fortenberry
Graves
Hare
Hinojosa
Lantos
Lipinski
Lowey
Manzullo
Meek (FL)
Moore (WI)
Petri
Porter
Pryce (OH)
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Woolsey
Wynn

□ 1157

Messrs. REHBERG, SHIMKUS, LINDER, HELLER of Nevada, Mrs. CUBIN, Messrs. ROGERS of Alabama, McCOTTER, STEARNS, BARTON of Texas, ELLSWORTH and YOUNG of Alaska changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 32, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted ''yea.''

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 32, had I been present, I would have voted ''yea.''

Stated against:

Mr. RYAN. Mr. Speaker, on rollcall No. 32, on ordering the Previous Question on the Rule to provide for consideration of H.R. 4137, I was absent due to inclement weather grounding flights in Wisconsin. Had I been present, I would have voted ''nay.''

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 190, not voting 25, as follows:

[Roll No. 33]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baldwin
Blackburn
Boucher
Cramer
Davis, Lincoln
Everett
Farr
Ferguson
Filner
Fortenberry
Graves
Lantos
Lowey
Manzullo
Porter
Pryce (OH)
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Smith (NJ)
Smith (WA)
Tanner
Towns
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 33, I was away from the Capitol attending a function in my capacity as Chairman of the House

Veterans' Affairs Committee. Had I been present, I would have voted "yea."

Stated against:

Mr. RYAN. Mr. Speaker, on rollcall No. 33, H. Res. 956, the rule to provide consideration of H.R. 4137, I was absent due to inclement weather grounding flights from Wisconsin. Had I been present, I would have voted "nay."

CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 283, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 23, as follows:

[Roll No. 34]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—23

Baldwin
Blackburn
Boucher
Cramer
Emerson
Everett
Farr
Filner
Fortenberry
Graves
Gutierrez
Lantos
Lowey
Manzullo
Porter
Pryce (OH)
Ruppersberger
Sanchez, Loretta
Smith (NJ)
Smith (WA)
Tanner
Woolsey
Wynn

□ 1213

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 34, I was away from the Capitol attending a function in my capacity as Chairman of the House Veterans' Affairs Committee. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GRAVES. Madam Speaker, on Thursday, February 7, I missed rollcall votes 32, 33, and 34 due to a delay in my flight. Had I been present, I would have voted "nay" on 32 and 33 and "yea" on 34.

EXPRESSING SYMPATHY TO VICTIMS OF SOUTHERN STORMS

(Mr. GORDON of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. GORDON of Tennessee. Madam Speaker, my grandfather used to tell me that the most important road in the county was the one in front of your house. And I think we all know that is true in many different ways, particularly in times of tragedy.

We have been in this well and we've talked about Katrina and we have talked about a bridge that fell in Minnesota, and we have all had tragedies in our areas in different ways, and I think we all feel sympathetic.

But for those folks in Arkansas, Alabama, Kentucky, Indiana, Mississippi, and Tennessee, once again we feel it very intensely. It is the road in front of our house today. There were 50 lives lost, 32 in Tennessee, 22 of those were in my district. Many folks were displaced. We are not going to have electricity back in many areas for another few days.

As I ask for a moment of silence, I also want us to feel the community of our entire House and our entire country. I think we felt that as we have helped in other places. Again, I just remind Members that this happened in our area this time. It can happen in your area next time.

But we are all together, and as we commemorate those dead and misplaced in our States, we also want to remember your States, too.

I ask for a moment of silence.

The SPEAKER. All Members will please rise and observe a moment of silence in respect of those affected by the recent tragedy.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

EXTENDING PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

The SPEAKER pro tempore (Mr. HOLDEN). The unfinished business is the

vote on the motion to suspend the rules and pass the bill, H.R. 4848, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4848, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 384, nays 23, not voting 22, as follows:

[Roll No. 35]

YEAS—384

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—23

Bachmann
Broun (GA)
Brown-Waite, Ginny
Campbell (CA)
Cannon
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Jordan
King (IA)
Lamborn
Mack
Paul
Pence
Poe
Rohrabacher
Royce
Sali
Shadegg

NOT VOTING—22

Baldwin
Blackburn
Blumenauer
Boucher
Cramer
Emerson
Everett
Farr
Fortenberry
Lantos
Lowey
Manzullo
Marchant
Porter
Pryce (OH)
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey
Wynn
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1225

Mr. ROHRABACHER and Mrs. BACHMANN changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MANZULLO. Madam Speaker, on Wednesday, February 6, 2008, I was unable to return to Washington in time to vote because of the large snowstorm that hit the Chicago-land area yesterday and delayed my arrival until mid-afternoon today. If I was here, I would have voted "yea" on rollcall No. 29, "yea" on rollcall No. 30, "yea" on rollcall No. 31, "no" on rollcall No. 32, "no" on rollcall No. 33, "yea" on rollcall No. 34, and "yea" on rollcall No. 35.

COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 956 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4137.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman and Members of the House, I rise in strong support of H.R. 4137, the College Opportunity and Affordability Act, which was reported by the Committee on Education and Labor with unanimous bipartisan support. This legislation strengthens and reauthorizes our Nation's higher education program.

With our recent enactment of the College Cost Reduction and Access Act, this Congress has already taken a historic step by providing the single largest increase in Federal student aid since the GI bill.

But we all know that there's still work to do to ensure that the doors of college are truly open to call qualified students. H.R. 4137 helps us reach this goal.

Today's students and families face a number of challenges on the path to college, from skyrocketing college prices, to needlessly complicated student aid application process, to predatory tactics by student lenders.

The College Opportunity and Affordability Act will address these challenges by reshaping our higher education system so that, once again, it operates in the best interest of students and families.

The bill will create a higher education system that is more affordable and fair and easier to navigate for consumers.

For years, prices have been skyrocketing at colleges and universities around the country, and we can all agree that the increase in college aid was vital. But there's no question we must also begin to address these rising tuition prices.

This legislation would create a new user-friendly Web site for families with helpful information on college pricing and the factors driving tuition increases.

The Web site would also publish lists of the most expensive schools, the least expensive schools, and schools with the largest percentage increase in tuition prices. Colleges with the largest increases in tuition prices would be required to report their reasons for these price hikes and to create a task force to examine how they can work to keep their prices lower.

The bill would also ensure the States would hold up their end of the bargaining by providing higher education, by establishing State maintenance-of-effort requirements. We cannot just keep putting in Federal taxpayer dollars at the top and having States take money out of the bottom.

The bill would restore trust and accountability to the student loan program. It would also provide students and families with better protections when it comes to the often murky world of college loans.

The protections for students and parent borrowers in our bill form a bill of rights for college consumers, including fair disclosure loan terms to borrowers of Federal and private loans.

In addition, the bill would simplify the Federal student aid application process and provide families with extra time to plan for their college expenses.

The bill would also:

Make the Pell Grant scholarship available year round for the first time and would increase the authorization for that program;

Strengthen the TRIO and GEAR UP college readiness and support programs that are helping so many students discover that they not only can attend college, they can succeed in college and graduate;

Expand the funding for graduate programs at the Historically Black Colleges and Universities and Hispanic-serving Institutions and minority serving schools;

Increase college aid and support programs for veterans and our men and women in uniform;

To ensure equal opportunities and a fair learning environment for students with disabilities;

And to make our college campuses safer. The bill does all of that, and it's an important change in the higher education responsibilities of the Federal Government and in the support for our higher education institutions and in our partnership with the States.

□ 1230

It has been a long time for this bill to come to the floor. It has been 10 years since we reauthorized this Act. And in recognizing that long time, I want to certainly point out the contributions made by Congressman BUCK MCKEON, the senior Republican on this committee; RUBÉN HINOJOSA and RIC KELLER of the subcommittee; and the Chairs and ranking members of the Higher Education Committee.

But I just want to say that much of this bill reflects a lot of work that was done by Mr. KELLER, by Mr. MCKEON. Certainly the provisions dealing with college costs reflect an awful lot of work that was done by Mr. MCKEON when he was in the majority on the subcommittee and the full committee by Mr. TIERNEY, on our side of the committee, to bring this to fruition so finally we can start to not only make greater contributions in terms of assistance to families, but also help institutions rein in these costs, discuss these costs with parents and students so that they can make smart choices.

I would also like to thank my committee staff for helping us craft a strong bill, including Denise Forte, Stephanie Moore, Gaby Gomez, Julie Radocchia, Jeff Appel, Sharon Lewis, Julia Martin, and Rachel Racusen.

I would also like to thank the many students across the country whose voices have been so helpful in helping us to understand the changes that needed to be made and also to voice support for this legislation and are a very important part of this process.

I think the entire House can be proud of this legislation, and I think it will help us build a better future for our students and for our economy and for our country, both in terms of our economic security and our national security. And I think it will help fulfill the vision that all American families have for the members of their family to be able to participate in a higher education, to graduate and to pursue their hopes and aspirations, in making full contributions.

With that, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the College Opportunity and Affordability Act, and I want to begin by thanking Chairman MILLER along with Representatives HINOJOSA and KELLER, the chairman and ranking member of the subcommittee, for their efforts. Representative CASTLE has also been a close partner of mine in an effort to rein in college costs. In fact, it is our effort to address the college cost crisis that is the centerpiece of this legislation.

We know how important higher education is both to individuals and to our Nation. A college degree can be a ticket to the middle class. It helps individuals prepare for good jobs, and it allows them to pursue new skills in the changing economy. Higher education also has important societal benefits. College-educated citizens are healthier, more civically minded, have lower unemployment rates, and use fewer government benefits. An educated citizenry is also vital to maintaining our competitive edge in a changing world. Because higher education is so important, we made it a priority to ensure all Americans have access to a quality and affordable college education.

In addition to making close to $100 billion in financial aid available to students, the Federal Government also spends billions each year on aid to institutions: support for college access programs, investments in research and development, and many other avenues that support higher education.

Despite the considerable Federal investment, or perhaps in part because of it, colleges and universities have increased tuition and fees year in and year out. The increases have come in good economic times and in bad with steady enrollments and surging enrollments. It seems the only thing consistent about college costs is that they're going up, and fast.

With this bill, we hope to change that. Our principles for reform are based on the idea that by giving good information to consumers, we can empower them to exert influence on the marketplace. Through the power of sunshine and transparency, we are lifting the veil on college costs and holding institutions of higher learning accountable for their role in the cost equation.

Those principles of sunshine and transparency are hallmarks of this bill and not just in the area of college costs. We are also letting the sunshine in on college operation and quality through enhanced institutional disclosure and a more transparent accreditation process.

There are numerous positive reforms in this bill, too many even for me to name. There are also a number of problems with the bill that I hope we could resolve through the amendment process. Unfortunately, Republicans were blocked from being full participants in this debate.

I urge the majority to work with us as we go to conference to resolve these issues so we can get the strongest possible bill to the President's desk.

I'm particularly concerned that in its zeal to prevent conflicts of interest in student lending, this bill creates a patchwork of new requirements that conflict with existing truth-in-lending rules and disclosures. I'm a firm believer in disclosure, but I also recognize that if we overwhelm borrowers with too much paperwork filled with confusing and conflicting information, we may undermine the consumer protection we are actually trying to achieve.

Right now, we know that many lenders, whether they are banks or State agencies, are providing sound disclosures to borrowers on their student loans. I'm hopeful that as we move into conference we can take that information and use it to develop meaningful

disclosure that will ensure that borrowers receive the same type and quality of information from each lender.

I'm also concerned about the number of new programs created in the bill. Rather than trying to micromanage from Washington, by creating a brand new program for every possible contingency, we should focus on less red tape and greater local flexibility.

Later today, I plan to offer an amendment that moves us in the right direction by identifying duplicate, burdensome, or unnecessary regulations imposed on our higher education system from throughout the Federal Government. This amendment builds on an initiative I began in 2001 in partnership with the late Representative Patsy Mink, known as the Fed Up Project.

Mr. Chairman, there is always room to improve a bill, and the College Opportunity and Affordability Act is no exception. However, on the whole, this bill is an achievement of persistence and commitment. It updates programs to meet the needs of students in the 21st century and to use the power of sunshine and transparency to transform all aspects of our higher education system.

Above all else, this bill offers real solutions to the college cost crisis.

I thank Members on both sides of the aisle for their commitment to this cause.

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

Mr. HINOJOSA. Mr. Chairman, as chairman of the Subcommittee on Higher Education, I yield myself as much time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 4137, the College Opportunity and Affordability Act. This legislation will complete our work on the reauthorization of the Higher Education Act and build on the historic investment we made last year in the College Cost Reduction and Access Act.

We opened the 110th Congress taking a fresh look at our higher education laws. Especially, we called for ideas to close the college access and completion gaps for low-income and minority students; to improve the financial aid application and delivery system; to improve preparations so that low-income and first-generation college students are ready to succeed in college academically, financially, and socially; leverage more resource for need-based aid; and yes, to address the escalating cost of a college education.

This bill offers comprehensive, bipartisan solutions to all of these issues. I would like to thank Chairman MILLER and the ranking members of the full committee and the subcommittee, especially to my good friend Congressman MCKEON of California and Congressman KELLER of Florida, for working with us to craft a bill that every Member of this Chamber should be proud to support.

Mr. Chairman, we must be strong and determined to pass H.R. 4137 because we are falling behind in producing college graduates. During our hearings, we learned that the United States has gone from first to fourth place in the world for college graduates in the workplace. We are only one of two industrialized nations where older workers are more likely to have a college degree than younger workers. This comes at a time when the Bureau of Labor Statistics projects a shortage of 3 million college-educated workers as early as the year 2012.

The gaps in college access and completion is large and growing for low-income and minority students because of the high costs of a college education. According to the Education Trust, since 1994, white students have increased in college completion by 12 percent. African American students have only increased by 5.5 percent, and the Hispanic students only by 3 percent.

Given that over 40 percent of our public school children are racial or ethnic minorities and one in five is Hispanic, it is imperative that we act swiftly and decisively to close the gaps.

Mr. Chairman, this is what the College Opportunity and Affordability Act will do.

H.R. 4137 will close the college access and completion gaps by increasing the authorized Pell Grant maximum to $9,000 and providing access to Pell Grants and the Academic Competitiveness and SMART Grants year round.

The legislation recognizes the critical role that minority-serving institutions will have to play if we are to produce the college graduates our economy needs to thrive. These institutions represent less than one-third of all of the colleges and universities in our country, but they enroll more than half of all minority students in post-secondary education.

H.R. 4137 authorizes increased investments in building the capacity of these essential institutions and ensures that they are full partners in teacher preparation and our national competitiveness and innovation agenda.

Additionally, H.R. 4137 includes the minority-serving Institution Digital and Wireless Technology Opportunity program, which is a major step forward in ensuring that these colleges and universities can maintain a state-of-the-art educational delivery system.

I am particularly proud of our whole committee's work to strengthen minority access to STEM fields through a youth engagement in STEM partnerships and programs that focus on preparing teachers for these high-need fields.

The College Opportunity and Affordability Act also addresses gaps at the post-baccalaureate level. It has been exactly 10 years since I introduced legislation to create a graduate program for Hispanic-serving institutions, and with the passage of this long awaited legislation, we will be one step closer to enacting this long overdue program.

Additionally, our bill includes the Patsy Mink Fellowship program to provide support for women and minorities to complete graduate degrees and join the ranks of university faculty where they are severely underrepresented.

H.R. 4137 will improve early college preparation by strengthening programs that are very important to fill the pipeline such as GEAR UP, the TRIO program, the HEP and the CAMP programs and emphasizing financial literacy and early financial aid estimates.

I'm a strong believer of reading and writing literacy, and that's why I am so in favor of programs such as Reading is Fundamental, which is going to help us in graduating more students from high schools.

This bill will leverage resources through great partnerships. One example is the new Grants for Access and Persistence program which will leverage State and private resources to increase student aid so that low-income, first-generation college students are prepared to enroll and succeed in college.

This bill takes real steps to address college costs through public information, accountability, and incentives at the State and institutional levels to keep tuition increases low and college within reach of all students.

□ 1245

H.R. 4137 protects students and families by bringing sunshine and real consumer protection to the student loan programs both at the Federal and the private level.

Finally, the legislation before us today recognizes our collective obligation to the men and women returning from war and seeking to resume their lives. Our Nation owes all our veterans the support to achieve their dreams through a college education after so valiantly serving our country.

H.R. 4137 establishes a new scholarship program for veterans and their families. It ensures fairness for veterans in student aid; it also authorizes Centers of Excellence for veteran student success to provide a one-stop support system on college campuses to help veterans succeed in college and to graduate.

Mr. Chairman, this legislation is ambitious and thorough because that is what these times demand. I encourage all my colleagues in Congress to vote ''yes'' on H.R. 4137. Let's get this job done.

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

Mr. MCKEON. I am happy to yield 3½ minutes at this time to the ranking member on the subcommittee that has the jurisdiction over this higher education bill and commend him for all the work that he has done for college students across the country, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act, which reauthorizes the Higher Education Act.

I support this legislation because it will expand college access for millions of worthy students primarily by strengthening and reauthorizing the Pell Grant program and Perkins student loan program.

I know that these programs work well because I wouldn't have been able to go to college if it wasn't for Pell Grants and student loans. Also, as the chairman of the Higher Education Subcommittee, and now its ranking member, I know that over 5.5 million students get Pell Grants each year, and over 500,000 of these students also get Perkins student loans, which, together, are the passport out of poverty for so many of these young people.

I'm going to limit my remarks today to the Pell Grant and Perkins loan sections of the bill since they are, in my view, the heart of this legislation.

First, with respect to Pell Grants, Pell Grants are money we give to children from low- and moderate-income families to pay for their college tuition, books, and fees that they never have to repay. This bill strengthens the Pell Grant program by providing year-round Pell Grants to help college students get through college quicker and by increasing the authorization levels.

This legislation also, at my request, has included language which eliminates a wasteful spending loophole that had allowed convicted pedophiles and rapists to get Pell Grants even though Congress passed a law in 1994 making it illegal for prisoners to get Pell Grants. In my home State of Florida, for example, this loophole was exploited by 54 sexual predators who were able to get over $200,000 in Pell Grants.

By passing this legislation, we will take money out of the hands of convicted predators and put it back into the hands of needy, law-abiding college students where it belongs.

With respect to the Perkins loan program, these are very attractive, low, fixed rate at 5 percent student loans for children of low- and moderate-income families. This legislation will strengthen the Perkins loan program by increasing the loan limits for undergraduate and graduate students and expanding loan forgiveness to now allow firefighters to have their Perkins loan forgiven, as well as nurses, teachers, and police officers.

In closing, I want to thank Chairman MILLER for his hard work, Ranking Member MCKEON and Chairman HINOJOSA for working together in a bipartisan spirit. This legislation is good for students; it's also good for our Treasury. The expert studies show that by investing $16 billion in Pell Grants, it can help yield up to $85 billion in additional tax revenue because the average college graduate makes 75 percent more than the average high school graduate.

I urge my colleagues to vote ''yes'' on H.R. 4137. Let us work together in a bipartisan manner to make sure that all children, rich or poor, have the opportunity to get their dream of a college education.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the distinguished gentleman, the majority whip of our caucus, the gentleman from South Carolina (Mr. CLYBURN) for 2 minutes.

Mr. CLYBURN. Thank you for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 4137, the College Opportunity and Affordability Act. Chairman MILLER and his staff are to be commended for putting together a bill that will aid thousands of needy students.

Mr. Chairman, this legislation will ease the financial burdens being placed on working families paying high costs for post-secondary education. Passage of this bill will make post-secondary education more attainable and affordable for all Americans.

H.R. 4137 allows students to receive Pell Grants year-round. This bill also provides incentives to those colleges and universities that work to limit their tuition increases.

As a proud graduate of South Carolina State University, a historically black university in South Carolina, Orangeburg, I am pleased to see that this legislation enhances the HBCU Capital Financing Program's lending and eligibility criteria.

And in light of the hardships suffered by those students who had their schools destroyed by Hurricanes Katrina and Rita, this legislation establishes a program to help schools rebuild in the event of a natural disaster. This education package also helps colleges implement enhanced campus safety and disaster readiness plans.

Our Nation's continued prosperity is dependent upon the investment that we make in securing the futures of our children and grandchildren. This legislation will help to maintain America's strong global standing by providing our students the tools and resources they need to be competitive in a transnational economy.

I encourage my colleagues to support this bill.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Florida.

Often our differences in this body can be fairly sharp and our disagreements can be fairly significant over which direction our country should actually head, and such debate is very healthy in a democracy and vital to getting good policy. But there are other times when, in fact, we can work together, and this bill is an example where we can work together.

There are multiple examples in this bill where we fundamentally agreed, and there were other things we worked through in the amendment process. One important component of this originally CHAKA FATTAH and I sponsored; it was originally called High Hopes. President Clinton adopted that as GEAR UP as one of his major programs. Obviously, this is a little difficult on the Republican side, but we managed to pass it through in a Republican Congress with a Democrat President. We held it as a Republican Congress with a Republican President. And now with a Democrat Congress and Republican President, GEAR UP continues to expand and be a very effective way for low-income students to have the hope, if they keep good grades and stay out of trouble, to be assured that they can be eligible for student loans, Pell Grants, and other things to provide a promise of a future education.

We also worked as we tried to tackle things like long-distance learning and online learning, which is a growth category. I appreciate the majority's willingness to work on how colleges and these new experimental universities can work towards distance learning and expanding without having the heavy hand of government make determinations of when they can and when they can't. There have to be substantive objections, not arbitrary guidelines. And they worked on the language to make sure that was the case.

We had another technical issue on cohort measurements on student loans that some private universities, particularly those that are more trade-oriented, as well as minority-based organizations in the original draft of this bill, could have seen them go into default. And many low-income, minority, and trade colleges and so on would have been in deep trouble. But the majority took an adjustment in that cohort. Yes, if a college is underperforming and not providing education that is so necessary to students, it should be disqualified from the student loan program; but we have to make sure that colleges, and trade areas in particular, don't get arbitrarily knocked out because often they're reaching the very people we're trying to attract into higher education. I appreciate the majority.

There has also been a provision that I had in the higher ed bill years ago that caused some consternation. I want to make sure that the record shows that we were able to work on the student loan provision that says if you get convicted of a drug crime, you are suspended from your student loan; that we have provisions in this bill, working with the majority, to make sure how the drug tests are done so that if you test clean twice, you can get your loan back. We have provisions here that make it clear that each institution of higher education shall provide each student, upon enrollment, a separate, clear, conspicuous written notice that addresses this question.

This was very important because this provision was meant as a deterrence, not as a punishment. If a student is at a party and somebody says, hey, do you want to try this, you ought to try this pot. This will work really well; this will get you high. This meth may keep you so you can stay awake to study, you can say, look, I could lose my loan

here and lose everything I have. It's one more arsenal in your ability to fight illegal narcotics and stay in school. Furthermore, if you're on narcotics, your performance inevitably will drop over time.

This provision has received bipartisan support. We have continued to clarify it. And I want to make sure that, unlike previous times when this was interpreted to apply to everybody, or if you had committed a crime before, you could lose your loan, a student is a student is a student. It says, if you have your loan, you can lose your loan. It has nothing to do with people who rehab; it has nothing to do with people who maybe were in college for 2 years, went out, had problems, and then come back. We want those people in school. And I hope the administration this time will interpret this, regardless of which party it is, correctly. And I want to make sure that the CONGRESSIONAL RECORD shows what the intent of Congress was.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the gentleman from Illinois, the Democratic Caucus Chair, Congressman RAHM EMANUEL, for 2¼ minutes.

Mr. EMANUEL. Mr. Chairman, the FAFSA form that students and their parents have to fill out every year for student aid is over 100 questions, over eight pages long. If a company is applying for an export/import loan from the government, it's 13 questions, one page long. But a kid is going to college and his parents have to fill out over 100 questions.

Let me read you some of the questions. Go to page 8 and complete the columns on the left of worksheets A, B and C. Enter the student totals in questions 44, 45 and 46, respectively. Worksheet B, first of 12 items; payments to tax deferred pension and savings paid directly or withheld from earnings, included, but not limited to, amounts reported on the W–2 form in boxes 12–A through 2D, codes, D, E, F, G, H and S. If you can fill that out, skip college, go to graduate school.

Now, thankfully for the chairman, we have now put in here to streamline this and create an easy form so this is not one of the leading causes of divorce in America, the College Aid Plan. And if a company can get lawyers and accountants to fill out a one-page form and get a big loan for $200 million from the government, taxpayer subsidies, kids trying to go to college and achieve the American Dream should have something as easy as a big company has. And, thankfully, this legislation would accomplish that.

When I ran for office, I used to, and I still do, visit fire stations. And Pat Kehoe, who is a captain in the Chicago Fire Department, was the one that turned me on to the notion of what he and his wife have to do every year to try to get student aid so their kid can go to the University of Illinois. And every year they have to fill out a form like this.

The goal here is for government to finally catch up and get to where the private sector has been, which is creating easy forms, things that they can do online and get rid of all the bureaucracy and all the paperwork.

Earlier this year, we passed the largest increase in college aid since the GI Bill. This legislation will build on that reform so we finally make sure that college aid, in the period and the era of where you earn where you learn, is accessible to middle-class families and their dreams that they have for their children.

Mr. KELLER of Florida. Mr. Chairman, I note that Mr. EMANUEL's extension was shorter than even his form that he's seeking here, but we're in broad bipartisan support of that simplified process. It was a wonderful idea, and I'm glad we could work with him.

At this time, I yield 1 minute to the gentleman from Nebraska.

□ 1300

Mr. SMITH of Nebraska. Mr. Chairman, since being elected to Congress, I have had the opportunity to speak with young students throughout the Third District of Nebraska. They are smart and sharp, and we need to do everything we can to encourage them. Unfortunately, however, many rural States have seen what we call ''brain drain'' in recent years. As the depletion occurs, we lose our most vital economic asset to more populated areas. Responsible policy is needed to retain and grow our workforce to make our rural communities more competitive in this modern economy.

The College Opportunity and Affordability Act seeks to address this by encouraging economic development partnerships. These partnerships would be formed between rural colleges and universities and rural employers. This would provide additional career training to students attending rural schools in fields significant to the local economy. It also would encourage rural businesses to employ students once they graduate.

I thank the chairman and ranking member for working with me to target these partnerships to the areas in the most need.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the gentleman from New Jersey, a distinguished member of our Higher Education Subcommittee (Mr. HOLT), for 2 minutes.

Mr. HOLT. Mr. Chairman, I would like to commend Chairman MILLER and Mr. MCKEON for producing a strong piece of legislation. The College Opportunity and Affordability Act does what the name suggests. It expands affordability and access to college education for the broadest range of Americans. It expands Pell Grants, the basis of financial aid, and I'm pleased to say it allows Pell Grants to be used year round and for certificate programs and part-time students, something I have been working on for a long time.

The bill does many other things, including some initiatives that I have been working on. It empowers small and community colleges to provide child care programs so that working mothers can attend school. It includes grants and loan forgiveness for math and science students who pledge to conduct service in math and science fields after graduation. It includes grants for foreign language partnerships between local schools and language departments at institutions of higher learning and grants to institutions that will combine science with foreign languages.

I am pleased that in the Education and Labor Committee we were able to pass an amendment so that this bill would create an Assistant Secretary for International and Foreign Language Education.

I am pleased to note further that the bill will direct the Institute of Medicine to study how to deal with the shortage of nurses that's created by the shortage of nursing faculty.

These initiatives are part of a large effort to make it easier for students to finance their education and an effort to strengthen the quality of education that they receive. This is a good bill. I look forward to working with Members of both parties to see it become law.

Mr. HINOJOSA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALZ of Minnesota) having assumed the chair, Mr. PASTOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 4137

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 4137 pursuant to House Resolution 956, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 956 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4137.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, with Mr. PASTOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the gentleman from Texas (Mr. HINOJOSA) had 10½ minutes remaining. The gentleman from Florida (Mr. KELLER) had 16 minutes remaining.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. I thank the gentleman for yielding.

Mr. Chairman, I would like to call attention to two provisions in this legislation, one in the manager's amendment and one in the underlying legislation passed in the Education and Labor Committee. The first provision allows colleges and universities to apply for a non-Federal matching grant for fire prevention technologies through an already established program via the Department of Education. These funds will be used to professionally install fire prevention devices in student housing, dormitories, and other buildings on campus. More people are alive today, we know, Mr. Chairman, because of fire detection, and this provision will help prevent fires in college housing and save many lives in the process.

We don't need to be reminded of, for example, Seton Hall University several years ago that had a devastating fire in one of the college buildings that resulted in student deaths. The last thing, I think, a parent wants to discover or hear is that their child was injured or, worse, killed in a fire while away at college.

The other provision was included in the manager's amendment with the help of Chairman MILLER and Ranking Member MCKEON. The provision will provide colleges and universities with additional funds to acquire security cameras, intrusion detection sensors, and other technologies to protect students, faculty, and campus visitors. Allowing colleges and universities the opportunity to use these funds will provide the higher education community with a safer environment, again, one where parents can go to bed at night not worrying whether or not their children are safe so far away from home.

As we all have colleges and universities, chances are, throughout the country in our districts, whether St. John's University in Staten Island or Wagner College, we all know that this funding and these provisions will go a long way to help their campuses become more secure and more safe.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize a very well-recognized member of our Education and Labor Committee, the gentleman from New York (Mr. BISHOP) for 2 minutes.

Mr. BISHOP of New York. I want to thank Chairman MILLER and Chairman HINOJOSA and Ranking Member MCKEON and Ranking Member KELLER for their good and bipartisan work on this bill. This is, in fact, a bipartisan effort. It passed out of the Education Committee by a unanimous vote, and I think that that suggests that this is a very good product. It closely resembles the Senate bill, so we should be able to conference it quickly, and it continues the strong work that this Congress has done on a bipartisan basis to improve access and affordability for higher education.

We have twice now, on a bipartisan basis, saved the SEOG program and the Perkins loan program. We have increased the Pell Grant maximum, and we have cut interest rates in half.

Let me just go over a couple of the high points of the bill.

It strengthens the Perkins loan program, a loan program that the administration seems determined to kill but has broad bipartisan support in this Congress. We've increased the maximums that students may borrow. We also have mandated that the assignment of the proceeds of defaulted loans that are collected by the department will reverse back to the campus revolving loan funds so that those loan funds will remain fully funded. It increases the cohort default rate window so that the default rate is now measured over a 3-year period as opposed to a 2-year period. That will protect students and it will also provide greater accountability and stewardship of taxpayer funds. It restricts the Secretary's authority with respect to negotiated rulemaking on accreditation standards, and this is important as many believe that an effort is underway to federalize education, and we believe that these aspects of higher education are best left to higher education professionals. It reinstates the Federal role in supporting cooperative education. It simplifies the FAFSA process. It has very clear language on transfer of credit. And it incorporates the full provisions of our Student Loan Sunshine Act.

So from every vantage point, this is a first-rate piece of work, and I urge my colleagues to support it.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for yielding.

And I would also like to thank Chairman MILLER and Ranking Member MCKEON for assistance in putting a very important part into this bill.

Universities have no trouble finding parents when it comes time to ask for the tuition check. And, sadly, schools can find parents when tragedies occur, such as Virginia Tech, when it comes time to call a parent to give them bad news on what happened to their student. But one of the greatest fears parents have is their students' safety while they are at the university or college. And a while ago, when a gunman killed 32 people and wounded others, it was just one of the tragedies that occurs on campus. There are many other stories as well.

In my district in Pennsylvania, Charles and Debi Mahoney lost their son, Chuck, to suicide. And as he suffered from depression, his fraternity brothers, his ex-girlfriend, and college therapist, et cetera, all knew he was in danger and warned the college. But a legal barrier under the Family Educational Rights and Privacy Act of 1974, known as FERPA, prevented the school from notifying Chuck's parents, who could have gotten him the help he needed.

Unfortunately, Chuck's story is not unusual. Each day an average of three college students commit suicide. While in college, 11 percent of men and 9 percent of women consider suicide. While they may not all act on their thoughts, we need to ensure schools are able to contact parents to get them the help they need not only for the safety of the child but also of others on campus.

Parents may be in the best position to help students suffering from significant mental illness by providing emotional support, medical history, coordinating care with various mental health and medical professionals, and long-term follow-up. Parents will be around long after the school is gone.

Today we are breaking down the legal barrier preventing schools from communicating with parents. Section 865 of the bill before us today is modeled after the Mental Health Security for America's Families in Education Act, H.R. 2220, which I authored. It will prevent future campus tragedies by requiring the Secretary of Education to clarify FERPA so schools can contact parents when a student is at risk of suicide, homicide, or physical assault. It will also protect schools acting in good faith from liability.

This is a good bill that will make college campuses safer. It will give families peace of mind.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize a former Cornell College professor and now member of the Education and Labor Committee, the gentleman from Iowa (Mr. LOEBSACK), for 2 minutes.

Mr. LOEBSACK. Mr. Chairman, I think I will probably speak just 1 minute, but thank you. I appreciate that very much.

As a long-time political science teacher at Cornell College in Mount Vernon, Iowa, I am proud to join in support of this bipartisan legislation. I know the college system well. In addition to my teaching experience, I have visited the colleges and universities throughout Iowa's Second District. I have heard firsthand the struggles students face. By expanding the year-round Pell Grant, the students I've met with, especially at Iowa's community colleges like Kirkwood and Indian Hills, will be able to expedite their studies, enter the workforce sooner, and achieve the American Dream.

I am also pleased to see many rural education provisions in this bill. In

Iowa, 46 percent of schools are in rural areas, and they serve close to 170,000 students. Iowa's rural education system is impressive, but we should be doing more to give rural students the resources they need to succeed.

This legislation makes college more affordable and accessible to students, and I strongly support it and in no small measure because, again, of the bipartisan support that so many folks on this committee have demonstrated.

Mr. KELLER of Florida. Mr. Chairman, at this time I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize my friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY) for 1½ minutes.

□ 1315

Mrs. MCCARTHY of New York. I thank the gentleman from Texas.

I stand in strong support of H.R. 4137, the College Opportunity and Affordability Act. Our Nation's future is in our education, and we must ensure our students have access to affordable higher education that will prepare them to excel in the global economy. I want to thank Chairman MILLER and his staff for all the hard work that they did to get this bipartisan bill out of committee and to the floor and also to Ranking Member MCKEON. I would also like to thank the chairman for including some key priorities of mine.

The legislation authorizes Project GRAD USA as an ongoing Federal program. This national program has successfully increased the number of low-income students to attend college and earn degrees. We are also providing opportunities for nurses as our Nation faces a severe nursing shortage by creating programs to increase the number of nursing students and nurse educators. Degrees also from rabbinical schools which will be able to continue to be recognized at the equivalency of a bachelor's degree.

We all understand the need for increased campus security. This legislation will improve current campus safety policies to ensure students are protected and will include improvements to emergency response policies and whistle-blower protections for students.

Career and technical schools will offer a great alternative to traditional 4-year colleges and are especially helpful to students in my district.

By passing this bill, we will improve current law for career colleges and technical school students by providing students with more opportunity to attend these vital institutions and enter the global economy with marketable skills.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank my colleague for yielding.

I start with these basic truisms: that higher education is not a luxury, it is a public good; that access to higher education is critical for maintaining our global competitiveness; that many of our economic competitors overseas invest more in higher education institutions than we do; and that research shows that 80 percent of the 1.7 million new jobs expected to be created by the end of the decade will be occupations requiring a higher-education degree.

I believe the Federal Government has a significant role in the very earliest part of a child's education, prekindergarten, providing grants to incentivize our local communities to begin to think about educating our very, very young, and that it has a requirement to make sure that young people in our schools don't fall through the cracks or gaping holes. But I am absolutely certain from my heart that the Federal Government needs to play a much more significant role in higher education.

I, as a Member of Congress, have opportunities at community meetings to meet with constituents like all of you do. And I will never forget, about 5 years after I was elected, a young woman came to me and said, I want to tell you a story, and I was waiting until my youngest brother graduated from graduate school. She said, my father died when I was 12 years old, and I am the oldest of seven children. She said, my mother was a school teacher. She said, my mother had one determination, that we would all graduate not just with a university college degree but with advanced degrees, all seven. And she said, just a few weeks ago, my youngest brother did, in fact, graduate. She said, there is a doctor of medicine in my family, a doctor of philosophy at a university, a lawyer, a school teacher with advanced degrees, and I am forgetting the other three what they had. But they all had advanced degrees. And this was someone who knew the value of education, a school teacher.

I am continually reminded about the impact of what we did with our GIs after World War II and the stimulation this had for our economy. And I think of countries like Ireland today that are providing free education, advanced-degree education, and what it has done for their economy.

To end, this young woman with six younger siblings, all with advanced degrees, said, I can't say they are happier, but I can tell you this, that they have far more options, that their income is higher, they have more choices, and they can make a greater contribution to society.

I hope that we can continue to work on this legislation. I think it is a major step forward.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize a distinguished member of our Education and Labor Committee, Mr. ROB ANDREWS from New Jersey, for 1½ minutes.

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

Mr. ANDREWS. Mr. Chairman, I congratulate Chairman HINOJOSA, Chairman MILLER, Mr. KELLER and Mr. MCKEON for their excellent work on this bill.

In the global economic competition, the difference between winning and losing is having skilled workers or not having skilled workers. This bill takes a major step forward in making sure that we have skilled workers, that America puts its best team on the field at all times.

There are two specific areas I commend the leadership of the committee for including in this bill. The first has to do with autistic men and women. A lot of autistic children make great strides in their lives and they become very able, very empowered people. But then they graduate from high school, and they age out of their education, and the supportive, intensive learning environment that they need is very often no longer there.

This bill has provisions to help establish residential, high-quality, post-secondary programs for autistic men and for autistic women.

This bill says to the men and women who wear the military uniform of our country that when they come back to campus, they will be welcome. An anomaly in the existing law says that a young man or a young woman who is deployed and goes overseas and fights for our country, when he or she comes back, they may be treated as a returning student, has had a gap in their student life, which means they go to the back of the list for enrollment in special courses, for financial aid and for many other purposes. This bill corrects that and recognizes that when a young man or woman serves, they should be rewarded. We should all support this bill on a bipartisan basis.

Mr. KELLER of Florida. Mr. Chairman, at this time we will continue to reserve the balance of our time.

Mr. HINOJOSA. Mr. Chairman, at this time I am pleased to recognize the honorable gentleman from Massachusetts, Congressman JOHN TIERNEY, for 2 minutes.

Mr. TIERNEY. I thank the chairman.

This is all about access and affordability. It is foremost in people's minds, whether you speak to people in the business community, you talk to academics or elected representatives or families and students, they are talking about opportunity for individuals, talking about the national economic security of this country and our need for innovators, for leaders, for people in the science, technology, engineering and math fields, and in business we are talking about global competitiveness, the need to have people with more than just a high school degree in order to lead our businesses and fill our jobs.

This bill addresses these concerns, and it builds on last summer's college cost reduction bill which put $20 billion in over the next 5 years, additional Pell Grants to get more students into college, and reduction of loan interest

rates so students will be able to afford those loans they were forced to take.

This present bill speaks to cost containment. It has a provision in there for public higher education, for maintenance of efforts. This is a partnership between the Federal Government, between families and the students that are involved, and States. This maintenance of effort will no longer allow States to supplant their obligation by taking Federal aid or raising tuition and fees. They will have to step up to the plate on a rather modest level required in order to get the benefit of getting aid that other people would get.

This bill also has a provision for all universities and colleges that if they keep their tuition and fee increases below the higher education price index, then they will be rewarded for additional grant money on their campuses to distribute among Pell student recipients; and if they make the promise over 5 years and keep it, they will get additional bonuses as well.

We have a ''service pays'' provision in there for people that are going into public service jobs, from prosecutors to teachers going into difficult areas, to health care and public health people, loan forgiveness of up to $10,000 to smooth their way on that basis, alternative paths to teaching. For those people that are in mid-career and decide they want to teach, we have offered partnerships to make that happen to enhance our Teacher Corps. We have endowment information so we can find whether or not the public policy of allowing people to not pay taxes if they donate to schools actually has a result of going into education.

All of these things are important. This is a good bill. We respect the fact that it came out of committee in unanimous form, and we look forward to support on the floor.

Mr. KELLER of Florida. Mr. Chairman, at this time I yield 3 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Chairman, our economy is growing more diverse and increasingly global. American competitiveness and ingenuity is dependent on a skilled workforce that reflects the needs of our economy.

As the first in my family to graduate from college, I realize the value and importance of a good education. It is the doorway to success and a critical piece to making our country more competitive in a global economy. Countless studies also detail how dramatically income increases with each successive achievement in education from high school, college, to advanced degrees.

As someone who is still paying off student loans, I understand the challenges faced by parents and children who watch the dramatic increases in the cost of a college education. While I don't agree with every provision in this bill, I am pleased that we have a bill that aims to improve America's competitiveness, seeks to make college more affordable, and cracks down on fraudulent practices of diploma mills where people manufacture fake diplomas.

First, this bill includes language that I have been working on for a couple of years to improve our competitiveness. Today, we often hear that over half of China's undergraduate degrees are in math, science, or engineering. Unfortunately, only 16 percent of American undergraduates pursue these fields. In 2002, foreign nationals accounted for over half of all engineering and math doctorates and almost half of all computer science doctorates.

To meet the demands of an increasingly technological, advanced global marketplace, we must improve the training and the education of our Nation. Through the Byrd Honors Scholarships, we will refocus the program to award graduate and postgraduate scholarships to U.S. students studying math, science, engineering, or computer science providing they agree to work in the field for 5 years following their graduation. In addition, this bill includes a compromise to incorporate adjunct content specialists into the Byrd scholarship program to provide grants to schools to recruit adjunct content specialists from experts in math, science, and critical foreign languages.

I have worked diligently on this since coming to Congress. We need to allow qualified professionals to take time out of their career and enter the classroom and share the real-world experience. I believe our education can be improved if we allow smart and successful people, like a Bill Gates, to spend some time in the classroom.

However, we are not simply seeing a shortage of engineers and scientists. America must focus and train all demand skills, including home-grown welders, plumbers, auto mechanics, lab technicians, doctors, nurses, and pharmacy techs. In my eastern Washington district, manufacturers are turning away job applicants because they do not have the math skills needed.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Chairman, I support H.R. 4137. It is a great piece of legislation. I commend Chairman MILLER and Ranking Member MCKEON and all the members of the committee. I think that this is truly visionary with regard to the cost, restoring integrity and accountability, and expanding college access.

I am the first member of my family to have the opportunity to go to college. I deeply appreciate what the committee has done. There is one part of the bill I want to provide emphasis to and that is the fire safety part. I have worked on this issue for over 7 years. I was deeply involved in the issue after the horrific fire at Seton Hall University in South Orange in 2000. We lost three students. Fifty-eight other students were injured severely.

This horrible tragedy made it clear that something needed to be done to educate students, their families, the faculty and the staff about the dangers of fires on campuses; and that is why I introduced the Campus Fire Safety Right to Know Act. Parents and students have a right to know about the school's campus fire safety policies and records.

I ask full support of this legislation, and I thank the committee members again for the great work they did.

I rise today in strong support for the College Opportunity and Affordability Act, H.R. 4137, and I commend Chairman MILLER and Ranking Member MCKEON for bringing this worthy measure to the floor.

This comprehensive, bipartisan bill will reauthorize the Higher Education Act through FY 2012 while addressing concerns about the cost of education, restoring integrity and accountability to student loan programs, expanding college access and support for low income and minority students, and strengthening our workforce and competitiveness.

In addition, H.R. 4137 addresses an issue that I have made a priority for over 8 years, which is vital to the safety and security of American college students—fire safety on our college campuses.

The statistics relating to fire safety on college campuses are startling. Each year, thousands of fires rage through the campuses and off-campus housing of our colleges and universities.

I became deeply involved in the issue of campus fire safety after experiencing the terrible aftermath of a catastrophic fire at Seton Hall University in South Orange, New Jersey, in 2000. That fire killed three young freshmen and wounded 58 other students in a dorm on campus.

This horrible tragedy made it clear that something needed to be done to educate students, their families, faculty, and staff about the danger of fires on the campuses of our colleges and universities.

As such, I introduced the ''Campus Fire Safety Right to Know Act,'' a version of which is included in the bill we are considering today.

The campus fire safety reporting requirement in H.R. 4137 mandates that colleges and universities provide prospective and current students and parents with a report of the school's campus fire safety policies and records.

Educating students about fire safety during their time in school will have a strong impact on the choices they make in the future. If we can influence what they learn, we can create a more fire-safe generation for tomorrow and potentially save thousands of lives.

I want to once again state my strong support for this legislation. As the first member of my family to attend college, I applaud the Chairman and Ranking Member for their dedication to making the dream of a college education a reality for so many Americans who otherwise would not have had that chance.

□ 1330

The CHAIRMAN. The gentleman from Florida has 6½ minutes. The gentleman from California has 1 minute.

The gentleman from California has the right to close.

The Chair recognizes the gentleman from Florida.

Mr. KELLER of Florida. Thank you, Mr. Chairman.

Let me just compare where we are today in Pell Grants versus where we were in 2000 when I was elected to show you why I have so much optimism about the good things being done in this bill and others.

In 2000, there were 3.9 million students getting Pell Grants. This year, 5½ million students are getting Pell Grants. In 2000, the maximum award was $3,300 per student. This year, it is about 4,800 per student, and based on the College Cost Reduction and Access Act that President Bush signed into law in September, it is going to go up to $5,400 in the next couple years. In 2000, our overall Pell Grant funding was $7.6 billion. Now it is double that amount.

We have made a substantial investment in the lives of these young people to make sure that every single child in America, rich or poor, has the opportunity to get a college education. We have reason for optimism. We are working together in a bipartisan manner on these higher education issues, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I have 1 minute and I just have one speaker left.

Mr. MCKEON. Mr. Chairman, I would be happy to yield 2 minutes to my colleague on the other side, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my good friend and colleague from California for yielding me time.

Mr. Chairman, I rise in strong support of the reauthorization of the Higher Education Act before us today. As a former member of the Education and Workforce Committee, I am proud of the bipartisan work that the committee has done on this legislation. In fact, it is one of the most important pieces of legislation we will be considering all year, because we are talking about access and affordability for more for students to be able to go and develop the skills they need to be competitive in the global marketplace.

I also want to especially thank a number of individuals who helped include in this reauthorization the Realtime Writers Act, which is vitally important. In the 1996 Telecom Act, we mandated that every television station had to have closed captioning for the hearing-impaired community. The problem is we are not producing enough students with those real-time captioning skills in order to meet that mandate.

Furthermore, virtually every courthouse throughout America is experiencing vast shortages of official court reporters, who are the guardians of our public record, and yet we are not producing the students in order to meet that pent-up demand and pursue that noble and important career.

I want to thank Representative ANDREWS, who was helpful in steering this and making it a part of the Higher Education Act. Mr. REGULA was a cosponsor of the original legislation with me. Senator HARKIN has been the leader and champion on the Senate side to promote this bill. And I thank them for their support as well as the terrific work of the National Court Reporters Association in educating our colleagues.

I also want to commend Representatives HARE and LOEBSACK for the amendment that they offered and got adopted in this legislation that would provide competitive grants for rural leadership training skills for superintendents and principals throughout the country.

As those on the committee are well aware, we are facing a demographic challenge, with over 50 percent of the superintendents and principals about to retire in this country in the next 5 years. Not only is quality teaching in the classroom important, but also the quality of leadership in schools and school districts around the country is vitally important as to how well those schools are going to perform for our students.

So, again, I commend the committee for the work product that they have before us today, the bipartisan work that they have been able to do, and I encourage my colleagues to support this reauthorization.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

For years, Republicans have fought on behalf of students and families to make college more affordable. Now our cause is bipartisan and our vision for reform is the centerpiece of comprehensive Higher Education Act reauthorization.

For students and families grappling with rising college costs, this bill establishes college affordability comparison tools to help put cost increases into perspective. Students will be able to search, sort, and compare key cost indicators for every school in the country. We will identify institutions that are the most costly, the least costly, and those with the fastest rising costs. And for schools engaging in a pattern of extraordinary high cost increases, we demand greater disclosure and concrete steps to identify inefficiencies and fix them. This legislation reflects Republican principles for reform, including financial aid simplification, protection of student privacy, safeguards for taxpayer dollars, emphasis on competitiveness, and many more positive reforms.

We would not have this bill before us today without the hard work of staff on both sides of the aisle. I want to thank Amy Jones in particular for her tireless efforts to ensure this bill includes meaningful college cost reforms. I also want to recognize Brad Thomas and Susan Ross on my staff, along with outgoing staff director Vic Klatt and his successor, Sally Stroup, a higher education policy expert in her own right.

I would also like to recognize Chairman MILLER's staff, including Gaby Gomez, Julie Radocchia, and Jeff Appel.

Throughout the day, we will consider a number of amendments. Some would make the bill stronger, while others are unquestionably bad policy that would send us backward. However, it is the give-and-take of a bipartisan legislative process that has produced the strong bill before us, and I am hopeful that at the end of the day we will be able to secure strong, bipartisan passage of this bill, to make our higher education system more accessible and affordable.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield the balance of my time to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

The CHAIRMAN. The gentlewoman is recognized for 1 minute.

Ms. SHEA-PORTER. I thank Chairman MILLER for his leadership on this bipartisan legislation.

Mr. Chairman, I rise today to express my strong support for H.R. 4137, the College Opportunity and Affordability Act. Last year, the Democratically led 110th Congress cut interest rates on student loans in half over a 5-year period in order to help American families pay for college.

This year we have continued our commitment to the poor and to the middle class by expanding college access. College loans are getting more expensive. By working and through student loans, I was able to attend college full time, but today, many students can only attend part time because of financial or family obligations. They also have to attend summer sessions so they can get through college more quickly. This legislation will help them by expanding Pell Grant eligibility for these part-time, year-round students.

One of this Congress' priorities is to make it easier to earn a college education. This legislation honors our commitment. As a member of the Education and Labor Committee, I proudly support this legislation and I urge my colleagues to do the same.

Mr. SCOTT of Virginia. Mr. Chairman, I rise today in support of the College Opportunity and Affordability Act of 2007. I would like to thank Chairman GEORGE MILLER, Ranking Member MCKEON, Chairman HINOJOSA, and Ranking Member KELLER for their work on this bill, which goes a long way toward making higher education attainable for all.

The College Opportunity and Affordability Act of 2007 contains several helpful provisions for students. First, the bill increases the authorized maximum Pell Grant award from

$5,800 to $9,000. In addition, the bill further decreases student interest rates. The bill also includes a feasibility study on giving students more flexibility in refinancing their loans by making student loans more like home mortgages, in which borrowers can switch back and forth from variable rates to fixed rates as the market's conditions change.

H.R. 4137 increases support for Historically Black Colleges and Universities and Minority Serving Institutions.

This bill also helps schools affected by a disaster. An Education Disaster and Emergency Relief Loan Program is created to provide emergency loan funds to schools after a Federal declared major disaster or emergency, including those schools affected by the 2005 Gulf Hurricanes. Additionally, the bill requires the Secretary to create a disaster relief plan for schools and LEAs adversely affected by disasters.

The College Opportunity and Affordability Act of 2007 also addresses several additional critical issues. The bill provides loan forgiveness for areas of national need, including early childhood educators, child welfare workers, school counselors, and mental health professionals. In addition, the bill creates a grant program, to help nonprofit organizations, in collaboration with higher education institutions and their students, that seek to promote cultural diversity in the entertainment media industry. Finally, the bill creates a new competitive grant program to strengthen and develop college-level programs in the rapidly growing field of modeling and simulation.

I am pleased that the bill also includes a study to be performed by GAO on whether any race, ethnicity, or gender biases are present in the design of standardized tests used for admission to institutions of higher learning. This language should enable GAO to acquire data from the testing companies because of the link between the tests and the federal money that the schools receive who use these admissions tests.

H.R. 4137 also seeks to make campuses more safe by creating a National Center for Campus Public Safety to train campus public safety agencies, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. The bill also requires the Department of Education to conform hate crime reporting requirements to FBI guidelines to more accurately report incidents of hate crimes on our campuses.

Finally, the bill includes several positive changes to the TRIO programs, which provide assistance to low-income and first generation college-going students. The bill eliminates unreasonable evaluation requirements imposed on Upward Bound programs by the Department of Education without requiring a recompetition. In addition, the bill creates an appeals process for TRIO programs to ensure that the grantmaking process is fair and equitable.

One item not addressed in H.R. 4137 is the provision under current law that prohibits students who are convicted of certain drug offenses from receiving federal student financial aid. This provision unfairly targets poor and minority students, increases long-term costs to society, creates double jeopardy for students who have already paid their debt to society, and lacks evidence of effectiveness. For these reasons and others, I hope that we can address this critical access issue as this bill moves through the legislative process.

For the foregoing reasons, I support the bill and urge my colleagues to support it.

Mr. HOYER. Mr. Chairman, today—in a bipartisan vote—this House will pass critical legislation designed to expand college access and to make higher education more affordable for millions of American students.

This legislation, the College Opportunity and Affordability Act, builds on the College Cost Reduction Act—legislation enacted last year that, among other things, increased the maximum Pell Grant to $5,400 over five years and cut interest rates in half on subsidized student loans, saving the average student $4,400 over the life of the loan.

There is a direct connection between our Nation's future prosperity and our ability to compete and succeed in a global marketplace that now relies more on brains than brawn. An educated workforce is absolutely indispensable in this information age—and this legislation represents an important step in expanding college access to more Americans.

In particular, I want to thank Chairman MILLER, Ranking Member MCKEON and the members of the Education and Labor Committee for their hard work on this bill, which was reported out of committee on a 45 to 0 vote.

This legislation reauthorizes the Higher Education Act through fiscal year 2012, and, among other things, it will encourage colleges to rein in price increases, providing incentives—such as additional need-based aid—to colleges to hold down price increases. It also will require the Department of Education to create ''higher education price increase watch lists'' that report the full price of tuition and fees, as well as the cost of room and board for students living on campus. And, it seeks to restore integrity and accountability to the student loan program, requiring institutions and lenders to adopt strict codes of conduct, and providing students with full and fair information about their borrowing options.

Furthermore, this bill will make textbook costs more manageable by providing students with advance information on textbook pricing so that they can plan for expenses and by ensuring that colleges and faculty have full textbook pricing information when making purchasing decisions.

Just today, the Washington Post noded in an editorial: ''Textbook prices have been rising rapidly in recent decades, increasing at more than 2½ times the rate of inflation from 1986 to 2004, according to a Government Accountability Office report.'' The Post continued: ''At the University of Maryland at College Park, the average student spends more than $1,000 a year on textbooks—equal to 20 percent of tuition.''

Mr. Chairman, it not only is imperative to expand college access, but also to do what we can to ensure that our students do not graduate with crushing debt that haunts them for decades.

In addition, this important bill will make college more affordable for low-income and nontraditional students by allowing students to receive Pell Grant scholarship aid for the entire year. The bill also creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members and veterans.

Finally, let me say that I am pleased that this legislation includes provisions that Congressman BERMAN and I worked on that require institutions to disclose to students and employees their policies related to copyright infringement and a description of actions that institutions take to prevent and detect illegal file sharing.

Mr. Chairman, this a good, thoughtful piece of legislation. And, I urge members on both sides on the aisle to vote for it.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act. As a member of the House Education and Labor Committee, I had the privilege of working on this legislation, which will have a large impact on the students, veterans, and workers in the rural communities of my Congressional district.

Today's legislation includes several provisions I authored to increase enrollment of graduates from rural high schools in institutions of higher education, help rural schools recruit qualified teachers and administrators, and develop a strong workforce in rural America.

One-third of K–12 schools in the United States are located in rural areas and are responsible for educating almost 10 million children. Unfortunately, these schools struggle to recruit highly qualified teachers, putting our rural students at a disadvantage.

Teachers in rural schools often teach several subjects to multiple grade levels and play many different roles in the school, such as counselor, coach, lunchroom attendant, janitor, administrator, and others. Therefore, in order for rural schools to recruit qualified teachers, colleges of education must teach students the skills needed to work in rural America. My provision achieves this goal by providing incentives to colleges of education to add a rural focus to their curriculum, and encourage students to complete their required student teaching hours in rural schools.

I am also proud that Title VIII of the bill includes the College and University Rural Education (CURE) Act, which I introduced with my colleagues, Representatives DAVID LOEBSACK and ZACK SPACE. A variety of studies show that fewer high school graduates from rural schools continue on to college than from suburban schools. This unfortunate reality leads to difficulties in training a qualified workforce in rural America.

Now, more than ever, our Nation needs a skilled workforce of teachers, health care workers, information technologists, and engineers willing to live and work in rural communities in order to create and support a competitive workforce, and to enhance the quality of life for Americans living in rural areas.

The CURE Act responds to this call by establishing three grant programs to increase enrollment of rural high school graduates in institutions of higher education; increase economic development partnerships to create an employment pipeline from higher education institutions to the workforce; and increase the quality of life in rural areas by providing training for professions of need in rural areas.

Finally, I am pleased today's bill includes another provision I developed to help the dislocated workers of Galesburg, IL, and other trade impacted communities across the Nation. This provision allows workers to indicate on the Free Application for Federal Student Aid (FAFSA) that they have lost their job and would like to use current year income when applying for financial aid. This will ensure that

dislocated workers receive appropriate financial support, directly resulting in greater access to training opportunities for workers who lost their jobs.

The College Opportunity and Affordability Act builds upon the work we started in the College Cost Reduction and Access Act to make college more affordable and accessible to all Americans. I thank Chairman MILLER and Ranking Member MCKEON for their leadership in moving these bills through our committee and quickly to the floor. I urge all my colleagues to support the Manager's Amendment and underlining bill.

Mr. SESSIONS. Mr. Chairman, I rise today in support of the expanded access to higher education that individuals with intellectual disabilities will have under the College Opportunity and Affordability Act being considered on the House floor today.

As many of my colleagues know, my son Alex, who just turned 14, has Down syndrome. As a student at J.L. Long Middle School in Dallas, Texas, Alex has made significant academic progress and received many of the same education opportunities as his peers as a result of the Individuals with Disabilities Education Act. While IDEA will provide invaluable education for Alex throughout his K–12 education, I also realize that IDEA will not be there to serve his needs after high school.

Currently, the education opportunities for most individuals with intellectual disabilities end with secondary school. Unfortunately, most remain unemployed and completely dependent.

As the parent of an individual with intellectual disabilities, I have worked to ensure that individuals with disabilities have access to the resources and opportunities to develop self-reliance and life skills, enabling them to achieve their potential and to contribute to our communities.

Mr. Chairman, in 2006, I authored legislative language to grant students with intellectual disabilities access to Federal work study funds for enrollment in comprehensive post-secondary education programs.

I am very pleased that the College Opportunity and Affordability Act not only includes my work study language, but it also builds on those efforts by providing access to Pell Grants and Supplemental Education Opportunity Grants. By providing access to Federal student aid, we will be empowering individuals with intellectual disabilities across our Nation to learn, develop, and achieve to the best of their abilities.

Additionally, I am pleased that this legislation will establish a model education demonstration for a comprehensive transition and post-secondary program for students with intellectual disabilities. By awarding competitive grants to higher education institutions, the development of this model demonstration will establish important first steps for the creation and expansion of additional transition and postsecondary programs for students with intellectual disabilities across our Nation.

To ensure the integrity and success of these groundbreaking programs for students with intellectual disabilities, this legislation also authorizes a coordinating center that will provide technical assistance, evaluation, and recommendations for the development of accreditation standards.

Mr. Chairman, the establishment of these vital programs will represent a historic victory not only for individuals with intellectual disabilities, but also for their families and for the educators and advocates who have worked diligently to establish these post-secondary education opportunities.

In particular, I would like to recognize Stephanie Lee and Madeleine Will with the National Down Syndrome Society for their invaluable expertise and support to ensure that dreams of student aid and transitional education programs for individuals with intellectual disabilities become a reality.

Today, we can ensure that individuals with intellectual disabilities have access to the educational resources and opportunities that can enable them to lead a very fulfilling life.

Mr. FARR. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act of 2007 and the manager's amendment offered by House Education and Labor Committee Chairman, Representative GEORGE MILLER.

It is globally accepted that the higher education system in the United States is the envy of the academic world. Paths to college often have different origins but always have the same destination, to enlighten our minds and expand our horizons.

A path that often goes unnoticed but traveled by a hidden portion of our population is the path of those with dyslexia. Dyslexia is often the butt of many jokes, but for those affected by it, it is anything but funny. Reading and writing are two fundamental skills that are essential to how we learn from the time we enter school to the end of our lives. For people who suffer from dyslexia, like myself, our ability to learn by traditional teaching methods is more challenging, and dyslexic children often fall behind at an early age. Imagine trying to follow along with your classmates and simply not understanding why you cannot read at the same level as everyone else. Being young, you don't know that you have this condition. Your teacher, who has not been trained to identify dyslexia, assumes that you may be slow or lazy. The longer the problem goes unidentified, the greater the challenge to overcome and adapt. As a young child with dyslexia, I quickly lost interest in school and became a class disruption. If it had not been for a science teacher who encouraged my interest in the sciences, who knows where I would be today? In science I had the opportunity to learn with my hands and not solely through a bunch of jumbled words in a textbook. This newfound appreciation for learning spilled over into other subjects and inspired me to succeed every day. Most students with dyslexia go unidentified and are more likely to struggle in early grades, which may mean they stay back a grade, lose interest in their studies, can become increasingly disruptive in class and may be sent to alternative schools for troubled youths or special education classes. All this because our teachers are not trained to recognize dyslexia in the classroom.

As part of the manager's amendment to H.R. 4137, a study by the Center for Education at the National Academy of Sciences will examine teacher education programs at institutes of higher education to determine if teachers are adequately prepared to meet the needs of students with reading and language processing challenges, including dyslexia.

For too long, the Department of Education has resisted efforts to increase awareness and training for students with dyslexia. We owe it not only to our children but also to our teachers and parents to fully recognize dyslexia as an impediment to accessing their full potential. A simple recognition of this condition can change a child's life forever and help set them on a path to be a productive member of society. I was lucky, but a good education policy should not be based upon a collective crossing of fingers.

Mr. Chairman, I again urge my colleagues to vote in favor of H.R. 4137 and the manager's amendment offered by the House Education and Labor Committee Chairman, and my good friend, Congressman GEORGE MILLER.

Mr. WILSON of South Carolina. Mr. Chairman, I rise today to bring attention to an anomaly in Federal higher education policy that I have been trying to fix. It has been Federal policy for many years to provide incentives to individuals to work in either high-growth professions, high-need areas, or both. These incentives have included a variety of loan forgiveness and loan cancellation programs. In fact, this chamber just created a new program for public sector employees last year.

The Federal Perkins Loan Program is a relatively small student loan program targeted at low-income individuals. It provides these individuals with low fixed-rate student loans. Additionally, the Federal Government is willing to cancel these particular loans for borrowers who work in high-growth professions and/or high-needs settings for at least 5 years.

Unfortunately, when my office examined the Federal Family Education Loan Program and the Direct Loan Program to see if these programs were treating their borrowers in a similar fashion, we found inconsistencies. One such inconsistency is the fact that individuals who borrow Perkins Loans, obtain a degree in speech-language pathology, and work in a Title I school for 5 years can seek to have a portion of their loan cancelled. The net result is an increase in individuals providing necessary services to children who require specialized care. However, both the FFEL and Direct Loan programs do not treat school-based speech-language pathologists like their special education teacher colleagues with whom they work side-by-side with as they provide valuable education services to children with disabilities. The teachers receive the incentive; the speech-language pathologists do not.

Four years after the re-authorization of the Individuals with Disabilities Education Act, while we are in the midst of a re-authorization of the No Child Left Behind Act, and while we know how critical the academic performance of children with disabilities affects a school or school district, I think it is unwise and unfair to deprive these children of the opportunity to receive the special education services they need to succeed.

I will work with my colleagues on the House Education and Labor Committee and our counterparts in the Senate to try to resolve this matter. I look forward to discusing this matter with them as we proceed to a conference with the Senate.

Mr. CONYERS. Mr. Chairman, I rise today in support of the reauthorization of the Higher Education Act, H.R. 4137. In passing this reauthorization today, the 110th Congress is once again demonstrating its commitment to strengthening America's economy by increasing access to higher education.

In the lead-up to the 2006 election Democrats made a pledge to make increased access to a quality education a priority in the 110th Congress. The passage of this reauthorization today is just the latest example of our making good on this promise.

Titled the College Opportunity and Affordability Act, H.R. 4137 reauthorizes one of President Lyndon Baines Johnson's key Great Society programs, the Higher Education Act of 1965. The purpose of this legislation from the outset always has been to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education. H.R 4137 builds on this strong foundation.

A college education continues to be the best path to enter the middle class. But ever-increasing tuition costs and other obstacles are putting a college degree further out of reach for America's students. In addition to rising tuition, students and their families face an overly complex federal student aid application process and a student loan industry tainted by conflicts of interest and mired in corrupt lending practices. H.R. 4137 addresses these problems by encouraging colleges to rein in price increases, ensuring that states maintain their commitments to higher education funding, and providing students and families with consumer-friendly information on college pricing and the factors driving tuition increases.

The legislation strengthens provisions previously approved by the House to avoid conflicts of interest in the student loan programs. The bill's new provisions also include requiring better consumer disclosures and protections on private student loans.

In the first 50 legislative hours of the 110th Congress, the Democratic majority in the House of Representatives passed H.R. 5, the College Student Relief Act, which cut the interest rates in half on certain subsidized student loans over the next five years. In July 2007 we passed H.R. 2669, the College Cost Reduction Act, the single largest increase in college aid since the GI bill. Today, with H.R. 4137, the College Opportunity and Affordability Act, we build on these efforts and once again demonstrate that the 110th Congress is building a better future for all Americans.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act, introduced by my distinguished colleague from California, Representative GEORGE MILLER. This significant piece of legislation provides greater access to colleges and universities, making higher education affordable for all Americans, not just the wealthy.

A quality education continues to be the best pathway to social and economic mobility in this country. As a Member and Senior Whip of the Congressional Black Caucus, I have consistently advocated for the maintenance of Historically Black Colleges and Universities. This legislation will increase funding to Historically Black Colleges and Universities, as well as Hispanic and other minority-serving institutions, and it will expand college access and support for low-income and minority students.

This legislation contains provisions allowing students to receive Pell Grant scholarships year-round, and it increases the Pell Grant maximum to $9,000. In addition, it strengthens college readiness programs, namely the TRIO and GEAR UP college readiness and support programs for low-income and first-generation students. These increases will expand college access for low-income and minority students.

In Texas, over 87,000 African-Americans are incarcerated compared to approximately 48,000 African-Americans attending college or university. The disparity between the percentages of our youth in prison versus the number of young people in college, particularly in the African-American community, is disturbing to say the least. Higher education continues to be one of the main pathways to social and economic mobility, particularly in the African-American and Hispanic communities.

Mr. Chairman, this legislation contains important provisions opening up even wider opportunities for our veterans. Our own Congressman CHARLES RANGEL was enlisted in the Army before even finishing high school. Through the G.I. Bill, he obtained his bachelor's degree and eventually his law degree to become Chairman of Ways and Means. H.R. 4137 goes beyond what the G.I. Bill did for Chairman RANGEL, increasing college aid and housing aid for not only veterans, but their families.

This legislation creates a new scholarship program for active duty military personnel and family members, including children and spouses of active duty military service members or veterans. It establishes support centers to help veterans succeed in college and graduate. Finally, it ensures fairness in student aid and housing aid for veterans, making it easier for them to attend college while also fulfilling their military service duties.

Mr. Chairman, I would also like to express my strong support for an amendment introduced by my distinguished colleague, Congressman DANNY DAVIS, restoring safeguards to student loan borrowers. Mr. Chairman, students who take out loans borrow money as part of their pursuit to better themselves and contribute to the advancement of our Nation and economy. However, current bankruptcy laws apply the same severe standards to student borrowers that it applies to those trying to escape child support payments, alimony, overdue taxes, and criminal fines.

I do not believe those of our sons and daughters should be punished for trying to get an education. All student loans are currently non-dischargeable in bankruptcy, except in cases on a judicial finding of undue hardship (an extremely difficult standard to meet). Under Mr. DAVIS's amendment, government student loans and loans made by nonprofit entities would remain non-dischargeable; other student loans, made by for-profit banks and other lenders, would continue to be non-dischargeable for the first five years after they come due, and after that time they would be treated like other unsecured consumer loans in bankruptcy. Mr. Chairman, I strongly urge my colleagues to support this amendment, and to work to restore bankruptcy protection to private student loans.

Understanding the federal application for federal student aid can be challenging and complex even for the most knowledgeable parent. The College Opportunity and Affordability Act would streamline and simplify the application process giving families the tools they need to properly plan for their college expenses.

This legislation will reform our higher education system ensuring students and their families have the information they need to understand their borrowing options when applying for federal and private loans.

Mr. Chairman, as an active member of the Committee on Homeland Security, I am extremely supportive of the provisions in this legislation that boost campus safety and disaster readiness plans. Last year's tragedy at Virginia Tech has illustrated the horror to which students might be exposed, and natural disasters in recent years have underlined the necessity of having campus disaster plans.

This legislation helps all colleges develop and implement state-of-the-art emergency systems and campus safety plans, and it requires the Department of Education to develop and maintain a disaster plan in preparation for emergencies. In addition, this legislation creates a National Center for Campus Safety at the Department of Justice to work in collaboration with the COPS program. Finally, it establishes a disaster relief loan program, to help schools recover and rebuild in the event of a disaster.

The cost of higher education has risen to the point that it has affected our workforce and our public service sectors. This country needs firefighters, public defenders, law enforcement officials, and educators just as much as it needs doctors and investment brokers. H.R. 4137 would encourage students to enter vital public service jobs by authorizing up to $10,000 in loan forgiveness.

This important piece of legislation gives our youth, our veterans, and our families the opportunity to not only dream of attending college but actually realize that dream. I urge my colleagues to join me in supporting H.R. 4137.

Mr. REICHERT. Mr. Chairman, in today's global, highly competitive economy it is imperative that we create new opportunities for our children and ensure that all students, no matter their age, income, or race, have access to quality, affordable education. I am pleased to rise in support of this important legislation and I'd like to thank Chairman MILLER and Ranking Member MCKEON for bringing this bipartisan bill to the floor so that we may finally make the dream of college a reality for all children.

Last year, an overwhelming majority of my colleagues joined me in supporting the College Cost Reduction Act, which the President signed into law. This was a good first step to addressing the rising cost of college but today we have an opportunity to do so much more.

Education is the lifeblood of a free and democratic society. We have a responsibility to the future prosperity of this great Nation and the rest of the world to ensure that our children have access to the very best education possible—which means controlling costs, strengthening our standards, promoting excellence, and creating new opportunities for previously disadvantaged children. Increasing the maximum Pell Grants and making them available year-round will go a long way towards accomplishing this goal.

Finally, Mr. Chairman, if we are to remain a global economic leader we must continue to invest in science and math education. The foundation of innovation lies in a motivated and well-educated workforce equipped with science, technology, engineering, and math skills. While the U.S. is supporting math and science, the rest of the world is not standing still and many countries are working hard to build their own innovation capacity.

Our inability to provide our students with a premiere or even a basic education in math

and science is a threat not only to our economic security, but also to our national security. The Hart-Rudman Commission was convened in 1998 to take a look at threats facing our country's national security over a 25-year period. The final report, released in early 2001, received national attention after 9/11 because it stated that the number one threat facing our country was terrorism, and it predicted that an attack was likely to take place on U.S. soil. But what is not as well known is that the report stated the second biggest threat to our national security was our Nation's inability to educate our own children in math and science. It called for a ''recapitalization'' effort. Our Nation has benefited and has been living on the intellectual capital that was driven to our shores by Nazism, Communism and poverty in the 20th century. But now, in a global economy, we can no longer rely on the world's minds coming to our country. And this trend coupled with our own deficiencies in education has created a crisis that, according to this report, reaches national security proportions of the highest magnitude.

A great real-world example exists in my own district in Washington State, which exemplifies the importance of science and math education. My district is home to several high-tech companies, including Microsoft. In order to ensure the continued success of Microsoft and other similarly situated companies, we must take steps now to fix our failing math and science programs to make certain they're able to hire the very best and brightest and we don't have to rely on a failing immigration and visa program to coax highly skilled and trained workers from overseas.

I believe we need to continue to emphasize math and science throughout a child's education. During a speech before the National Governor's Association at their 2005 Achieve Summit, Microsoft Chairman Bill Gates said, ''In math and science, our 4th graders are among the top students in the world. By 8th grade, they're in the middle of the pack. By 12th grade, U.S. students are scoring near the bottom of all industrialized nations.'' The need for serious attention and improvements to our math and science education is clear. I am happy to see the committee begin to address this need today through scholarships, grants, and incentive programs to encourage students to pursue careers in math and science.

Every parent wants their child to grow up to have more opportunities and a better life than they had. Providing our children with access to a higher education is integrally linked to the future economic, social, and cultural health of our democracy. I urge all my colleagues to stand up for our children and their future and join me in supporting this legislation.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of this fine legislation, and I urge my colleagues to join me in voting to pass it. This is a good bill, and I commend the bipartisan work of the Education and Labor Committee under the leadership of Chairman GEORGE MILLER and Ranking Member BUCK MCKEON.

H.R. 4137 will renew and reauthorize the Higher Education Act for the first time in 10 years. This legislation will expand college access for low-income and minority students by allowing students to receive year-round Pell Grant scholarships and strengthening college readiness initiatives as well as increasing the authorized Pell Grant maximum to $9,000. The bill will streamline the federal student financial aid application.

In addition, H.R. 4137 will create Community Colleges as Partners in Teacher Education grants which will provide needed support to establish teacher education efforts that are aligned with four-year institutions, so students can transition seamlessly from community college to four-year schools. The bill will provide further assistance to community colleges in critical areas such as remedial education, rural development, and nursing education. And H.R. 4137 will make textbook costs more manageable for students by helping them to plan for textbook expenses in advance of each semester.

I also support several useful floor amendments to the bill that will further strengthen this legislation, including the Managers amendment containing the Davis amendment to create a new masters assistance program for HBCUs, including Fayetteville State University in my Congressional District. I also support the Doggett amendment to enable data-matching between the IRS and the Department of Education for the purposes of calculating the Expected Family Contribution when processing financial aid. I support the Edwards/Boyda amendment to provide for in-state tuition for soldiers' dependents like so many families of soldiers at North Carolina's Fort Bragg. And I support the Shuler amendment to authorize a competitive grant program through the Department of Education that would allow institutions of higher education to create longitudinal data systems to efficiently and accurately manage, analyze, disaggregate and use individual student data.

Finally, Mr. Chairman, as the first member of my family to graduate from college, I know firsthand that affordable access to higher education is the key to the American Dream for working families. I am pleased to support this legislation, and I urge my colleagues to join me in voting to pass it.

Mr. VAN HOLLEN. Mr. Chairman, we all know that paying for college is often a daunting task for our Nation's students and families. It can sometimes be difficult to calculate the full costs and find ways to meet them. Far too many students graduate with too much debt—debts that can limit their choices and strain their finances. I am proud that this Congress has focused significant attention on this issue.

Last year this Congress passed the largest increase in student assistance since the Montgomery G.I. Bill. That increase was fully paid for by reducing subsidies to banks and lenders. Today, we continue our commitment to increasing access to higher education with the College Opportunity and Affordability Act.

This bill provides transparency and clarity in the often-confusing process that students and families face as they decide how to pay for college. It simplifies the Free Application for Federal Student Aid process and creates a shorter form for low-income families. It instructs the Secretary of Education to create a user-friendly website that centralizes information about schools and costs. It also makes sure that students and parents get easy-to-understand information about the terms and conditions of both federal and private loans.

The College Opportunity and Affordability Act also includes provisions from the House-passed Student Loan Sunshine Act, which requires schools and lenders to adopt strict codes of conduct to avoid conflicts of interest and protect students from aggressive lending practices.

Today's bill also furthers our Competitiveness Agenda, begun with the America COMPETES Act last year, by creating programs to recruit new science and technology teachers and collaborate with the business community to improve science, technology, engineering and math (STEM) and foreign language education.

It continues our commitment to our Nation's military, creating new scholarships for active duty personnel and their families, providing support for veterans at college, and ensuring that they have fair access to student and housing aid.

I thank the chairman and ranking member for including many of the provisions from the Teach for America Act, a bill that I introduced last year with Mr. CASTLE, Ms. DELAURO, Mr. REGULA, and Mr. SARBANES. These provisions, combined with the amendment to clarify specific authorizing amounts that Mr. CASTLE and I offered today, will allow Teach for America to expand its reach with 8,000 corps members serving 680,000 children in 33 regions around the country.

Mr. Chairman, this bill will increase transparency, put more qualified teachers in our classrooms, and open the doors to college to our Nation's children. I urge my colleagues to join me in supporting it today.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to express my support for H.R. 4137, the College Opportunity and Affordability Act of 2007.

With each passing day, a college education becomes increasingly important for the success of our workforce while simultaneously becoming more expensive and unattainable. H.R. 4137 would address this unfortunate trend by making a quality post-secondary education more affordable and accessible for all Americans. This legislation includes a number of commendable provisions that will help to reform our higher education system so that it can better serve the needs of students and their families. It offers a comprehensive approach to reducing educational expenses and provides targeted support to groups with the greatest need.

I am particularly pleased with the efforts that have been made to increase access for low-income and minority students. The bill allows Pell grants to be made available based on a year-round enrollment schedule so that low-income and non-traditional students will have the flexibility and resources to obtain a college degree. Additional provisions in the bill will expand funding for minority-serving institutions such as Historically Black Colleges and Universities. There are also measures designed to strengthen the GEAR UP and TRIO college readiness programs so that low-income and first generation students will be adequately prepared.

If we truly wish to enable our students to achieve their full potential, we must not let them be confined by their financial limitations. I support the College Opportunity and Affordability Act so that all Americans will be able to pursue a higher education and achieve the American Dream.

Mr. TIAHRT. Mr. Chairman, I rise today to offer my support for H.R. 4137, the College Opportunity and Affordability Act. This bill takes significant steps to make the dream of a college education a reality for America's young people, and I am very pleased that we are considering it today. H.R. 4137 addresses

a number of aspects of higher education, but there are two provisions in particular that I would like to commend.

First, I am pleased with the inclusion of section 706, which establishes grants for urban-serving universities. Our cities are facing unique challenges that require solutions that are tailored to their needs. Urban secondary schools have higher dropout rates and lower test scores than their suburban and rural counterparts. Urban schools struggle to recruit and retain teachers, especially in areas like mathematics and science. A larger proportion of urban populations are uninsured or under-insured. Urban research universities, like Wichita State University in my district, are well positioned and equipped to find real, meaningful solutions to these issues. They are uniquely qualified to train teachers for urban classrooms. They are able to use their strategic location to develop community-academic partnerships to develop effective treatments for diseases in urban populations, and rectify health disparities in their communities. The magnitude of these issues requires an investment by the Federal Government to encourage urban universities to coordinate, evaluate, and disseminate solutions to key urban problems related to education, community revitalization, and health and quality of life. The grant programs in section 706 are a solid first step towards this end.

Secondly, I am pleased with the promotion of Science, Technology, Engineering, and Mathematics, STEM, fields. Success in these fields is critical to the continued economic dominance that the United States currently enjoys. The United States has the No. 1 economy in the world. For almost two centuries, we have been the envy of the world—a dynamic economy, a hardworking, motivated workforce, truly the land of opportunity where innovation has thrived. That status is changing, however. While our education system is languishing, especially in STEM fields that are so critical to our continued economic growth, China, India, and other nations are preparing for the future. They are educating their students in math, science, and technology and pumping out record numbers of engineers. Language included in this bill will help American students keep pace with their international counterparts.

I urge my colleagues to support these measures in particular, and the underlying bill.

Mr. MORAN of Virginia. Mr. Chairman, I want to thank the chairman and his staff for including the Moran-Shays amendment in the manager's package of the College Opportunity and Affordability Act. For some time, Mr. SHAYS and I have been concerned with maintaining the strength of our Nation's public service. This amendment lays an early foundation for a greater Federal role in encouraging and facilitating public service.

The Moran-Shays amendment will bring together the experts in the field of public service to study how student loan debt affects the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Specifically, the study assesses the current challenges to recruiting and retaining well-qualified public servants, evaluates existing Federal programs and whether additional Federal programs could increase the number of graduates who enter careers in public service, and recommends pilot programs, including the establishment of a public service academy, to encourage careers in public service.

The new century has brought immense challenges that require strong and prepared public institutions. On the eve of the retirement of the baby-boom generation, our Nation presses for a new generation of teachers, firefighters, Federal employees, and other civil servants to fill the void they will leave.

Young Americans are answering the call. According to the Higher Education Research Institute, two-thirds of the 2005 freshman class at institutions of higher education expressed a desire to serve others, the highest rate in a generation.

Yet, an impediment to public service is the increase in college tuitions and debts, making it difficult for graduates to pursue careers in the public sector. These future public servants are potentially overburdened by the debts of college and university loans, forced to choose private sector jobs over public service opportunities.

By providing students with a federally funded education, the stress of debts would be eliminated, and their commitment to the public service sector for at least 5 years could lead to lifelong service.

I have joined with Representative CHRIS SHAYS and Senators HILLARY CLINTON and ARLEN SPECTER to introduce the U.S. Public Service Academy Act. Modeled after the military service academies, this academy will provide a 4-year, federally subsidized college education for more than 5,000 students each year in exchange for a 5-year commitment to public service, including fields that will most need a new generation of leaders, such as public education, public health, and law enforcement. We are encouraged by the support the proposal has gained so far, as nearly 100 bipartisan cosponsors in the House of Representatives have joined in this effort.

Mr. Chairman, the Moran-Shays amendment will continue to make the case for Federal intervention into promoting public service, including possibly a public service academy. I thank the committee for including the study in the manager's amendment, and I urge passage of the College Opportunity and Affordability Act.

Mr. REYES. Mr. Chairman, I rise today in strong support of H.R. 4137, the College Opportunity and Affordability Act of 2007.

In addition to restoring integrity to student loan programs, encouraging States and colleges to rein in student costs, bolstering Pell grants and expanding maximum awards, and investing in renewable and efficient campus energy practices, this legislation makes a vital investment in the economic competitiveness of our nation. Included in that investment is a needed focus on improving minority participation in the science, technology, engineering, and math, STEM, fields.

According to the U.S. Census, 39 percent of the population under the age of 18 is a racial or ethnic minority. That percentage is on a path to pass 50 percent by the year 2050. Yet, in 2000, only 4.4 percent of the science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics.

This under-representation of minority groups in the STEM fields is a severe impediment to the formation of an adequate American STEM workforce. The increased education and participation of this segment of the workforce is essential to supplying the American economy with the STEM expertise the country needs to innovate and to improve America's economic standing in the world.

One year ago, I joined with several of my colleagues, Congresswoman EDDIE BERNICE JOHNSON, Congresswoman ZOE LOFGREN, Congressman RUBÉN HINOJOSA, Congressman MIKE HONDA, and Congressman G.K. BUTTERFIELD, to create the House Diversity and Innovation Caucus. The caucus was created on a relatively simple premise: If we want to expand the STEM pipeline, we must broaden our pool of talent. If we are to compete with the rest of the world, we cannot do so with one hand tied behind our back, with the vast majority of certain demographic groups severely under-represented in the fields that drive innovation.

This bill includes several provisions that would bolster the participation of under-represented groups in the STEM fields. Specifically, H.R. 4137 would:

Establish the YES Partnership grant program for Minority-Serving Institutions to support the participation of under-represented minority youth in STEM through outreach and hands-on experiential-based learning projects;

Strengthen and expand the Minority Science and Engineering Improvement Program;

Enact the Minority-Serving Institutions Digital and Wireless Technology Opportunity Program;

Establish a matching grant program to recruit math, science, and language teachers;

Establish a priority in the Graduate Areas of National Need Program for fellowships to develop faculty in math, science, special education, and bilingual education;

Expand loan forgiveness in areas of national need;

Authorize a grant to examine establishing an organization to ensure women and under-represented minorities on college campuses are not facing subtle biases that discourage them from careers in STEM fields; and

Ensure that legal immigrants and part-time students are eligible for the Academic Competitiveness and SMART grants.

I am particularly proud that H.R. 4137 includes a bill I authored and introduced in the House, the STEM Promotion Act. In addition to providing young Americans strong educational opportunities in STEM, we must find a way to interest them in pursuing the STEM professions. My generation was inspired by *Sputnik* to pursue careers in science, engineering, and math, but we cannot sit back and wait for another Sputnik to re-engage our young people in these critical fields. We must tackle the STEM pipeline issue head-on, by methodically attracting Americans to enter STEM.

The STEM Promotion Act proposes just that. The bill would require the Secretary of Education to work with marketing professionals, similar to what the military does, to advertise and otherwise market the attractiveness of pursuing opportunities in STEM. Moreover, the Secretary would order marketing research to be conducted to examine how best to appeal to segments of our population that have been under-represented in the STEM fields, such as women, Hispanics, and African-Americans.

If America is to achieve its strategic objectives in STEM, the enormous potential of groups that are currently under-represented in the STEM fields must be realized. This bill will expand the STEM pipeline and promote innovation and competitiveness by helping to correct the under-representation of certain groups in the STEM fields.

H.R. 4137 also makes broad investments in higher education and college access. In addition to increasing the maximum Pell grant award by over $3,000 and authorizing year-round grants, the bill includes key provisions of the Next Generation Hispanic-Serving Institutions Act, of which I have been an original cosponsor for the past three Congresses. Included is a new graduate program for those institutions, authorized at $125 million, and an increased authorization for the undergraduate program to $175 million.

I am particularly pleased that the Education and Labor Committee has seen fit to strengthen and increase funding for GEAR UP and TRIO, which are critical college access programs for low-income students for which I have advocated since arriving in Congress in 1997. Specifically, the bill increases minimum grant awards for TRIO and HEP–CAMP, increases the authorization for TRIO to $950 million, increases the authorization for GEAR UP to $400 million, and addresses accountability standards to ensure students are completing a rigorous program of study. The bill also promotes college transition and parental involvement in GEAR UP, and encourages GEAR UP and TRIO to promote financial literacy.

By passing this bill, we would also ensure that our military veterans have full access to both the Montgomery GI bill and education programs under the Higher Education Act. H.R. 4137 establishes a scholarship program for veteran students and their families and Centers of Excellence for Veteran Student Success, and ensures fair treatment of veterans benefits in the financial aid need analysis formula.

I urge my colleagues to consider this bill's positive impact on competitiveness when deciding how to vote. Please support a strong and prosperous America. Vote ''yes'' on H.R. 4137.

Mr. DINGELL. Mr. Chairman, today I rise in support of H.R. 4137, the College Opportunity and Affordability Act. As a proud father and grandfather, I know too well that the costs of a college education can be prohibitive. This legislation, in combination with the College Cost Reduction Act passed in September, makes great strides to reform our higher education system to increase access to all students and families who desire to attend college.

I know many of you have heard me talk about the tough times my great State of Michigan is facing. I know many of you have heard that Michigan has the highest unemployment rate in the Nation at 7.5 percent, Michigan has one of the highest foreclosure rates, while at the same time our median household income has decreased by 11.9 percent and over 240,000 manufacturing jobs have left our State. These statistics are worth repeating because they emphasize the need and the importance for providing our future workforce with the tools they need to be successful.

One tool that is vitally important to many students is Federal aid; in fact, in past years almost 9 million students have received Federal aid. Yet the process to apply for Federal aid can be confusing and overwhelming for many students and their families. H.R. 4137 proposes to streamline the Free Application for Federal Student Aid, FAFSA, in order to make it easier for students to navigate. This will be done by reducing the number of questions on the FAFSA form and allowing applicants to save their information rather than refiling a new form each year. It will also allow students and their families to determine their expected family contribution and their Federal student aid package prior to college so that families can plan accordingly.

H.R. 4137 will also demand more accountability from student loan lenders, ensuring that the best interests of our students come first. This legislation will do this by requiring higher education institutions and lenders to adopt strict codes of conduct and ban all gifts and revenue sharing agreements between institutions and lenders. Students will now also be provided with full and fair information about their loans before entering into loan agreements, as well as be informed by the lenders of all borrowing options available to them when taking out and repaying loans.

Another focus of this legislation is the need to address rising college prices so that more students and families will be able to attend college in the first place. We have seen in tuition at 4-year public colleges increase 30.5 percent since 1999 to $7,164 per year. That is an increase of $1,675 over 6 years. When families are making less, every increase makes it harder and harder for students to afford college.

To address this, H.R. 4137 will also establish an online net price calculator that will assist students and their families estimate the cost based on income and family situations at individual schools. This will allow families to be able to properly calculate what the cost of a 4-year education will be. Families will now also have access to a list published by the Department of Education that will provide consumers with information on tuition and fees, average price after grant aid, recent price increases, and change in per-student spending.

I am also pleased that this legislation will increase college aid to our veterans and military personnel. Many college campuses have seen an increase in enrollment of veterans from Iraq and Afghanistan; however, some of these schools do not have enough resources to give the veterans the support they need. With over a million troops having served in Iraq and Afghanistan, it is our duty to ensure that when they return they have access to a college education. This legislation establishes a scholarship program that could award up to $5,000 for veterans, their spouses, or their children enrolled in college. It will also create support centers on college campuses designed to coordinate services and assist veterans with enrollment and completion of their degrees. More importantly, H.R. 4137 will ensure that veterans are not penalized by their financial contributions to their GI benefits in the financial aid process.

Mr. Chairman, I have heard over the years from my constituents, many from some of the great universities in my district, about the increasing amount of debt taken on to complete a college degree. Many have been forced to take out private loans, others have taken on additional hours at work, and unfortunately, some have had to take a leave of absence from school to pay the bills. This is a pattern that cannot continue. Education is not a luxury, it is a tool needed to succeed in today's economy. Investing in education and Federal aid programs is investing in our workforce and the success of our constituents. Today I urge my colleagues to vote in favor of this legislation, reaffirming the commitment the Democratic Congress has made to improving higher education and strengthening our workforce.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of H.R. 4137, the College Opportunity and Affordability Act of 2007. I would like to commend Chairman MILLER and his staff for their work on this bill and their efforts to bring it to the House floor. Following the introduction of a stimulus bill to help boost our Nation's economy, it is only appropriate that we also pass legislation that will boost higher level education and create a stronger workforce. This bill represents a federal commitment to making college more affordable and accessible.

I am pleased that HEA will provide new support for Predominantly Black Institutions and other Minority-Serving Institutions. H.R. 4137 would expand funding for graduate student programs at Historically Black Colleges and Universities, Hispanic Serving Institutions, and other minority-serving schools. HEA also makes significant changes to tribal institutions that would allow them to receive the necessary classification in order to obtain basic federal support for the education and training of Indian students and for tribally controlled postsecondary career and technical institutions that are not currently receiving federal assistance.

As a physician and Chair of the Congressional Black Caucus Health Braintrust, I strongly support the provisions of H.R. 4137 that will make medical school and training more affordable. HEA will create grant programs to increase nursing school capacity and provide nurses with the scholarships and release time needed to qualify as nursing school faculty. This legislation would also ensure that medical school graduates can afford their residencies and specialized training by including loan forgiveness programs that would remove current financial barriers that affect medical school graduates' choice of specialty, especially those with lengthy residencies.

In addition to supporting the overall bill, I would like to express my support for the Congressman DANNY DAVIS' amendment that would restore the ability to discharge private student loans in bankruptcy. Students with private loans should have some protection when they are faced with economic hardship.

I am pleased to support this comprehensive bill that would provide much needed reform to the Higher Education Act and I urge its final passage.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise to support the College Opportunity and Affordability Act and I commend Chairman MILLER and Ranking Member MCKEON for putting together a bipartisan bill that will have a real impact on college affordability.

I had the honor to serve on the Education and Workforce Committee for my first 6 years in Congress. It is a real pleasure to know that we will finally be able to reauthorize the Higher Education Act.

The College Opportunity and Affordability Act is focused on students, strengthening higher education, and improving our global competitiveness.

It increases need-based aid, provides more access to information on the cost of college, and holds States accountable for their investment. It protects borrowers by restoring sunshine to student loan programs, and by simplifying the financial aid application process.

And, it also makes new investments in increasing student interest in science and technology careers.

I also want to thank Chairman MILLER for including legislation that I introduced along with Congressman BISHOP and Congressman GRIJALVA to crack down on diploma mills.

Diploma mills—businesses that sell fraudulent degrees for little or no work—have proliferated in recent decades due to lax law enforcement and technological advances such as the Internet and email.

The growth of these fraudulent businesses has created a variety of serious problems. Diploma mills can sell a worthless degree to a naïve student. They also threaten the reputation of American colleges and universities by blatantly using similar names. They cheat employers—including school districts as we saw a few years ago—and the Federal Government. A 2004 GAO study revealed that at least 463 Federal employees held degrees from diploma mills and other unaccredited universities. In addition to hiring employees who are likely unqualified, employers, including the Federal Government, have wasted resources paying tuition to diploma mills. They can be physically dangerous as is so obvious in the example of diploma mill medical schools.

And more and more it is a national security issue. These degrees could be used to obtain visas. In addition, our failure to deal with the issue has been noted in other countries (Japan), harming our reputation around the world.

This legislation includes the first national effort to combat this problem. It is a first step, but a very important step.

I thank the chair and the ranking member for their support of this provision and for their dedication to improving access to higher education. I urge all my colleagues to support H.R. 4137 and to continue to make access to higher education a priority for this Congress.

Mr. ORTIZ. Mr. Chairman, I rise in support of HR 4137, the College Opportunity and Affordability Act.

A college education continues to be a great path to prosperity. But more and more, high college prices and other obstacles are putting a college degree further out of reach for our students. In addition to rising tuition, students and their families face a complex federal student aid application process and student loan industry.

The legislation will streamline the application process for financial aid, will allow for students to better manage textbook costs, and increase college aid and support programs for veterans and military families.

Many college students—including 37 percent of Hispanic students—receive Pell Grants each year, and this bill will now allow students to receive these vital grants year round.

It also increases authorization levels for the TRIO program to $400 million and GEAR UP program to $950 million, both of which prepare low-income and first-generation students with the challenges for college.

Many students find themselves in financial troubles because they are not aware of the rising costs or the details of the loans they take out. This legislation will hold student loan lenders more accountable for any potentially predatory actions, but students and their families will now have more information about all the options and costs to attend college.

Though we have passed this important piece of legislation, we are by no means done with higher education issues. The President's budget cut funding to Hispanic-serving institutions, and I will work with my colleagues to ensure those institutions receive proper funding. All students deserve to have as many resources as we can provide to them to better themselves and their positions in life.

Mr. STARK. Mr. Chairman, I rise in strong support of making college affordable again.

Since taking over Congress, Democrats have made historic investments in higher education. We have reduced interest rates on federal student loans by 50 percent. We have increased both the amount and the reach of Pell Grants and we have acted to provide long overdue oversight of the student loan industry. Today, we will reauthorize and reform the Higher Education Act and take another step forward toward the goal of making sure that all qualified students can afford to go to college without being saddled by overwhelming debt.

A college degree is not only the best guarantee of a good paying job, it is quickly becoming a necessity in our economy. The College Opportunity and Affordability Act, H.R. 4137, will open up the gates of higher education to students from all backgrounds. By increasing the maximum Pell Grant amount from $5,800 to $9,000, this bill will allow many lower income students to realistically pursue a degree. By making Pell Grants available year round and for part-time students, this legislation would help non-traditional students such as those working full-time. Finally, by simplifying the financial aid application process, this bill will make it easier for students to receive the aid they need and deserve.

For too long, the student loan industry, much like the mortgage industry, has operated without proper oversight. As a consequence, lenders entered into quid pro quo agreements with universities and coerced students into high-interest loans. The bill before us today protects borrowers by requiring full disclosure of all terms, prohibiting revenue sharing between colleges and lenders and doing away with draconian pre-payment penalties.

We must encourage and reward careers in public service. I strongly support the loan forgiveness program in today's measure. It will provide up to $10,000 in loan forgiveness for graduates teaching in low-income areas or entering crucial fields such as early childhood education and mental health.

Four decades ago, President Johnson signed the Higher Education Act and committed to helping low income students afford a college education. Today, Congress has the opportunity to renew that commitment by providing the support and oversight so that all students can fulfill their dream of attending college. I urge all of my colleagues to join me in supporting this important bill.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the College Opportunity and Affordability Act. This legislation will help break down the barriers, particularly the ever-rising costs of higher education, for Americans to obtain a college degree.

I am extremely excited about the provision from my legislation, the Campus Fire Safety and Prevention Act, that is included in this bill. This legislation would establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing or dormitories, and for other purposes.

Fire safety and prevention is an issue that needs to be addressed across this country. Over these few years we have seen many tragedies involving fire at colleges, places of business, entertainment venues and places of residence.

Nationwide, 126 people have been killed in student housing since January 2000, as identified by the Center for Campus Fire Safety, a non-profit organization that compiles information on campus-related fires.

Almost 83 percent of the fire fatalities have occurred in off-campus occupancies such as rented houses and apartments. Common factors in a number of these fires include: lack of automatic sprinklers, disabled smoke alarms, careless disposal of smoking materials, and alcohol consumption.

We must begin to put in place suppression measures against fires and increase support and resources for our fire fighters to ensure that no more lives are lost to fires that could have been prevented.

I encourage my colleagues to pass the College Opportunity and Affordability Act. This legislation would reform our higher education system so that it operates in the best interests of students and families.

Mr. LANGEVIN. Mr. chairman, I rise today in strong support of H.R 4137, the College Opportunity and Affordability Act, which will reauthorize the Higher Education Act for 5 years. This is the first time in almost a decade that this bill has been reauthorized, and I am proud to be part of a Congress that has placed such a high priority on making college a reality for all of our nation's students. This bill builds on legislation that passed last year to help lower college costs and boost Federal loan support for our students. Especially with the state of our economy, it is imperative that we invest in our education system to promote new employment and ensure that today's students can adapt to the jobs of tomorrow.

Two of the main goals of the College Opportunity and Affordability Act are to make a college education accessible to all students and to lower college costs for those students and their families. I am pleased that this bill increases the maximum amount of Pell Grants, which help 5.5 million low-income and minority students attend college, from $5,800 to $9,000. This measure also boosts funding for the TRIO program and the Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP), which provide college readiness and support for low-income and first-generation students. H.R. 4137 ensures equal college opportunities for students with disabilities by creating a national center to improve college recruitment, retention, and completion of students with disabilities, and would also expand eligibility for Pell Grants for students with intellectual disabilities.

H.R. 4137 also establishes a user-friendly website to provide students and families with helpful information about college pricing, and will streamline the cumbersome filing process for Free Application for Federal Student Aid (FAFSA). Families will now be able to receive estimates of their expected contribution and the amount of financial aid they may receive. H.R. 4137 requires higher education institutions and student loan providers to give borrowers fair and full information on their loan terms and repayment options, as well as promote financial literacy and education for students and families. This measure also helps

reduce the cost of textbooks, which on average sets back a student $1,000 per year, by making sure professors have full textbook pricing when making purchasing decisions and by ensuring students receive advanced lists of textbooks for their upcoming classes.

One of the goals of the 110th Congress is to create a new generation of innovators so that we continue to build an educated, skilled workforce in the vital areas of science, math, engineering and information technology. To maintain our international competitiveness and economic advantage in the coming years, our Nation must invest more in science, technology, engineering and mathematics (STEM) education. That is why I am pleased that H.R. 4137 includes many new initiatives and increases funding for STEM education. These new programs include grants for colleges and universities to provide incentives for students in STEM majors to teach in these academic areas; the YES Partnership Grant Program, which provides funding to eligible colleges to support minority youth engagement in STEM fields through out-reach and hands-on experiential learning; and the ''Robert C. Byrd Mathematics and Science Honors Scholarship Program'' which focuses on encouraging students to earn degrees in math and science.

H.R. 4137 increases college aid and support for our veterans and military families by requiring colleges and universities to treat students returning from military service as continuously enrolled students and preventing active duty servicemembers from accruing interest on student loans for the duration of their activation. The measure also encourages those students who commit to a job in high-need areas and public service for at least 5 years by establishing a $10,000 loan forgiveness program for nurses, early childhood educators, foreign language specialists, child welfare workers, school counselors, public sector employees, medical specialists, and mental health professionals. This measure further addresses the shortage of nursing faculty by establishing competitive grants to fund scholarships for nurses studying for advanced degrees with the intention of becoming faculty.

In recent years, our country's college and university campuses have seen unnecessary tragedies. H.R 4137 will boost campus safety by helping all colleges develop and implement state of the art emergency systems and campus safety plans, and will also create a National Center for Campus Safety at the Department of Justice. Administrators and students on campuses across the country have also pushed for environmental, or ''green'', initiatives, and this measure supports these efforts by providing funding for environmental sustainability programs.

Mr. Chairman, H.R 4137 shows that Congress is committed to the success of our students, and we will work to make sure that they can pursue their dreams without the burdens of unnecessary costs and debt. While we may find ourselves facing hard economic decisions, we must empower the next generation with the necessary tools and invest in their education. The College Opportunity and Affordability Act will set a blueprint for the future, and I encourage all my colleagues to vote for this bill.

Mr. SPACE. Mr. Chairman, I would like to begin by thanking Chairman GEORGE MILLER for his work on behalf of rural communities in H.R. 4137. Specifically, I would like to thank Chairman MILLER for including provisions from H.R. 4139, the Colleges and Universities Rural Education (CURE) Act, in this important bill.

I would also like to extend my thanks to Ranking Member MCKEON for his hard work on the legislation, as well as the staff of the Committee on Education and Labor.

Rural communities face a unique set of challenges in developing a highly-skilled workforce. Limited access to higher education makes advanced training more difficult to attain for the millions of Americans living in rural areas around the country. While we all should take pride in the work of our nation's public schools and teachers in providing a quality education to American children, the need for training beyond a basic high school diploma is clearly critical.

I see this deficit every day in southeastern Ohio. Some communities struggle to fill critical professions, particularly in the medical community, due to the rural nature of their district and the lack of training opportunities in a reasonable proximity.

To rectify this deficit, I introduced H.R. 4139, the CURE Act. This important legislation authorizes grants to the colleges serving rural America to create partnerships with rural school districts to improve access to higher education for rural high school graduates. These grants will provide important access to financial aid opportunities as well as programs on college campuses that will help to encourage students to pursue higher education when they might otherwise not.

Additionally, this legislation authorizes grants for rural colleges to develop training programs in needed professions, and develop partnerships with employers in the area to develop employment pipelines. These grants will help rural communities struggling to fill the positions needed to maintain a quality of life, such as doctors and teachers.

Again, I wish to commend Chairman MILLER for his willingness to see the challenges facing rural America and work to improve the quality of life for those communities. On behalf of my colleagues and I who represent rural America, I extend my truest and utmost thanks.

Mr. BACA. Mr. Chairman, I ask for unanimous consent to revise and extend my remarks.

I rise today to voice my strong support for H.R. 4137, the College Opportunity and Affordability Act.

Last year, this Congress took a first step in our promise to lower education costs and increase opportunities for American families.

This bill is about keeping that promise by strengthening higher education and increasing access to college for low income students.

This is especially important for the Latino community here in the United States where too many don't even apply to college because of the high costs. And the number of Latino students graduating with a degree does not compare with their white counterparts.

This year only 25 percent of college-age Latinos were actually enrolled in college. Only 25 percent.

This bill will help to eliminate this gap. It increases financial aid, strengthens college prep programs for low income students, and makes historic investments at minority serving institutions.

When we provide low-income students with access to college, we strengthen the middle class and make America stronger.

One thing I'd like to work with the Committee on is the student loan debt burden on teachers. Right now they can only get student repayment for their direct loans. But we really should help them pay back all of their student loans, including their private ones. They provide an important service to our Nation so that is the least we can do.

I urge my colleagues to support H.R. 4137.

Mr. LANTOS. Mr. Chairman, I rise today in support of the Lantos-Watt amendment to the Higher Education Reauthorization, H.R. 4137. This amendment clarifies that all graduate degree granting institutions are eligible as lead grantees under the Graduate Assistance in Areas of National Need (GAANN) program in Title VII of the HEA.

Mr. Chairman, as a former professor at San Francisco State University, I know the caliber of student in their graduate programs. And with our proximity to Silicon Valley, many of the leading biotech companies have an embarrassment of riches to select from. Before the Department of Education undermined congressional intent, limiting participation of master's degree granting institutions, SFSU was routinely competing and winning GAANN fellowships.

Congress created the GAANN program to provide these fellowships for graduates with superior ability and financial needs studying in areas of national need. Under the original HEA statute and GAANN program regulations, graduate degree granting institutions including those terminating in a master's degree are eligible to participate as lead institutions in the GAANN program. Contrary to Congressional intent and the GAANN statute—which refers to graduate, not doctoral institutions—the Department limited participation as a lead entity in GAANN to doctoral granting institutions only. This action eliminated three master's degree granting programs at San Francisco State University, along with Florida A&M and North Carolina A&T from participation in the GAANN program. Until this action, SFSU had GAANN grants in biology and chemistry.

Mr. Chairman, in the President's FY09 budget released a few days ago the GAANN program was tabbed for an increase in funding to stem the long-term decline in the number of fellowships awarded under the program. The President recognized how effective these grants are and provided support for 747 fellowships, including 529 new fellows.

Mr. Chairman, GAANN is a competitive program. This provision would not open the program to new entrants. It would merely restore the ability of master's degree granting programs to compete with those granting PhDs. I proudly support the Lantos-Watt amendment and thank Mr. Watt for working with me to give all universities an opportunity to compete.

Mr. UDALL of Colorado. Mr. Chairman, I will support H.R. 4137, the College Opportunity and Affordability Act of 2007. Overall, it is an excellent bill, but I do have a serious concern about the impact of one provision, the state maintenance-of-efforts provision, on Colorado.

This bill will reauthorize the Higher Education Act and will help make our colleges and universities more affordable and accessible.

I am especially pleased that this bill will help students and families trying to afford the increasing costs of college. The bill increases the maximum Pell grant award to $9,000 annually, up from $5,800. Pell Grants enable many students to attend college, but with rising tuition costs these grants have lost some

of their purchasing power. This increase will allow Pell Grants to help students limit debt and expand their education opportunities. Also, Pell Grant scholarships availability will be expanded to year-round to allow students to use the funding when it best works with their schedule.

Not only will H.R. 4137 increase federal aid, but it will also make the process of applying for that aid much more straightforward. Streamlining the application process for Federal aid will make it easier for students and their families to determine if they are eligible for Federal loans. The bill will also create a two-page "FAFSA–EZ" form for low-income students and families who qualify for the "auto-zero" family contribution.

And the legislation will not just help students from low-income families—it will help all students become better informed by requiring that the Department of Education publicly provide a user-friendly list of all colleges and universities in the country with information on tuition and fees, average price after grant aid, recent price increases, and change in per-student spending.

Textbooks are a growing—and often overlooked—cost of attending college. Students can spend hundreds of dollars on textbooks every semester, adding up to thousands of dollars by the time they graduate. The bill requires college textbook publishers to provide full pricing information about both bundled textbooks and unbundled alternatives. It also requires that publishers sell unbundled versions of every bundled textbook they sell so that students are not forced to purchase unneeded extras, such as study guides or CDs.

H.R. 4137 reauthorizes two critical programs that help disadvantaged students thrive in college. GEAR-UP helps prepare low-income elementary and secondary students to succeed in college and the bill increases the authorized funding to $400 million for GEAR-UP. It also increases the authorization level for the TRIO programs—Upward Bound, Talent Search, and Student Services—to $950 million. The TRIO programs seek to increase high school completion and college participation and graduation rates among low-income and first- generation college students. African-American students make up nearly 50 percent of all TRIO participants.

The bill recognizes the debt that our country owes to our soldiers and their families. It creates a new scholarship program for active duty military personnel and their family members to help make college more affordable. The bill also establishes support centers to help veterans succeed in college and graduate.

As co-chair of the House Science, Technology, Engineering, and Math (STEM) Education caucus, I am pleased that this bill builds upon the America COMPETES Act to expand and improve STEM education. It creates programs to bolster students' interest in STEM careers through collaborations with businesses and other stakeholders, as well as improves teacher training and development programs and focuses on recruiting teachers into high demand science and technology fields.

As I mentioned, I am particularly concerned about the impact that the maintenance-of-effort provision will have on my state of Colorado. This provision ties Federal funding to state funding. Though I applaud the effort by Chairman MILLER to encourage states to continue to support higher education, Colorado is in an unusual position because we have several constitutional provisions that limit the spending options of our legislature. These include the Tax Payer's Bill of Rights, or TABOR, and another that requires that the state increase funding for K through 12 education every year. Together with other constraints, these provisions have seriously affected the state's ability to fund higher education—and the maintenance-of-effort provision will not help matters.

While the manager's amendment improved this provision, I will work to see that this issue is further addressed in conference.

In conclusion, I encourage all of my colleagues to support H.R. 4137.

Mr. INSLEE. Mr. Chairman, due to unexpected circumstances, I missed the vote on the College Opportunity and Affordability Act, H.R. 4137, important legislation to reauthorize and strengthen key Higher Education Act programs aimed at making college education more affordable and accessible for American students. Had I been present, I would have voted in favor of the legislation that will keep America's economy competitive.

Overall, the College Opportunity and Affordability Act will address major issues facing our Nation's students from simplifying student aid forms to addressing rising textbook and tuition costs. The bill will increase assistance for Veterans and military families and bolster students' interest in science and technology by partnering with businesses and other stakeholders.

I commend Chairman MILLER and HINOJOSA for their diligent work on the underlying legislation and for their support for my amendment that was passed to improve key education grants by setting higher environmental standards for recipients. The amendment ensures that Sustainability Planning Grants are awarded to projects aiming to reduce greenhouse gas emissions, guaranteeing that Federal funds make a meaningful impact on global warming and requires that certain Federal grantees demonstrate that they meet or exceed American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE, energy-efficiency standards when designing new facilities. Finally, the amendment would add a Sense of Congress to reject the President's FY2009 budget proposal to eliminate the important Perkins Loan Program, a critical educational program for high-need students who will become a modern green workforce.

Additionally, I applaud Representatives BLUMENAUER and EHLERS for their work to include provisions to support green higher education efforts. Many of our Nation's 4,000 colleges and universities are taking action to reduce greenhouse-gas pollution, which currently accounts for 7 percent of U.S. carbon emissions. Federal grants should be available to give a boost to such projects, like the state-of-the-art, carbon-neutral science laboratory being planned at Cascadia Community College in my district.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 4137

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 "College Opportunity and Affordability Act of 2007".

(b) TABLE OF CONTENTS.—

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SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided therein, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I—TITLE I AMENDMENTS

SEC. 101. DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION.

(a) DEGREE PROGRAMS.—Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary'' after ''such a degree''; and

(2) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

(b) INTERNATIONAL MEDICAL SCHOOLS.—Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended—

(1) in the first sentence, by inserting ''nursing school,'' after ''graduate medical school,'';

(2) in clause (i)—

(A) by striking ''or'' at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following new subclauses:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and continues to operate a clinical training program in at least one State, which is approved by that State; or

''(III) the institution—

''(aa) has a clinical training program that was approved by a State before January 1, 2008;

''(bb) certifies only unsubsidized Stafford or PLUS loans under part B of title IV to graduate and professional students attending the institution; and

''(cc) agrees to reimburse the Secretary for the cost of any loan defaults for students included in the institution's cohort default rate during the previous fiscal year; or''; and

(3) by striking the period at the end of clause (ii) and inserting ''; or''; and

(4) by adding at the end the following new clause:

''(iii) in the case of a nursing school located outside of the United States, the institution—

''(I) has agreements with hospitals and eligible nursing schools located in the United States that include provisions for students to complete their clinical training at such hospitals and eligible nursing schools;

''(II) certifies only unsubsidized Stafford and PLUS loans under part B of title IV for students attending the institution; and

''(III) agrees to reimburse the Secretary for the cost of any loan defaults to the extent that the institution's cohort default rate exceeds 5 percent.''.

(c) CONFORMING AMENDMENT CONCERNING 90/10 ENFORCEMENT.—Section 102(b)(1) (20 U.S.C. 1002(b)(1)) is amended—

(1) by adding ''and'' after the semicolon in subparagraph (D);

(2) by striking ''; and'' and inserting a period in subparagraph (E); and

(3) by striking subparagraph (F).

(d) ADDITIONAL INSTITUTIONS.—Section 102 (20 U.S.C. 1002) is further amended—

(1) by striking subsection (b)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(2) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 102. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by adding at the end the following new paragraphs:

''(17) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

''(18) CRITICAL FOREIGN LANGUAGE.—Except as otherwise provided, the term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.

''(19) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

''(20) HIGH-NEED SCHOOL.—Except with respect to title II, the term 'high-need school' means a public or nonprofit private elementary or secondary school which is in a local educational agency which is eligible for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965 in the applicable fiscal year, and which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

''(21) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(22) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

''(23) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' means a research-based framework for designing curriculum (including goals, methods, materials, and assessments) that—

''(A) provides curricular flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge, and in the ways students are engaged; and

''(B) reduces barriers in instruction and assessment, provides appropriate supports and challenges, and maintains high achievement standards for all students, including students with disabilities.''; and

(2) by reordering paragraphs (1) through (16) and the paragraphs added by paragraph (1) of this subsection in alphabetical order based on the headings of such paragraphs, and renumbering such paragraphs as so reordered.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor

and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 103. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 113 (20 U.S.C. 1011b) is amended—

*(1) by striking ''**TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE**'' in the heading of such section and inserting ''**TERRITORIAL WAIVER AUTHORITY**''; and*

(2) by striking ''(a) WAIVER AUTHORITY.—''; and

(3) by striking subsection (b).

SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

(a) AMENDMENT.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

''(a) ESTABLISHMENT.—There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 18 members, of which—

''(A) 6 members shall be appointed by the Secretary;

''(B) 6 members shall be appointed by the Speaker of the House of Representatives, 3 members on the recommendation of the majority leader of the House of Representatives, and 3 members on the recommendation of the minority leader of the House of Representatives; and

''(C) 6 members shall be appointed by the President pro tempore of the Senate, 3 members on the recommendation of the majority leader of the Senate, and 3 members on the recommendation of the minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee—

''(A) on the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—Except as provided in paragraph (5), the term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 3 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions;

''(6) take into consideration the complaints, and the resolution of such complaints, received by the ombudsman described in section 497 when advising the Secretary with respect to the recognition of a specific accrediting agency or association; and

''(7) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) LIMITATION.—The Committee shall not recommend denial of an application related to the recognition of an accrediting agency or association for any reason other than a reason set forth in section 496.

''(f) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(g) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective January 1, 2009.

SEC. 105. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120 (20 U.S.C. 1011i) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

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

(C) by inserting after subparagraph (A) (as amended by subparagraph (A) of this paragraph) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and'';

(2) in subsection (e)(5), by striking ''1999'' and inserting ''2009''; and

(3) by striking subsection (f).

SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''.

SEC. 107. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

Section 131 (20 U.S.C. 1015) is amended by striking subsection (d) and inserting the following:

''(d) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary—

''(1) shall display a link to the Federal student financial aid website of the Department of Education in a prominent place on the homepage of the Department of Education website; and

''(2) may use administrative funds available for the Department's operations and expenses for the purpose of advertising and promoting the availability of the Federal student financial aid website.

''(e) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS OF OTHER DEPARTMENTS AND AGENCIES.—

''(1) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each non-departmental student financial assistance program are easily accessible through the Federal student financial aid website and are incorporated into the search matrix on such website in a manner that permits students and parents to readily identify the programs that are appropriate to their needs and eligibility.

''(2) AGENCY RESPONSE.—Each Federal department and agency shall promptly respond to surveys or other requests for the information required by paragraph (1), and shall identify for the Secretary any non-departmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

''(3) DEFINITION.—For purposes of this subsection, the term 'non-departmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

''(A) distributed directly to the student or to the student's account at on institution of higher education; and

''(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.''.

SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following new section:

''SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

''(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is—

''(1) equal to or greater than the average amount provided by such State to such institutions of higher education during the 5 most recent preceding academic years for which satisfactory data are available; or

''(2) equal to or greater than the amount provided by such State to such institutions of higher education during the preceding academic year.

''(b) WAIVER.—The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous decline in the financial resources of a State or State educational agency, as appropriate.

''(c) VIOLATION OF MAINTENANCE OF EFFORT.—Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (b) any amount that would otherwise be available to the State under section 415E until such State has made significant efforts to correct such violation.

''(d) RESEARCH INTO COST CONTAINMENT METHODS.—The Secretary is authorized—

''(1) to identify methods of cost containment currently utilized by institutions of higher education and systems of such institutions, and research into other possible methods of cost containment;

''(2) to disseminate—

''(A) the information obtained by such research to such institutions and systems; and

''(B) other information concerning research that has identified successful methods of cost containment;

''(3) to publicly recognize institutions of higher education that are doing an effective job at cost containment; and

''(4) to work together with such institutions and systems to implement these methods.''.

SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 132 (as added by section 108 of this Act) the following new section:

''SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, the Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

''(b) HIGHER EDUCATION PRICE INDEX.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually. Prior to the completion of the higher education price index, the Secretary is authorized to use an alternative, comparable index.

''(2) DEVELOPMENT.—The higher education price indices under paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public institutions of higher education.

''(B) 4-year private, nonprofit institutions of higher education.

''(C) 4-year private, for-profit institutions of higher education.

''(D) 2-year public institutions of higher education.

''(E) 2-year private, nonprofit institutions of higher education.

''(F) 2-year private, for-profit institutions of higher education.

''(G) Less than 2-year public institutions of higher education.

''(H) Less than 2-year private, nonprofit institutions of higher education.

''(I) Less than 2-year private, for-profit institutions of higher education.

''(J) All types of institutions described in subparagraphs (A) through (I).

''(c) REPORTING.—

''(1) IN GENERAL.—The Secretary shall make publicly available on an annual basis, in a sortable electronic format on the College Navigator website, a national list ranking institutions of higher education according to the percentage change and dollar change in such institutions' tuition and fees over the preceding 3 years. Such list shall be capable of being sorted by State, by category as determined under paragraph (2), by percentage change, and by dollar change. The purpose of such list is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

''(2) CATEGORIES.—The categories to be used for the list described in paragraph (1) are the categories listed in subparagraphs (A) through (I) of subsection (b)(2).

''(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Effective July 1, 2008, the Secretary shall annually update and make publicly available on the College Navigator website, the national list developed under paragraph (1), and the list for each State, ranking each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

''(A) be known as the Higher Education Price Increase Watch Lists;

''(B) report the full price of tuition and fees at the institution and the net price;

''(C) include data cells for common expenditures for institutions to utilize;

''(D) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining whether an institution's cost outpaces such institution's applicable higher education price index; and

''(E) be compiled by the Secretary in a public document to be widely published and disseminated.

''(4) QUALITY EFFICIENCY TASK FORCES.—

''(A) REQUIRED.—Each institution subject to paragraph (3) shall establish a quality-efficiency task force to review the operations of such institution.

''(B) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the same category of institutions. Such analysis shall identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas shall then be targeted for in-depth analysis for cost reduction opportunities.

''(C) REPORT.—The results of the analysis by a quality-efficiency task force under this paragraph shall be made available to the public on the College Navigator website.

''(5) EXEMPTIONS.—Notwithstanding paragraph (3), an institution shall not be placed on the higher education watch list if, for any 3-year interval for the computed price under paragraph (1)—

''(A) with respect to the category of institutions described in paragraph (2) to which the institution belongs, the computed price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

''(B) the institution has a percentage change in its full price computed under paragraph (3) that exceeds the higher education price index, or exceeds the applicable higher education price index over the same time period, but the dollar amount of the full price increase is less than $500, or the full price increase is an average of the higher education price index plus $500 per year.

''(6) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report on the Department's website, in charts for each State—

''(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

''(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in an institution of higher education in the State.

''(d) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

''(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the categories listed in subparagraphs (A) through (I) of subsection (b)(2).

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

''(A) based on a model calculator developed by the Department; or

''(B) developed by the institution of higher education.

''(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

''(f) ENHANCED COLLEGE NAVIGATOR.—

''(1) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall develop a model format for annually publicly displaying basic information about an institution of higher education that chooses to participate, to be posted on the College Navigator and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the University and College Accountability Network (U–CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

''(A) A statement of the institution's mission and specialties.

''(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Retention rates for full-time and part-time first-time, first-year undergraduate students enrolled at the institution.

''(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5, and 6 years (in the case of 2-year and 4-year institutions).

''(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

''(L) Undergraduate major areas of study with the highest number of degrees awarded.

''(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty, and graduate teaching and research assistants with instructional responsibilities, at the institution.

''(N) Percentage of faculty at the institution with the highest degree in their field.

''(O) Percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 3 academic years.

''(P) Total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off campus.

''(Q) Average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

''(R) Average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(S) Total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(T) Percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(U) Number of students receiving Federal Pell Grants at the institution.

''(V) Average net price for all undergraduate students enrolled at the institution.

''(W) Percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(X) Information on the policies of the institution related to transfer of credit from other institutions.

''(Y) Information on campus safety required to be collected under section 485(f).

''(Z) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(AA) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students

during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(2) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraph (1).

''(g) STUDENT AID RECIPIENT SURVEY.—

''(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

''(A) to identify the population of students receiving Federal student aid;

''(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

''(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

''(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

''(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

''(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

''(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, professional, and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

''(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

''(h) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.''.

SEC. 110. TEXTBOOK INFORMATION.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 133 (as added by section 109 of this Act) the following new section:

''SEC. 134. TEXTBOOK INFORMATION.

''(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers on all aspects of the selection, purchase, sale, and use of course materials. It is the intent of this section—

''(1) to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to select high quality course materials for students; and

''(2) to encourage—

''(A) college textbook publishers and distributors to work with faculty to promote understanding of the cost to students of purchasing faculty selected textbooks, including the disclosure of prices and bundling practices;

''(B) college bookstores to work with faculty to review timelines and processes for ordering and stocking course materials, and to disclose costs to faculty and students in a timely manner;

''(C) institutions of higher education to implement numerous options to address college textbook affordability;

''(D) institutions of higher education to work with student organizations to help students understand the factors driving textbook costs and available methods and resources to mitigate the effects of those costs; and

''(E) innovation in the development and use of course materials (including course materials utilizing the principles of universal design) and technologies that can help students receive the full value of their educational investment.

''(b) DEFINITIONS.—In this section:

''(1) BUNDLE.—The term 'bundle' means one or more college textbooks or other supplemental learning materials that may be packaged together to be sold as course materials for one price.

''(2) COLLEGE TEXTBOOK.—The term 'college textbook' means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

''(3) COURSE SCHEDULE.—The term 'course schedule' means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.

''(4) CUSTOM TEXTBOOK.—The term 'custom textbook'—

''(A) means a college textbook that is compiled at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

''(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

''(6) INTEGRATED TEXTBOOK.—The term 'integrated textbook' means a college textbook that is combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined.

''(7) PUBLISHER.—The term 'publisher' means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

''(8) SUBSTANTIAL CONTENT.—The term 'substantial content' means parts of a college textbook, such as new chapters, additional eras of time, new themes, or new subject matter.

''(9) SUPPLEMENTAL MATERIAL.—The term 'supplemental material' means educational material developed to accompany a college textbook, which—

''(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

''(B) is not bound by third-party contractual agreements to be sold in an integrated textbook.

''(c) PUBLISHER REQUIREMENTS.—

''(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing, the following:

''(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

''(B) The copyright dates of all previous editions of such college textbook, if any.

''(C) The substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

''(D) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

''(2) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

''(3) CUSTOM TEXTBOOKS.—To the maximum extent practicable, publishers shall provide the information required under this subsection with respect to the development and provision of custom textbooks.

''(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—

''(1) INTERNET COURSE SCHEDULES.—Each institution of higher education, to the maximum extent practicable, shall—

''(A) disclose the International Standard Book Number and retail price information of required and recommended textbooks, related materials, and supplies for each course listed in the institution's course schedule used for pre-registration and registration purposes;

''(B) if the International Standard Book Number is not available for the items listed in subparagraph (A), use the author, title, publisher, and copyright date; and

''(C) if the institution determines that the disclosure of the information described in the preceding subparagraphs for a course is not practicable for a textbook, related material, or supply, then it should so indicate by placing the designation 'To Be Determined' in lieu of the information required under such subparagraphs.

''(2) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under paragraph (1) in any printed version of the institution's course schedule as it is available at the time of the course schedule's printing.

''(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—An institution of higher education shall make available, as soon as is practicable, upon the request of any college bookstore, the most accurate information available regarding—

''(1) the institution's course schedule for the subsequent academic period; and

''(2) for each course or class offered by the institution for the subsequent academic period—

''(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

''(B) the number of students enrolled in such course or class; and

''(C) the maximum student enrollment for such course or class.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks and classroom materials.

''(g) EFFECTIVE DATE.—This section shall be effective on and after July 1, 2008.''.

SEC. 111. DATABASE OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 134 (as added by section 110 of this Act) the following new section:

''SEC. 135. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in subsection (b), nothing in this Act shall be construed to authorize the Secretary to develop, implement, or maintain a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar

code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII, or data required to be collected by the Secretary under this Act (including section 133(g)), that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the College Opportunity and Affordability Act of 2007.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 112. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that—

''(i) offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102); and

''(ii) receives any Federal funding or assistance; and

''(B) includes an authorized agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly authorized by such institution) or an employee of such institution.

''(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—

''(A) any loan made, insured, or guaranteed under title IV; or

''(B) a private educational loan (as defined in paragraph (6)).

''(3) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement'—

''(A) means an arrangement or agreement between a lender and a covered institution—

''(i) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(ii) which arrangement or agreement relates to the covered institution recommending, promoting, or endorsing the educational loan product of the lender; and

''(B) does not include—

''(i) arrangements or agreements with respect to loans under parts D or E of title IV; or

''(ii) arrangements or agreements with respect to loans under section 499(b).

''(4) LENDER.—

''(A) IN GENERAL.—The term 'lender'—

''(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and

''(ii) includes an agent of a lender.

''(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor', 'dwelling', and 'open end credit plan' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(5) OFFICER.—The term 'officer' includes a director or trustee of a covered institution, if such individual is treated as an employee of the covered institution.

''(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—

''(A) is not made, insured, or guaranteed under title IV; and

''(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.

''(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender under part B of title IV that participates in one or more preferred lender arrangements shall annually certify its compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).

''(b) USE OF INSTITUTION NAME.—

''(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not agree to the lender's use of the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the College Opportunity and Affordability Act of 2007.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) DUTIES OF THE SECRETARY.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—

''(i) will be easy for students and parents to read and understand;

''(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;

''(iii) will provide students and parents with the relevant, meaningful, and standard information about the terms and conditions for both Federal and private educational loans;

''(iv) is based on the report's findings and developed in consultation with—

''(I) students;

''(II) representatives of covered institutions, including financial aid administrators, registrars, business officers, and student affairs officials;

''(III) lenders;

''(IV) loan servicers;

''(V) guaranty agencies; and

''(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;

''(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loan (including opportunity pools as defined in section 155(f)) provided to such students or parents by the lender, including—

''(I) the rate of interest, or the potential range of rates of interest, applicable to the loan, and whether such rates are fixed or variable;

''(II) limitations, if any, on interest rate adjustments, both in terms of frequency and amount, or lack thereof;

''(III) co-borrower requirements, including changes in interest rates;

''(IV) any fees associated with the loan;

''(V) the repayment terms available on the loan;

''(VI) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;

''(VII) any additional terms and conditions applied to the loan, including any benefits that are contingent on the repayment behavior of the borrower;

''(VIII) the annual percentage rate for such loans, determined in the manner required under section 107 of the Truth in Lending Act (15 U.S.C. 1606);

''(IX) an example of the total cost of the educational loan over the life of the loan which shall be calculated—

''(aa) using a principal amount and the maximum rate of interest actually offered by the lender; and

''(bb) both with and without capitalization of interest, if that is an option for postponing interest payments;

''(X) the consequences for the borrower of defaulting on a loan, including any limitations on the discharge of an educational loan in bankruptcy;

''(XI) contact information for the lender; and

''(XII) any philanthropic contributions made by the lender to the covered institution, including the purpose of the contribution and any conditions related to its use; and

''(vi) provides, in addition, with respect to private educational loans, the following information with respect to loans made by each lender recommended by the covered institution:

''(I) the method of determining the interest rate of the loan;

''(II) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower; and

''(III) such other information as the Secretary may require; and

''(C)(i) submit the report and model disclosure form to the authorizing committees; and

''(ii) make the report and model disclosure form available to covered institutions, lenders, and the public.

''(2) MODEL FORM UPDATE.—Not later than 1 year after the submission of the report and model disclosure form described in paragraph (1)(B), the Secretary shall—

''(A) assess the adequacy of the model disclosure form;

''(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, business officers, and student affairs officials), lenders, loan servicers, guaranty agencies, and the Board of Governors of the Federal Reserve System—

''(i) prepare a list of any improvements to the model disclosure form that have been identified as beneficial to borrowers; and

''(ii) update the model disclosure form after taking such improvements into consideration; and

''(C)(i) submit the list of improvements and updated model disclosure form to the authorizing committees; and

''(ii) make the updated model disclosure form available to covered institutions, lenders, and the public.

''(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model disclosure form, and the updated model disclosure

form, available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model disclosure form or updated model disclosure form (if available) in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information reported under subsection (c).

''(4) PROCEDURES.—Sections 482(c) and 492 of this Act shall not apply to the model disclosure form prescribed under paragraph (1)(B), but shall apply to the updating of such form under paragraph (2).

''(b) LENDER DUTIES.—Each lender that has a preferred lender arrangement with a covered institution shall, by August 1 of each year, provide to the covered institution and to the Secretary the information included on the model disclosure form or an updated model disclosure form (if available) for each type of educational loan (including opportunity pools as defined in section 155(f)) to be offered by the lender to students attending the covered institution, or the parents of such students, for the forthcoming academic year.

''(c) COVERED INSTITUTION REPORTS.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model disclosure form or updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.

''(d) DISCLOSURES BY COVERED INSTITUTIONS.—A covered institution shall disclose, on its website and in the informational materials described in subsection (e)—

''(1) a statement that—

''(A) indicates that students are not limited to or required to use the lenders the institution recommends; and

''(B) the institution is required to process the documents required to obtain a Federal educational loan from any eligible lender the student selects;

''(2) at a minimum, all of the information provided by the model disclosure form prescribed under subsection (a)(1)(B), or updated model disclosure form (if available), with respect to any lender recommended by the institution for Federal educational loans and, as applicable, private educational loans (including opportunity pools as defined in section 155(f));

''(3) the maximum amount of Federal grant and loan aid available to students in an easy-to-understand format; and

''(4) the institution's cost of attendance (as determined under section 472).

''(e) INFORMATIONAL MATERIALS.—The informational materials described in this subsection are publications, mailings, or electronic messages or media distributed to prospective or current students and parents of students that describe or discuss the financial aid opportunities available to students at an institution of higher education.

"SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.

''A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—

''(1) inform the student or parent of—

''(A) the student or parent's eligibility for assistance and loans under title IV; and

''(B) the terms and conditions of such private educational loan that may be less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and

''(2) ensure that information regarding such private educational loan is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

"SEC. 155. INTEGRITY PROVISIONS.

''(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

''(1) CODE OF CONDUCT.—Each institution of higher education that participates in the Federal student loan programs under title IV or has students that obtain private educational loans shall—

''(A) develop a code of conduct in accordance with paragraph (2) with which its officers, employees, and agents shall comply with respect to educational loans;

''(B) publish the code of conduct prominently on its website; and

''(C) administer and enforce such code in accordance with the requirements of this subsection.

''(2) CONTENTS OF CODE.—The code required by this section shall—

''(A) prohibit a conflict of interest with the responsibilities of such officer, employee, or agent with respect to educational loans; and

''(B) at a minimum, include provisions in compliance with the provisions of the following subsections of this section.

''(3) TRAINING AND COMPLIANCE.—An institution of higher education shall administer and enforce a code of conduct required by this section by, at a minimum, requiring all of its officers, employees, and agents with responsibilities with respect to educational loans to obtain training annually in compliance with the code.

''(b) GIFT BAN.—

''(1) PROHIBITION.—No officer, employee, or agent of a covered institution who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans, shall solicit or accept any gift from a lender, guarantor, or servicer of educational loans.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the authorizing committees identifying all substantiated violations of the gift ban under paragraph (1), including the lenders and covered institutions involved in each such violation, for the preceding year.

''(3) DEFINITION OF GIFT.—

''(A) IN GENERAL.—In this subsection, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(B) EXCEPTIONS.—The term 'gift' shall not include any of the following:

''(i) Standard informational material related to a loan or financial literacy, such as a brochure.

''(ii) Food, refreshments, training, or informational material furnished to an officer, employee, or agent of an institution as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of educational loans to the covered institution, if such training contributes to the professional development of the officer, employee, or agent of the institution.

''(iii) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

''(iv) Exit counseling services provided to borrowers to meet a covered institution's responsibilities for exit counseling as required by section 485(b) provided that—

''(I) a covered institution's staff are in control of the counseling (whether in person or via electronic capabilities); and

''(II) such counseling does not promote the products or services of any lender.

''(v) Philanthropic contributions to a covered institution from a lender, guarantor, or servicer of educational loans that are unrelated to educational loans, provided, as applicable, that such contributions are disclosed pursuant to section 153(a)(1) and section 153(a)(2).

''(C) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

''(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

''(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

''(c) CONTRACTING ARRANGEMENTS PROHIBITED.—

''(1) PROHIBITION.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not accept from any lender or affiliate of any lender (as the term affiliate is defined in section 487(a)) any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender.

''(2) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

''(A) an officer, employee, or agent of a covered institution who is not employed in the institution's financial aid office, or who does not otherwise have responsibilities with respect to educational loans, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans;

''(B) an officer, employee, or agent of a covered institution who is not employed in the financial aid office but who has responsibility with respect to educational loans as a result of a position held at the covered institution, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans, provided that the covered institution has a written conflict of interest policy that clearly sets forth that such an officer, employee, or agent must be recused from participating in any decision of the board with respect to any transaction regarding educational loans; or

''(C) an officer, employee, or agent of a lender, guarantor, or servicer of educational loans from serving on a board of directors or serving as a trustee of a covered institution, provided that the covered institution has a written conflict of interest policy that clearly sets forth the procedures to be followed in instances where such a board member's or trustee's personal or business interests with respect to educational loans may be advanced by an action of the

board of directors or trustees, including a provision that such a board member or trustee may not participate in any decision to approve any transaction where such conflicting interests may be advanced.

''(d) BAN ON REVENUE SHARING ARRANGEMENTS.—

''(1) PROHIBITION.—A covered institution shall not enter into any revenue sharing arrangement with any lender.

''(2) DEFINITION.—For purposes of this subsection, a revenue sharing arrangement is an arrangement between a covered institution and a lender under which—

''(A) a lender provides or issues educational loans to students attending the institution or to parents of such students; and

''(B)(i) the institution recommends the lender or the loan products of the lender; and

''(ii) in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution or officers, employees, or agents of the institution.

''(e) BAN ON STAFFING ASSISTANCE.—

''(1) PROHIBITION.—A covered institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

''(2) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit a covered institution from requesting or accepting assistance from a lender related to—

''(A) professional development training for financial aid administrators;

''(B) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

''(C) staffing services on a short-term, non-recurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

''(f) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

''(1) PROHIBITION.—A covered institution shall not request or accept from any lender any offer of funds, including any opportunity pool, to be used for private educational loans to students in exchange for the covered institution providing concessions or promises to the lender with respect to such institution providing the lender with a specified number of loans, a specified loan volume, or a preferred lender arrangement for any loan made, insured, or guaranteed under title IV, and a lender shall not make any such offer.

''(2) DEFINITION.—In this subsection, the term 'opportunity pool' means an educational loan made by a private lender to a student attending the covered institution or the parent of such a student that is in any manner guaranteed by a covered institution, or that involves a payment, directly or indirectly, by such an institution of points, premiums, payments, additional interest, or other financial support to such lender for the purpose of such lender extending credit to either the students or the parents of students of the institution.

''(g) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, provided there are no gifts or compensation (including for transportation, lodging, or related expenses) provided by lenders in connection with seeking this advice from such institutions. Nothing in this subsection shall prohibit an officer, employee, or agent of a covered institution from serving on the board of directors of a lender if required by State law.

"SEC. 156. COMPLIANCE AND ENFORCEMENT.

''(a) CONDITION OF ANY FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the College Opportunity and Affordability Act of 2007.

''(b) PENALTIES.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

''(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $25,000; and

''(2) in the case of a lender that does participate in a program under title IV, the Secretary may limit, terminate, or suspend the lender's participation in such program.

''(c) CONSIDERATIONS.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).

"SEC. 157. STUDENT LOAN COUNSELING.

''(a) BORROWER CONTACT.—

''(1) FFEL LOANS.—Each holder of a loan under part B of title IV shall contact the borrower each year after five years has passed from the date that a borrower first selected either a graduated, extended, income sensitive, or income contingent repayment plan to ascertain if the borrower is able to select a repayment plan with a shorter repayment period that would reduce the total interest paid on the borrower's loan or loans under this part.

''(2) DIRECT LOANS.—The Secretary shall contact the borrower of each loan under part D or E of title IV each year after five years has passed from the date that a borrower first selected either an extended, graduated, income contingent, or alternative repayment plan to ascertain if the borrower is able to select a repayment plan for a shorter repayment period that would reduce the total interest paid on the borrower's loan under this part.

''(b) REQUIRED DISCLOSURE BEFORE DISBURSEMENT.—

''(1) DISCLOSURES BEFORE REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower before repayment begins an explanation of principal to be borrowed, current balance, interest already paid, and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment.

''(2) DISCLOSURES DURING REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower during repayment an explanation of principal borrowed, current balance, interest already paid and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment. Each such lender and the Secretary shall also notify any borrower who tells the lender or the Secretary that the borrower is having difficulty making payments of the repayment options available, including forbearance. Each such lender and the Secretary shall make an explanation of repayment options available to the borrower, including income contingent repayment and forbearance, before the loan is disbursed, before repayment, and during repayment if the borrower notifies the lender or the Secretary that the borrower is having difficulty making payments.

''(c) INSTITUTIONAL COUNSELING.—

''(1) IN GENERAL.—Each institution of higher education shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title prior to their signing the first promissory note. The counseling shall include—

''(A) average indebtedness of borrowers at that school, to be supplied by the Secretary;

''(B) sample monthly repayment amounts based on a range of student levels of indebtedness and on the average indebtedness of Stafford loan borrowers at the same school or in the same program of study at the same school;

''(C) data to be supplied by the Secretary on starting salaries for graduates of institutions by type and control of institution, and field of study;

''(D) repayment options available to the borrower when entering repayment, including income contingent repayment and income-based repayment;

''(E) detail to be supplied by the Secretary on how interest accrues and is capitalized during periods when it is not being paid by either the borrower or the Secretary; and

''(F) the likely consequences of default, including adverse credit reports, Federal offset, and litigation.

''(2) USE OF ELECTRONIC MEANS.—If initial counseling is conducted through interactive electronic means, the institution of higher education shall take reasonable steps to ensure that each student borrower receives the counseling materials, and participates in and completes the initial counseling.

''(d) DEPARTMENT OF EDUCATION INFORMATION DISCLOSURE AND TECHNICAL ASSISTANCE.—

''(1) OBLIGATION.—The Secretary shall display on the Department of Education website and provide to colleges and universities the following information to be used for counseling and consumer information for prospective borrowers:

''(A) Regional data on starting salaries in all major fields.

''(B) The increase in debt that results from forbearance on all loans and from capitalization of interest on unsubsidized loans.

''(C) The various repayment options available in the Federal student loan programs, including the availability of the income contingent repayment (ICR) program and the income-based repayment programs (IBR).

''(D) The Federal Government's powers to collect student loans, even when student borrowers are in bankruptcy.

''(2) PUBLICITY.—The Secretary shall make the location of the information under paragraph (1) widely known among the public, institutions, and lenders, and promote the use of such information by prospective students, enrolled students, and borrowers after entering repayment.''.

SEC. 113. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC STUDENT LOAN MARKETPLACE.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a study of the feasibility of developing a National Electronic Student Loan Marketplace that would provide for one or more of the following:

(1) A registry of real-time information on Federal student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965) and private educational loans (as defined in section 151 such Act of 1965 (as amended by this Act)) for both undergraduate and

graduate students, and parents of students, for use by prospective borrowers or any person desiring information regarding available interest rates, fees, and other terms from lenders.

(2) Means by which lenders that participate in such marketplace would be bound to honor advertised rates or benefits.

(3) A mechanism whereby borrowers and student financial aid officials could publicly post or otherwise make available for users accessing the system their comments, opinions, or ratings concerning their experience as to the quality of lenders' loan products and loan servicing and other measurements or indicators of customer satisfaction.

(4) A mechanism whereby prospective borrowers could be matched with lenders that offer highly competitive products and loan servicing quality, including any procedures and safeguards necessary to minimize potentially adverse effects of multiple inquiries into participating borrowers' credit histories recorded by credit reporting agencies.

(5) Options concerning the establishment and ongoing maintenance of such a system, including whether such a system should be operated by one or more nonprofit or for-profit entities, how these entities should structure or organize such a system in order to provide the highest assurance of independence from, and the absence of any conflicting interest with, lenders participating in such a system, and methods to finance such a system at no or minimal cost to consumers and the Government.

(6) Other features that the Secretary determines could help prospective borrowers make informed decisions in selecting lenders from whom to obtain Federal and private educational loans.

(b) CONSULTATION.—In conducting the study required by this section, the Secretary of Education shall consult with—

(1) the Federal Trade Commission;

(2) representatives of student loan borrowers;

(3) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

(4) Federal and private education loan lenders, loan servicers, and guaranty agencies; and

(5) any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.).

(c) REPORT.—Not later than 6 months after completion of the model interest rate report format required under section 153(a)(1) of the Higher Education Act of 1965 (as amended by this Act), the Secretary of Education shall submit a report to the authorizing committees (as defined in section 103 of such Act) concerning the findings of the feasibility study together with an assessment of the advantages and disadvantages for consumers, institutions of higher education, lenders, and the Government of establishing such a system.

TITLE II—TITLE II REVISION

SEC. 201. REVISION OF TITLE II.

Title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"TITLE II—TEACHER QUALITY ENHANCEMENT

"SEC. 200. DEFINITIONS.

''For purposes of this title:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and prenumeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(9) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of the schools that are served by the agency are designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(11) HIGH-NEED SCHOOL.—Notwithstanding section 103, the term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary.

''(12) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(13) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(14) LITERACY COACH.—The term 'literacy coach' means an individual—

''(A) who—

''(i) has teaching experience and a master's degree with a concentration in reading and writing education; and

''(ii) has demonstrated proficiency (as determined by the principal of the individual's school) in teaching reading and writing in a content area such as math, science, or social studies;

''(B) whose primary role with teachers and school personnel is—

''(i) to provide high-quality professional development opportunities for teachers and school personnel related to literacy;

''(ii) with respect to the areas of reading and writing, to collaborate with paraprofessionals, teachers, principals, and other administrators, and the community served by the school; and

''(iii) to work cooperatively and collaboratively with other professionals in planning programs to meet the needs of diverse population learners, including children with disabilities and limited English proficient individuals; and

''(C) who may provide students with—

''(i) reading or writing diagnosis and instruction; and

''(ii) reading and writing assessment, including assessment in cooperation with other professionals (such as special education teachers, speech and language teachers, and school psychologists).

''(15) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(16) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

''(18) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order

thinking skills, including application, analysis, synthesis, and evaluation;

''(E) effectively manage a classroom, including the ability to implement positive behavioral intervention support strategies;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early education programs.

''SEC. 200A. RULE OF CONSTRUCTION.

''Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers, including the right of employees of local educational agencies to engage in collective bargaining with their employers.

''PART A—TEACHER QUALITY PARTNERSHIP GRANTS

''SEC. 201. PURPOSES; DEFINITIONS.

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

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution or a teacher professional development program within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

''(2) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with mentor teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Structured and formal observation of new teachers, and feedback for such teachers, at least 4 times each school year by multiple evaluators, including master teachers and the principal, using valid and reliable benchmarks of teaching skills and standards developed with input from teachers.

''(3) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

''(B) that requires—

''(i) each student in the program to meet and demonstrate high academic standards (including prior to entering and being accepted into a program) and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(4) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides paid release time for mentors;

''(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(F) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(G) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(5) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which may include courses taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

''SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 209, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of how the program will prepare prospective and new teachers to use research and data to modify and improve instruction in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and

through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other sources;

''(B) the intended use of the grant funds;

''(C) the commitment of the resources of the partnership, including financial support, faculty participation, and time commitments, to the activities assisted under this section and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act;

''(F) how the partnership will prepare general education and special education teachers to teach students with limited English proficiency;

''(G) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(H) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching pre-service clinical program component;

''(I) how the partnership will support in-service professional development strategies and activities; and

''(J) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers;

''(B) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(C) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research related to teaching and learning, and the accessibility to and involvement of faculty;

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), a leadership development program under subsection (f), or a combination of two or more such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, teachers of students who are limited English proficient who may teach multiple subjects, and teachers who are qualified to teach Advanced Placement or International Baccalaureate courses);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research related to teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques and positive behavioral support strategies to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general and special education teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students;

''(V) can effectively participate in the individualized education program process, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act; and

''(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities;

''(iv) developing and implementing an induction program;

''(v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and

''(vi) implementing program curriculum changes to prepare teachers to teach Advanced Placement or International Baccalaureate courses.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas, which may include preparation for meeting the unique needs of teaching in rural communities.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (3), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

''(A) underrepresented populations;

''(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and instruction of limited English proficient students; and

''(C) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.

''(6) LITERACY TRAINING.—Developing and implementing a program to strengthen content knowledge and teaching skills of elementary and secondary school literacy coaches that—

''(A) provides teacher training in reading instruction for literacy coaches who—

''(i) train classroom teachers to implement literacy programs; or

''(ii) tutor students with intense individualized reading, writing, and subject matter instruction during or beyond the school day;

''(B) develops or redesigns rigorous evidenced-based reading curricula that are aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, and with postsecondary standards for reading and writing;

''(C) provides opportunities for teachers to plan and assess instruction with other teachers, school leaders, and faculty at institutions of higher education;

''(D) provides training and professional development for principals to prepare them to understand the teaching of reading, guide instruction, and foster school improvement; and

''(E) establishes an evaluation and accountability plan for activities conducted under this paragraph to measure the impact of such activities.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective pre-service preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this subsection shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with course work;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles, including students with disabilities.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(viii) Admission goals and priorities which may include consideration of applicants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this subsection, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPEND AND SERVICE REQUIREMENT.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

''(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

''(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

''(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective leadership program shall carry out a program that includes all of the following activities:

''(A) Preparing students currently enrolled or preparing to enroll in education administration programs in preparation for careers as superintendents, principals, or other school administrators (including students preparing to work in rural school districts who may perform multiple duties in addition to the role of administrator).

''(B) Promoting strong administrative skills and, as applicable, techniques for education administrators to improve the school environment and effectively manage schools.

''(C) Ensuring that students who participate in the leadership program receive—

''(i) effective pre-service preparation as described in subparagraph (D); and

''(ii) mentoring by educational administrators.

''(D) Developing and improving a sustained and high-quality pre-service clinical education program to further develop the leadership skills of all prospective educational administrators involved in the program. Such program shall do the following:

''(i) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(I) clinical learning in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(II) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership.

''(ii) Integrate pedagogy and practice and promote effective administrative skills for meeting the unique needs of rural and geographically isolated communities.

''(iii) Educational administrator mentoring.

''(E) Creating an induction program for new administrators.

''(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become educational administrators through the activities of the eligible partnership, which may include an emphasis on recruiting into the education administration profession—

''(i) underrepresented populations;

''(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and shortage areas designated by the Secretary; or

''(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.

''(2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM.—In order to be eligible for the leadership program under this subsection, an individual shall—

''(A) be enrolled in or preparing to enroll in an institution of higher education, or a recent graduate of an institution of higher education, or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment;

''(B) be current teachers who would like to become principals or principals who would like to be superintendents; and

''(C) submit an application to the leadership program.

''(g) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such programs; and

''(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

''(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of underrepresented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign languages, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels;

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

''(G) as applicable, the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of improving student academic achievement.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

''SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race,

ethnicity, and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

''(F) TEACHER TRAINING.—A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students with limited English proficiency.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program.

''(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

''(K) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

''(L) A description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) DATA QUALITY.—The Secretary shall prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (L) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"SEC. 206. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

''SEC. 207. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to conduct an assessment to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such assessment shall be described in the report under section 205(b). Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part including progress in meeting the goals of—

''(1) increasing the percentage of highly qualified teachers in the State, including increasing professional development opportunities;

''(2) improving student achievement for all students; and

''(3) raising the standards for entry into the teaching profession.

''(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

''SEC. 208. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 207, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, or that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''(d) LIMITATIONS.—

''(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law). This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

''(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law).

''(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

''SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.

''PART B—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS

''SEC. 221. PROGRAM AUTHORIZED.

''(a) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible consortia to pay the Federal share of the costs of projects to—

''(1) graduate teacher candidates who are prepared to use modern information, communication, and learning tools to—

''(A) improve student learning, assessment, and learning management; and

''(B) help students develop skills to enter the workforce;

''(2) strengthen and develop partnerships among the stakeholders in teacher preparation to transform teacher education and ensure technology rich learning environments throughout a teacher candidate's pre-service education, including clinical experiences; and

''(3) assess the effectiveness of departments, schools, and colleges of education at institutions of higher education in preparing teacher candidates for successful implementation of technology-rich teaching-learning environments that enable kindergarten through grade 12 students to develop skills to enter the workforce.

''(b) AMOUNT AND DURATION.—A grant, contract, or cooperative agreement under this part—

''(1) shall be for not more than $2,000,000;

''(2) shall be for a 3-year period; and

''(3) may be renewed for one additional year.

''(c) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of any project funded under this part shall not exceed 75 percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

''(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In this part, the term 'eligible consortium' means a consortium of members that includes the following:

''(1) At least one institution of higher education that awards baccalaureate degrees and prepares teachers for initial entry into teaching.

''(2) At least one State educational agency or local educational agency.

''(3) A department, school, or college of education at an institution of higher education.

''(4) A department, school, or college of arts and sciences at an institution of higher education.

''(5) At least one entity with the capacity to contribute to the technology-related reform of teacher preparation programs, which may be a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity.

''SEC. 222. USES OF FUNDS.

''(a) IN GENERAL.—An eligible consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part to carry out a project that—

''(1) develops long-term partnerships among members of the consortium that are focused on effective teaching with modern digital tools and content that substantially connect pre-service preparation of teacher candidates with high-needs schools; or

''(2) transforms the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—In carrying out a project under subsection (a)(1), an eligible consortium shall—

''(1) provide teacher candidates, early in their preparation, with field experiences in educational settings with technology;

''(2) build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workforce;

''(3) provide professional technology development for teachers, administrators, and content specialists who participate in field placement;

''(4) provide professional development of technology pedagogical skills for faculty of departments, schools, and colleges of education and arts and sciences;

''(5) implement strategies for the mentoring of teacher candidates with respect to technology implementation by members of the consortium;

''(6) evaluate teacher candidates during the first years of teaching to fully assess outcomes of the project;

''(7) build collaborative learning communities for technology integration within the consortium to sustain meaningful applications of technology in the classroom during teacher preparation and early career practice; and

''(8) evaluate the effectiveness of the project.

''(c) USES OF FUNDS FOR TRANSFORMATION GRANTS.—In carrying out a project under subsection (a)(2), an eligible consortium shall—

''(1) redesign curriculum to require collaboration between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach content or methods courses for training teacher candidates;

''(2) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and science faculty and academic content specialists at the local educational agency to educate preservice teachers who can integrate technology and pedagogical skills in content areas;

''(3) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach courses to pre-service teachers to—

''(A) develop and implement a plan for preservice teachers and continuing educators that demonstrates effective instructional strategies and application of such strategies in the use of digital tools to transform the teaching and learning process; and

''(B) better reach underrepresented pre-service teacher populations with programs that connect such pre-service teacher populations with applications of technology;

''(4) collaborate among faculty and students to create and disseminate case studies of technology applications in classroom settings with a goal of improving student achievement in high-need schools;

''(5) provide additional technology resources for pre-service teachers to plan and implement technology applications in classroom settings that provide evidence of student learning; and

''(6) bring together expertise from departments, schools, or colleges of education, arts and science faculty, and academic content specialists at the local educational agency to share and disseminate technology applications in the classroom through teacher preparation and into early career practice.

"SEC. 223. APPLICATION REQUIREMENTS.

''To be eligible to receive a grant or enter into a contract or cooperative agreement under this part, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

''(1) A description of the project to be carried out with the grant, including how the project will—

''(A) develop a long-term partnership focused on effective teaching with modern digital tools and content that substantially connects preservice preparation of teacher candidates with high-need schools; or

''(B) transform the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(2) A demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

''(B) the support of the leadership of each organization that is a member of the consortium for the proposed project.

''(3) A description of how each member of the consortium will participate in the project.

''(4) A description of how the State or local educational agency will incorporate the project into the agency's technology plan, if such a plan already exists.

''(5) A description of how the project will be continued after Federal funds are no longer available under this part for the project.

''(6) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"SEC. 224. EVALUATION.

''Not less than 10 percent of the funds awarded to an eligible consortium to carry out a project under this part shall be used to evaluate the effectiveness of such project.

"SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated $100,000,000 to carry out this part for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.

"PART C—ENHANCING TEACHER EDUCATION

"SEC. 240. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"Subpart 1—Recruiting Teachers With Math, Science, or Language Majors

"SEC. 241. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 240, the Secretary shall make competitive grants to institutions of higher education to improve the availability, recruitment, and retention of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient, or to a combination of students majoring in such subjects. In making such grants, the Secretary shall give priority to institutions of higher education with programs that—

''(1) focus on preparing and retaining teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools; and

''(2) include plans to seek matching funds from other governmental and non-governmental sources.

''(b) APPLICATION.—Any institution of higher education desiring to receive a grant under this subpart shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, including—

''(1) the number of students who graduated from the institution in the preceding year with the qualifications necessary to be teachers with expertise in mathematics, science, a foreign language, special education, or teaching limited English proficient individuals; and

''(2) a goal and timeline for increasing the number of such teachers who graduate from the institution.

''(c) USE OF FUNDS.—Grant funds made available under this subpart—

''(1) shall be used to create and provide new recruitment incentives to encourage students who are planning to pursue other careers to pursue careers in teaching, with an emphasis on recruiting students who are majoring in high-need subjects such as mathematics, science, foreign languages, and special education, and areas relevant to teaching the English language to students who are limited English proficient;

''(2) may be used to upgrade curriculum to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students who are limited English proficient, and for adopting, modifying, and differentiating instruction to teach students with disabilities;

''(3) may be used to integrate department, school, or college of education faculty with other arts and science faculty in mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient through steps such as—

''(A) dual appointments for faculty between departments, schools, or colleges of education and departments, schools, or colleges of arts and science; and

''(B) integrating course work with clinical experience;

''(4) may be used to develop strategic plans between departments, schools, or colleges of education and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art teaching practices; and

''(5) may be used to develop or enhance programs aimed at retaining teachers in high-need subjects such as mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient, and may include providing scholarship assistance to current teachers to upgrade their skills.

"Subpart 2—Community Colleges as Partners in Teacher Education Grants

"SEC. 251. GRANTS TO COMMUNITY COLLEGES.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to assist such entities with—

''(1) establishing or enhancing teacher education programs at community colleges that—

''(A) include content and pedagogical training; and

''(B) are aligned with 4-year college and university teacher education programs to ensure a seemless transition for students from community colleges to 4-year institutions;

''(2) establishing or enhancing post baccalaureate certification programs offered at community colleges;

''(3) developing and delivering a rigorous program of study for students interested in a career in teaching; and

''(4) developing and delivering professional development for teachers to ensure their continued education and professional growth.

''(b) AUTHORIZED USES OF FUNDS.—Grant funds provided under this subpart shall be used to carry out the activities described in subsection (a), and may be used to—

''(1) develop curriculum for teacher education programs and post baccalaureate certification programs at community colleges;

''(2) establish or enhance clinical experiences for students in such teacher education programs and post baccalaureate certification programs;

''(3) establish or enhance professional development programs at community colleges that are available for teachers;

''(4) develop new associate degree programs focused on teacher preparation;

''(5) increase the alignment between community college teacher education programs and 4-year college and university teacher education programs, including articulation agreements, common course numbering, and joint admission programs;

''(6) recruit teacher candidates with the goal of diversifying the teacher workforce;

''(7) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals;

''(8) prepare teachers to teach in high-need schools;

''(9) increase coordination between teacher education programs and departments, schools, or colleges of arts and sciences;

''(10) encourage teacher education and post baccalaureate programs at times and in formats designed to make these programs more accessible to certain student populations, including mid-career professionals transitioning to teaching; and

''(11) carry out other activities that aim to ensure that well-qualified individuals enter into the teaching profession.

''(c) ELIGIBLE ENTITY.—For purposes of this subpart, the term 'eligible entity' means an individual community college (or district of community colleges), a consortia of community colleges, or a statewide community college system that, for the purposes of carrying out activities under this subpart, has entered into a partnership with—

''(1) a four-year institution of higher education with a teacher education program, or a consortia of such institutions; and

''(2) at least one of the following:

''(A) The State agency that oversees teacher preparation or higher education in the State.

''(B) One or more local educational agencies.

''(C) The State educational agency.

''(D) A professional organization representing teachers.

''(d) APPLICATION.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(1) an overview of the goals the eligible entity and its partners plan to pursue upon receipt of a grant under this subpart;

''(2) an identification of the institutions, agencies, or organizations that have entered into a partnership with the eligible entity to meet the requirements of subsection (c);

''(3) a description of how the eligible entity and its partners will work to ensure a seemless transition for students from community college to 4-year institutions;

''(4) an assurance by the eligible entity that students will be provided with intensive support services, which may include mentoring, academic and career support, and support for students who are transitioning, or have transitioned, from the community college to the 4-year institution; and

''(5) a description of the rigorous 2-year program of study to be provided by the eligible entity, and a description of how such program establishes a foundation for students to enter into a qualified teacher preparation program at a 4-year institution.

''(e) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applications the goals of which are to—

''(1) increase the diversification of the teacher workforce by enrolling and retaining students from minority racial and ethnic backgrounds and others underrepresented in the local education workforce;

''(2) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals; or

''(3) prepare teachers to enter into high-need schools.

''SEC. 252. DEFINITIONS.

''In this subpart:

''(1) COMMUNITY COLLEGE.—The term 'community college' has the same meaning given the term 'junior or community college' in section 313.

''(2) FOUR-YEAR INSTITUTION.—The term '4-year institution' means an institution of higher education (as defined in section 101(a)) that provides a 4-year program of instruction for which the institution awards a bachelor's degree.

''(3) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means an undergraduate program for students at an institution of higher education that—

''(A) encourages collaboration between faculty in education and faculty in the relevant subject areas including, sciences mathematics, and foreign languages to pursue content coordination for courses taken frequently by students preparing to be teachers;

''(B) offers support services, including mentoring, exposure to and field experience in the classroom prior to graduation, or other practices, for students while they are in the program, and after graduation while working as teachers; and

''(C) focuses on increasing the number of teachers for high-demand subject areas.

''Subpart 3—Honorable Augustus F. Hawkins Centers of Excellence

''SEC. 261. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that is a qualified teacher preparation program under section 252, and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b));

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(vi) a Predominantly Black Institution (as defined in section 318(b));

''(vii) an Asian American and Pacific Islander-serving institution (as defined in section 319(b)); or

''(viii) a Native American-serving non-tribal institution (as defined in section 320(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 262 is located at an institution described in subparagraph (A).

''(2) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''SEC. 262. AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically valid research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining or recruiting faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, and are based on rigorous academic content, scientifically valid research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills, as defined in section 200(b).

''(2) Providing sustained and high-quality pre-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under section 202.

''(c) APPLICATION.—Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this subpart shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this subpart may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

''Subpart 4—Teach for America

''SEC. 271. TEACH FOR AMERICA.

''(a) DEFINITIONS.—

''(1) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(2) HIGH NEED.—Notwithstanding section 200(b), the term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this subpart to—

''(1) provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) pay the costs of recruiting, selecting, training, and supporting new teachers; and

''(3) serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this subpart shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing pre-service training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education course work and theory.

''(C) Placing such teachers in schools and positions designated by high need local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for such teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this subpart to support activities related directly to the recruitment, selection, training, and support of teachers as described in paragraph (1).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this subpart;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training such teachers received, the placement sites of such teachers, the professional development of such teachers, and the retention of such teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under section 240, the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this subpart.

''(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this subpart with the achievement gains made by students taught by teachers who are not assisted under this subpart.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

"Subpart 5—Early Childhood Education Professional Development and Career Task Force

"SEC. 281. PURPOSE.

''It is the purpose of this subpart—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

"SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this subpart, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood education;

''(B) uses developmentally appropriate practices;

''(C) is licensed or regulated by the State; and

''(D) serves children from birth through age 5;

''(2) a Head Start Program carried out under the Head Start Act;

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act; or

''(4) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act.

"SEC. 283. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this subpart to enable such States—

''(1) to establish a State Task Force described in section 284; and

''(2) to support activities of the State Task Force described in section 285.

''(b) COMPETITIVE BASIS.—Grants under this subpart shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this subpart shall be awarded for a period of 3 years.

"SEC. 284. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this subpart shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this subpart referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State educational agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

"SEC. 285. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with existing State Advisory Councils on Early Care and Education or a similar State entity charged with creating a comprehensive system of early care and education in the State (hereafter in this subpart referred to as 'State Advisory Councils') for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program;

''(F) attainment of—

''(i) academic credit for course work;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(G) specialized knowledge in the education of children with limited English proficiency; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators to enable such individuals and providers to be aware of opportunities and resources under the statewide plan, which may include outreach to underrepresented populations in the profession;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and course work in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

"SEC. 286. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 285;

''(4) the availability within the State of training, educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this subpart, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this subpart to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this subpart to carry out the activities described in section 285.

''SEC. 287. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this subpart shall—

''(1) evaluate the activities that are assisted under this subpart in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 286(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).''.

SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF BEST PRACTICES IN TEACHER PREPARATION.

(a) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop suggested best practices in teacher preparation for departments, schools, and colleges of education. Such best practices shall include recommendations to improve teaching skills, including skills related to working with diverse populations.

(b) BEST RESEARCH; SUGGESTED TRAINING.—The suggested best practices developed under subsection (a) shall reflect the best research into how students learn and on the content-specific methods shown to be effective with students, including examining how children learn. The suggested best practices shall include suggested training for general and special education teachers in working with diverse populations, utilizing the principles of universal design for learning, assessments in the classroom, and classroom management.

(c) COLLABORATION.—

(1) IN GENERAL.—In conducting the study under subsection (a), the National Academy of Sciences shall collaborate with interested parties in developing the suggested best practices.

(2) INTERESTED PARTIES.—In this subsection, the term ''interested parties'' means—

(A) college presidents;

(B) deans of arts and sciences and teacher education programs;

(C) teacher preparation faculty;

(D) chief State school officers;

(E) school superintendents;

(F) teacher organizations;

(G) outstanding teachers and principals;

(H) teacher preparation accrediting organizations;

(I) individuals or organizations with expertise in working with diverse populations, including students with disabilities and limited English proficient students; and

(J) other organizations with expertise in teacher recruitment and training.

(d) PROHIBITION.—Nothing in this section shall be construed to authorize the National Academy of Sciences to recommend, or any other Federal Government entity or contractor to mandate, direct, control, or suggest, a specific curriculum for teacher education programs.

TITLE III—TITLE III AMENDMENTS

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) ELIGIBLE INSTITUTIONS.—Section 316(b)(3) (20 U.S.C. 1059c(b)(3)) is amended to read as follows:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note).''.

(b) DISTANCE LEARNING.—Section 316(c)(2) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;'';

(2) in subparagraph (C), by inserting before the semicolon at the end the following: '', or advanced degrees in tribal governance or tribal public policy'';

(3) in subparagraph (D), by inserting before the semicolon at the end the following: '', and in tribal governance or tribal public policy'';

(4) by striking ''and'' at the end of subparagraph (K);

(5) by redesignating subparagraph (L) as subparagraph (M); and

(6) by inserting after subparagraph (K) the following new subparagraph:

''(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and''.

(c) APPLICATION AND ALLOTMENT.—Section 316(d) is amended to read as follows:

''(d) APPLICATION AND ALLOTMENT.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(3) MINIMUM GRANT.—Notwithstanding section 399(c), the amount allotted to each institution under this section shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

(d) ALLOTMENT OF REMAINING FUNDS.—Section 316 is further amended by adding at the end the following new subsection:

''(e) ALLOTMENT OF REMAINING FUNDS.—The Secretary shall distribute any funds appropriated to carry out this section for any fiscal year that remain available after the Secretary has awarded grants under subsection (e), to each eligible institution as follows:

''(1) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(2) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.''.

SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.

Part A of title III is amended by inserting after section 317 (20 U.S.C. 1059d) the following new section:

''SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education—

''(A) that is an eligible institution (as defined in paragraph (5)(A) of this subsection) with a minimum of 1,000 undergraduate students;

''(B) at which at least 50 percent of the undergraduate students enrolled at the institution are

low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

''(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located.

''(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(4) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:

''(A) ELIGIBLE INSTITUTION.—

''(i) The term 'eligible institution' means an institution of higher education that—

''(I) has an enrollment of needy undergraduate students as required and defined by subparagraph (B);

''(II) except as provided in section 392(b), the average educational and general expenditure of which are low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction;

''(III) has an enrollment of undergraduate students that is at least 40 percent Black American students;

''(IV) is legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelors degree, or in the case of a junior or community college, an associate's degree;

''(V) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and

''(VI) is not receiving assistance under part B of this title.

''(ii) In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in clause (i)(II) or clause (i)(III). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(B) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(C).

''(B) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which at least 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(i) in the second fiscal year preceding the fiscal year for which the determination is made, were Pell Grant recipients in such year;

''(ii) come from families that receive benefits under a means-tested Federal benefits program (as defined in paragraph (3));

''(iii) attended a secondary school that was a high-need school during any year of such attendance; or

''(iv) are 'first-generation college students' as that term is defined in section 402A(g), and a majority of such first-generation college students are low-income individuals.

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded pursuant to subsection (d) shall be used by Predominantly Black Institutions—

''(A) to assist the institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for title IV eligible students by encouraging college preparation and student persistence in secondary and postsecondary education; and

''(C) to strengthen the institution's financial ability to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) AUTHORIZED ACTIVITIES.—Grants made to an institution under subsection (d) shall be used for one or more of the following activities:

''(A) The activities described in section 311(c)(1) through (11).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification.

''(D) Establishing community outreach programs which will encourage elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (e) that—

''(i) contribute to carrying out the purposes of this section; and

''(ii) are approved by the Secretary as part of the review and acceptance of such application.

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), the Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the allotment of any Predominantly Black Institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(d) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) ALLOTMENT: PELL GRANT BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.

''(2) ALLOTMENT: GRADUATES BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth that amount as the number of graduates for such year at such institution bears to the total number of graduates for such year at all intuitions eligible under this section.

''(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who, within 2 years of graduation with an associates degree or a baccalaureate degree, are admitted to and in attendance at, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates per institution for all eligible institutions.

''(4) MINIMUM ALLOTMENT.—(A) Notwithstanding paragraphs (1), (2), and (3) of this subsection and section 399(c), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) If the amount appropriated pursuant to section 399 for any fiscal year is not sufficient to pay the minimum allotment, the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as it was reduced until the amount allotted equals the minimum allotment required by subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year, which the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary deems appropriate.

''(e) APPLICATIONS.—No Predominantly Black Institution shall be entitled to its allotment of Federal funds for any grant under subsection (d) for any period unless the institution submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(f) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.

''(h) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date of the grant awarded to such institution under this section shall be repaid to the Treasury of the United States.''.

SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

Part A of title III is amended by inserting after section 318 (as added by section 303 of this Act) the following new section:

''SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders.

''(b) DEFINITIONS.—For the purpose of this section—

''(1) the term 'Asian American' has the meaning given the term Asian in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789);

''(2) the term 'Native American Pacific Islander' means any descendant of the aboriginal

people of any island in the Pacific Ocean that is a territory or possession of the United States;

''(3) the term 'Asian American and Native American Pacific Islander-serving institution' means an institution of higher education that—

''(A) is an eligible institution under section 312(b); and

''(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Native American Pacific Islander students; and

''(4) the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Asian American and Native American Pacific Islander-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Asian Americans and Native American Pacific Islanders.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) joint use of facilities such as laboratories and libraries;

''(H) academic tutoring and counseling programs and student support services;

''(I) establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education;

''(J) establishing or improving an endowment fund;

''(K) academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are under-represented;

''(L) conducting research and data collection for Asian American and Native American Pacific Islander populations and sub-populations; and

''(M) establishing partnerships with community based organizations serving Asian Americans and Native American Pacific Islanders.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—Each Asian American and Native American Pacific Islander-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Asian American and Native American Pacific Islander-serving institution as defined in subsection (b), along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—Any institution which is determined by the Secretary to be an Asian American and Native American Pacific Islander-serving institution may submit an application for assistance under this section to the Secretary. Such application shall include—

''(A) a 5-year plan for improving the assistance provided by the Asian American and Native American Pacific Islander-serving institution to Asian American and Native American Pacific Islander students; and

''(B) such other information and assurance as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Asian American and Native American Pacific Islander-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(i) to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions; and

''(ii) give priority consideration to institutions that serve a significant percentage of Asian American and Native American Pacific Islander students who are low-income individuals.''.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 319 (as added by section 304 of this Act) the following new section:

''SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

SEC. 306. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DEFINITIONS.—Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting after ''the Secretary'' the following: '', in consultation with the Commissioner of the National Center for Education Statistics,''.

(b) AUTHORIZED ACTIVITIES.—Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) by redesignating paragraph (12) as paragraph (15); and

(2) by inserting after paragraph (11) the following new paragraphs:

''(12) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

''(13) Education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.

''(14) Technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.''.

(c) ALLOTMENTS.—

(1) MINIMUM ALLOTMENT.—Subsection (d) of section 324 (20 U.S.C. 1063(d)) is amended to read as follows:

''(d) MINIMUM ALLOTMENT.—(1) If an otherwise eligible part B institution did not enroll any Pell Grant recipients, or did not graduate any students in the previous academic year, or where appropriate, send any such graduates on to graduate or first-professional degree study, the institution shall not receive a grant under this part.

''(2) If the data provided by an eligible institution, pursuant to this section, is insufficient to justify an award in excess of $500,000, the otherwise eligible institution shall receive an allotment of $500,000, except that the Secretary shall not make an award of $500,000 if the amount determined based upon the formulas using subsection (b), (c), and (d) would be less than $250,000. If the amount determined by the

formula would be less than $250,000, the Secretary shall award the minimum allotment of $250,000.''.

(2) CONDITION FOR ALLOTMENTS.—Section 324 (20 U.S.C. 1063) is further amended by adding at the end the following new subsection:

''(h) CONDITIONS FOR ALLOTMENTS.—No institution shall receive an allotment under this section unless the institution provides data, required by the Secretary consistent with the formula in subsections (a) through (c), including the number of Pell Grant recipients enrolled in the previous award year; the number of students who earned an associate or baccalaureate degree in the previous academic year; and, when appropriate, the percentage of graduates who, within the past five years, enrolled in a graduate or first-professional degree program. No institution shall receive an allotment, including the minimum allotment under subsection (d), unless the institution provides the data required of that institution by the Secretary.''.

(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—

(1) DURATION OF GRANT.—Section 326(b) (20 U.S.C. 1063b(b)) is amended by adding at the end the following new sentence: ''Any funds awarded for such five-year grant period that are obligated during such five-year period may be expended during the 10-year period beginning on the first day of such five-year period.''.

(2) AUTHORIZED ACTIVITIES.—Section 326(c) (20 U.S.C. 1063b(c)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(8) acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities;

''(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV; and

''(10) technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.''.

(3) ELIGIBILITY.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (Q);

(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(S) Alabama State University qualified graduate programs;

''(T) Bowie State University qualified graduate programs;

''(U) Delaware State University qualified graduate programs;

''(V) Langston University qualified graduate programs;

''(W) Prairie View A&M University qualified graduate programs; and

''(X) University of the District of Columbia David A. Clarke School of Law.''.

(4) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking ''1998'' and inserting ''2008''; and

(B) by striking ''(Q) and (R)'' and inserting ''(S) through (X)''.

(5) PRESERVATION OF FUNDING.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''$26,600,000'' and inserting ''$54,500,000''; and

(ii) by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2)—

(i) by striking ''$26,600,000, but not in excess of $28,600,000'' and inserting ''$54,500,000, but not in excess of $60,500,000''; and

(ii) by striking ''subparagraphs (Q) and (R)'' and inserting ''subparagraphs (S) through (X)''; and

(C) in paragraph (3)—

(i) by striking ''$28,600,000'' and inserting ''$60,500,000''; and

(ii) by striking ''(R)'' and inserting ''(X)''.

(e) UNEXPENDED FUNDS.—Section 327(b) (20 U.S.C. 1063c(b)) is amended to read as follows:

''(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the five-year period following the date of the initial grant award, may be carried over and expended during the succeeding five-year period, if such funds were obligated for a purpose for which the funds were paid during the five-year period following the date of the initial grant award.''.

SEC. 307. ENDOWMENT CHALLENGE GRANTS.

(a) AMOUNTS.—Section 331(b) (20 U.S.C. 1065(b)) is amended—

(1) in paragraph (2)(B)(i), by striking ''$500,000'' and inserting ''$1,000,000''; and

(2) in paragraph (5), by striking ''$50,000'' and inserting ''$100,000''.

(b) TECHNICAL ASSISTANCE.—Section 331 (20 U.S.C. 1065) is further amended by adding at the end the following new subsection:

''(l) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this section.''.

SEC. 308. LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.

Section 344(a) (20 U.S.C. 1066c(a)) is amended—

(1) by striking ''$375,000,000'' and inserting ''$1,100,000,000'';

(2) by striking ''$250,000,000'' and inserting ''$733,333,333''; and

(3) by striking ''$125,000,000'' and inserting ''$366,666,666''.

SEC. 309. PROGRAMS IN STEM FIELDS.

(a) YES PARTNERSHIPS; ENTRY INTO STEM FIELDS.—Part E of title III (20 U.S.C.1067 et seq.) is amended—

(1) by redesignating subpart 2 as subpart 3; and

(2) by inserting after subpart 1 the following new subpart:

''Subpart 2—Programs in STEM Fields

''SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.

''(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of appropriations to carry out this subpart, the Secretary shall make grants to eligible partnerships (as described in subsection (f)) to support underrepresented minority youth engagement in science, technology, engineering, and mathematics through outreach and hands-on, experiential-based learning projects that encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in science, technology, engineering, and mathematics.

''(b) MINIMUM GRANT AMOUNT.—A grant awarded to a partnership under this subpart shall be for an amount that is not less than $500,000.

''(c) DURATION.—A grant awarded under this subpart shall be for a period of 5 years.

''(d) NON-FEDERAL MATCHING SHARE REQUIRED.—A partnership receiving a grant under this subpart shall provide, from non-Federal sources, in cash or in kind, an amount equal to 50 percent of the costs of the project supported by such grant.

''(e) DISTRIBUTION OF GRANTS.—In awarding grants under this subpart, the Secretary shall ensure that, to the maximum extent practicable, the projects funded under this subpart are located in diverse geographic regions of the United States.

''(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding the general eligibility provision in section 361, eligibility to receive grants under this subpart is limited to partnerships described in paragraph (5) of such section.

''SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.

''(a) AUTHORITY TO CONTRACT, SUBJECT TO APPROPRIATIONS.—The Secretary of Education is authorized to enter into a contract with a firm with a demonstrated record of success in advertising to implement a campaign to expand the population of qualified individuals in science, technology, engineering, and math (STEM) fields by encouraging young Americans to enter the those fields.

''(b) DESIGN OF CAMPAIGN.—Such a campaign shall be designed to enhance the image of education and professions in the STEM fields and promote participation in the STEM fields and shall include—

''(1) monitoring trends in youth attitudes toward pursuing education and professions in the STEM fields and their propensity toward entering the STEM fields;

''(2) determining what factors contribute to encouraging and discouraging Americans from pursuing study in STEM fields and entering the STEM fields professionally;

''(3) determining what specific factors limit the participation of groups currently underrepresented in STEM fields, including Latinos, African-Americans, and women; and

''(4) drawing from the market research performed under this section and implementing an advertising campaign to encourage young Americans to take up studies in STEM fields, beginning at an early age.

''(c) REQUIRED COMPONENTS.—Such a campaign shall include components that focus tailored messages on appropriate age groups, starting with elementary school students. Such a campaign shall link participation in the STEM fields to the concept of service to one's country, so that young people will be encouraged to enter the STEM fields in order fulfill the obligation to be of service to their country.

''(d) PRIORITY.—Such a campaign shall hold as a high priority making specific appeals to Latinos, African-Americans, and women, who are currently under-represented in the STEM fields, in order to increase their numbers in the STEM fields, and shall tailor recruitment efforts to each specific group.

''(e) USE OF VARIETY OF MEDIA.—Such a campaign shall make use of a variety of media, with an emphasis on television advertising, to reach its intended audience.

''(f) TEACHING.—Such a campaign shall include a narrowly focused effort to attract current professionals in the STEM fields, through advertising in mediums likely to reach that specific group, into teaching in a STEM field in elementary and secondary school.

''SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.

''The Secretary shall develop an evaluation and accountability plan for projects funded under this subpart to objectively measure the impact of such projects, including a measure of whether underrepresented minority student enrollment in courses related to science, technology, engineering, and mathematics increases at the secondary and postsecondary levels.''.

(b) ELIGIBILITY FOR GRANTS.—Section 361 (20 U.S.C. 1067g) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) in paragraph (4)—

(A) by inserting ''to include public institutions of higher education'' after ''organizations,'';

(B) by striking ''or'' at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting ''; or'';

(D) by adding at the end the following new subparagraph:

''(F) institutions of higher education which have State-approved centers for research in science, technology, engineering, and mathematics; or'';

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

''(5) only with respect to grants under subpart 2, partnerships of organizations, the membership of which shall include—

''(A) at least one institution of higher education eligible for assistance under this title or title V;

''(B) at least one high need local educational agency (as defined in section 200); and

''(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, or State agencies.''.

SEC. 310. TECHNICAL ASSISTANCE.

Section 391 (20 U.S.C. 1068) is amended by adding at the end the following new subsection:

''(e) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this title.''.

SEC. 311. WAIVER AUTHORITY.

(a) Section 392 (20 U.S.C. 1068a) is amended by adding at the end the following new subsection:

''(c) WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY A GULF HURRICANE DISASTER.—

''(1) WAIVER AUTHORITY.—Notwithstanding any other provision of the law unless enacted with specific reference to this section, for any affected institution that was receiving assistance under this title at the time of a Gulf hurricane disaster, the Secretary shall, for each of the fiscal years 2009 through 2013—

''(A) waive—

''(i) the eligibility data requirements set forth in section 391(d);

''(ii) the wait-out period set forth in section 313(d);

''(iii) the allotment requirements under section 324; and

''(iv) the use of the funding formula developed pursuant to section 326(f)(3); and

''(B) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under this title at the time of a Gulf hurricane disaster are not adversely impacted by any formula calculation for fiscal year 2009 or for any of the 4 succeeding fiscal years;

''(C) make available to each affected institution an amount that is not less than the amount made available to such institution under this title for fiscal year 2006.

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

''(A) AFFECTED INSTITUTION.—The term 'affected institution' means an institution of higher education that—

''(i) is—

''(I) a part A institution, as such term is defined in section 312(b);

''(II) an American Indian Tribal College or University, as such term is defined in section 316(b);

''(III) an Alaskan Native-serving institution or Native Hawaiian-serving institution, as such terms are defined in section 317(b); or

''(IV) a part B institution, as such term is defined in section 322(2), or as identified in section 326(e) of such Act of 1965 (20 U.S.C. 1063(b));

''(ii) is located in an area affected by a Gulf hurricane disaster; and

''(iii) is able to demonstrate that, as a result of the impact of a Gulf hurricane disaster, the institution—

''(I) incurred physical damage;

''(II) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

''(III) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on August 29, 2005.

''(B) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).''.

SEC. 312. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 399(a) (20 U.S.C. 1068h(a)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A, $150,000,000 (other than sections 316 through 320) for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317, $15,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318, $75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(E) There are authorized to be appropriated to carry out section 319, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(F) There are authorized to be appropriated to carry out section 320, $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326), $300,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326, $100,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C, $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347), $150,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7), such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

''(5) PART E.—(A) There are authorized to be appropriated to carry out subpart 1 of part E, $12,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out subpart 2 of part E, $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

SEC. 313. TECHNICAL CORRECTIONS.

(a) AMENDMENTS.—Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ''.,'' and inserting ''.'';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

(b) REDESIGNATION AND RELOCATION.—The Higher Education Act of 1965 is further amended—

(1) by redesignating part J of title IV (as added by section 802 of the College Cost Reduction and Access Act) as part G of title III, and moving such part from the end of title IV to the end of title III; and

(2) by redesignating section 499A (as added by such section) as section 399A.

TITLE IV—TITLE IV AMENDMENTS

PART A—PART A AMENDMENTS

SEC. 401. FEDERAL PELL GRANTS.

(a) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be $9,000 for each of the academic years 2009–2010 through 2013–2014, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''.

(b) MULTIPLE GRANTS.—

(1) AMENDMENT.—Paragraph (5) of section 401(b) is amended to read as follows:

''(5) YEAR-ROUND PELL GRANTS.—The Secretary shall, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective July 1, 2009.

(c) INELIGIBILITY BASED ON INVOLUNTARY CIVIL COMMITMENT FOR SEXUAL OFFENSES.—Paragraph (7) of section 401(b) (as redesignated by section 101(a) of the College Cost Reduction and Access Act) is amended by inserting before the period the following: ''or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense (as determined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program)''.

(d) TECHNICAL AMENDMENT TO CCRAA.—Section 401(b)(9)(F) is amended by striking ''remain available'' and all that follows and inserting ''remain available for the fiscal year succeeding the fiscal year for which such amounts are made available.''.

(e) MAXIMUM DURATION OF ELIGIBILITY.—Section 401(c) is amended by adding at the end the following new paragraph:

''(5) The period during which a student may receive Federal Pell Grants shall not exceed the equivalent of 18 semesters or 27 quarters in duration, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a semester or quarter but was enrolled at a fraction of full-time, that only that same fraction of such semester or quarter shall count towards such duration limits. The provisions of this paragraph shall apply only to a student who receives a Federal Pell Grant for the first time on or after July 1, 2008.''.

(f) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171)—

(1) in subsection (b), by striking ''academic'' each place it appears;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''academic'' and inserting ''award''; and

(ii) by striking ''full–time''; and

(B) by amending paragraph (1) to read as follows:

''(1) is an eligible student under section 484, including being enrolled or accepted for enrollment in a degree, certificate, or other eligible program leading to a recognized educational credential at an institution of higher education;''; and

(C) in paragraph (3)—

(i) by striking ''academic'' each place it appears;

(ii) by striking ''established by a State or local educational agency and recognized as such by the Secretary'' each place it appears in subparagraphs (A)(i) and (B)(i) and inserting ''that prepares students for college and work beyond the basic graduation requirements and that is recognized as such by the designated State official, or with respect to any private school or home school, the designated school official for such school, consistent with State law'';

(iii) in subparagraph (A)(ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(iv) in subparagraph (C)—

(I) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; and

''(ii) offered such curriculum prior to February 8, 2006.'';

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (i), by inserting ''for one academic year during the student's first year of enrollment'' after ''$750'';

(ii) in clause (ii), by inserting ''for one academic year during the student's second year of enrollment'' after ''$1,300''; and

(iii) in clause (iii)—

(I) by inserting ''for one academic year'' after ''$4,000''; and

(II) by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''an academic'' and inserting ''a''; and

(II) by striking ''(B), or (C)'' and inserting ''(B), (C), or (D)''; and

(ii) in subparagraph (B)—

(I) by striking ''or'' at the end of clause (ii); and

(II) by striking clause (iii) and inserting the following:

''(iii) two academic years under subsection (c)(3)(C); or

''(iv) two academic years under subsection (c)(3)(D).''; and

(C) by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR LESS THAN FULL-TIME ENROLLMENT.—A grant awarded under this section to an eligible student who attends an eligible institution on a less than full-time (but at least half-time or more) basis shall be reduced in the same proportion as would a Federal Pell Grant pursuant to section 401(b)(2)(B).''; and

(4) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 402. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''community-based organizations with experience in serving disadvantaged youth'' after ''private agencies and organizations''; and

(ii) by striking ''in exceptional circumstances,'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

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

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not'';

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses''; and

(D) in paragraph (6), by adding at the end the following new sentence: ''The Secretary shall require each applicant for funds under the programs authorized by this chapter to identify services to foster care youth as a permissible service in those programs, and to ensure that such youth receive supportive services, including mentoring, tutoring, and other services provided by those programs.'';

(3) in subsection (e)—

(A) by striking ''(g)(2)'' each place it appears and inserting ''(h)(4)''; and

(B) by adding at the end the following new paragraph:

''(3) Notwithstanding this subsection and subsection (i)(4), individuals who are homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F of this chapter.'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the completion by such students of a rigorous secondary school program of study that will make them eligible for programs such as the Academic Competitiveness Grants; and

''(v) the enrollment of such students in an institution of higher education.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students;

''(v) the completion by such students of a rigorous secondary school program of study that will make them eligible for programs such as the Academic Competitiveness Grants; and

''(vi) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the percentage of students served by the program who completed degree programs met or exceeded the entity's objectives; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the students served by the entity met or exceeded s objectives regarding—

''(aa) the completion of a degree or certificate; and

''(bb) the transfer to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity's application approved for funding by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for each outcome criteria.

''(5) APPEALS.—Upon determination by the Secretary not to accept an application, or upon determination by the Secretary through the peer review process as specified in (c)(4) not to fund an application, for any program under this chapter, the Secretary shall allow such applicant to appeal to an administrative law judge that the Secretary improperly rejected or improperly scored the evaluation criteria points. The Secretary shall notify each entity requesting assistance under this chapter regarding the status of their application at least 90 days prior to the startup date of such program.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''$950,000,000 for fiscal year 2009 and such sums for each of the 4 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals that an eligible entity desires to serve through an application for a grant under this chapter, and that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) by striking '', any part of which occurred after January 31, 1955,''; and

(II) by striking ''or'' after the semicolon;

(ii) in subparagraph (B)—

(I) by striking ''after January 31, 1955,''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed forces called to active duty for a period of more than 180 days; or

''(D) was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code) on or after September 11, 2001.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) in subsection (b)(11), by inserting '', including mathematics and science preparation,'' after ''special services''; and

(2) by adding at the end the following:

''(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Except as otherwise expressly provided by amendment to this section, the Secretary shall not implement or enforce, and shall rescind, the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).''.

(c) AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(c)(2) (20 U.S.C. 1070a–15(c)(2)) is amended by inserting '', including Native Hawaiians, as defined section 317(b)(3), and Pacific Islanders'' after ''graduate education''.

(d) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION**.'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually to the authorizing committees a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). Such practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

''(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

''(4) CONSIDERATION.—When designing an evaluation under this subsection, the Secretary shall consider—

''(A) the burden placed upon the program participants or the eligible entity; and

''(B) approval by the institution's institutional review board.''.

SEC. 403. GEARUP AMENDMENTS.

(a) ELIGIBLE STUDENTS.—Section 404A(a) (20 U.S.C. 1070a–21(a)) is amended—

(1) in paragraph (1), by inserting '', including students with disabilities,'' after ''low-income students''; and

(2) in paragraph (2)(A), by inserting '', including students with disabilities,'' after ''secondary school students''.

(b) AWARD PERIOD; PRIORITY.—Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by striking paragraph (2) and inserting the following:

''(2) AWARD PERIOD.—The Secretary may award a grant under this chapter to an eligible entity described in paragraphs (1) and (2) of subsection (c) for 7 years.

''(3) PRIORITY.—In making awards to eligible entities described in subsection (c)(1), the Secretary shall—

''(A) give priority to eligible entities that—

''(i) on the day before the date of enactment of the College Opportunity and Affordability Act of 2007, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

''(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

''(B) ensure that students served under this chapter on the day before the date of enactment of the College Opportunity and Affordability Act of 2007 continue to receive assistance through the completion of secondary school.''.

(c) REQUIREMENTS: CONTINUITY OF SERVICES.—

(1) COHORT APPROACH.—Section 404B(g)(1) (20 U.S.C. 1070a–22(g)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (A);

(B) in subparagraph (B)—

(i) by inserting ''and provide the option of continued services through the student's first year of attendance at an institution of higher education'' after ''grade level''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) provide services under this chapter to students who have received services under a previous GEAR UP grant award but have not yet completed the 12th grade.''.

(2) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(A) in subsection (a)(1)(B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iv) the transition to college or postsecondary education through continuity of services to support students in and through the first year of

attendance at an institution of higher education.'';

(B) in subsection (b)(2)(A)—

(i) by inserting ''and students in the first year of attendance at an institution of higher education'' after ''grade 12'';

(ii) by striking ''and'' at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting ''; and''; and

(iv) by adding at the end the following new clause:

''(iii) may include special programs or tutoring in science, technology, engineering, or mathematics.''; and

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''grade 12 who is eligible'' and inserting ''grade 12, and may consider a student in the first year of attendance at an institution, who is'';

(ii) in paragraph (1), by inserting ''eligible'' before ''to be counted'';

(iii) in paragraph (2), by inserting ''eligible'' before ''for free'', and by striking ''or'';

(iv) in paragraph (3), by inserting ''eligible'' before ''for assistance'', and by striking the period and inserting a semicolon; and

(v) by adding at the end the following new paragraphs:

''(4) in foster care; or

''(5) a homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act.''.

(d) FLEXIBILITY IN MEETING MATCHING REQUIREMENTS.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting ''and accrued over the full duration of the grant award period'' after ''in cash or in kind'';

(B) in paragraph (2), by adding at the end the following new sentence: ''Eligible entities may request a reduced match percentage at the time of application or by petition subsequent to a grant award, provided that an eligible entity can demonstrate a change in circumstances that was unknown at the time of application.''; and

(C) by adding at the end the following new paragraph:

''(3) ADDITIONAL SPECIAL RULE.—To encourage eligible entities described in 404A(c) to provide students under this chapter with financial assistance for postsecondary education, each dollar of non-Federal funds obligated under subsection (c)(1) and (c)(2) shall, for purposes of paragraph (1)(A) of this subsection, be treated as 2 dollars.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing , non-Federal financial assistance programs'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contribution from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(e) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(1) in subsection (b)(2)(A)(ii), by striking ''and academic counseling'' and inserting '', academic counseling, and financial literacy and economic literacy education or counseling'';

(2) in subsection (b)(2), by adding at the end the following new subparagraphs:

''(F) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(G) Engaging entities described in section 404A(c)(2)(C) in a collaborative manner to provide matching resources and participate in other activities authorized under this section.

''(H) Disseminating information that promotes the importance of higher education, explains college preparation and admission requirements, and raises awareness of the resources and services provided by the eligible entities described in section 404A(c) to eligible students, their families, and communities.''; and

(3) by adding at the end of subsection (b) the following new paragraph:

''(3) ADDITIONAL PERMISSIBLE ACTIVITIES FOR STATES.—In meeting the requirements of subsection (a), an eligible entity described in section 404A(c) (1) receiving funds under this chapter may, in addition to the activities authorized by paragraph (2) of this subsection, use funds to provide technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.''.

(f) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) in subsection (a)(1), by inserting ''to supplement aid for which they are regularly eligible'' after ''shall establish or maintain a financial assistance program that awards scholarships to students'';

(2) in subsection (a)(2), by inserting ''to supplement aid for which they are regularly eligible'' after ''An eligible entity described in section 404A(c)(2) may award scholarships to eligible students''; and

(3) in subsection (b)(2), by striking ''the maximum Federal Pell Grant'' and inserting ''the minimum Federal Pell Grant''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404H (20 U.S.C. 1070a–31) is amended by striking ''$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years''.

SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 1 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and inserting ''$875,000,000 for fiscal year 2009''.

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $30,000,000, the excess amount shall be available to carry out section 415E.''.

(b) APPLICATIONS FOR LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (2), by striking ''$5,000'' and inserting ''$12,500'';

(2) in paragraph (9), by striking ''and'' after the semicolon;

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership Grants; and

''(B) funded by the Federal Government and the State.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties to carry out activities under this section and to provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend college;

''(2) provide need-based access and persistence grants to eligible low-income students;

''(3) provide early notification to low-income students of their eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in its application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements under paragraph (2)(B)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

''(B) DIFFERENT PERCENTAGES.—The Federal share under this section shall be determined in accordance with the following:

''(i) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State, and—

''(I) philanthropic organizations that are located in, or that provide funding in, the State; or

''(II) private corporations that are located in, or that do business in, the State.

''(ii) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 66.66 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State, and—

''(I) philanthropic organizations that are located in, or that provide funding in, the State; or

''(II) private corporations that are located in, or that do business in, the State.

''(C) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fairly evaluated.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this subparagraph, an in kind contribution is a non-cash contribution that—

''(I) has monetary value, such as the provision of—

''(aa) room and board; or

''(bb) transportation passes; and

''(II) helps a student meet the cost of attendance at an institution of higher education.

''(iii) EFFECT ON NEEDS ANALYSIS.—For the purpose of calculating a student's need in accordance with part F, an in kind contribution described in clause (ii) shall not be considered an asset or income of the student or the student's parent.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide matching funds, in cash or in kind, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (d). The State shall specify the methods by which matching funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title. A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's matching obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d).

''(v) A description of the steps the State will take to ensure students who receive grants under this section persist to degree completion.

''(vi) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479(c), to identify eligible low-income students and award State grant aid to such students.

''(vii) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government and the State.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than one public and one private degree-granting institution of higher education that are located in the State;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than one—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate matching funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree-granting institution of higher education (as defined in section 102) that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive an access and persistence grant under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for access and persistence grants for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(i), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student) and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the partnership.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student).

''(ii) PARTNERSHIP WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(ii), the amount of an access and persistence grant awarded by such State shall be not less than the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student) and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the partnership.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students (such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)) in grade 7 through grade 12 in the State, and their families, of their potential eligibility for student financial assistance, including an access and persistence grant, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for an access and persistence grant and other student aid programs;

''(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of an access and persistence grant and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for an access and persistence grant, at a minimum, a student shall meet the requirement under paragraph (3), graduate from secondary school, and enroll at an institution of higher education that is a partner in the partnership;

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of an access and persistence grant under this section; and

''(VII) instructions on how to apply for an access and persistence grant and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that access and persistence grant awards are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership;

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at an institution of higher education that is a partner in the partnership.

''(3) ELIGIBILITY.—In determining which students are eligible to receive access and persistence grants, the State shall ensure that each such student complies with the following subparagraph (A) or (B):

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, an access and persistence grant under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including a student who has received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related State form, and is determined to be eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary access and persistence grant award certificate with tentative award amounts; and

''(B) inform the student that payment of the access and persistence grant award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to baccalaureate degree completion.

''(e) ADMINISTRATIVE COST ALLOWANCE.—A State that receives an allotment under this section may reserve not more than 3.5 percent of the funds made available annually through the allotment for State administrative functions required to carry out this section.

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(B)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for such activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed its total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) REPORTS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

(d) CONTINUATION AND TRANSITION.—During the 2-year period commencing on the date of enactment of this Act, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a), as such section existed on the day before the date of enactment of this Act, to States that choose to apply for grants under such predecessor section.

(e) IMPLEMENTATION AND EVALUATION.—Section 491(j) (20 U.S.C. 1098(j)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) not later than 6 months after the date of enactment of the College Opportunity and Affordability Act of 2007, advise the Secretary on means to implement the activities under section 415E, and the Advisory Committee shall continue to monitor, evaluate, and make recommendations on the progress of partnerships that receive allotments under such section; and''.

SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

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

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit to the authorizing committees a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''; and

(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

Subpart 6 of part A of title IV is amended to read as follows:

''Subpart 6—Robert C. Byrd American Competitiveness Program

''SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE HONORS SCHOLARSHIP PROGRAM.

''(a) PURPOSE.—The purpose of this section is to award scholarships to students who are enrolled in studies leading to baccalaureate and advanced degrees in physical, life, or computer sciences, mathematics, or engineering.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'computer science' means the branch of knowledge or study of computers, including such fields of knowledge or study as computer hardware, computer software, computer engineering, information systems, and robotics;

''(2) the term 'eligible student' means a student who—

''(A) is a citizen of the United States;

''(B) is selected by the managing agent to receive a scholarship;

''(C) is enrolled full-time in an institution of higher education, other than a United States service academy; and

''(D) has shown a commitment to and is pursuing a major in studies leading to a baccalaureate, masters, or doctoral degree (or a combination thereof) in physical, life, or computer sciences, mathematics, or engineering;

''(3) the term 'engineering' means the science by which the properties of matter and the sources of energy in nature are made useful to humanity in structures, machines, and products, as in the construction of engines, bridges, buildings, mines, and chemical plants, including such fields of knowledge or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;

''(4) the term 'life sciences' means the branch of knowledge or study of living things, including such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology, except that the term does not encompass social psychology or the health professions;

''(5) the term 'managing agent' means an entity to which an award is made under subsection (c) to manage a program of Mathematics and Science Honors Scholarships;

''(6) the term 'mathematics' means the branch of knowledge or study of numbers and the systematic treatment of magnitude, relationships between figures and forms, and relations between quantities expressed symbolically, including such fields of knowledge or study as statistics, applied mathematics, and operations research; and

''(7) the term 'physical sciences' means the branch of knowledge or study of the material universe, including such fields of knowledge or study as astronomy, atmospheric sciences, chemistry, earth sciences, ocean sciences, physics, and planetary sciences.

''(c) AWARD.—

''(1)(A) From funds appropriated under section 419F to carry out this section, the Secretary is authorized, through a grant or cooperative agreement, to make an award to a private, nonprofit organization, other than an institution of higher education or system of institutions of higher education, to manage, through a public and private partnership, a program of Mathematics and Science Honors Scholarships under this section.

''(B) The award under subparagraph (A) shall be for a five-year period.

''(2)(A) One hundred percent of the funds awarded under paragraph (1)(A) for any fiscal year shall be obligated and expended solely on scholarships to eligible students.

''(B) No Federal funds shall be used to provide more than 50 percent of the cost of any scholarship to an eligible student.

''(C) The maximum scholarship award shall be the difference between an eligible student's cost of attendance minus any non-loan based aid such student receives.

''(3)(A) The Secretary may establish—

''(i) eligibility criteria for applicants for managing agent, including criteria regarding financial and administrative capability; and

''(ii) operational standards for the managing agent, including management and performance requirements, such as audit, recordkeeping, record retention, and reporting procedures and requirements.

''(B) The Secretary, as necessary, may review and revise any criteria, standards, and rules established under this paragraph and, through the agreement with the managing agent, see that any revisions are implemented.

''(4) If the managing agent fails to meet the requirements of this section the Secretary may terminate the award to the managing agent.

''(5) The Secretary shall conduct outreach efforts to help raise awareness of the Mathematics and Science Honors Scholarships.

''(d) DUTIES OF THE MANAGING AGENT.—The managing agent shall—

''(1) develop criteria to award Mathematics and Science Honors Scholarships based on established measurements available to secondary students who wish to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;

''(2) establish a Mathematics and Science Honors Scholarship Fund in a separate, named account that clearly discloses the amount of Federal and non-Federal funds deposited in the account and used for scholarships under this section;

''(3) solicit funds for scholarships and for the administration of the program from non-Federal sources;

''(4) solicit applicants for scholarships;

''(5) from the amounts in the Fund, award scholarships to eligible students and transfer such funds to the institutions of higher education that they attend;

''(6) annually submit to the Secretary a financial audit and a report on the progress of the program, and such other documents as the Secretary may require to determine the effective management of the program; and

''(7) shall not develop a criteria that discriminates against a student based on the type of program in which the student completed his or her secondary education.

''(e) APPLICATIONS.—

''(1) Any eligible entity that desires to be the managing agent under this section shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.

''(2) Each application shall include a description of—

''(A) how the applicant meets or will meet requirements established under subsections (c)(3)(A) and (d);

''(B) how the applicant will solicit funds for scholarships and for the administration of the program from non-Federal sources;

''(C) how the applicant will provide nationwide outreach to inform students about the program and to encourage students to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;

''(D) how the applicant will solicit applications for scholarships, including how the applicant will balance efforts in urban and rural areas;

''(E) the selection criteria based on established measurements available to secondary students the applicant will use to award scholarships and to renew those awards;

''(F) how the applicant will inform the institution of higher education chosen by the recipient of the name and scholarship amount of the recipient;

''(G) what procedures and assurances the applicant and the institution of higher education that the recipient attends will use to verify student eligibility, attendance, degree progress, and academic performance and to deliver and account for payments to such institution;

''(H) the management (including audit and accounting) procedures the applicant will use for the program;

''(I) the human, financial, and other resources that the applicant will need and use to manage the program;

''(J) how the applicant will evaluate the program and report to the Secretary annually; and

''(K) a description of how the entity will coordinate with, complement, and build on similar public and private mathematics and science programs.

''(f) SCHOLARSHIP RECIPIENTS.—

''(1) A student receiving a scholarship under this section shall be known as a Byrd Mathematics and Science Honors Scholar.

''(2) Any student desiring to receive a scholarship under this section shall submit an application to the managing agent in such form, and containing such information, as the managing agent may require.

''(3) Any student that receives a scholarship under this section shall enter into an agreement with the managing agent to complete 5 consecutive years of service to begin no later than 12 months following completion of the final degree in a position related to the field in which the student obtained the degree.

''(4) If any student that receives a scholarship under this section fails to earn at least a baccalaureate degree in physical, life, or computer sciences, mathematics, or engineering as defined under this section, the student shall repay to the managing agent the amount of any financial assistance paid to such student.

''(5) If any student that receives a scholarship under this section fails to meet the requirements of paragraph (3), the student shall repay to the managing agent the amount of any financial assistance paid to such student.

''(6)(A) Scholarships shall be awarded for only one academic year of study at a time.

''(B)(i) A scholarship shall be renewable on an annual basis for the established length of the academic program if the student awarded the scholarship remains eligible.

''(ii) The managing agent may condition renewal of a scholarship on measures of academic progress and achievement, with the approval of the Secretary.

''(C)(i) If a student fails to either remain eligible or meet established measures of academic progress and achievement, the managing agent shall instruct the student's institution of higher education to suspend payment of the student's scholarship.

''(ii) A suspension of payment shall remain in effect until the student is able to demonstrate to the satisfaction of the managing agent that he or she is again eligible and meets the established measures of academic progress and achievement.

''(iii) A student's eligibility for a scholarship shall be terminated if a suspension period exceeds 12 months.

''(D)(i)(I) A student awarded a scholarship may, in a manner and under the terms established by, and with the approval of, the managing agent, postpone or interrupt his or her enrollment at an institution of higher education for up to 12 months.

''(II) Such a postponement or interruption shall not be considered a suspension for purposes of subparagraph (C).

''(ii) Neither a student nor the student's institution of higher education shall receive the student's scholarship payments during the period of postponement or interruption, but such payments shall resume upon enrollment or reenrollment.

''(iii) In exceptional circumstances, such as serious injury or illness or the necessity to care for family members, the student's postponement or interruption may, upon notification and approval of the managing agent, be extended beyond the 12 month period described in clause (i)(I).

''(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER EDUCATION.—

''(1) The managing agent shall require any institution of higher education that enrolls a student who receives a scholarship under this section to annually provide an assurance, prior to making any payment, that the student—

''(A) is eligible in accordance with subsection (b)(2); and

''(B) has provided the institution with a written commitment to attend, or is attending, classes and is satisfactorily meeting the institution's

academic criteria for enrollment in its program of study.

''(2)(A) The managing agent shall provide the institution of higher education with payments from the Fund for selected recipients in at least two installments.

''(B) If a recipient declines a scholarship, does not attend courses, transfers to another institution of higher education, or becomes ineligible for a scholarship, an institution of higher education shall return prorated amounts of any scholarship payment to that recipient to the managing agent, who shall deposit it in to the Fund.

''SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PROGRAM.

''(a) PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to pay, pursuant to the provisions of this section, the interest on a loan made, insured, or guaranteed under part B or D of this title.

''(2) ELIGIBILITY.—The Secretary may assume interest payments under paragraph (1) only for a borrower who—

''(A) has submitted an application in compliance with subsection (d);

''(B) obtained one or more loans described in paragraph (1) as an undergraduate student;

''(C) is a new borrower (within the meaning of section 103(7) of this Act) on or after the date of enactment of the College Opportunity and Affordability Act of 2007;

''(D) is a highly qualified teacher (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) of science, technology, engineering or mathematics at an elementary or secondary school in a high need local educational agency, or is a mathematics, science, or engineering professional; and

''(E) enters into an agreement with the Secretary to complete 5 consecutive years of service in a position described in subparagraph (D), starting on the date of the agreement.

''(3) PRIOR INTEREST LIMITATIONS.—The Secretary shall not make any payments for interest that—

''(A) accrues prior to the beginning of the repayment period on a loan in the case of a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan; or

''(B) has accrued prior to the signing of an agreement under paragraph (2)(E).

''(4) INITIAL SELECTION.—In selecting participants for the program under this section, the Secretary—

''(A) shall choose among eligible applicants on the basis of—

''(i) the national security, homeland security, and economic security needs of the United States, as determined by the Secretary, in consultation with other Federal agencies, including the Departments of Labor, Defense, Homeland Security, Commerce, and Energy, the Central Intelligence Agency, and the National Science Foundation; and

''(ii) the academic record or job performance of the applicant; and

''(B) may choose among eligible applicants on the basis of—

''(i) the likelihood of the applicant to complete the 5-year service obligation;

''(ii) the likelihood of the applicant to remain in science, mathematics, or engineering after the completion of the service requirement; or

''(iii) other relevant criteria determined by the Secretary.

''(5) AVAILABILITY SUBJECT TO APPROPRIATIONS.—Loan interest payments under this section shall be subject to the availability of appropriations. If the amount appropriated for any fiscal year is not sufficient to provide interest payments on behalf of all qualified applicants, the Secretary shall give priority to those individuals on whose behalf interest payments were made during the preceding fiscal year.

''(6) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(b) DURATION AND AMOUNT OF INTEREST PAYMENTS.—The period during which the Secretary shall pay interest on behalf of a student borrower who is selected under subsection (a) is the period that begins on the effective date of the agreement under subsection (a)(2)(E), continues after successful completion of the service obligation, and ends on the earlier of—

''(1) the completion of the repayment period of the loan;

''(2) payment by the Secretary of a total of $5,000 on behalf of the borrower;

''(3) if the borrower ceases to fulfill the service obligation under such agreement prior to the end of the 5-year period, as soon as the borrower is determined to have ceased to fulfill such obligation in accordance with regulations of the Secretary; or

''(4) 6 months after the end of any calendar year in which the borrower's gross income equals or exceeds 4 times the national per capita disposable personal income (current dollars) for such calendar year, as determined on the basis of the National Income and Product Accounts Tables of the Bureau of Economic Analysis of the Department of Commerce, as determined in accordance with regulations prescribed by the Secretary.

''(c) REPAYMENT TO ELIGIBLE LENDERS.—Subject to the regulations prescribed by the Secretary by regulation under subsection (a)(6), the Secretary shall pay to each eligible lender or holder for each payment period the amount of the interest that accrues on a loan of a student borrower who is selected under subsection (a).

''(d) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan interest payment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Such application shall contain an agreement by the individual that, if the individual fails to complete the 5 consecutive years of service required by subsection (a)(2)(E), the individual agrees to repay the Secretary the amount of any interest paid by the Secretary on behalf of the individual.

''(e) TREATMENT OF CONSOLIDATION LOANS.—A consolidation loan made under section 428C of this Act, or a Federal Direct Consolidation Loan made under part D of title IV of this Act, may be a qualified loan for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

''(1) a loan made under section 428 or 428H of this Act; or

''(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of this Act.

''(f) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and—

''(1) any loan forgiveness program under title IV of this Act; or

''(2) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'high need local educational agency' has the same meaning given such term in section 200; and

''(2) the term 'mathematics, science, or engineering professional' means a person who—

''(A) holds a baccalaureate, masters, or doctoral degree (or a combination thereof) in science, mathematics, or engineering; and

''(B) works in a field the Secretary determines is closely related to that degree, which shall include working as a professor at a two- or four-year institution of higher education.

''SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.

''(a) PURPOSE.—The purpose of this section is to increase the number of highly qualified teachers in, and the number of United States' students who achieve the highest level of proficiency in, foreign languages critical to the security and competitiveness of the Nation.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education, in partnership with one or more local educational agencies, to establish teacher preparation programs in critical foreign languages, and activities that will enable successful students to advance from elementary school through college to achieve proficiency in those languages.

''(c) APPLICATIONS.—

''(1) APPLICATION REQUIRED.—Any institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—Each Application shall—

''(A) identify each local educational agency partner and describe each such partner's responsibilities (including how they will be involved in planning and implementing the program, what resources they will provide, and how they will ensure continuity of student progress from elementary school to the postsecondary level); and

''(B) describe how the applicant will support and continue the program after the grant has expired, including how it will seek support from other sources, such as State and local government, foundations, and the private sector.

''(d) USES OF FUNDS.—Funds awarded under this section shall be used to develop and implement programs consistent with the purpose of this section by carrying out one or more of the following activities:

''(1) To recruit highly qualified teachers in critical foreign languages and professional development activities for such teachers at the elementary through high school level.

''(2) To provide innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.

''(e) MATCHING REQUIREMENT.—Each grantee under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(f) EVALUATION.—The Secretary shall evaluate the activities funded under this section and report the results of the evaluation to the appropriate Committees of Congress.

''SEC. 419D. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended by striking ''$10,000'' and inserting ''$30,000''.

(b) ELIGIBLE INSTITUTIONS.—Section 419N(b)(4) is amended by striking ''$350,000'' and inserting ''$250,000''.

(c) INCOME ELIGIBILITY.—Section 419N(b)(7) is amended by striking ''who is eligible to receive'' and inserting ''whose income qualifies for eligibility for''.

(d) PUBLICITY.—Section 419N(b) is further amended by adding at the end the following new paragraph:

''(8) PUBLICITY.—The Secretary shall publicize the availability of grants under this section in appropriate periodicals in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all

that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

SEC. 411. TEACH GRANTS.

Subpart 9 of part A of title IV is amended—

(1) in section 420L(1)(B), by striking ''sound'' and inserting ''responsible'';

(2) in section 420M—

(A) by striking ''academic year'' each place it appears in subsections (a)(1) and (c)(1) and inserting ''year''; and

(B) in subsection (c)(2)—

(i) by striking ''other student assistance'' and inserting ''other assistance the student may receive''; and

(ii) by striking the second sentence; and

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

''SEC. 420P. PROGRAM EVALUATION.

''The Secretary shall evaluate the effectiveness of TEACH grants with respect to the schools and students served by recipients of such grants. Such evaluation shall take into consideration information related to—

''(1) the number of TEACH grant recipients;

''(2) the gender, race, ethnicity, and age of such recipients;

''(3) the degrees obtained by such recipients;

''(4) the location, including the school, local educational agency, and State, where the recipients completed the service agreed to under section 420N(b) and the subject taught;

''(5) the duration of such service, including information related to whether recipients serve for more than the 4 years required under such section; and

''(6) any other data necessary to conduct such evaluation.''.

PART B—FEDERAL FAMILY EDUCATION LOANS

SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED BY FEDERAL INSURANCE.

Section 424(a) (20 U.S.C. 1074(a)) is amended—

(1) by striking ''2012'' and inserting ''2013''; and

(2) by striking ''2016'' and inserting ''2017''.

SEC. 422. FEDERAL INTEREST SUBSIDIES.

Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(1) by striking ''2012'' and inserting ''2013''; and

(2) by striking ''2016'' and inserting ''2017''.

SEC. 423. STUDENT LOAN INFORMATION.

Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following new paragraph:

''(4) STUDENT LOAN INFORMATION.—

''(A) Notwithstanding any other provision of law or regulation, if requested by an institution of higher education or a third party servicer (as defined in section 481(c)) working on behalf of such institution to prevent student loan defaults for borrowers who currently attend or previously attended such institution, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective manner, any student loan information pertaining to loans made under this title to such borrowers maintained by that entity, provided that the information requested is for a borrower who currently attends or previously attended such institution.

''(B) An institution and any third party servicer obtaining access to information under subparagraph (A) shall safeguard that information in order to prevent potential abuses of that information, including identity theft.

''(C) Any third party servicer that obtains information under this paragraph—

''(i) shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education;

''(ii) shall not sell the information to other entities;

''(iii) shall not share the information with, or transfer the information to, entities other than the borrower or the institution of higher education referenced in subparagraph (A); and

''(iv) shall be subject to any regulations established by the Secretary pursuant to section 432 concerning the misuse of such information, including any penalties for such misuse.''.

SEC. 424. CONSOLIDATION LOAN DISCLOSURE.

Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) that the lender will disclose, in a clear and conspicuous manner, to borrowers who seek to consolidate loans made under part E of this title—

''(i) that once the borrower adds a Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) in detail the occupations listed in section 465 for which the borrower will lose eligibility for Federal Perkins Loan cancellation;''.

SEC. 425. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

''(A) is employed full-time in an area of national need described in subsection (b); and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

''(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time as any of the following:

''(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children age 5 and under.

''(2) NURSES.—An individual who is employed—

''(A) as a nurse in a clinical setting; or

''(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate or advanced degree in a critical foreign language and is employed—

''(A) in an elementary or secondary school as a teacher of a critical foreign language;

''(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language; or

''(C) in an institution of higher education as a faculty member or instructor teaching a critical foreign language.

''(4) LIBRARIANS.—An individual who is employed as a librarian in—

''(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

''(B) a high-need school.

''(5) HIGHLY QUALIFIED TEACHERS: SERVING STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, LOW-INCOME COMMUNITIES, AND UNDER-REPRESENTED POPULATIONS.—An individual who—

''(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(B)(i) is employed as a teacher educating students who are limited English proficient;

''(ii) is employed as a teacher in a high-need school; or

''(iii) is an individual from an underrepresented population in the teaching profession, as determined by the Secretary.

''(6) CHILD WELFARE WORKERS.—An individual who—

''(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

''(B) is employed in public or private child welfare services.

''(7) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

''(8) NATIONAL SERVICE.—An individual who is engaged as a participant in a project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

''(9) SCHOOL COUNSELORS.—An individual who is employed as a school counselor (as such term is defined in section 5421(e)(3) of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)(3))) in a high-need school.

''(10) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), or public interest legal services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization).

''(11) NUTRITION PROFESSIONALS.—An individual who—

''(A) is a licensed, certified, or registered dietician who has completed a degree in a relevant field; and

''(B) has obtained employment in an agency of the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(12) MEDICAL SPECIALISTS.—An individual who—

''(A) has received his or her degree from an accredited medical school (as accredited by the Liaison Committee on Medical Education or as defined by this title IV); and

''(B)(i) has been accepted to, or currently participates in, a graduate medical education training program or fellowship (or both) to provide health care services (as recognized by the Accreditation Council for Graduate Medical Education); or

''(ii) has been accepted to, or currently participates in, a graduate medical education program or fellowship (or both) to provide health care services that—

''(I) requires more than 5 years of total graduate medical training; and

''(II) has fewer United States medical school graduate applicants than the total number of training and fellowship positions available in the programs specified in subclause (I) of this clause.

''(13) MENTAL HEALTH PROFESSIONALS.—Individuals who have at least a master's degree in social work, psychology, or psychiatry and who are providing mental health services to children, adolescents, or veterans.

''(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of full-time employment on or after the date of enactment of the College Opportunity and Affordability Act of 2007 in an area of national need described in subsection (b), not to exceed 5 years, the Secretary shall forgive not more than $2,000 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, as appropriate, not to exceed $10,000 in the aggregate for any borrower.

''(d) PRIORITY.—The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

''(f) SEGAL AMERICORPS EDUCATION AWARD AND NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall receive under this section the amount, if any, by which the maximum benefit available under this section exceeds the maximum education award available under such subtitle.

''(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

''(h) DEFINITIONS.—In this section:

''(1) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

''(2) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children age 5 and under, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

''(A) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

''(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) a nonprofit or community based organization; or

''(D) a child care program, including a home.

''(3) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

''(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

''(i) is licensed or regulated by the State; and

''(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

''(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

''(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

''(4) LOW-INCOME COMMUNITY.—The term 'low-income community' means a school attendance area (as defined in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965)—

''(A) in which 70 percent of households earn less than 85 percent of the State median household income; or

''(B) that includes a high-need school.

''(5) NURSE.—The term 'nurse' means a nurse who meets all of the following:

''(A) The nurse graduated from—

''(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

''(ii) a nursing center; or

''(iii) an academic health center that provides nurse training.

''(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

''(C) The nurse holds one or more of the following:

''(i) A graduate degree in nursing, or an equivalent degree.

''(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(6) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—

''(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1)), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years to provide loan forgiveness in accordance with this section.''.

SEC. 426. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following new section:

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder or the Secretary in the case of a loan under part D or E of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may specify that, notwithstanding subsection (d)(1)(A), the required period of service during which the borrower will remain employed as a civil legal assistance attorney may be less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 427. SETTLEMENT OF CLAIMS.

Section 432(b) (20 U.S.C. 1082(b)) is amended by adding at the end the following: ''The Secretary may not enter into any settlement of any claim under this Act that exceeds $1,000,000 unless the Secretary has asked the Attorney General to review the settlement agreement and issue an opinion to the Secretary and the authorizing committees related to such proposed settlement.''.

SEC. 428. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.

Part B of title IV is further amended by inserting after section 433 (20 U.S.C. 1083) the following new section:

''SEC. 433A. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.

''(a) GUARANTY AGENCY DUTY.—Each guaranty agency, with respect to loans insured by the agency, shall develop specific programs designed to prevent delinquencies and avert defaults.

''(b) TRAINING FOR STUDENTS AND FAMILIES.—Each guaranty agency, after consulting with institutions of higher education (including institutions of higher education participating in the William Ford Direct Loan Program), shall develop and make available high quality educational programs and materials to provide training for students and families in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using high interest loans to pay for postsecondary education. Such programs and materials shall address budgeting and financial management relating to student loans, and shall be made available to students and families, in a form and language that is understandable, before, during, and after the students' enrollment.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a guaranty agency from using existing activities, programs, and materials in meeting the requirements of this section.''.

SEC. 429. DEFINITION OF ELIGIBLE LENDER.

Section 435(d)(1)(A)(ii) (20 U.S.C. 1085(d)(1)(A)(ii)) is amended—

(1) by striking ''part, or (III)'' and inserting ''part, (III)''; and

(2) by inserting before the semicolon at the end the following: '', or (IV) it is a National or State chartered bank with assets of less than $1,000,000,000''.

SEC. 430. COHORT DEFAULT RATES.

Section 435(m) (20 U.S.C. 1085(m)) is amended—

(1) in the first sentence of paragraph (1)(A), by striking ''end of the following fiscal year'' and inserting ''beginning of the third fiscal year following the fiscal year in which the students entered repayment'';

(2) in paragraph (1)(C), by striking ''end of the fiscal year immediately following the year in which they entered repayment'' and inserting ''beginning of the third fiscal year following the year in which they entered repayment'';

(3) in paragraph (2)(C), by striking ''end of such following fiscal year is not considered as in default for the purposes of this subsection'' and inserting ''beginning of the third fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection''; and

(4) in paragraph (4)—

(A) by amending the header to read as follows: ''COLLECTION AND REPORTING OF COHORT DEFAULT RATES AND LIFE OF COHORT DEFAULT RATES.—''; and

(B) by amending subparagraph (A) to read as follows:

''(A) The Secretary shall collect data from all insurers under this part and shall publish not less often than once every fiscal year a report showing cohort default data and life of cohort default data for each category of institution, including (i) 4-year public institutions, (ii) 4-year private nonprofit institutions, (iii) 2-year public institutions, (iv) 2-year private institutions, (v) 4-year proprietary institutions, (vi) 2-year proprietary institutions, and (vii) less than 2-year proprietary institutions. For purposes of this subparagraph, the life of cohort default rate means, for any fiscal year in which 1 or more current and former students at an institution enter repayment on loans under section 428, 428A, or 428H, received for attendance at the institution, the percentage of those current and former students who enter repayment on such loans (or on the portion of a loan made under section 428C that is used to repay any such loans) received for attendance at the institution in that fiscal year who default before the end of each succeeding fiscal year.''.

SEC. 431. DISABILITY DETERMINATIONS.

Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: ''A borrower who receives a permanent total disability rating from the Secretary of Veterans Affairs, and who provides documentation of such rating to the Secretary of Education, shall be considered permanently and totally disabled for the purpose of discharging such borrower's loans under this subsection, and such borrower shall not be required to present additional documentation for purposes of this subsection.''.

PART C—COLLEGE WORK/STUDY

SEC. 441. REAUTHORIZATION.

(a) EXTENSION OF AUTHORITY.—Section 441 (42 U.S.C. 2751) is amended—

(1) in subsection (b), by striking ''$1,000,000,000 for fiscal year 1999'' and inserting ''$1,500,000,000 for fiscal year 2009''; and

(2) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) responding to the needs of the community, which may include activities in preparation for and during emergencies and natural disasters.''.

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 442(c)(4)(D) (42 U.S.C. 2752(d)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMUNITY SERVICE.

Section 447 (42 U.S.C. 2756a) is amended—

(1) by striking ''Each institution participating'' and inserting ''(a) COMMUNITY SERVICE-LEARNING.—Each institution participating''; and

(2) by adding at the end the following new subsection:

''(b) OFF-CAMPUS COMMUNITY SERVICE.—

''(1) GRANTS AUTHORIZED.—In addition to funds made available under section 443(b)(2)(B), the Secretary is authorized to award grants to institutions participating under this part to supplement off-campus community service employment.

''(2) USE OF FUNDS.—In any year in which section 443(b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this subsection are used in accordance with such section 443 to recruit and compensate students (including compensation for time spent in training and for travel directly related to such community service).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applications that support postsecondary students assisting with early childhood education activities and activities in preparation for and during emergencies and natural disasters.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 443. WORK COLLEGES.

(a) WORK-LEARNING-SERVICE.—Section 448 (42 U.S.C. 2756b) is amended by striking ''work-learning'' each place it appears and inserting ''work-learning-service''.

(b) DEFINITION.—Section 448(e) is amended to read as follows:

''(e) DEFINITIONS.—For the purpose of this section—

''(1) the term 'work college' means an eligible institution that—

''(A) has been a public or private nonprofit, four-year, degree granting institution with a commitment to community service;

''(B) has operated a comprehensive work-learning-service program for at least 2 years;

''(C) requires all resident students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least 5 hours each week, or at least 80 hours during each period of enrollment, except summer school, unless the student is engaged in an institutionally organized or approved study abroad or externship program; and

''(D) provides students participating in the comprehensive work-learning-service program with the opportunity to contribute to their education and to the welfare of the community as a whole; and

''(2) the term 'comprehensive student work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''.

(c) AUTHORIZATION.—Section 448(f) is amended—

(1) by striking ''$5,000,000'' and inserting ''such sums as may be necessary''; and

(2) by striking ''1999'' and inserting ''2009''.

PART D—FEDERAL DIRECT STUDENT LOANS

SEC. 451. REAUTHORIZATION.

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) in paragraph (2)—

(A) in the heading of such paragraph, by striking ''2011'' and inserting ''2013''; and

(B) by striking ''2011'' and inserting ''2013''; and

(2) in paragraph (3), by striking ''2011'' and inserting ''2013''.

SEC. 452. PUBLIC SERVICE JOB DEFINITION.

Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is amended to read as follows:

''(B) PUBLIC SERVICE JOB.—The term 'public service job' means—

''(i) a full-time job in emergency management, government (excluding time served as a member of Congress), military service, public safety, law enforcement, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization), early childhood education (including licensed or regulated childcare, Head Start, and State funded prekindergarten), public service for individuals with disabilities, public service for the elderly, public library sciences, school-based library sciences and other school-based services, or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

''(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b) and other faculty teaching in high-needs subject areas or areas of shortage (including nurse faculty, foreign language faculty and part-time faculty at community colleges), as determined by the Secretary.''.

SEC. 453. IDENTITY FRAUD PROTECTION.

Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following new subsection:

''(n) IDENTITY FRAUD PROTECTION.—The Secretary of Education shall take such steps as may be necessary to ensure that monthly Direct Loan statements and other publications of the Department of Education do not contain more than 4 digits of the Social Security number of any individual.''.

SEC. 454. DIRECT LOAN PROGRAM AUDIT AND REPORTING REQUIREMENTS.

(a) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—Section 458 (20 U.S.C. 1087h) is amended by adding at the end the following:

''(d) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—The Secretary shall have a financial and compliance audit of all loans owned by the Department of Education and made under the William D. Ford Federal Direct Loan Program and all contracts for the origination, servicing, collection, and related activities of such loans, conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with standards established by the Comptroller General. The standards shall measure the servicer's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the servicer for the purpose of this section. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.''.

(b) QUARTERLY REPORTING OF ADMINISTRATIVE EXPENSES.—Section 458 (20 U.S.C. 1087h) is further amended by adding at the end the following:

''(e) BUDGET JUSTIFICATION AND QUARTERLY REPORTS.—In addition to the requirements of subsection (c), and as a prerequisite to expending funds under this section, the Secretary shall—

''(1) make publicly available immediately upon providing to Congress, its annual budget justification referenced in the last sentence of subsection (c), including the detailed descriptions of activities and the costs for each such activity; and

''(2) make publicly available within 30 days of the close of each calendar quarter, an interim report with at least the same level of detail as the annual report referred to above, showing the detailed descriptions of activities and the costs for each such activity, for the quarter, which shall include—

''(A) amendments to any contracts entered into by the Department for the purposes of servicing, origination, consolidating, or otherwise providing administrative support for the Direct Loan program;

''(B) a complete listing of all milestones for upgrades and improvements in any of the contracts referenced in section 458(d)(1) and the progress towards meeting such milestones;

''(C) un-reconciled balances in held loans by year of origination;

''(D) status and number of defaulted loans by length of default in 30-day increments;

''(E) status and number of delinquent loans by length of delinquency in 30-day increments;

''(F) information technology purchases made under this section; and

''(G) costs and terms of all contracts with external consultants and employees of institutions of higher education.''.

(c) ANNUAL REPORTING OF IMPACT OF DIRECT LOAN PROGRAM TREASURY BORROWING ON NATIONAL DEBT.—Section 458 (20 U.S.C. 1087(h)) is further amended by adding at the end the following subsection:

''(f) NATIONAL DEBT REPORT CARD.—The Secretary shall make an annual report to Congress, included with the budget justification for the Department, of the aggregate dollar amount of increase in the national debt as a result of loans made under part D of this title. This reporting shall be made by calculating the net of the total outstanding amount lent by the Department and the United States Treasury, less the balance in principal of performing and non-defaulted loans outstanding in the Department's portfolio.''.

PART E—PERKINS LOANS

SEC. 461. EXTENSION OF AUTHORITY.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking ''$250,000,000 for fiscal year 1999'' and inserting ''$350,000,000 for fiscal year 2009''; and

(2) in paragraph (2), by striking ''2003'' each place it appears and inserting ''2014''.

SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 463. AGREEMENTS WITH INSTITUTIONS.

(a) TRANSFERS FOR COLLECTION.—Section 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to read as follows:

''(B) if the institution is not one described in subparagraph (A), the Secretary may allow such institution to refer such note or agreement to the Secretary, without recompense, except that any sums collected on such a loan (less an amount not to exceed 30 percent of any such sums collected to cover the Secretary's collection costs) shall be repaid to such institution no later than 180 days after collection by the Secretary and treated as an additional capital contribution under section 462;''.

(b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C. 1087cc(a)(9)) is amended by inserting '', except that nothing in this paragraph shall be construed to permit the Secretary to require the assignment of loans to the Secretary other than as is provided for in paragraphs (4) and (5)'' before the period.

SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.

(a) LOAN LIMITS.—Section 464(a) (20 U.S.C. 1087dd(a)) is amended—

(1) in paragraph (2)(A)—

(A) by striking ''$4,000'' in clause (i) and inserting ''$5,500''; and

(B) by striking ''$6,000'' in clause (ii) and inserting ''$8,000''; and

(2) in paragraph (2)(B)—

(A) by striking ''$40,000'' in clause (i) and inserting ''$60,000'';

(B) by striking ''$20,000'' in clause (ii) and inserting ''$27,500''; and

(C) by striking ''$8,000'' in clause (iii) and inserting ''$11,000''.

(b) FORBEARANCE.—Section 464 (20 U.S.C. 1087dd) is further amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.'';

(2) in subsection (h)(1)(A), by striking ''12 ontime'' and inserting ''9 on-time''; and

(3) in subsection (j)(2), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

SEC. 465. CANCELLATION FOR PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

''(A) as a full-time teacher for service in an academic year in a high-need school;'';

(B) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(C) in subparagraph (H), by striking ''or'' after the semicolon;

(D) in subparagraph (I), by striking the period and inserting a semicolon; and

(E) by inserting before the matter following subparagraph (I) the following:

''(J) as a full-time fire fighter for service to a local, State, or Federal fire department or fire district;

''(K) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(L) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for

assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(M) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), (L), or (M)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

PART F—NEED ANALYSIS

SEC. 471. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2009.

SEC. 472. DISCRETION TO MAKE ADJUSTMENTS FOR NURSING HOME EXPENSES.

Section 479A(a) (20 U.S.C. 1087tt) is amended by striking ''medical or dental expenses'' and inserting ''medical, dental, or nursing home expenses''.

SEC. 473. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a) (20 U.S.C. 1087vv(a)) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), with respect to dislocated workers (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), the term 'total income' is equal to estimated adjusted gross income plus estimated untaxed income and benefits for the current tax year minus estimated excludable income (as defined in subsection (e)) in for the current tax year.''.

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(c) TREATMENT OF VETERANS' EDUCATION BENEFITS IN ESTIMATED FINANCIAL ASSISTANCE CALCULATION.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding paragraph (1), for the first year a student receives veterans' education benefits under chapter 30 of title 38, United States Code, the amount of such veterans' education benefits that is treated as estimated financial assistance not received under this title for the purposes of section 471(3) shall be calculated by subtracting the amount that the student's basic pay was reduced under section 3011(b) or 3012(c) of such title in order to be eligible to receive such benefits from the amount of such veterans' education benefits.''.

(d) EFFECTIVE DATE.—The amendments made by this section are effective on July 1, 2009.

PART G—GENERAL PROVISIONS

SEC. 481. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS AND PROCESSES.

(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483 (20 U.S.C. 1090) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

''(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA' . The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and parents to read and understand, and shall ensure that the FAFSA is available in formats accessible to individuals with disabilities.

''(2) EARLY ESTIMATES.—The Secretary shall—

''(A) permit applicants to enter data in such forms as described in this subsection in the years prior to enrollment in order to obtain a non-binding estimate of the applicant's family contribution (as defined in section 473);

''(B) permit applicants to update information submitted on forms described in this subsection, without needing to re-enter previously submitted information;

''(C) develop a means to inform applicants, in the years prior to enrollment, of student aid options for individuals in similar financial situations; and

''(D) develop a means to provide a clear and conspicuous notice that the applicant's expected family contribution is subject to change and may not reflect the final expected family contribution used to determine Federal student financial aid award amounts.

''(3) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsections (b) and (c) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsections (b) and (c) of section 479.

''(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants to use the EZ FAFSA for State assistance.

''(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

''(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.

''(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

''(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (4).

''(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that may be downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

''(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: independent students, traditionally underrepresented students, and dependent students.

''(4) ELECTRONIC FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

''(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be entered for the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.

''(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsections (b) and (c) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

''(iii) STATE DATA.—The Secretary shall include on the simplified electronic application

forms such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.

''(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

''(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

''(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

''(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid awarded under section 415C, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (G) of this paragraph.

''(G) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary may assign to applicants personal identification numbers—

''(i) to enable the applicants to use such numbers in lieu of a signature for purposes of completing a form under this paragraph;

''(ii) to enable the applicants to use such numbers in lieu of a signature for purposes of completing forms required by States under section 415C; and

''(iii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(H) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—The Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(5) STREAMLINING.—

''(A) STREAMLINED REAPPLICATION PROCESS.—

''(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to the year in which such applicant first applied for financial assistance under this title.

''(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

''(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

''(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

''(B) REDUCTION OF DATA ELEMENTS.—

''(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the College Opportunity and Affordability Act of 2007 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements required to be entered by all applicants, with the goal of reducing such number by 50 percent. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards such reduction unless those data elements are reduced for all applicants.

''(ii) REPORT.—The Secretary shall submit a report on the process of this reduction to each the authorizing committees within 2 years after such date of enactment.

''(6) STATE REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific nonfinancial data items as the Secretary determines are necessary to meet State requirements for need-based State aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies that submit applications under section 415C in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form for the 2008–2009 academic year, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and nonfinancial data items the States require to award need-based State aid and other application requirements that the States may impose.

''(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

''(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

''(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

''(ii) of the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.

''(E) STATE NOTIFICATION TO THE SECRETARY.—

''(i) IN GENERAL.—Each State agency that submits an application under section 415C shall notify the Secretary—

''(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid; and

''(II) the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.

''(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid—

''(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

''(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection.

''(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

''(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection; and

''(II) not require any resident of that State to complete any nonfinancial data previously required by that State under this section.

''(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

''(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.

''(B) NOTICE.—Any entity that provides to students and parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

''(i) the FAFSA is a free Federal student aid application;

''(ii) the FAFSA can be completed without professional assistance; and

''(iii) includes the current Internet address for the FAFSA on the Department's web site.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to October 15 of the year prior to the student's planned year of enrollment.'';

(2) by adding at the end of subsection (a) the following paragraph:

''(13) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(A) PROGRAM REQUIRED.—The Secretary shall, no later than two years after the date of the enactment of the College Opportunity and Affordability Act of 2007, implement an early application demonstration program enabling dependent students to—

''(i) complete applications under this subsection in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of

enrollment at an institution of higher education;

''(ii) receive an estimate of such students' financial aid awards;

''(iii) update, in the year prior to such students' planned year of enrollment, the information contained in an application submitted under clause (i), using the process described in paragraph (5) to determine such students' final financial aid awards; and

''(iv) receive final financial aid awards based on updated information described in clause (iii).

''(B) PURPOSE AND OBJECTIVES.—The purpose of the demonstration program under this paragraph shall be to measure the benefits, in terms of student aspirations and plans to attend college, and the adverse effects, in terms of program costs, integrity, distribution, and delivery of aid under this title, of implementing an early application system for all dependent students that allows dependent students to apply for financial aid using information from the year prior to the year prior to enrollment. Additional objectives associated with implementation of the demonstration program are the following:

''(i) Measure the feasibility of enabling dependent students to apply for Federal, State, and institutional financial aid in their junior year of high school, using information from the year prior to the year prior to enrollment, by completing any of the application forms under this subsection.

''(ii) Identify whether receiving final financial aid awards no later than the fall of the senior year provides students with additional time to compete for the limited resources available for State and institutional financial aid and positively impacts the college aspirations and plans of these students.

''(iii) Measure the impact of using income information from the years prior to enrollment on—

''(I) eligibility for financial aid under this title and for other State and institutional aid; and

''(II) the cost of financial aid programs under this title.

''(iv) Effectively evaluate the benefits and adverse effects of the demonstration program on program costs, integrity, distribution, and delivery of aid.

''(C) PARTICIPANTS.—The Secretary shall select States and institutions within those States to participate in the demonstration program under this paragraph that are participating in the programs under this title and that are willing to make final financial aid awards to students based on their application information from the year prior to the year prior to enrollment. The Secretary shall also select as participants in the demonstration program secondary schools and dependent students that are located in the participating States.

''(D) APPLICATION PROCESS.—The Secretary shall insure that the following provisions are included in the demonstration program:

''(i) Participating States and institutions shall—

''(I) encourage participating students to apply for estimates of financial aid awards as provided under this title in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, using the most recent information available; and

''(II) make final financial aid awards to participating students based on the updated information contained on a form submitted using the process described in paragraph (5).

''(ii) Financial aid administrators at participating institutions shall be allowed to use their discretion in awarding financial aid to participating students, as outlined under section 479A and section 480(d)(7).

''(E) EVALUATION.—The Secretary shall conduct a rigorous evaluation of this demonstration program in order to measure its benefits and adverse effects as indicated under subparagraph (A).

''(F) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States of the demonstration program under this paragraph. Upon determination of participating States, the Secretary shall continue to make efforts to notify institutions and dependent students within participating States of the opportunity to participate in the demonstration program and of the participation requirements.

''(G) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance, established under section 491, on the design and implementation of the demonstration program and on the evaluation described in subparagraph (E).'';

(3) by striking subsection (b); and

(4) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) MASTER CALENDAR.—Section 482(a)(1) (20 U.S.C. 1089(a)(1)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;

''(C) by June 1: final modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;''.

(c) MODEL INSTITUTION FINANCIAL AID OFFER FORM.—

(1) REPORT AND MODEL FORMAT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall—

(A) prepare a report on the adequacy of the financial aid offer forms provided by institutions of higher education to students and the parents of such students, after consulting with—

(i) students;

(ii) parents of students;

(iii) representatives of institutions of higher education (including financial aid administrators, registrars, and business officers); and

(iv) consumer groups that receive no commercial or institution of higher education support;

(B) include in the report a model format for financial aid offer forms that—

(i) is based on the report's findings; and

(ii) includes the information described in paragraph (2); and

(C)(i) submit the report and model format to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); and

(ii) make the report and model format available to institutions of higher education, lenders, and the public.

(2) MODEL FORMAT CONTENTS.—The model financial aid offer format developed under paragraph (1) shall present, in a consumer-friendly manner, the following information:

(A) The student's cost of attendance for the year for which the institution of higher education is issuing the financial aid offer form, including the actual or estimated costs included in the cost of attendance for such year for each of the following:

(i) Tuition and fees.

(ii) Room and board costs.

(iii) Books and supplies.

(iv) Transportation.

(B) The amount of financial aid that the student does not have to repay, such as scholarships and grants, offered to the student for such year.

(C) The conditions under which the financial aid described in subparagraph (B) is renewable each year.

(D) The amount of work-study assistance offered to the student for such year, and the conditions under which the student has to fulfill the work-study assistance.

(E) The types and amounts of loans under part B, D, or E of title IV for which the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.

(F) The types and amounts of loans under 428B or Federal Direct PLUS loans under section 455 for which a parent of the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.

(G) The net amount that the student or the student's parent will have to pay to attend the institution for such year, which amount shall be the difference between—

(i) the cost of attendance for the student for such year; less

(ii) the amount of financial aid offered by the covered institution in the financial aid offer form.

(H) Where a student or the student's parent can seek additional information regarding the financial aid offered.

(I) Any other information the Secretary determines necessary so that students and parents can make informed student loan borrowing decisions.

SEC. 483. INCREASING ACCESS TO TECHNOLOGY.

Section 483 (20 U.S.C. 1087ss) is further amended by adding at the end the following:

''(e) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(b) or (c).''.

SEC. 484. SENSE OF THE CONGRESS; REPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in order to simplify the Free Application for Federal Student Aid (FAFSA), which serves as an entry point for the scholarships, grants, loans, and work-study assistance that make it possible for millions of students to attend college, the Secretary of Education and the Secretary of the Treasury should work together to develop a process by which the Department of Education will, with the aid applicant's permission, draw income information directly from the Internal Revenue Service for the purpose of completing the EZ FAFSA, the FAFSA, and FAFSA renewal applications and providing early estimates of aid eligibility; and

(2) this process would—

(A) ease the burden of reporting income-related information for applicants;

(B) increase the efficiency, accuracy, and security of the FAFSA filing process;

(C) significantly reduce the need for further verification by the Department of Education, institutions, and applicants; and

(D) protect the security, privacy, and safety of all data used in the FAFSA filing process.

(b) REPORT.—The Secretary of Education shall, within one year after the date of enactment of this Act—

(1) provide the Congress with information on the progress in devising the simplified process described in subsection (a); and

(2) inform the Congress of any necessary statutory changes for the purpose of increasing the efficiency and effectiveness of the FAFSA application process.

SEC. 485. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia, or''; and

(B) in paragraph (5), by striking ''a citizen of any one of the Freely Associated States'' and inserting ''or, to the extent described in subsection (j), a citizen of the Republic of Palau'';

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

''(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR STUDENTS FROM PALAU.—Notwithstanding any other provision of law, a student shall be eligible until September 30, 2009, for assistance under subpart 1 of part A if the student is otherwise qualified and—

''(1) is a citizen of the Republic of Palau and attends an institution of higher education in a

State or a public or nonprofit private institution of higher education in the Freely Associated States; or

''(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in any one of the Freely Associated States.'';

(3) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.'';

(4) in subsection (r)(2)—

(A) in subparagraph (A), by striking ''or'' at the end of clause (ii);

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

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or''; and

(5) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—

''(1) IN GENERAL.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401 and subpart 3 of part A and part C of this title, a student with an intellectual disability shall—

''(A) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

''(B)(i) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(ii) be an individual who was, but is no longer, eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

''(C) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

''(i) is designed to support students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

''(ii) includes an advising and curriculum structure; and

''(iii) requires students to participate on at least a half-time basis, as determined by the institution, including—

''(I) regular enrollment in courses offered by the institution;

''(II) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

''(III) enrollment in noncredit, nondegree courses;

''(IV) participation in internships; or

''(V) a combination of 2 or more of the activities described in clauses (i) through (iv);

''(D) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(E) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

''(2) REGULATIONS.—Notwithstanding rules applicable to grant or work assistance awards made under section 401 of part A, subpart 3 of part A, and part C of this title, including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 481, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.

''(t) DATA ANALYSIS ON ACCESS TO FEDERAL STUDENT AID FOR CERTAIN POPULATIONS.—

''(1) DEVELOPMENT OF THE SYSTEM.—Within one year of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with the Central Processing System, analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

''(2) RESULTS FROM ANALYSIS.—The results from the analysis of such information shall be made available on a continuous basis via the Department of Education website and the Digest of Education and Statistics.

''(3) DATA UPDATING.—The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.

''(4) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the authorizing committees of the Congress, in each fiscal year, a report describing the results obtained by the establishment and operation of the data system authorized by this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take affect on July 1, 2009.

SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.

Section 484A(b) (20 U.S.C. 1091a(b)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''.

SEC. 487. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

Section 484B(a)(2) (20 U.S.C. 1091b(a)(2)) is amended by adding at the end the following new subparagraph:

''(C) READMISSION REQUIREMENTS FOR SERVICEMEMBERS.—Any institution of higher education that requires any student—

''(i) who is a member of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, including members of the National Guard or other reserve component,

''(ii) who is on active duty, or is called or ordered to active duty (as defined in section 481(d)), and

''(iii) whose attendance at such institution is interrupted by such active duty,

to apply for readmission to such institution of higher education after the conclusion of such active duty shall submit to the Secretary a statement justifying such requirement.''.

SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) DISCLOSURE OF POLICIES AND SANCTIONS RELATED TO COPYRIGHT INFRINGEMENT.—Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (N);

(2) by striking the period at the end of subparagraph (O) and inserting ''; and'' ; and

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

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system.''.

(b) CRIMINAL OFFENSES REPORTED.—Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title''; and

(2) in subparagraph (F)—

(A) by striking clause (i) and inserting the following:

''(i) of the following criminal offenses reported to campus security authorities or local police agencies:

''(I) murder;

''(II) sex offenses, forcible or nonforcible;

''(III) robbery;

''(IV) aggravated assault;

''(V) intimidation;

''(VI) burglary;

''(VII) larceny-theft;

''(VIII) motor vehicle theft;

''(IX) destruction, damage, or vandalism of property;

''(X) simple assault;

''(XI) manslaughter;

''(XII) arson; and

''(XIII) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and''; and

(B) in clause (ii), by striking ''of the crimes described in subclauses (I) through (VIII)'' and inserting ''for degree-granting institutions only, of the crimes described in subclauses (I) through (XII)''; and

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

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which shall include procedures—

''(i) to notify the campus community in not more than 30 minutes in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus, in or on noncampus buildings or property, and on public property;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.''.

(c) ADDITIONAL AMENDMENT.—Section 485(f) is further amended—

(1) by redesignating paragraph (15) as paragraph (18); and

(2) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

''(17) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.''.

(d) ADDITIONAL REQUIREMENTS.—Section 485 (20 U.S.C. 1092) is amended by adding at the end the following new subsections:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

''(8) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.

''(j) MISSING PERSON PROCEDURES.—

''(1) FORM AND PROTOCOLS.—Each institution of higher education participating in any program under this title shall—

''(A) include on its form for registration or enrollment of students an item in which the student can elect to identify an individual to be notified and police to be notified by the university within 24 hours of when a student is reported missing to the university, and

''(B) establish protocols for missing students that—

''(i) require any missing person report relating to any student be referred to the institution's police or campus security department; and

''(ii) if, on investigation of the report, such department determines that the missing person has been missing for more than 24 hours, require—

''(I) such department to refer to the item on the registration document required under subparagraph (A) and contact the individual named by the student in such item; and

''(II) if the student is under 18 years of age, the institution of higher education to automatically contact the parents of such student.

''(2) WAIVER.—The item required by paragraph (1)(A) shall explicitly and prominently state that by identifying an individual to contact in the case of disappearance, the student waives any right to sue based on Federal or State privacy law in the event that a missing persons notification is made to the individual named by such student in such item.

''(3) ADDITIONAL REMEDIES PERMITTED.—Nothing in this subsection shall be construed to prevent or discourage an institution of higher education from taking additional measures with respect to missing students beyond those required by this subsection.

''(k) NOTICE TO STUDENTS CONCERNING PENALTIES FOR DRUG VIOLATIONS.—Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 484(r).''.

SEC. 489. ARTICULATION AGREEMENTS.

Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

''SEC. 486A. ARTICULATION AGREEMENTS.

''(a) PROGRAM TO ENCOURAGE ARTICULATION AGREEMENTS.—

''(1) PROGRAM REQUIREMENTS.—The Secretary shall carry out a program for States, in cooperation with public institutions of higher education, to develop, enhance, and implement comprehensive articulation agreements among such institutions in a State, and (to the extent practicable) across State lines, by 2010. Such articulation agreements shall be made widely and publicly available on the websites of States and institutions, and on the application materials of such institutions. In developing, enhancing, and implementing articulation agreements, States and public institutions of higher education may employ strategies, where applicable, including—

''(A) common course numbering;

''(B) a general education core curriculum;

''(C) developing or expanding articulation agreements that include both public and private institutions of higher education; and

''(D) other strategies identified by the Secretary.

''(2) TECHNICAL ASSISTANCE PROVIDED.—The Secretary shall provide technical assistance to States and institutions of higher education for the purposes of developing and implementing articulation agreements in accordance with this subsection.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the academic freedom or choices of institutions of higher education.

''(b) STUDY REQUIRED.—The Secretary shall conduct a study to review the articulation agreements at State-based college and university systems, including junior or community colleges, as well as those at other institutions of higher education, including private non-profit and for-profit institutions. Such study shall consider—

''(1) the extent to which States and institutions have developed and implemented articulation agreements;

''(2) with respect to the articulation agreements developed—

''(A) the number and types of institutions participating the programs offered;

''(B) the cost-savings to the participating institutions and to the students;

''(C) what strategies are being employed, including common course numbering and general education core curriculum;

''(D) the effective use of technologies to contain costs, maintain quality of instruction, and inform students; and

''(E) a description of the students to whom the articulation agreements are offered and, to the extent practicable, a description of the students who take advantage of the articulation agreements;

''(3) best practices and innovative strategies employed to implement effective articulation agreements; and

''(4) barriers to the implementation of articulation agreements, including technological and informational barriers.

''(c) REPORT.—The Secretary shall submit to the authorizing committees an interim report on the study required by this section not later than 2 years after the date of enactment of the College Opportunity and Affordability Act of 2007 and a final report on such study not later than January 1, 2013.

''(d) DEFINITION.—In this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.''.

SEC. 490. PROGRAM PARTICIPATION AGREEMENTS.

(a) ADDITIONAL REQUIREMENTS.—Section 487(a) (20 U.S.C. 1094(a)) is amended—

(1) by adding at the end of paragraph (23) the following new subparagraph:

''(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted exclusively to voter registration.''; and

(2) by adding at the end the following new paragraphs:

''(24)(A) A covered institution that has entered into a preferred lender arrangement will compile, maintain, and make available for students attending the institution (or the parents of such students) a list, in print or any other medium, of the specific lenders for educational loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In compiling, maintaining, and making available such list, the institution will—

''(i) clearly and fully disclose on such list—

''(I) no less than the information required to be disclosed in the model disclosure form, or updated model disclosure form, required under section 153;

''(II) why the institution has entered into a preferred lender arrangement with each listed lender, particularly with respect to terms and conditions favorable to the borrower; and

''(III) that the students attending the institution (or the parents of such students) do not have to borrow from a listed lender;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (B), that—

''(I) there are not less than 3 lenders of loans made under part B that are not affiliates of each other included on such list and, if the institution recommends, promotes, or endorses private educational loans, there are not less than 2 lenders of private educational loans that are not affiliates of each other included on such list;

''(II) the list under this subparagraph—

''(aa) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if a lender is an affiliate of another lender on the list, describes the details of such affiliation;

''(iii) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the benefits provided to borrowers, including—

''(I) highly competitive interest rates, terms, or conditions of Federal and private educational loans;

''(II) high-quality servicing for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans;

''(iv) exercise a duty of care and a duty of loyalty to compile the list under this subparagraph without prejudice and for the sole benefit of the students attending the institution (or the parents of such students);

''(v) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delays in loan certification under this title for those borrowers who choose a lender that has not been recommended, promoted, or endorsed by the institution; and

''(vi) comply with such other requirements as the Secretary may prescribe by regulation.

''(B) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the institutions for use in carrying out subparagraph (A).

''(C) For the purposes of subparagraph (A)—

''(i) the term 'affiliate' means a person that controls, is controlled by, or is under common control with another person;

''(ii) a person controls, is controlled by, or is under common control with another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person;

''(iii) the term 'preferred lender arrangement' has the meaning provided in section 151; and

''(iv) the term 'educational loans' has the meaning provided in section 151, except that such term does not include loans under section 499(b) or under parts D or E of this title.

''(25) The institution will submit to the Secretary annually, in such form as the Secretary may prescribe, data on—

''(A) the number and percentage of students taking classes in whole or in part on-line or through distance education;

''(B) of such students, the number and percentage of those taking their classes exclusively on-line or through distance education; and

''(C) the number and percentage of courses offered by the institution that are offered on-line or through distance education.''.

(b) REPORTS ON DISCIPLINARY PROCEEDINGS.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding after paragraph (25), as added by subsection (a) of this section, the following new paragraph:

''(26) The institution will, upon request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any disciplinary proceeding conducted by such institution on or after one year after the date of enactment of this Act.

(c) ENFORCING THE 90/10 RULE.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding at the end the following new paragraph:

''(27) A proprietary institution of higher education (as defined in section 102(b)) will, as calculated in accordance with subsection (f)(1) of this section, have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (f)(2) of this section.''.

(2) IMPLEMENTATION.—Section 487 is further amended by adding at the end the following new subsection:

''(f) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education shall—

''(A) use the cash basis of accounting;

''(B) consider as revenue only those funds generated by the institution from—

''(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

''(ii) activities conducted by the institution, to the extent not included in tuition, fees, and other institutional charges, that are necessary for the education or training of its students who are enrolled in programs eligible for assistance under this title, if such activities are—

''(I) conducted on campus or at a facility under the control of the institution;

''(II) performed under the supervision of a member of the institution's faculty; and

''(III) required to be performed by all students in a specific educational program at the institution; and

''(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency and is accredited by an accrediting agency recognized by the Secretary;

''(C) presume that any title IV program funds disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

''(ii) funds provided under a contractual arrangement with Federal, State, or local government agencies for the purpose of providing job training to low-income individuals who are in need of that training; or

''(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986, provided that the institution can reasonable demonstrate such funds were used to pay the student's tuition, fees, or other institutional charges;

''(D) include institutional aid as revenue to the school only as follows:

''(i) in the case of institutional loans, only the amount of loan repayments received during the fiscal year; and

''(ii) in the case of institutional scholarships, only those provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during the fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;

''(E) exclude from revenues—

''(i) the amount of funds it received under the Federal Work-Study program, unless the institution used those funds to pay a student's institutional charges;

''(ii) the amount of funds it received under the Leveraging Education Assistance Partnership program;

''(iii) the amount of institutional funds it used to match title IV program funds;

''(iv) the amount of title IV program funds that must be refunded or returned; or

''(v) the amount charged for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.

''(2) SANCTIONS.—

''(A) An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive fiscal years shall become ineligible to participate in the programs authorized by this title. To regain eligibility to participate in the programs authorized by this title, an institution that loses its eligibility as a sanction under this subparagraph must demonstrate compliance with all eligibility requirements for at least the 3 fiscal years following the fiscal year the institution became ineligible.

''(B) In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any fiscal year, the Secretary shall impose sanctions on the institution, which shall include—

''(i) placing the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27);

''(ii) requiring the institution to provide to the Secretary satisfactory evidence of its financial responsibility in accordance with section 498(c)(3); and

''(iii) requiring such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose the identity of any institution that fails to meet the requirements of subsection (a)(27) on the College Navigator website.

''(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the authorizing committees a report that contains, for each institution subject to the requirement of subsection (a)(27), the result of the calculation of revenue performed by each such institution pursuant to such subsection and paragraph (1) of this subsection.''.

(d) COMPUTER DISPOSAL.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(28)(A) The institution of higher education will establish a policy on the disposal or disposition (including selling, donating, returning upon lease end, or destroying by recycling), of all technology assets which may have personal and sensitive data of students. Such policy may include a forensic scrub that ensures total destruction of data on the technology assets and include a designated for disposal or disposition, transfer ownership and liability from that institution to State and federally approved recyclers or de-manufacturers of such equipment.

''(B) For purposes of this paragraph, the term 'technology assets' means a computer central processing unit, monitor, printer, router, server, peripheral devices (such as switches, hubs, and systems), firewalls, telephones, or other simple network devices or single piece of information technology equipment.''.

(e) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C. 1094(c)(1)(A)) is amended—

(1) in clause (i)—

(A) by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

(B) by inserting before the semicolon at the end the following: '', except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period'';

(2) in clause (ii), by striking ''or'' after the semicolon;

(3) in clause (iii), by inserting ''or'' after the semicolon; and

(4) by inserting after clause (iii) the following new clause:

''(iv) with respect to an eligible institution that is audited under clause (i), and for which it is determined through such audit that the percentage of students enrolled at the institution who were accepted for enrollment and made eligible for student financial assistance under this title by way of section 484(d)(2) exceeds 5 percent of the total enrollment of the institution for such academic year, an additional review to confirm that the institution is in compliance with the regulations prescribed by the Secretary under section 484(d);''.

SEC. 491. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary shall continue the voluntary participation of any experimental sites in existence as of July 1, 2007, unless the Secretary determines that such site's participation has not been successful in carrying out the purposes of this section. Any activities approved by the Secretary prior to such date that have not been successful in carrying out the purposes of this section shall be discontinued not later than June 30, 2009.'';

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

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

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 492. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs and make recommendations that will result in early awareness by low- and moderate-income students and families of their eligibility for assistance under this title, and, to the extent practicable, their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions, and private entities to increase the awareness and total amount of need-based student assistance available to low- and moderate-income students.'';

(2) in subsection (d)—

(A) in paragraph (6), by striking '', but nothing in this section shall authorize the committee to perform such studies, surveys, or analyses'';

(B) in paragraph (8), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (9) as paragraph (10); and

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

''(9) monitor the adequacy of total need-based aid available to low- and moderate-income students from all sources, assess the implications for access and persistence, and report those implications annually to Congress and the Secretary; and'';

(3) in subsection (j)(1)—

(A) by inserting ''and simplification'' after ''delivery processes''; and

(B) by striking '', including the implementation of a performance-based organization within the Department, and report to Congress regarding such modernization on not less than an annual basis''; and

(4) in subsection (k), by striking ''2004'' and inserting ''2011''.

SEC. 493. NEGOTIATED RULEMAKING.

Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended by striking ''from individuals nominated by groups described in subsection (a)(1)'' and inserting ''from individuals who are nominated by groups described in subsection (a)(1) and who have recognized legitimacy as designated representatives of major stakeholders, sectors, and constituencies in the higher education community''.

SEC. 494. TECHNICAL AMENDMENT.

Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amended by striking ''or is already in default''.

SEC. 495. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following new section:

''SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title shall to the extent practicable—

''(1) make publicly available to their students and employees, the policies and procedures related to the illegal downloading and distribution of copyrighted materials required to be disclosed under section 485(a)(1)(P); and

''(2) develop a plan for offering alternatives to illegal downloading or peer-to-peer distribution of intellectual property as well as a plan to explore technology-based deterrents to prevent such illegal activity.

''(b) GRANTS.—

''(1) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education, or consortia of such institutions, and

enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions, to reduce and eliminate the illegal downloading and distribution of intellectual property. Such grants or contracts may also be used for the support of a higher education centers that will provide training, technical assistance, evaluation, dissemination, and associated services and assistance to the higher education community as determined by the Secretary and institutions of higher education.

''(2) AWARDS.—Grants and contracts shall be awarded under paragraph (1) on a competitive basis.

''(3) APPLICATIONS.—An institution of higher education or a consortium of such institutions that desires to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.''.

PART H—PROGRAM INTEGRITY

SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

(a) AMENDMENTS.—Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) by striking ''(4) such agency'' and insert ''(4)(A) such agency'';

(ii) by inserting ''and'' after the semicolon at the end; and

(iii) by adding at the end the following new subparagraph:

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in paragraph (5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) by striking paragraph (6) and inserting the following:

''(6) such agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements, including clear and consistent standards for an institution to be accredited, and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(C) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution;

''(9) such agency or association confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education;

''(10) such agency or association reviews and takes into consideration the institution's response in any review or determination, and includes in any determination a written statement addressing the institution's response and stating the basis for such determination, and a copy of the institution's response; and

''(11) such agency or association shall not make a determination or take adverse action based upon an unpublished or undocumented policy, practice, or precedent.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8); and

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(3) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

''(A) the Department notifies the accrediting agency of an action against the institution pursuant to section 487(d);

''(B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution; and

''(C) the institution notifies the accrediting agency that the institution intends to cease operations;'';

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.''; and

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

(b) ADDITIONAL AMENDMENT.—Section 496(a)(4)(A) as amended by subsection (a) is further amended by inserting after ''consistently applies and enforces standards'' the following: ''that respect the stated mission of the institution of higher education, including religious missions, and''.

SEC. 497. ACCREDITATION OMBUDSMAN.

Subpart 2 of part H of title IV is amended by inserting after section 496 (20 U.S.C. 1099b) the following new section:

''SEC. 497. ACCREDITATION OMBUDSMAN.

''(a) APPOINTMENT.—The Assistant Secretary for Postsecondary Education, in consultation with the Secretary, shall appoint an Accreditation Ombudsman to provide timely assistance to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process who may have grievances related to the functions described in subsection (c).

''(b) PUBLIC INFORMATION.—The Assistant Secretary for Postsecondary Education shall disseminate information about the availability and functions of the Ombudsman to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process.

''(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman appointed under this section shall—

''(1) in accordance with regulations of the Secretary, receive, review, and attempt to resolve complaints from institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process described in subsection (a), including, as appropriate, attempts to resolve such complaints within the Department of Education and with institutions of higher education, accreditation agencies and associations, and other participants in title IV programs; and

''(2) compile and analyze data on institutions of higher education and accrediting agency and association complaints and make appropriate recommendations.

''(d) REPORT.—Each year, the Ombudsman shall submit a report to the Assistant Secretary for Postsecondary Education, for inclusion in the annual report under section 114, that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.''.

SEC. 498. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

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

''(6) provide the institution adequate opportunity to review and respond to any program review report or audit finding before any final program review or audit determination is reached, including access to any and all workpapers, notes, documentation, records, or other information relating to the program review report or audit finding;

''(7) review and take into consideration the institution's response in any final program review or audit determination, and include in the final determination a written statement addressing the institution's response and stating the basis for such final determination, and a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review determination has been issued.''.

SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM EVALUATION.

Section 499 (as added by section 701 of the College Cost Reduction and Access Act of 2007) is amended by adding at the end the following new subsections:

''(c) REQUIRED INITIAL EVALUATION.—The Secretary and Secretary of the Treasury shall jointly conduct an evaluation, in consultation with the Office of Management and Budget, the Congressional Budget Office, and the Comptroller General, of the pilot program carried out by the Secretary under this section. The evaluation shall determine—

''(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the PLUS loan program under section 428B in the absence of the pilot program;

''(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

''(3) the number and volume of loans made under the pilot in each State;

''(4) the effect of the transition to and operation of the pilot program on the ability of—

''(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

''(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

''(C) parents to obtain loans made through the pilot program in a timely and efficient manner;

''(5) the differential impact, if any, of the auction among the States, including between rural and non-rural States;

''(6) the feasibility of using the mechanism piloted to operate the other loan programs under part B of this title; and

''(7) the feasibility of using other market mechanisms to operate the loan programs under part B of this title, including the sale of securities backed by federally owned student loan assets originated by banks acting as agents of the Federal Government.

''(d) REPORTS.—The Secretary and the Secretary of the Treasury shall submit to the authorizing committees—

''(1) not later than September 1, 2010, a preliminary report regarding the findings of the evaluation described in subsection (c);

''(2) not later than September 1, 2012, an interim report regarding such findings; and

''(3) not later than September 1, 2013, a final report regarding such findings.''.

TITLE V—TITLE V AMENDMENTS

SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PURPOSES.

''The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

''SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is an eligible institution under section 502(a)(2); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for one or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting ''and section 513'' after ''section 503''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $175,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(d) MINIMUM GRANT AMOUNT.—Section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

(e) PART A AUTHORIZED USES OF FUNDS.—Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

''(14) Providing education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.''.

TITLE VI—TITLE VI AMENDMENTS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)(3), by striking ''post-Cold War'';

(2) in subsection (b)(1), by striking ''; and'' at the end of subparagraph (D) and inserting '', including through linkages overseas with institutions of higher education and relevant organizations that contribute to the educational programs assisted under this part; and''; and

(3) in subsection (b)(3) by inserting '', and international business and trade competitiveness'' before the period.

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

''(i) comprehensive foreign language and area or international studies centers and programs; and

''(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.'';

(2) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

''(I) supporting instructors of the less commonly taught languages; and

''(J) projects that support in students an understanding of science and technology in coordination with foreign language proficiency.''; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

''(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.'';

(B) in subparagraph (C), by striking ''Programs of linkage or outreach'' and inserting ''Partnerships or programs of linkage and outreach'';

(C) in subparagraph (E)—

(i) by striking ''foreign area'' and inserting ''area studies'';

(ii) by striking ''of linkage and outreach''; and

(iii) by striking ''(C), and (D)'' and inserting ''(D), and (E)'';

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

''(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies.''.

(c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES.—Section 602(b) (20 U.S.C. 1122(b)) is amended—

(1) by inserting ''AND UNDERGRADUATE'' after ''GRADUATE'' in the subsection heading; and

(2) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program, including predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing, and—

''(A) in the case of graduate fellowships, activities in connection with a program described in this paragraph may include predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing; or

''(B) in the case of undergraduate fellowships, students may be allowed to use their fellowships abroad for intermediate or advanced study of a less commonly taught language.''.

(d) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting ''reflect the purposes of this part and'' after ''shall''.

(e) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking ''combinations'' each place it appears and inserting ''consortia'';

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking ''teacher training'' and inserting ''teacher professional development'';

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

''(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;''; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking ''elementary and secondary education institutions'' and inserting ''local educational agencies and public and private elementary and secondary education schools'';

(3) in subsection (a)(4)(B), by inserting ''that demonstrates a need for a waiver or reduction'' before the period at the end;

(4) in subsection (a)(6), by inserting ''reflect the purposes of this part and'' after ''shall'';

(5) in subsection (a)(8), by striking ''may'' and inserting ''shall''; and

(6) by striking subsection (c).

(f) RESEARCH; STUDIES; ANNUAL REPORT.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: '', including the systematic collection, analysis, and dissemination of data''.

(g) TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''or consortia of such institutions or libraries'' and inserting ''or partnerships between such institutions or libraries and nonprofit educational organizations including museums'';

(B) by striking ''new''; and

(C) by inserting ''from foreign sources'' after ''disseminate information'';

(2) in subsection (b)—

(A) by inserting ''acquire and'' before ''facilitate access'' in paragraph (1);

(B) by striking ''new means of'' in paragraph (3) and inserting ''new means and standards for'';

(C) by striking ''and'' at the end of paragraph (6);

(D) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(E) by inserting after paragraph (7) the following new paragraphs:

''(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions of higher education located overseas to facilitate carrying out the purposes of this section; and

''(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section.''; and

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

''(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.''.

(h) SELECTION OF GRANT RECIPIENTS.—Section 607(b) (20 U.S.C. 1127(b)) is amended—

(1) by striking ''objectives'' and inserting ''missions''; and

(2) by adding at the end the following new sentence: ''In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, generate and disseminate information, and foster debate on international issues.''.

(i) EQUITABLE DISTRIBUTION.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: ''Grants made under section 602 shall also reflect the purposes of this part.''.

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 610 (20 U.S.C. 1128b) is amended by striking ''1999'' and inserting ''2009''.

(k) CONFORMING AMENDMENTS.—

(1) Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking ''combinations'' each place it appears and inserting ''consortia''.

(2) Section 612 (20 U.S.C. 1130–1) is further amended by striking ''combination'' each place it appears and inserting ''consortium''.

SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is further amended—

(1) in subsection (a)(1)(C), by inserting ''manufacturing software systems, technology management,'' after ''commerce,'';

(2) in subsection (c)(2)(E), by inserting ''(including those that are eligible to receive assistance under part A or B of title III or under title V)'' after ''other institutions of higher education'';

(3) in subsection (c)(2)—

(A) by striking ''and'' at the end of subparagraph (E); and

(B) by inserting the following new subparagraph after subparagraph (E) (and redesignating the succeeding subparagraph):

''(F) programs encouraging the advancement and understanding of cultural, technological management, and manufacturing software systems practices between institutions of higher education in the United States and countries with existing partnerships with other countries, including those in Asian countries focused on this industry; and''; and

(4) in subsection (e), by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(A) are eligible to receive assistance under part A or B of title III or under title V; and

''(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.''.

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended by striking ''1999'' each place it appears and inserting ''2009''.

SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

''SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.'';

(2) by striking the second sentence of subsection (a) and inserting the following: ''The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations, the international commercial service, and the foreign service of the United States.''; and

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) A Tribally Controlled College or University or Alaska Native or Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or a Hispanic-serving institution eligible for assistance under title V.

''(B) An institution of higher education which serves substantial numbers of underrepresented minority students.''.

(b) INSTITUTIONAL DEVELOPMENT.—Section 622(a) (20 U.S.C. 1131–1(a)) is amended by inserting before the period at the end the following: ''and promote collaboration with colleges and universities that receive funds under this title''.

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131a(a)) is amended by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,''.

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking ''**MASTERS**'' in the heading of such section and inserting ''**ADVANCED**'';

(2) by striking ''a masters degree in international relations'' and inserting ''an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives''; and

(3) by striking ''The masters degree program designed by the consortia'' and inserting ''The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and''.

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,'';

(2) in subsection (b)—

(A) by inserting ''and'' after the semicolon at the end of paragraph (2);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

(3) by amending subsection (c) to read as follows:

''(c) RALPH J. BUNCHE FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in

international affairs and language study, eligible students who participate in the internship programs authorized under subsections (a) and (b) shall be known as the Ralph J. Bunche Fellows.''.

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking ''annually prepare a report'' and inserting ''prepare a report biennially''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended by striking ''1999'' and inserting ''2009''.

SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating section 631 (20 U.S.C. 1132) as section 641; and

(3) by inserting after section 628 the following new part:

"PART D—PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION

"SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

''(A) shall include—

''(i) a foreign language department of an institution of higher education; and

''(ii) a local educational agency; and

''(B) may include—

''(i) another foreign language or teacher education department of an institution of higher education;

''(ii) another local educational agency, or an elementary or secondary school;

''(iii) a business;

''(iv) a nonprofit organization of demonstrated effectiveness, including a museum;

''(v) heritage or community centers for language study;

''(vi) language resource centers; or

''(vii) the State foreign language coordinator or State educational agency.

''(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given the term in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602).

''(3) ARTICULATED.—The term 'articulated' means that each grade level of the foreign language program is designed to sequentially expand on the student achievement of the previous level with a goal toward achieving an established level of language proficiency.

''(b) PURPOSE.—The purpose of this section is to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

''(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

''(2) focus on education of foreign language teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

''(3) bring foreign language teachers in elementary schools and secondary schools together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than such schools; and

''(4) develop more rigorous foreign language curricula that contain—

''(A) professionally accepted standards for elementary and secondary education instruction;

''(B) standards expected for postsecondary study in foreign language; and

''(C) articulated foreign language programs from kindergarten through grade 12 that demonstrate increased competence and proficiency over time and grade.

''(c) GRANTS TO PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in this section.

''(2) DURATION.—The Secretary shall award grants under this section for a period of 5 years.

''(3) FEDERAL SHARE.—The Federal share of the costs of the activities assisted under this section shall be—

''(A) 75 percent of the costs for the first year that an eligible partnership receives a grant payment under this section;

''(B) 65 percent of such costs for the second such year; and

''(C) 50 percent of such costs for each of the third, fourth, and fifth such years.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out the authorized activities described in this section may be provided in cash or in kind, fairly evaluated.

''(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible partnerships—

''(A) that include high-need local educational agencies; or

''(B) that emphasize the teaching of commonly taught and critical foreign languages in an articulated program that demonstrates increased competency and proficiency over grade and time.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—An application under paragraph (1) shall include—

''(A) an assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

''(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of foreign language instruction; and

''(C) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

''(ii) the eligible partnership's evaluation and accountability plan as described in subsection (f).

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the grant funds provided under this section for 1 or more of the following activities related to elementary schools or secondary schools:

''(1) Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers.

''(2) Recruiting university students with foreign language majors for teaching.

''(3) Promoting strong teaching skills for foreign language teachers and teacher educators.

''(4) Establishing foreign language summer workshops or institutes (including follow-up) for teachers.

''(5) Establishing distance learning programs for foreign language teachers.

''(6) Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute.

''(7) Developing instruction materials.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased participation by students in advanced courses in foreign language;

''(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

''(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

''(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the grant payments shall not be made for the fourth and fifth years of the grant.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.''.

SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.

Part E of title VI, as redesignated by section 604 of this Act, is amended by inserting after section 641 (20 U.S.C. 1132 (as so redesignated)) the following new section:

"SEC. 642. EVALUATION, OUTREACH, AND DISSEMINATION.

''The Secretary may use not more than one percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.''.

SEC. 606. STUDENT SAFETY.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 642 (as added by section 605 of this Act) the following new section:

"SEC. 643. STUDENT SAFETY.

''Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.''.

SEC. 607. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 643 (as added by section 606 of this Act) the following new section:

"SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to support programs in colleges and universities that—

''(1) encourage students to develop—

''(A) an understanding of science and technology; and

''(B) foreign language proficiency; and

''(2) foster future international scientific collaboration.

''(b) DEVELOPMENT.—The Secretary shall develop a program for the awarding of grants to institutions of higher education that develop innovative programs for the teaching of foreign languages.

''(c) REGULATIONS AND REQUIREMENTS.—The Secretary shall promulgate regulations for the awarding of grants under subsection (b). Such regulations shall require institutions of higher education to use grant funds for, among other things—

''(1) the development of an on-campus cultural awareness program by which students attend classes taught in a foreign language and

study the science and technology developments and practices in a non-English speaking country;

''(2) immersion programs where students take science or technology related course work in a non-English speaking country; and

''(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science technology.

''(d) GRANT DISTRIBUTION.—In distributing grants to institutions of higher education under this section, the Secretary shall give priority to—

''(1) institutions that have programs focusing on curricula that combine the study of foreign languages and the study of science and technology and produce graduates who have both skills; and

''(2) institutions teaching critical foreign languages.

''(e) SCIENCE.—In this section, the term 'science' means any of the natural and physical sciences including chemistry, biology, physics, and computer science. Such term does not include any of the social sciences.

''(f) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each subsequent fiscal year.''.

SEC. 608. REPORTING BY INSTITUTIONS.

Part E of title VI (20 U.S.C. 1122), as redesignated by section 604 of this Act, is further amended by inserting after section 644 (as added by section 607 of this Act) the following new section:

''SEC. 645. REPORTING BY INSTITUTIONS.

''(a) APPLICABILITY.—The data requirement in subsection (b) shall apply to an institution of higher education that receives funds for a center or program under this title if—

''(1) the amount of cash, or the fair market value, or both, of the contributions received from a foreign government or private sector corporation, foundation, or any other entity or individual (excluding domestic government entities) during any fiscal year exceeds $1,000,000 in the aggregate; and

''(2) the aggregate contribution is intended for use directly or indirectly by a center or program receiving funds under this title.

''(b) DATA REQUIRED.—The Secretary shall require of each institution to which this paragraph applies under subsection (a), as part of the Integrated Postsecondary Education Data System (IPEDS) annual data collection, that such institution report the following data:

''(1) The names and addresses of any foreign government or private sector corporation, foundation, or any other entity or individual that contributed such amount of cash or such fair market value of other property as described in subsection (a)(1).

''(2) The amount of such cash or the fair market value of such property.

''(c) EXEMPTION FROM REPORTING.—The Secretary may, at the request of the donor, exempt domestic donors who make anonymous donations from the institutional reporting requirement of subsection (b)(1) to preserve the anonymity of their contribution. The data of institutions shall identify such donors as 'anonymous'. This exemption does not apply to non-domestic donations.

''(d) DEADLINE.—Any report under subsection (b) shall be made no later than such date as the Secretary shall require.

''(e) CONSEQUENCES OF FAILURE TO REPORT.—In the case of any institution from which a report is requested under subsection (b), if the Secretary does not receive a report in accordance with the deadline established under subsection (d), the Secretary shall—

''(1) make a determination that the institution of higher education has failed to make the report required by this paragraph;

''(2) transmit a notice of the determination to Congress; and

''(3) publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education for contracts and grants under this title.''.

SEC. 609. FEDERAL FOREIGN LANGUAGE EDUCATION MARKETING CAMPAIGN.

The Secretary of Education shall establish a foreign language education marketing campaign to encourage students at secondary schools and institutions of higher education to study foreign languages, particularly languages that are less commonly taught and critical to the national security of the United States.

TITLE VII—TITLE VII AMENDMENTS

SEC. 701. JAVITS FELLOWSHIP PROGRAM.

(a) AUTHORITY AND TIMING OF AWARDS.—Section 701(a) (20 U.S.C. 1132a(a)) is amended by inserting after the second sentence the following: ''For purposes of the exception in the preceding sentence, a master's degree in fine arts shall be considered a terminal degree.''.

(b) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.''.

(c) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting ''from diverse geographic regions'' after ''higher education''; and

(2) by adding at the end the following new sentence: ''The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.''.

(d) STIPENDS.—Section 703 (20 U.S.C. 1134b) is amended—

(1) in subsection (a)—

(A) by striking ''1999–2000'' and inserting ''2009–2010''; and

(B) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program on February 1 of such academic year''; and

(2) in subsection (b), by amending paragraph (1)(A) to read as follows:

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008–2009, adjusted for academic year 2009–2010 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''1999'' and inserting ''2009''.

SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

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

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources;

''(4) an assessment of current and future professional workforce needs of the United States; and

''(5) the priority described in subsection (c).''; and

(2) by adding at the end the following new subsection:

''(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professorate who will train highly qualified elementary and secondary mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

''(1) post baccalaureate study related to teacher preparation and pedagogy in mathematics and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in mathematics or science;

''(2) post baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

''(3) support of dissertation research in the fields of mathematics, science, special education, or second language pedagogy and second language acquisition.''.

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

''(10) in the case of an application from a department, program, or unit in education or teacher preparation, provide assurances that such department, program, or unit will collaborate with departments, programs, or units in all content areas to ensure a successful combination of training in both teaching and such content; and''.

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010''; and

(2) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program on February 1 of such academic year''.

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010'';

(2) by striking ''1998–1999'' and inserting ''2008–2009''; and

(3) by inserting ''for All Urban Consumers'' after ''Price Index''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''1999'' and inserting ''2009''.

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(2) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) PROGRAM AUTHORITY.—Section 721(a) (20 U.S.C. 1136(a)) is amended—

(1) by inserting ''middle and high school'' after ''disadvantaged''; and

(2) by striking the period at the end of the sentence and inserting ''and admission to law practice.''.

(b) ELIGIBILITY.—Section 721(b) (20 U.S.C. 1136(b)) is amended by inserting ''middle and high school or'' before ''college student''.

(c) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by inserting ''middle and high school students'' after ''identify'' in paragraph (1);

(2) by amending paragraph (2) to read as follows:

''(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;'';

(3) by striking ''and'' at the end of paragraph (4);

(4) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(5) by adding at the end the following new paragraph:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

(d) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting ''in analytical skills and study methods'' after ''courses''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''1999'' and inserting ''2009''.

(f) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII (20 U.S.C. 1134) is further amended—

(1) by redesignating subpart 4 as subpart 5;

*(2) in the heading of section 731, by striking ''**SUBPARTS 1, 2, AND 3**'' and inserting ''**SUBPARTS 1 THROUGH 4**'';*

(3) in subsections (a) and (b) of section 731, by striking ''subparts 1, 2, and 3'' each place it appears and inserting ''subparts 1 through 4'';

(4) in subsection (d) of such section, by striking ''subpart 1, 2, or 3'' and inserting ''subpart 1, 2, 3, or 4''; and

(5) by inserting after subpart 3 the following new subpart:

''Subpart 4—Patsy T. Mink Fellowship Program

''SEC. 722. PATSY T. MINK FELLOWSHIPS.

''(a) PURPOSE; DESIGNATION.—

''(1) PURPOSE.—It is the purpose of this subpart to provide a program of fellowship awards to assist highly qualified minorities and women to acquire the terminal master's degree or the doctorate degree in academic areas in which such individuals are underrepresented for the purpose of entering the higher education professoriate.

''(2) ELIGIBLE INSTITUTIONS.—For purposes of this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of post baccalaureate study leading to a graduate degree.

''(3) DESIGNATION.—Each recipient of a fellowship award from an institution receiving a grant under this subpart shall be known as a Patsy T. Mink Graduate Fellow.

''(b) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—From funds made available under subsection (e), the Secretary shall make grants to eligible institutions of higher education to enable such institutions to make fellowship awards to qualified students in accordance with the provisions of this subpart.

''(B) PRIORITY CONSIDERATION.—In making grant awards under this subpart, the Secretary shall consider the applicant institution's prior experience in producing doctorates and terminal master's degree holders who are minorities and females, and shall give priority consideration in making grants under this subpart to those institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In making such grants the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among eligible public and private institutions of higher education that apply for grants under this subpart and that demonstrate the ability to achieve the purpose of this subpart.

''(B) SPECIAL RULE.—To the maximum extent practical, the Secretary shall award at least 50 percent of the amount appropriated under this subpart to institutions of higher education eligible for assistance under titles III and V, or to consortia composed of otherwise eligible institutions of higher education and such minority-serving institutions.

''(C) ALLOCATION.—In making such grants the Secretary shall, consistent with subparagraphs (A) and (B), allocate appropriated funds to those institutions whose applications indicate the ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart. No grant made under this subpart shall support fewer than fifteen degree candidates consistent with subsection (d)(2).

''(D) REALLOTMENT.—Whenever the Secretary determines that an institution of higher education is unable to utilize all of the amounts made available to it under this subpart, the Secretary shall, on such dates during the fiscal year as the Secretary may determine, reallocate such unused amounts to institutions which demonstrate that they can use any reallocated grant funds to make fellowship awards to qualified individuals under this subpart.

''(c) APPLICATIONS.—

''(1) APPLICATIONS REQUIRED.—Any eligible institution of higher education offering a program of post baccalaureate study leading to a graduate degree that meets the purpose of this subpart may apply for a grant. Each such institution, or consortium of eligible institutions (including those institutions specified in subsection (b)(2)(B)) may make an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(2) SELECTION OF APPLICATIONS.—In selecting applications for the making grants to institutions of higher education, the Secretary shall—

''(A) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals—

''(i) in all areas of the higher education professoriate; and

''(ii) in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a larger number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

''(d) FELLOWSHIP TERMS AND CONDITIONS.—

''(1) SELECTION OF FELLOWS.—

''(A) ELIGIBLE APPLICANTS.—The Secretary shall assure that, in awarding fellowships from funds made available under this subpart, grantee institutions make fellowship awards to individuals who plan to pursue a career in instruction at any institution of higher education that is eligible to participate in title IV programs.

''(B) ACADEMIC PROGRESS.—Notwithstanding subparagraph (A), no otherwise eligible student selected for support shall receive a fellowship award—

''(i) during periods in which such student is enrolled, unless such student is maintaining satisfactory academic progress in, and devoting full-time to, study or research in the pursuit of the degree for which the fellowship support was awarded; or

''(ii) if the student is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(2) SERVICE REQUIREMENT.—

''(A) TEACHING REQUIRED.—Each Patsy T. Mink Graduate Fellow who earns the doctoral or terminal master's degree with assistance provided under this subpart shall teach at an eligible institution for one year for each year of fellowship assistance received under this subpart.

''(B) INSTITUTIONAL OBLIGATION.—Each institution which receives an award from the Secretary under this subpart shall provide an assurance that it has inquired of and determined the fellowship recipient's decision to, within 3 years of receiving the doctorate or terminal master's degree, begin employment at an eligible institution of higher education as required by this subpart.

''(C) AGREEMENT REQUIRED.—Prior to receiving the initial fellowship award, and upon the annual renewal of the fellowship award, a fellow shall sign an agreement with the Secretary memorializing this commitment to enter the professoriate.

''(D) CONSEQUENCES OF FAILURE.—If a fellowship recipient fails to honor the service requirement of this subsection, the Secretary shall—

''(i) require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV; or

''(ii) require the individual to pay an amount determined by the Secretary to be appropriate, except as provided in subparagraph (E).

''(E) MODIFIED SERVICE REQUIREMENT.—The Secretary may waive or modify the service requirement of this paragraph based on regulations, promulgated pursuant to and consistent with criteria which determine the circumstances under which compliance with the service obligation by the fellowship recipient would be inequitable and represent a substantial hardship. The Secretary may waive the service requirement if—

''(i) compliance by the fellowship recipient would be deemed impossible because the individual is permanently and totally disabled at the time of the waiver request; or

''(ii) compliance by the fellowship recipient is based on documentation presented to the Secretary of substantial economic or personal hardship, as determined in accordance with regulations prescribed by the Secretary.

''(3) AMOUNT OF FELLOWSHIP AWARDS.—

''(A) IN GENERAL.—From the grants made pursuant to this subpart, eligible institutions shall award stipends to individuals who are awarded fellowships under this subpart. Such stipends shall reflect the purpose of the program authorized by this subpart to encourage highly qualified minorities and women to pursue graduate study for the purpose of entering the higher education professoriate.

''(B) AWARDS BASED ON NEED.—Stipends shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's demonstrated need as determined by the institution of higher education where the graduate student is enrolled.

''(4) INSTITUTIONAL PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall, in addition to the amounts made available to institutions for stipends to individuals under this subpart, pay to grantee institutions of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided for in subparagraph (C), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same as the institutional payment made for that year under the Graduate Assistance in Areas of National Need program in subpart 2 of part A, and shall be adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.

''(B) USE OF FUNDS.—Institutional payments may be expended at the discretion of the institution, except that such funds shall be used to provide academic support and career transition services for participating fellows.

''(C) REDUCTION.—The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the institution's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving such funds.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.''.

SEC. 705. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;'';

(2) in paragraph (2), by inserting before the semicolon at the end the following: ''for postsecondary students, especially institutions, programs, and joint efforts that provide academic credit for programs'';

(3) by amending paragraph (3) to read as follows:

''(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;'';

(4) by amending paragraph (6) to read as follows:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;'';

(5) by striking ''and'' at the end of paragraph (7);

(6) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

''(9) the assessment, in partnership with a public or private nonprofit institution or agency, of the performance of teacher preparation programs within institutions of higher education in a State, using an assessment which provides comparisons across such institutions within the State based upon indicators including teacher candidate knowledge in subject areas in which such candidate has been prepared to teach;

''(10) the support of efforts to establish pilot programs and initiatives to help college campuses reduce illegal downloading of copyrighted content, in order to improve the security and integrity of campus computer networks and save bandwidth costs;

''(11) the support of increased fire safety in student housing—

''(A) by establishing a demonstration incentive program for qualified student housing in institutions of higher education;

''(B) by making grants for the purpose of installing fire alarm detection, prevention, and protection technologies in student housing, dormitories, and other buildings controlled by such entities; and

''(C) by requiring, as a condition of such grants—

''(i) that such technologies be installed professionally to technical standards of the National Fire Protection Association; and

''(ii) that the recipient shall provide non-Federal matching funds in an amount equal to the amount of the grant;

''(12) the assessment, in partnership with a consortium of higher education organizations, of the feasibility and potential design of an inter-institution monitoring organization on gender and racial equality in campus faculty and administration;

''(13) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with at least 10 percent of their enrollment assessed as late-entering limited English proficient students to establish programs that result in increased secondary school graduation rates of limited English proficient students and that increase the number of eligible late-entering limited English proficient students who pursue postsecondary education opportunities;

''(14) the provision of support and assistance for demonstration projects to provide comprehensive support services to ensure that homeless students, or students who were in foster care until the age of 18, enroll and succeed in postsecondary education, including providing housing to such students during periods when housing at the institution of higher education is closed or generally unavailable to other students;

''(15) the support of efforts to work with organizations that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and institutions of higher education that seek to promote cultural diversity in the entertainment media industry including through the training of students in production, marketing, and distribution of culturally relevant content; and

''(16) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, mid-year seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''.

(b) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY; CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—Section 741 (20 U.S.C. 1138) is further amended by adding at the end the following new subsections:

''(c) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who—

''(I) is a spouse of an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) was (at the time of the death of the veteran) a spouse of a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

''(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

''(B) $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.''.

(c) PROHIBITION.—Section 741 is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

''(e) PROHIBITION.—No funds made available under this part may be used to provide financial assistance to students who do not meet the requirements of section 484(a)(5).''.

(d) TECHNICAL AMENDMENTS.—Part B of title VII (20 U.S.C. 1038 et seq.) is further amended—

(1) in section 742 (20 U.S.C. 1138a)—

(A) in subsection (b)—

(i) by striking ''(1) IN GENERAL.—''; and

(ii) by striking paragraph (2);

(B) in subsection (c), by striking ''and the Director'' each place it appears; and

(C) in subsection (d), by striking ''Director'' and inserting ''Secretary'';

(2) in section 743 (20 U.S.C. 1138b)—

(A) by striking ''(a) TECHNICAL EMPLOYEES.—''; and

(B) by striking subsection (b); and

(3) in section 744(a) (20 U.S.C. 1138c(a)), by striking ''Director'' each place it appears and inserting ''Secretary''.

(e) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by adding at the end the following:

''(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and inserting ''$40,000,000 for fiscal year 2009''.

SEC. 706. URBAN-SERVING RESEARCH UNIVERSITIES.

Part C of title VII (20 U.S.C. 1139 et seq.) is amended to read as follows:

''PART C—URBAN-SERVING RESEARCH UNIVERSITIES

''SEC. 751. PURPOSE; PROGRAM AUTHORIZED.

''(a) PURPOSE.—It is the purpose of this part to provide incentives to urban-serving research universities to enable such universities to expand research knowledge and to develop and implement initiatives in partnership with community-based organizations and other public or nonprofit private entities to strengthen city economies, foster innovation and opportunity, and solve urban challenges.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to urban-serving research universities to enable such universities to carry out the activities described in section 753 in accordance with the provisions of this part.

''SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH UNIVERSITY GRANTS.

''(a) APPLICATION.—An urban-serving research university seeking assistance under this part shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by Federal, State, and local programs other than the program under this Act. In addition, the Secretary shall give priority to urban-serving research universities with a demonstrated record of effective engagement in serving the communities in which such universities are located.

''SEC. 753. ALLOWABLE ACTIVITIES.

''An urban-serving research university shall use funds awarded under this part to further develop and apply research findings to the development, implementation, and ongoing evaluation of—

''(1) systemic initiatives with elementary and secondary schools and other educational organizations designed to—

''(A) improve teacher quality and retention; or

''(B) develop strategies to improve postsecondary and workplace readiness, particularly in fields related to science, technology, engineering, and mathematics;

''(2) innovative economic revitalization efforts in conjunction with community-based organizations and other public or nonprofit private entities; or

''(3) public health outreach, education, and intervention activities designed to reduce health disparities in urban areas, in partnership with community-based organizations and other public or nonprofit private entities.

''SEC. 754. DEFINITIONS.

''As used in this part:

''(1) URBAN AREA.—The term 'urban area' means a city with a population of not less than 200,000 within a metropolitan statistical area.

''(2) URBAN-SERVING RESEARCH UNIVERSITY.—The term 'urban-serving research university' means a public institution of higher education that—

''(A) meets the requirements of section 101;

''(B) is located in an urban area;

''(C) has the capacity to conduct applicable research, as demonstrated by awarding more than 10 doctoral degrees per academic year;

''(D) draws a substantial portion of its students from the urban area in which such institution is located; and

''(E) has demonstrated and sustained a sense of responsibility to such urban area and the people of such area.

''SEC. 755. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 707. PROGRAMS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking ''students with learning disabilities'' and inserting ''students with disabilities''.

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A)—

(i) by inserting '', including methods and strategies consistent with the principles of universal design for learning'' after ''strategies''; and

(ii) by inserting ''in order to improve retention and completion'' after ''disabilities'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.''; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

''(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible electronic communication for instruction and advisement.

''(E) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through the use of accessible instructional materials and curriculum development, consistent with the principles of universal design for learning.''.

(2) REPORT.—Section 762 is further amended by adding at the end the following new subsection:

''(d) REPORT.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(3) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (F)''.

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2)—

(A) by striking ''institution to develop'' and inserting ''institution, including students with disabilities, to develop''; and

(B) by striking ''and'' at the end;

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

(d) AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 765 (20 U.S.C. 1140d) is amended by striking ''1999'' and inserting ''2009''.

(e) NATIONAL TECHNICAL ASSISTANCE CENTER; COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS; TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**DEMONSTRATION PROJECTS**'' and inserting ''**PROGRAMS**'';

(2) by inserting after the part heading the following:

''Subpart 1—Quality Higher Education''

; and

(3) by adding at the end the following:

''Subpart 2—National Technical Assistance Center; Commission on Accessible Materials; Programs to Support Improved Access to Materials

''SEC. 766. NATIONAL CENTER.

''(a) PURPOSE.—It is the purpose of this subpart to support the development of a national center to provide information and technical assistance for students with disabilities to improve the postsecondary recruitment, retention, and completion success rates of such students.

''(b) ESTABLISHMENT AND SUPPORT.—The Secretary shall, by grant, contract, or cooperative agreement with an eligible entity or partnership of two or more eligible entities, provide for the establishment and support of a National Center for Information and Technical Support for Postsecondary Students with Disabilities (hereinafter in this subpart referred to as the 'Center') which shall carry out the duties set forth in subsection (d).

''(c) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means an institution of higher education or a private nonprofit organization with demonstrated expertise in—

''(1) supporting postsecondary students with disabilities;

''(2) technical knowledge necessary for the accessible dissemination of information; and

''(3) working with a diverse range of types of institutions of higher education, including community colleges.

''(d) DUTIES.—The duties of the Center shall include the following:

''(1) ASSISTANCE TO STUDENTS AND FAMILIES.—The Center shall provide information and technical assistance to students with disabilities, their families, and disability support service personnel related to practices supporting students across a broad spectrum of disabilities, including—

''(A) information to assist prospective students with disabilities in planning their postsecondary academic career while they are in middle and secondary school;

''(B) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

''(C) information on student mentoring and networking opportunities; and

''(D) successful recruitment and transition programs in existence in postsecondary institutions.

''(2) ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—The Center shall provide information and technical assistance to faculty, staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

''(A) collection and dissemination of promising practices and materials for accommodation and support of students with disabilities;

''(B) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting students with disabilities across a range of academic fields; or

''(C) development of Internet-based tutorials for faculty, including graduate teaching assistants and new faculty, on promising practices related to support and retention of students with disabilities in postsecondary education.

''(3) INFORMATION COLLECTION AND DISSEMINATION.—The Center shall be responsible for building and maintaining a database of disability support services information with respect to institutions of higher education, which shall be available to the general public through a website built to the highest technical standards of accessibility currently practicable for the broad spectrum of individuals with disabilities. Such database and website shall include information on—

''(A) disability documentation requirements;

''(B) support services available;

''(C) links to financial aid;

''(D) accommodations policies;

''(E) accessible instructional materials;

''(F) other topics relevant to students with disabilities and prospective students with disabilities; and

''(G) the information in the report described in paragraph (5).

''(4) PROFESSIONAL STANDARDS FOR DISABILITY SUPPORT PERSONNEL.—The Center shall consolidate and disseminate information with respect to professional standards in existence for disability support services personnel and offices in institutions of higher education and shall convene a panel of experts to create and disseminate professional standards for such personnel and offices.

''(5) REVIEW AND REPORT.—The Center shall annually prepare and disseminate a report analyzing the current condition of postsecondary success for students with disabilities. Such report shall include—

''(A) a review of the activities of the programs authorized under ths part;

''(B) enrollment and graduation rates of students with disabilities in institutions of higher education;

''(C) guidance on how successful postsecondary supports and services for students with disabilities could be widely implemented at institutions of higher education;

''(D) guidance on how to reduce barriers to full participation for students with disabilities in higher education; and

''(E) a description of activities necessary to facilitate a substantial improvement in the postsecondary success of such students.

''(e) STAFFING OF THE CENTER.—The Center shall employ disability support personnel with proven expertise in providing training and technical assistance to practitioners. Such personnel shall provide technical assistance to individual colleges and universities seeking to provide appropriate supports and services to students with disabilities to improve enrollment, retention, and completion rates of such students.

"SEC. 766A. ESTABLISHMENT OF ADVISORY COMMISSION ON ACCESSIBLE INSTRUCTIONAL MATERIALS IN POSTSECONDARY EDUCATION FOR STUDENTS WITH DISABILITIES.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, in this subpart referred to as the 'Commission'.

''(2) MEMBERSHIP.—

''(A) The Commission shall include one representative of each of the following:

''(i) Department of Education Office of Postsecondary Education.

''(ii) Department of Education Office of Special Education and Rehabilitative Services.

''(iii) Department of Education Office for Civil Rights.

''(iv) Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.

''(v) Association on Higher Education and Disability.

''(vi) Association of American Publishers.

''(vii) Association of American University Presses.

''(viii) National Association of College Stores.

''(ix) National Council on Disability.

''(B) The Commission shall be composed of at least one but not more than two representatives, as appointed by the Secretary, of each of the following:

''(i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, representing each of the following:

''(I) Large public institution of higher education.

''(II) Small public institution of higher education.

''(III) Large private institution of higher education.

''(IV) Small private institution of higher education.

''(V) Large community college.

''(VI) Small community college.

''(ii) Producers of materials in specialized formats, including each of the following:

''(I) Braille.

''(II) Audio or synthesized speech.

''(III) Digital media.

''(iii) Developers of accessibility and publishing software and supporting technologies.

''(iv) National organizations serving individuals with visual impairments that have demonstrated experience in technology evaluation research, academic publishing, production of material in accessible formats, and educational methodologies for such for individuals.

''(v) Postsecondary students with visual impairment.

''(vi) Postsecondary students with dyslexia or other learning disabilities related to reading.

''(vii) Attorneys with expertise in copyright law.

''(C) The Commission shall include at least two, but not more than three, representatives as appointed by the Secretary, of national membership organizations representing individuals with print disabilities, including each of the following:

''(i) Individuals with visual impairments.

''(ii) Individuals with learning disabilities related to reading.

''(D) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of the College Opportunity and Affordability Act of 2007.

''(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the Commission's first meeting.

''(5) MEETINGS.—The Commission shall meet at the call of the Chairperson. Meetings shall be publicly announced in advance and open to the public.

''(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

''(b) DUTIES OF THE COMMISSION.—

''(1) STUDY.—

''(A) IN GENERAL.—The Commission shall conduct a thorough study to assess the barriers, systemic issues, and technical solutions available which may affect or improve the timely delivery and quality of accessible instructional materials for postsecondary students, faculty, and staff with print disabilities, and make recommendations related to the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

''(B) EXISTING INFORMATION.—To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information from—

''(i) the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B;

''(ii) the Advisory Council and the Technical Assistance and Development Centers of the National Instructional Materials Access Center;

''(iii) the Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group;

''(iv) the Association of Higher Education and Disabilities E-Text Solutions Working Group;

''(v) the Recording for the Blind and Dyslexic's Technology Advisory Committee;

''(vi) the Association of American Publishers Higher Education Division's Critical Issues Task Force; and

''(vii) other existing research related to the creation and distribution of accessible instructional materials for students with print disabilities.

''(C) RECOMMENDATIONS.—The Commission shall develop recommendations to be used to inform Federal regulation and legislation, to identify best practices for systems of creating, collecting, maintaining, processing, and disseminating materials in specialized formats to eligible students, faculty, and staff while providing adequate copyright protections. In developing such recommendations, the Commission shall consider—

''(i) how to ensure that students with print disabilities may obtain instructional materials in accessible formats within a timeframe comparable to the availability of materials for students without disabilities;

''(ii) the feasibility and technical parameters of establishing national standardized electronic file formats such as, but not limited to, the National Instructional Materials Accessibility Standard as defined in section 674(e)(3)(B) of the Individuals with Disabilities Education Act, to be provided by publishers of instructional materials to producers of specialized formats, institutions of higher education, and eligible students;

''(iii) the feasibility of the establishment of a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such a clearinghouse, repository, or network;

''(iv) the feasibility of including such a national clearinghouse, repository, or file-sharing network in the duties of the Center described in section 766;

''(v) market-based solutions involving collaborations between publishers of instructional materials, producers of specialized formats, and institutions of higher education, including—

''(I) barriers and opportunities to market entry;

''(II) unique concerns affecting university presses, small publishers, and solutions incorporating such works into a shared system; and

''(III) solutions utilizing universal design;

''(vi) solutions for low-incidence, high-cost requests for materials in specialized formats; and

''(vii) definitions of instructional materials, authorized entities, and eligible students.

''(2) REPORT.—Not later than 24 months after the first meeting, the Commission shall submit a report to the Secretary and to Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study under subsection (a), together with the Commission's recommendations for such legislation and administrative actions as the Commission considers to be appropriate to implement the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

''(3) FACILITATION OF EXCHANGE OF INFORMATION.—In carrying out the study under subsection (a), the Commission shall, to the extent practicable, facilitate the exchange of information concerning the issues that are the subject of the study among—

''(A) officials of the Federal Government;

''(B) educators from Federal, State, and local institutions of higher education and secondary schools;

''(C) publishers of instructional materials;

''(D) producers of materials in specialized formats;

''(E) representatives from the community of individuals with print disabilities; and

''(F) participants in the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B.

''(c) COMMISSION PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(3) STAFF.—

''(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the Commission's duties. The employment of an executive director shall be subject to confirmation by the Commission.

''(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(d) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the Commission's report under subsection (b)(2).

"SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUPPORT IMPROVED ACCESS TO POSTSECONDARY INSTRUCTIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES.

''(a) PURPOSE.—It is the purpose of this section to support model demonstration programs to encourage the development of systems to improve the timely delivery and quality of postsecondary instructional materials in specialized formats to students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

''(b) IN GENERAL.—The Secretary shall, on a competitive basis, award grants to, and enter into cooperative agreements with, a minimum of one partnership of two or more eligible entities to support the activities described in subsections (d) and (e).

''(c) PARTNERSHIP OF ELIGIBLE ENTITIES.—In this section, a partnership of two or more eligible entities—

''(1) shall include—

''(A) an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, including retention and completion of such students; and

''(B) a public or private entity with demonstrated expertise in working with the creation of accessible instructional materials in specialized formats for postsecondary students with print disabilities, and the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of print course materials in specialized formats; and

''(2) may include one or more publishers of instructional materials.

''(d) REQUIRED ACTIVITIES.—The Secretary shall support the development and implementation of the following:

''(1) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

''(2) Procedures and systems to facilitate and simplify request methods for accessible instructional materials in specialized formats from eligible students, which may include a single point-of-entry system.

''(3) Procedures and systems to coordinate between institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate requests for such materials, the responses to such requests, and the delivery of such materials.

''(4) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

''(5) Systems to encourage reduction of duplicative conversions of the same instructional materials for multiple eligible students at multiple institutions of higher education when such conversions may be shared.

''(6) Procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials while maintaining accessibility for students with print disabilities, which may include digital technologies such as watermarking, fingerprinting, and other emerging strategies.

''(7) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

''(8) Evaluation of the effectiveness of the programs under this section.

''(9) Guidance on how successful procedures and systems described in paragraphs (1) through (7) could be disseminated and implemented on a national basis.

''(e) AUTHORIZED ACTIVITIES.—The Secretary may support the development and implementation of the following:

''(1) Approaches limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

''(2) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

''(3) Approaches supporting a unified search across multiple databases or lists of available materials.

''(f) APPLICATION.—A partnership of eligible entities that wishes to apply for a grant under this section shall submit an application for such grant at such time, in such manner and in such format as the Secretary may prescribe. The application shall include information on how the partnership will implement activities under subsection (d) and, as applicable, subsection (e).

''(g) PRIORITY.—In awarding grants under this section, the Secretary shall give priority consideration to any applications that include development and implementation of the procedures and systems described in subsection (e)(2) or (e)(3).

''(h) REPORT TO CONGRESS.—The Secretary shall submit annually to the authorizing committees a report that includes—

''(1) the number of grants and the amount of funds distributed under this section;

''(2) a summary of the purposes for which the grants were provided and an evaluation of the progress made under such grants;

''(3) a summary of the activities implemented under subsection (d) and, as applicable, subsection (e), including data on the number of students served and the number of instructional material requests executed and delivered in specialized formats; and

''(4) an evaluation of the effectiveness of programs funded under this section.

''(i) MODEL EXPANSION.—After 3 years, the Secretary shall review the results of the evaluations of participating partnerships, as well as the Commission report described in section 766A. If the Secretary finds that models used under

this section are effective in improving the timely delivery and quality of materials in specialized formats and provide adequate protections against copyright infringement, the Secretary may expand the demonstration program to additional grantees reflecting regional and programmatic partnerships.

''(j) MODEL EXPANSION SPECIAL RULE.—The Commission's recommendations shall be submitted to the Secretary and a public comment period shall be issued prior to any expansion under subsection (i). No later than 90 days after close of public comment period, the Secretary shall issue guidance to new and existing grantees, taking into consideration the final Commission recommendations and public comments.

''(k) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to limit or preempt any State law requiring the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

''SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

''Subpart 3—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

''SEC. 767. PURPOSE.

''The purpose of this subpart is to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

''SEC. 768. DEFINITIONS.

''In this subpart:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—

''(A) offered by an institution of higher education; and

''(B) is described in section 484(s)(3).

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student who meets the criteria described in paragraphs (1) through (4) of section 484(s).

''SEC. 769. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

''(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more of the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 770 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support the participation of students with intellectual disabilities in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act, including regarding the utilization of funds available under part B of such Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, which may be provided in cash or in kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall prepare and disseminate a report to the authorizing committees and to the public that reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and provides guidance and recommendations on how successful programs can be replicated.

''SEC. 770. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.

''(a) IN GENERAL.—

''(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 769;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 769 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

''(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities; and

''(iv) a national, State, or regional accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

''(B) define the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 769 regarding such programs; and

''(9) host a meeting of all recipients of grants under section 769 not less often than once each year.

''(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, evaluation, and technical assistance.

''SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

(f) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, in the matter preceding paragraph (1), by striking ''part'' and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 708. SUBGRANTS TO NONPROFIT ORGANIZATIONS.

Section 771(e) (20 U.S.C. 1141(e)), as added by section 802 of the College Cost Reduction and Access Act of 2007, is amended by inserting after ''of this Act)'' the following: '', or those who have agreements with the Secretary under section 435(d)(5)(J)''.

SEC. 709. NURSING EDUCATION.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following new part:

''PART F—NURSING EDUCATION

''SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for Registered Nurses or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2008–2009, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain available after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) USE OF FUNDS.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

''SEC. 777. NURSE FACULTY PILOT PROJECT.

''(a) PURPOSES.—The purposes of this section are to create a pilot program—

''(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

''(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees, so that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

''(b) ASSISTANCE AUTHORIZED.—

''(1) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have such nurses become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

''(2) DURATION; EVALUATION AND DISSEMINATION.—

''(A) DURATION.—Grants under this section shall be awarded for a period of 3 to 5 years.

''(B) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this section shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in subsection (a)(2).

''(3) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

''(A) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(B) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

''(C) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

''(D) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—The extent to which institutions of higher education have demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

''(4) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this section may be used—

''(A) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

''(B) for any one or more of the following innovations in educational programs:

''(i) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

''(ii) To purchase distance learning technologies.

''(iii) To fund release time for qualified nurses enrolled in the graduate nursing program.

''(iv) To provide for faculty salaries.

''(v) To collect and analyze data on educational outcomes.

''(c) APPLICATIONS.—Each partnership desiring to receive a grant, contract, or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

''(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

''(2) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program;

''(3) individuals enrolled in the program will maintain their employment on a part-time basis with the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as a part-time employee, and release times or flexible schedules to accommodate their class schedule; and

''(4) upon completion of the program, such individuals will be required to teach for 2 years in an accredited school of nursing for each year of support the individual received under this program.

''(d) DEFINITION.—For purposes of this section, the term 'health facility' means an Indian Health Service center, a Native Hawaiian health center, a hospital, a federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or an ambulatory surgical center.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 710. NATIONAL STUDY ON HIGHER EDUCATION ACCESS AND SUCCESS FOR STUDENTS WITH DISABILITIES.

(a) STUDY.—The Comptroller General shall conduct a study of the barriers to, and opportunities for, the full participation of students with disabilities in institutions of higher education. The study shall address—

(1) the extent to which, and manner in which, students with disabilities are—

(A) prepared to participate in postsecondary education upon enrollment;

(B) applying to different types of institutions of higher education;

(C) accepted into different types of institutions of higher education;

(D) enrolling in and attending different types of institutions of higher education;

(E) utilizing financial aid programs; and

(F) completing programs of study at different types of institutions of higher education;

(2) factors that influence the accessibility of higher education for a broad spectrum of students with different disabilities, including—

(A) physical access;

(B) communication and outreach in accessible formats, including websites, admissions information, financial aid information, and other general information;

(C) availability of accessible instructional materials in a timely manner;

(D) financial factors; and

(E) eligibility for, and ability to access, adequate support services;

(3) the effectiveness and capacity of disability support services in helping to recruit, retain, and support students with disabilities to complete their programs of study, and the role of disability support services relative to other departments in institutions of higher education, including—

(A) the number of staff working in disability support services offices;

(B) the budgets of disability support services offices; and

(C) the placement of the disability support services offices within the administrative structure of the institutions of higher education;

(4) the extent to which institutions of higher education provide assistance to students with disabilities to coordinate with, and receive services from, other support programs that may be available to such students, including services provided by local educational agencies, vocational rehabilitation agencies, Social Security, Medicaid, and other Federal, State, and local programs; and

(5) in institutions of higher education that have been effective in recruiting and graduating students with disabilities, the factors that may contribute to such effectiveness, including—

(A) faculty and staff preparation related to working with students with disabilities;

(B) program characteristics;

(C) accommodations and supports available; and

(D) any other relevant factors.

(b) REPORT.—The Comptroller General shall submit a report regarding the results of the study under subsection (a) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) no later than 24 months after the date of the enactment of this Act.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

The Higher Education Act of 1965 is further amended by adding at the end the following new title:

"TITLE VIII—ADDITIONAL PROGRAMS

"SEC. 800. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

"PART A—LOW TUITION

"SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.

''(a) REWARDS FOR LOW TUITION.—

''(1) COMPETITIVE GRANTS.—From funds made available under section 800, the Secretary shall award grants on a competitive basis to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year, have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the higher education price index for such academic year.

''(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.

''(b) REWARDS FOR GUARANTEED TUITION.—

''(1) BONUS.—For each institution of higher education that the Secretary determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount in the form of need-based aid first to students who are eligible for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year.

''(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

''(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

''(c) MAINTAINING AFFORDABLE TUITION.—

''(1) INSTITUTION REPORTS.—If an institution of higher education has an increase in annual net tuition (expressed as a percentage), for the most recent academic year for which satisfactory data is available, that is greater than the percentage increase in the higher education price index for such academic year, the institution or a representative association is required to submit to the Secretary the following information, within 6 months of such determination:

''(A) A report on the factors contributing to the increase in the institution's costs and the increase in net tuition and fees charged to students, including identification of the major areas in the institution's budget with the greatest cost increases.

''(B) The institution's 3 most recent Form 990s submitted to the Internal Revenue Service, as required under section 6033 of the Internal Revenue Code of 1986.

''(C) A description of the major areas of expenditures in the institution's budget with the greatest increase for such academic year.

''(D) A description of actions being taken by the institution to reduce net tuition.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information submitted under this subsection and shall provide to the authorizing committees an annual report relating to such information.

''(d) DEFINITIONS.—In this section:

''(1) NET TUITION.—The term 'net tuition' means the average tuition and fees charged to a full-time undergraduate student by an institution of higher education for an academic year, minus the average grant amount received by such a student for such academic year.

''(2) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' means the higher education price index developed pursuant to section 133(b).

"PART B—COOPERATIVE EDUCATION

"SEC. 811. STATEMENT OF PURPOSE; DEFINITION.

''(a) PURPOSE.—It is the purpose of this part to award grants to institutions of higher education or combinations of such institutions to encourage such institutions to develop and make available to as many of their students as possible work experience that will aid such students in future careers and will enable such students to support themselves financially while in school.

''(b) DEFINITION.—In this part the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

"SEC. 812. RESERVATIONS.

''(a) RESERVATIONS.—Of the amount appropriated to carry out this part under section 800 in each fiscal year—

''(1) not less than 50 percent shall be available for awarding grants to institutions of higher education and combinations of such institutions described in section 813(a)(1)(A) for cooperative education under section 813;

''(2) not less than 25 percent shall be available for awarding grants to institutions of higher education described in section 813(a)(1)(B) for cooperative education under section 813;

''(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 814(a);

''(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 814(a); and

''(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 814(a).

''(b) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.

"SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized, from the amount available to carry out this part under section 800 in each fiscal year and in accordance with the provisions of this part—

''(A) to award grants to institutions of higher education or combinations of such institutions that have not received a grant under this paragraph in the 10-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

''(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

''(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

''(3) AMOUNT OF GRANTS.—

''(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.

''(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in

an amount which bears the same ratio to the amount reserved pursuant to section 812(a)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 814 and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

''(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

''(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

''(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (B) to the same institution of higher education or combination of such institution in any one fiscal year.

''(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

''(A) to expand the quality of and participation in a cooperative education program;

''(B) for outreach in new curricular areas; and

''(C) for outreach to potential participants including underrepresented and nontraditional populations.

''(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

''(1) set forth the program or activities for which a grant is authorized under this section;

''(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the compensation to be paid for such performance;

''(3) provide that the applicant will expend during the fiscal year for which the grant is awarded for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

''(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

''(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half of the normal full-time academic workload;

''(6) provide that the applicant will—

''(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—

''(i) the number of unduplicated student applicants in the cooperative education program;

''(ii) the number of unduplicated students placed in cooperative education jobs;

''(iii) the number of employers who have hired cooperative education students;

''(iv) the income for students derived from working in cooperative education jobs; and

''(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

''(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;

''(7) describe the extent to which programs in the academic disciplines for which the application is made have had a favorable reception by public and private sector employers;

''(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

''(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

''(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

''(11) demonstrate a commitment to serving all underserved populations at the institution; and

''(12) include such other information as may be necessary to carry out the provisions of this part.

''(c) DURATION OF GRANTS; FEDERAL SHARE.—

''(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

''(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

''(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

''(2) FEDERAL SHARE.—The Federal share of a grant under subsection (a)(1)(A) may not exceed—

''(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

''(B) 70 percent of such cost in the second such year;

''(C) 55 percent of such cost in the third such year;

''(D) 40 percent of such cost in the fourth such year; and

''(E) 25 percent of such cost in the fifth such year.

''(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

''(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

''(e) FACTORS FOR SPECIAL CONSIDERATION OF APPLICATIONS.—

''(1) IN GENERAL.—In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or combinations of such institutions for programs which show the greatest promise of success because of—

''(A) the extent to which programs in the academic discipline with respect to which the application is made have had a favorable reception by public and private sector employers;

''(B) the strength of the commitment of the institution of higher education or combination of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or combination has made to continue the program after the termination of Federal financial assistance;

''(C) the extent to which the institution or combination of institutions is committed to extending cooperative education for all students who can benefit; and

''(D) such other factors as are consistent with the purposes of this section.

''(2) ADDITIONAL SPECIAL CONSIDERATION.—The Secretary shall also give special consideration to applications from institutions of higher education or combinations of such institutions which demonstrate a commitment to serving all underserved populations attending such institutions.

"SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

''(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

''(1) from the amounts available in each fiscal year under section 812(a)(3), for the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education;

''(2) from the amounts available in each fiscal year under section 812(a)(4), for the conduct of training and resource centers designed to—

''(A) train personnel in the field of cooperative education;

''(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

''(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

''(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

''(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to (i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education, or (ii) establish and improve or expand comprehensive cooperative education programs; and

''(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

''(3) from the amounts available in each fiscal year under section 812(a)(5), for the conduct of research relating to cooperative education.

''(b) ADMINISTRATIVE PROVISION.—

''(1) IN GENERAL.—To carry out this section, the Secretary may—

''(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

''(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

''(2) LIMITATION.—

''(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

''(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

''(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only so as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

"PART C—COLLEGE PARTNERSHIP GRANTS

"SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

''(b) ELIGIBLE PARTNERSHIPS.—For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

''(1) A consortia of institutions of higher education.

''(2) A State higher education agency.

''(c) PRIORITY.—The Secretary shall give priority to eligible partnerships that—

''(1) are located in a State that is in compliance with section 486A; or

''(2) include—

''(A) 1 or more junior or community colleges (as defined by section 312(f) of this Act) that award associate's degrees; and

''(B) 1 or more institutions of higher education that offer a baccalaureate or post baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.

''(d) MANDATORY USE OF FUNDS.—Grants awarded under this part shall be used for—

''(1) the development of policies and programs to expand opportunities for students to earn bachelor's degrees, by facilitating the transfer of academic credits between institutions and expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;

''(2) academic program enhancements; and

''(3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.

''(e) OPTIONAL USE OF FUNDS.—Grants awarded under this part may be used for—

''(1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and

''(2) any service that facilitates the transition of students between the partner institutions.

''(f) PROHIBITION.—No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.

''(g) APPLICATIONS.—Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

''(i) DEFINITION.—For purposes of this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.

"PART D—STUDENT SUCCESS GRANTS

"SEC. 826. STUDENT SUCCESS GRANTS.

''(a) AUTHORIZATION OF PILOT PROGRAM.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants on a competitive basis to eligible institutions for the purposes of helping low-income students succeed in persisting in and completing postsecondary education and training programs.

''(b) DEFINITIONS.—

''(1) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this section, an average of not less than 50 percent of the institution's entering first-year students are enrolled in developmental courses to bring reading, writing, or mathematics skills up to college-level.

''(2) ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a student who—

''(A) is eligible to receive assistance under section 401;

''(B) is a first-year student at the time of entering the pilot program; and

''(C) is selected by an eligible institution to participate in the pilot program.

''(c) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) STUDENT SUCCESS GRANT AMOUNT.—For an award year, each institution selected to participate in this pilot program shall receive an amount equal to $1,500 multiplied by the number of students the institution selects to participate in the pilot program in such year. An institution shall not select more than 200 students to participate in the pilot program under this section during such year.

''(e) PRIORITY FOR REPLICATION OF EVIDENCE-BASED POLICIES AND PRACTICES.—The Secretary shall give priority to applications submitted by eligible institutions that propose to replicate policies and practices that have proven effective in increasing persistence and completion by low-income students or students in need of developmental education.

''(f) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall include researchers and practitioners who are recognized experts on services and policies to increase low income student success in postsecondary education and training. No member of the committee shall be in a position to benefit financially from the grants to eligible institutions under subsection (d).

''(g) MANDATORY USES.—An eligible institution that receives a grant under this section shall use the grant funds to assign a Student Success Coach to every first-year student participating in the pilot program to provide intensive career and academic advising, ongoing personal help in navigating college services such as financial aid and registration, and assistance in connecting to community resources that can help students overcome family and personal challenges to success. Student Success Coaches—

''(1) shall work with not more than 50 new students during any academic period;

''(2) may be employees of academic departments, student services offices, community-based organizations, or other entities as deemed appropriate by the institution; and

''(3) shall meet with each eligible student selected for the pilot program before registration for courses.

''(h) PERMISSIBLE USES.—An eligible institution that receives a grant under this section may use the grant funds to provide services and program innovations for students participating in the pilot, including the following:

''(1) College and career success courses, with tuition and fees for the course covered by the Student Success Grant. These courses may cover college success topics, including how to take notes, how to study, how to take tests, and how to budget time, and may also include a substantial career exploration component. Institutions may use such courses to help students develop a College and Career Success Plan so that by the end of the first semester the students have a clear sense of their career goals and what classes to take to achieve such goals.

''(2) Work-study jobs with private employers in the students' fields of study.

''(3) Learning communities that ensure that students participating in the pilot are clustered together for at least two courses beginning in the first semester after enrolling and have other opportunities to create and maintain bonds that allow them to provide academic and social support to each other.

''(4) Curricular redesign, which may include such innovations as 'blended' or accelerated remediation classes that help Student Success Grant recipients to attain college-level reading, writing, math skills (or a combination thereof) more rapidly than traditional remediation formats allow, and intensive skills refresher classes, offered prior to each semester, to help students who have tested into remedial coursework to reach entry level assessment scores for the postsecondary programs they wish to enter.

''(5) Instructional support, such as learning labs, supplemental instruction, and tutoring.

''(6) Assistance with support services, such as child care and transportation.

''(i) GRANT PERIOD; ADDITIONAL TECHNICAL ASSISTANCE.—

''(1) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 60 months.

''(2) ADDITIONAL TECHNICAL ASSISTANCE.—After 36 months, the Secretary shall review the performance of the Student Success Grant pilot program students at each institution, and if no significant improvements have been made by Student Success Grant pilot program students in persistence and completion at an institution, then the Secretary shall provide additional technical assistance to help the institution improve outcomes.

''(j) REQUIRED NON-FEDERAL SHARE.—

''(1) IN GENERAL.—Each institution participating in the pilot program under this section shall provide a non-Federal match of 25 percent of the amount of grant to carry out the activities of the pilot program. The non-Federal share under this section may be provided in cash or in kind.

''(2) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, services or benefits under this section shall not be considered to be an asset or income of the student or the students parents.

''(k) TECHNICAL ASSISTANCE.—The Secretary shall enter into contracts with private entities to provide such technical assistance to grantees under this section as the Secretary determines appropriate.

''(l) EVALUATION.—

''(1) OUTCOME EVALUATIONS.—The Secretary shall conduct an evaluation of program outcomes under the pilot program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other providers of funds, such as private foundations, to allow for use of an experimental or quasi-experimental evaluation in at least one of the pilot program sites.

''(2) INSTITUTIONAL PARTICIPATION.—As a condition of receiving grants under this section, participating institutions shall work with the evaluator to track persistence and completion outcomes for students in the pilot program, specifically the proportion of these students who take and complete developmental education courses, the proportion who take and complete college-level coursework, and the proportion who complete certificates and degrees. This data shall be broken down by race, ethnicity, and age and the evaluator shall assist institutions in analyzing this data to compare Student Success Grant pilot program participants to comparable nonparticipants, using statistical techniques to control for differences in the groups.

''(3) ANNUAL REPORTS.—Participating institutions under this section shall report on the data specified in paragraph (2) annually and the Secretary shall make this data publicly available.

"PART E—JOBS TO CAREERS

"SEC. 831. GRANTS TO CREATE BRIDGES FROM JOBS TO CAREERS.

''(a) AUTHORIZATION OF PROGRAM.—From amounts appropriated to carry out this part under section 800, the Secretary shall award grants, on a competitive basis, to institutions of higher education for the purposes of improving developmental education, including English language instruction, by customizing developmental education to student career goals, and helping students move rapidly from developmental coursework into for-credit occupational program courses and through program completion. The grants under this section shall focus in particular on creating bridges to for-credit occupational certificate programs that are articulated to degree programs.

''(b) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PRIORITIES.—The Secretary shall give priority to applications that—

''(1) are from institutions of higher education in which not less than 50 percent of the institution's entering first-year students who are subject to mandatory assessment, are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college-level; and

''(2) propose to replicate practices that have proven effective with adults or propose to collaborate with adult education providers.

''(d) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees.

''(e) MANDATORY ACTIVITY.—An eligible institution that receives a grant under this section shall use the grant funds to create workforce bridge programs that customize developmental education curricula, including English language instruction, to the content of the for-credit occupational certificate or degree programs, or clusters of such programs, in which developmental education students seek to enroll. Such bridge programs may include those that integrate the curricula and the instruction of both developmental and college-level coursework or that dually enroll students in remediation and college-level coursework.

''(f) PERMISSIBLE ACTIVITIES.—An eligible institution that receives a grant under this section, in addition to creating workforce bridge programs, may use the grant funds to carry out the following:

''(1) Design and implement innovative ways to improve retention in and completion of developmental education courses, including enrolling students in cohorts, accelerating course content, integrating remediation and college-level curricula and instruction, dually enrolling students in developmental and college-level courses, tutoring, providing counseling and other supportive services, and giving small, material incentives for attendance and performance.

''(2) In consultation with faculty in the appropriate departments, redesignating class schedules to meet the needs of working adults, such as by creating evening, weekend, modular, compressed, distance-learning formats, or other alternative schedules.

''(3) Improving the quality of teaching in remedial courses through professional development, reclassification of such teaching positions, or other means the eligible institution determines appropriate.

''(4) Any other activities the eligible institution and the Secretary determine will promote retention of, and completion by, students attending institutions of higher education.

''(5) Fully advise students on the range of options and programs available, which may include: diploma; certification; 2-year degree; associate's degree; transfer degree to upper division; and career options.

''(g) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 36 months and not more than 60 months.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

''(i) EVALUATION.—The Secretary shall conduct an evaluation of program impacts under the demonstration program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other providers of funds, such as private foundations, to allow for use of a random assignment evaluation in at least one of the demonstration sites.

''(j) DEFINITION OF INSTITUTION.—In this section, the term 'institution of higher education' means an institution of higher education as defined in section 101(a).

"PART F—PROJECT GRAD

"SEC. 836. PROJECT GRAD.

''(a) PURPOSES.—The purposes of this part are—

''(1) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation and college attendance and completion rates for disadvantaged students; and

''(2) to promote the establishment of new programs to implement such integrated education reform services.

''(b) GRANT AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to Project GRAD USA (referred to in this part as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation and college attendance and completion rates for disadvantaged students, to implement and sustain the integrated education reform services described in subsection (d)(3) at existing Project GRAD program sites and to promote the expansion of such programs to new sites.

''(c) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(1) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of low-income students (referred to in this part as 'subcontractors'), under which the subcontractors agree to implement the programs described in subsection (d) and provide matching funds for such programs;

''(2) directly carry out—

''(A) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access programs further described in subsection (d)(3);

''(B) activities to build the organizational and management capacity of the subcontractors to effectively implement and sustain the programs;

''(C) activities for the purpose of improving and expanding the programs, including but not limited to activities to further articulate a program for one or more grade levels and across grade levels, to tailor a program for a particular target audience, and provide tighter integration across programs;

''(D) activities for the purpose of implementing new Project GRAD program sites;

''(E) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation and college attendance rates for disadvantaged students; and

''(F) other activities directly related to improving secondary school graduation and college attendance and completion rates for disadvantaged students; and

''(3) use grant funds available under this part to pay—

''(A) the amount determined under subsection (f)(1); and

''(B) costs associated with carrying out the activities and providing the services, as provided in paragraph (2) of this subsection.

''(d) SUPPORTED PROGRAMS.—

''(1) DESIGNATION.—The subcontractor programs referred to in subsection (c)(1) shall be known as Project GRAD programs.

''(2) FEEDER PATTERNS.—Each subcontractor shall implement a Project GRAD program and shall, with the agreement of the grantee—

''(A) identify or establish not less than one 'feeder pattern' of public schools, where 'feeder pattern' is defined as a high school and the elementary schools and middle schools that channel students into that high school; and

''(B) provide the integrated educational reform services described in paragraph (3) at the identified feeder pattern or feeder patterns.

''(3) INTEGRATED EDUCATION REFORM SERVICES.—The services provided through a Project GRAD program may include—

''(A) research-based programs in reading, mathematics, and classroom management;

''(B) campus-based social services programs, including a systematic approach to increase family and community involvement in the schools served by the Project GRAD program;

''(C) a college access program that includes—

''(i) providing college scholarships for students who meet established criteria;

''(ii) proven approaches for increasing student and family college awareness; and

''(iii) assistance for such students in applying for higher education financial aid; and

''(D) such other services identified by the grantee as necessary to increase secondary school graduation and college attendance and completion rates.

''(e) USE OF FUNDS.—Of the funds made available to carry out this part under section 800, not more than 8 percent of such funds, or $4,000,000, whichever is less, shall be used by the grantee to pay for administration of the grant, with the remainder of funds to be used for the purposes described in subsections (c)(1) and (2).

''(f) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The grantee shall provide to each subcontractor an average of $200 for each pupil served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(A) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(B) the need for Project GRAD programs in such area to improve student outcomes.

''(2) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in kind, fairly evaluated.

''(3) WAIVER AUTHORITY.—The grantee may waive, in whole or in part, the requirement of paragraph (2) for a subcontractor, if the subcontractor—

''(A) demonstrates that it would not otherwise be able to participate in the program; and

''(B) enters into an agreement with the grantee with respect to the amount to which the waiver will apply.

''(4) DECREASE IN GRANTEE SHARE.—Based on the funds or resources available to a subcontractor, the grantee may elect to provide the subcontractor with an amount that is less than the amount determined under paragraph (1).

''(g) EVALUATION.—

''(1) EVALUATION BY THE SECRETARY.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this part. The evaluation shall—

''(A) be conducted using a rigorous research design for determining the effectiveness of the Project GRAD programs funded under this part; and

''(B) compare reading and mathematics achievement and, where applicable, the secondary school graduation, college attendance,

and college completion rates of students who participate in a Project GRAD program funded under this part with those indicators for students of similar backgrounds who do not participate in such program.

''(2) EVALUATION BY GRANTEE AND SUBCONTRACTORS.—

''(A) IN GENERAL.—The grantee shall require each subcontractor to prepare an in-depth report of the results and the use of funds of each Project GRAD program funded under this part that includes—

''(i) data on the reading and mathematics achievement of students involved in the Project GRAD program;

''(ii) statistics on secondary school graduation, college attendance, and college completion rates; and

''(iii) such financial reporting as required by the Secretary to review the effectiveness and efficiency of the program.

''(B) FORM OF REPORT.—The report shall be in a form and include such content as shall be determined by the grantee, in consultation with the Secretary or the entity selected by the Secretary to evaluate the Project GRAD programs in accordance with paragraph (1).

''(3) AVAILABILITY OF EVALUATIONS.—Copies of any evaluation or report prepared under this subsection shall be made available to—

''(A) the Secretary; and

''(B) the chairperson and ranking member of the authorizing committees.

''(h) DEFINITIONS.—In this part the term 'low-income student' means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

"PART G—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary shall contract with one nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

"PART H—DIPLOMA MILL PREVENTION

"SEC. 851. PURPOSE; DEFINITIONS.

''(a) PURPOSE.—The purpose of this part is to protect institutions of higher education, businesses and other employers, professional licensing boards, patients and clients of degree holders, taxpayers, and other individuals from any person claiming to possess a legitimate academic degree that in fact was issued by a fraudulent or nonexistent school, by a non-educational entity posing as a school, or by any entity in violation of Federal or State law.

''(b) DEFINITIONS.—In this part:

''(1) DEGREE-GRANTING INSTITUTION.—The term 'degree-granting institution' means any entity that offers or confers an academic, professional, or occupational degree, diploma, or certificate, if such degree, diploma, or certificate may be used to represent to the general public that the individual possessing such degree, diploma, or certificate has completed a program of education or training beyond secondary education.

''(2) DIPLOMA MILL.—The term 'diploma mill' means any entity that—

''(A) lacks valid accreditation by an agency recognized by a Federal agency or a State government or other organization or association that recognizes accrediting agencies as a valid accrediting agency of institutions of higher education; and

''(B) offers degrees, diplomas, or certifications, for a fee, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certification has completed a program of education or training beyond secondary education, but little or no education or course work is required to obtain such a degree, diploma, or certification.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 102.

"SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND INSTITUTIONS.

''(a) LISTS MAINTAINED BY THE DEPARTMENT OF EDUCATION.—Not later than 30 days after the date of the enactment of this part, the Secretary of Education shall make available (in a regularly updated, electronic format) to the Secretary of Homeland Security and the heads of other appropriate Federal agencies, a list of—

''(1) accrediting agencies and associations, recognized by the Secretary of Education under section 496, or, at the discretion of the Secretary, other organizations involved in accreditation;

''(2) eligible institutions, as defined under section 435(a); and

''(3) to the extent practicable, foreign degree-granting institutions that—

''(A) have degree-granting authority, as granted by the appropriate agency or ministry of jurisdiction in the home country of such institution;

''(B) issue degrees that are accepted for professional licensure, public employment, and admission into graduate programs of degree-granting institutions in the home country (as determined by the Secretary of State);

''(C) are determined by the Secretary of Education to be academically equivalent to an eligible institution, as defined in section 435(a); and

''(D) are located in a home country that is capable of performing an effective academic evaluation of the degree-granting institutions to which it issues degree-granting authority, as determined by the Secretary of State, in consultation with the Secretary of Education,

for the purposes of assisting the Secretary of Homeland Security and the heads of such Federal agencies to determine, for immigration and Federal employment and hiring purposes, the legitimacy of degree-granting institutions and degrees issued by such institutions.

''(b) REVISIONS TO LISTS.—The Secretary of Education shall modify and maintain the lists described in subsection (a) as necessary to ensure that the lists and the information contained in the lists are accurate and up-to-date, based on the most recent information available to the Secretary.

''(c) NOTICE OF RECOGNITION.—To be eligible to receive funds under title IV, each eligible institution described in subsection (a)(2) shall, not later than 60 days after the date of the enactment of this part, prominently display on the institution's Internet website a notice indicating that the institution is recognized by the Secretary of Education as a legitimate institution for immigration and Federal employment and hiring purposes. If the Secretary of Education determines that an institution no longer qualifies as a legitimate degree-granting institutions described in subsection (a)(2), and removes the institution from the list maintained under such subsection, the institution shall, not later than 15 days after the removal of the institution from such list, delete the notice required by this subsection from the institution's Internet website.

"SEC. 853. ACCREDITING AGENCIES.

''No accrediting agency or association may be considered to be a reliable authority as to the quality of education or training offered by a degree-granting institution for any purpose related to immigration, Federal employment and hiring practices, or for any other Federal purposes, unless the agency or association is on the list of accrediting agencies and associations recognized by the Secretary of Education and provided to the Secretary of Homeland Security under section 852. The Secretary may consult with other organizations, such as the Council for Higher Education Accreditation, for such purposes.

"SEC. 854. TASK FORCE.

''(a) TASK FORCE ESTABLISHED.—The Secretary of Education shall establish within the Department of Education the Diploma Mill Task Force (referred to in this part as the 'Task Force').

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Task Force shall, if practicable, be composed of 19 members, as follows:

''(A) The Assistant Secretary of Education for Postsecondary Education.

''(B) A representative of the Department of Education with experience related to the determination of the legitimacy and quality of degrees from foreign institutions of higher education, selected by the Secretary of Education.

''(C) A representative of the Department of Justice, selected by the Attorney General.

''(D) A representative of the Federal Trade Commission, selected by the Chairman of such agency.

''(E) A representative of the Secret Service, selected by the Director of the Secret Service.

''(F) A representative of the Department of State, selected by the Secretary of State.

''(G) A representative of the Department of Homeland Security, selected by the Secretary of Homeland Security.

''(H) A representative of the Office of Personnel Management, selected by the Director of such Office.

''(I) A representative of a national accreditation association.

''(J) A representative of a national organization representing collegiate registrars and admissions officers.

''(K) Two representatives of State degree approval agencies, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

''(L) Two representatives from regionally accredited institutions of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

''(M) One representative from a nationally accredited institution of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

''(N) Four individuals from the general population with experience in higher education, the detection of fraudulent degrees and degree-granting institutions, or law enforcement related to credential fraud, selected as follows:

''(i) One individual selected by the Speaker of the House of Representatives.

''(ii) One individual selected by the minority leader of the House of Representatives.

''(iii) One individual selected by the majority leader of the Senate.

''(iv) One individual selected by the minority leader of the Senate.

''(2) CRITERIA FOR MEMBERSHIP.—All members of the Task Force shall be persons who are especially qualified to serve on the Task Force by virtue of their education, training, or experience, particularly in the fields of higher education, accreditation of institutions of higher education, foreign higher education standards, State regulation of institutions of higher education, immigration, Federal employment requirements and hiring practices, or fraud prevention, detection, or enforcement.

''(3) TERMS.—Each member shall be appointed for the life of the Task Force.

''(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

''(5) CHAIR.—At the first meeting of the Task Force, the members of the Task Force shall elect a member of the Task Force to serve as Chair.

''(c) DUTIES.—

''(1) GUIDELINES.—The Task Force shall develop guidelines, to be used for the development of Federal legislation, to identify degree-granting institutions as legitimate or fraudulent degree-granting institutions for Federal purposes. In developing such guidelines, the Task Force shall consider—

''(A) characteristics of degree-granting institutions that help determine the legitimacy of the institution, such as whether an entity—

''(i) offers or confers degrees, diplomas, or certificates—

''(I) for little or no meaningful academic work;

''(II) without requiring an appropriate level of academic achievement for the attainment of such degrees, diplomas, or certificates; or

''(III) without imposing academic or other requirements for admittance into the institutions or programs offering such degrees, diplomas, or certificates;

''(ii) has fiscal and administrative structures and capacity appropriate to the specified scale of educational operations;

''(iii) has resources to support claims as a degree-granting institution, including curricula, qualified faculty, facilities, equipment, and supplies, student support services, objectives of the degrees or credentials offered, admissions practices, academic calendars and catalogs, and a grading system; and

''(iv) has degree-granting authority issued by the States in which degrees, or instruction leading to degrees, are offered, and is recognized by such States as an approved institution of higher education;

''(B) the feasibility of defining the term 'fraudulent degree-granting institution' (commonly referred to as 'diploma mills'), and if feasible, shall define such term to propose for use in Federal laws and regulations;

''(C) issues related to—

''(i) the detection of new and existing fraudulent degree-granting institutions;

''(ii) recognition and prevention of the practices used by such fraudulent degree-granting institutions to avoid detection;

''(iii) the enforcement of laws and regulations prohibiting such fraudulent degree-granting institutions and practices and the use of fraudulent degrees; and

''(iv) the prosecution of such fraudulent degree-granting institutions and practices and the use of fraudulent degrees;

''(D) difficulties in identifying fraudulent degree-granting institutions located in foreign countries, or that claim recognition or degree-granting authority from foreign countries;

''(E) means to alert and educate the public about fraudulent degree-granting institutions and the use of fraudulent degrees;

''(F) laws, regulations, and other means used by States to address fraudulent degree-granting institutions and the use of fraudulent degrees;

''(G) the potential need for coordination and cooperation among various Federal agencies to investigate and prosecute suspected fraudulent degree-granting institutions, and the detailed recommendations of the Task Force regarding such coordination and cooperation;

''(H) the study and the report to the Task Force required under this section; and

''(I) the purposes for which various agencies of the United States need to identify fraudulent degree-granting institutions, and identify, prohibit, and prevent the use of degrees issued by such fraudulent institutions, and the ability of such agencies to implement any guidelines considered by the Task Force.

''(2) DEVELOPMENT OF FEDERAL PLAN.—The Task Force shall develop a strategic diploma integrity protection plan (referred to in this section as the 'Plan') to address the sale and use of fraudulent degrees for Federal purposes. The Plan shall include the following:

''(A) Recommendations to Congress regarding the implementation by Federal agencies of the guidelines developed under paragraph (1).

''(B) Recommendations to the Federal Trade Commission regarding the application of the guidelines developed under paragraph (1) to any rulemaking under section 856 and to the enforcement of the rules promulgated under such section.

''(3) SUBMISSION OF REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this part, the Task Force shall submit to the appropriate congressional committees a report, including—

''(A) the guidelines developed under paragraph (1);

''(B) the Plan developed under paragraph (2); and

''(C) a legislative proposal for consideration by Congress.

''SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY STATES OF THE FEDERAL PLAN AS GUIDELINES.

''It is the sense of the Congress that—

''(1) each State should implement a strategic diploma integrity plan similar to any strategic diploma integrity plan developed under section 854, to the extent practicable and as soon as practicable after the date of the adoption of such a plan under such section; and

''(2) States may adopt more stringent standards than those standards contained in the Federal strategic diploma integrity plan and used by agencies of the United States to identify fraudulent degree-granting institutions operating within such State, except that State law does not preempt Federal law as applied to the employment and hiring practices of Federal employees working in such State.

''SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES REGARDING DIPLOMAS AND PROFESSIONAL CERTIFICATIONS.

''Not later than 180 days after the date of enactment of this part, the Secretary shall request in writing that the Federal Trade Commission shall develop a plan to address diploma mills based on section 18 of Federal Trade Commission Act (15 U.S.C. 57a).

''PART I—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the activities described in subsection (c) shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local

law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

''(3) Coordinating with appropriate local entities the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"SEC. 862. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary of Education, in consultation with the Attorney General of the United States and the Secretary of Homeland Security, shall—

''(1) advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) disseminate information concerning those policies, procedures, and practices.

"SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY THE SECRETARY.

''(a) PLANNING.—The Secretary shall develop and maintain a disaster relief plan, in consultation with the appropriate agencies, to ensure a procedure is in place to address the needs of institutions of higher education in the event of a disaster with respect to which the President has declared a major disaster or emergency. The plan shall take into consideration the immediate safety and well-being of students, faculty, and staff. Additionally, such plan shall outline steps that can be taken to ensure institutions of higher education have a timely recovery.

''(b) SUBMISSION TO CONGRESS.—The Secretary shall submit to the authorizing committees the plan required by subsection (a) and any revisions of such plan.

"SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

''(b) USE OF ASSISTANCE.—The Secretary may, subject to the availability of appropriations, provide any assistance under the Education Disaster and Emergency Relief Loan program to institutions of higher education pursuant to this section only after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for—

''(1) direct and indirect construction, replacement, and renovation costs associated with or resulting from or preparing for a major disaster or emergency;

''(2) faculty salaries and incentives for retaining faculty; or

''(3) reimbursement for lost tuition and other revenues.

''(c) APPLICATION REQUIREMENTS.—To be considered for a loan under this section, an institution of higher education shall—

''(1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency and the monetary amount of such losses; and

''(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency and insurance coverage prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency and insurance prior to being eligible for a loan under this section.

''(d) AUDIT.—The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.

''(e) REDUCTION IN LOAN AMOUNTS.—To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a federally declared major disaster or emergency, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

''(f) ESTABLISHMENT OF LOAN PROGRAM.—In order to disburse loans under this section, the Secretary shall prescribe regulations that—

''(1) establish the loan program, taking into consideration the structure of existing capital financing loan programs under this Act; and

''(2) that set forth—

''(A) terms for the loan program under this section;

''(B) procedures for an application for a loan under this section; and

''(C) minimum requirements for the loan program and for receiving a loan under this section, including the following:

''(i) Online forms to be used in submitting request for a loan under this section.

''(ii) Information to be included in such forms.

''(iii) Procedures to assist in filing and pursing a loan under this section.

''(g) DEFINITIONS.—In this section:

''(1) INSTITUTION AFFECTED BY A GULF HURRICANE DISASTER.—The term 'institution affected by a Gulf hurricane disaster' means an institution of higher education that—

''(A) is located in an area affected by a Gulf hurricane disaster; and

''(B) is able to demonstrate that the institution—

''(i) incurred physical damage resulting from the impact of a Gulf hurricane disaster;

''(ii) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane levels for 30 days or more on or after August 29, 2005.

''(2) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

''(3) EMERGENCY.—The term 'emergency' has the meaning given such term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(4) INSTITUTIONS OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101.

''(5) MAJOR DISASTER.—The term 'major disaster' has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(h) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the College Opportunity and Affordability Act of 2007, and assistance provided to institutions of higher education pursuant to this section shall be available only with respect to federally declared major disasters or emergencies that occur after the date of the enactment of the College Opportunity and Affordability Act of 2007, except in the case of an institution affected by a Gulf hurricane disaster.

"SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES FOR STUDENT SAFETY.

''Not later than 90 days after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this Act and the Family Educational Rights and Privacy Act of 1974 shall not be liable to any person for that disclosure.

"PART J—RURAL DEVELOPMENT GRANTS FOR RURAL COLLEGES AND UNIVERSITIES

"SEC. 871. PURPOSE.

''The purposes of this part are—

''(1) to increase—

''(A) enrollment and graduation rates from 2-year and 4-year colleges, and articulation from 2-year degree programs into 4-year degree programs, of graduates of rural high schools; and

''(B) degree completion for nontraditional students from rural areas; and

''(2) to promote economic growth and development in rural America through partnership grants to consortia of rural colleges and universities and other entities, such as local education agencies, employers, education service agencies, and nonprofit organizations.

"SEC. 872. DEFINITIONS.

''For the purposes of this part:

''(1) RURAL INSTITUTION OF HIGHER EDUCATION.—The term 'rural institution of higher education' means an institution of higher education that primarily serves rural areas.

''(2) RURAL AREA.—The term 'rural area' means an area in which there is located a rural local educational agency.

''(3) RURAL LOCAL EDUCATION AGENCY.—The term 'rural local education agency' means a local educational agency (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965) all of the schools of which meet a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

''(4) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means an individual who—

''(A) delays enrollment in an institution of higher education by 3 or more years after completing high school;

''(B) attends an institution of higher education part-time or less than part-time; or

''(C) attends an institution of higher education and—

''(i) works full-time;

''(ii) is an independent student;

''(iii) has one or more dependents other than a spouse;

''(iv) is a single parent; or

''(v) does not have a high school diploma.

''(5) REGIONAL EMPLOYER.—The term 'regional employer' means employers qualifying as businesses or other entities employing individuals within a rural area.

"SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH SCHOOL GRADUATES.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institution of higher education and any of the following entities:

''(1) One or more rural local educational agencies.

''(2) One or more rural education service agencies.

''(3) One or more regional employers.

''(4) One or more nonprofit organizations with expertise in rural education.

''(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

''(1) the percentage of graduates, attendees, or former attendees of high schools from rural local educational agencies enrolled or otherwise affiliated with the entity;

''(2) in the case of employers, the percentage of employees that are graduates of high schools in rural local educational agencies.

''(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (b) shall be used—

''(1) to improve enrollment rates for graduates and former attendees of rural high schools at rural institutions of higher education, including—

''(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications;

''(B) programs or initiatives that provide such graduates or former attendees of rural high schools access and exposure to campuses, classes, programs, and facilities of rural institutions of higher education, including covering the cost of transportation to and from institutions of higher education;

''(C) the formation of groups or other initiatives that create support groups of such students expressing interest in attending rural institutions of higher education;

''(D) extracurricular activities, such as internships, community service, and other activities for such individuals in advance of attending institutions of higher education; and

''(E) other initiatives that assist such individuals in applying and developing interest in attending rural institutions of higher education; and

''(2) to encourage participation of nontraditional students in degree programs at rural institutions of higher education, including—

''(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications for institutions of higher education;

''(B) outreach to nontraditional students through community initiatives; and

''(C) formation of support groups for nontraditional students enrolling in 2-year degree programs and articulating from 2-year degree programs to 4-year degree programs.

"SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institutions of higher education and one or more regional employers.

''(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

''(1) the potential of the employer to employ graduates of rural institutions of higher education after graduation;

''(2) the potential of the employer engaged in the partnership to spur economic development in the region; and

''(3) the relevance of the employer to the regional economy.

''(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used—

''(1) to provide additional career training to attendees of rural institutions of higher education in fields relevant to the regional economy; and

''(2) to encourage regional businesses to employ graduates of rural institutions of higher education.

"SEC. 875. QUALITY OF LIFE IN RURAL AREAS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to rural institutions of higher education.

''(b) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used to create or strengthen academic programs to prepare graduates to enter into high-need occupations in the regional and local economies.

"SEC. 876. ALLOCATION OF APPROPRIATIONS.

''(a) GRANT CONSIDERATIONS.—In making grant allocations under this part to qualifying institutions and partnerships, the Secretary shall consider—

''(1) the percentage of graduates of rural high schools attending rural institutions of higher education in proximity to the entity receiving the grant;

''(2) employment needs of regional employers in proximity to entities receiving the grant; and

''(3) the health of the regional economy of the region surrounding the entity receiving the grant.

''(b) MAXIMUM AND MINIMUM GRANTS.—No grant awarded by the Secretary under this part shall be less than $200,000 or more than $500,000.

''(c) GRANT DURATION.—A grant awarded under this part shall be awarded for one 3-year period.

"PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

"SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities as are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

"PART L—NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

"SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

''(a) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—

''(1) DATABASE.—The Secretary of Education shall establish and maintain, on the public website of the Department of Education, a database consisting of information on scholarships, fellowships, and other programs of financial assistance available from public and private sources for the study of science, technology, engineering, or mathematics at the postsecondary and post baccalaureate levels.

''(2) PRESENTATION OF INFORMATION.—The information maintained on the database established under this section shall be displayed on the website in the following manner:

''(A) Separate information shall be provided for each of the fields of study referred to in paragraph (1) and for postsecondary and post baccalaureate programs of financial assistance.

''(B) The database shall provide specific information on any programs of financial assistance which are targeted to individuals of a particular gender, ethnicity, or other demographic group.

''(C) If the sponsor of any program of financial assistance included on the database maintains a public website, the database shall provide hyperlinks to the website.

''(D) In addition to providing the hyperlink to the website of a sponsor of a program of financial assistance as required under subparagraph (C), the database shall provide general information that an interested person may use to contact the sponsor, including the sponsor's electronic mail address.

''(E) The database shall have a search capability which permits an individual to search for information on the basis of each category of the information provided and on the basis of combinations of categories of the information provided, including whether the scholarship is need- or merit-based and by relevant academic majors.

''(F) The database shall include a recommendation that students and families should carefully review all of the application requirements prior to applying for aid, and a disclaimer that the scholarships presented in the database are not provided or endorsed by the Department of Education or the Federal Government.

''(b) DISSEMINATION OF INFORMATION ON DATABASE.—The Secretary shall take such actions as may be necessary on an ongoing basis, including sending notices to secondary schools and institutions of higher education, to disseminate information on the database established and maintained under this part and to encourage its use by interested parties.

''(c) USE OF VENDOR TO OBTAIN INFORMATION.—In carrying out this part, the Secretary of Education shall enter into a contract with a private entity under which the entity shall furnish and regularly update all of the information required to be maintained on the database established under this section.

''(d) ENCOURAGING THE PROVISION OF INFORMATION.—In carrying out this part, the Secretary of Education and the contracted entity shall consult with public and private sources of scholarships and make easily available a process for such entities to provide regular and updated information.

"PART M—TRAINING FOR REALTIME WRITERS

"SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

''(a) AUTHORIZATION OF GRANT PROGRAM.—

''(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary of Commerce shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

''(2) ELIGIBLE ENTITIES.—For purposes of this part, an eligible entity is a court reporting program that—

''(A) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

''(B) is accredited by an accrediting agency recognized by the Department of Education; and

''(C) is participating in student aid programs under title IV.

''(3) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary—

''(A) possess the most substantial capability to increase their capacity to train realtime writers;

''(B) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

''(C) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.

''(4) DURATION OF GRANT.—A grant under this section shall be for a period of 2 years.

''(5) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the 2-year period of the grant under paragraph (4).

''(b) APPLICATION.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary of Commerce at such time and in such manner as the secretary may require. The application shall contain the information set forth under paragraph (2).

''(2) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under subsection (a) shall include the following:

''(A) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

''(B) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

''(C) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

''(D) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

''(E) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

''(F) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under subsection (a)(3).

''(G) Such other information as the Secretary may require.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity receiving a grant under subsection (a) shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

''(A) recruitment;

''(B) subject to paragraph (2), the provision of scholarships;

''(C) distance learning;

''(D) further developing and implementing both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

''(E) mentoring students to ensure successful completion of the realtime training and provide assistance in job placement;

''(F) encouraging individuals with disabilities to pursue a career in realtime writing; and

''(G) the employment and payment of personnel for all such purposes.

''(2) SCHOLARSHIPS.—

''(A) AMOUNT.—The amount of a scholarship under paragraph (1)(B) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV.

''(B) AGREEMENT.—Each recipient of a scholarship under paragraph (1)(B) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for the purposes described in subsection (a)(1) for a period of time appropriate (as determined by the Secretary of Commerce or the Secretary's designee) for the amount of the scholarship received.

''(C) COURSEWORK AND EMPLOYMENT.—The Secretary of Commerce or the Secretary's designee shall establish requirements for coursework and employment for recipients of scholarships under paragraph (1)(B), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

''(3) ADMINISTRATIVE COSTS.—The recipient of a grant under this section may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Secretary of Commerce shall use not more than 5 percent of the amount available for grants under this part in any fiscal year for administrative costs of the program.

''(4) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this part shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

''(d) REPORTS.—

''(1) ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary of Commerce, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

''(2) REPORT INFORMATION.—

''(A) IN GENERAL.—Each report of an entity for a year under paragraph (1) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under subsection (b)(2).

''(B) FINAL REPORT.—The final report of an entity on a grant under paragraph (1) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are

trained, employed, and retained in employment as realtime writers.

''(3) ANNUAL REVIEW.—The Inspector General of the Department of Commerce shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this part.

"PART N—CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS

"SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS.

''(a) PURPOSE.—It is the purpose of this section to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations under section 800, the Secretary shall award grants to institutions of higher education to develop model programs to support veteran student success in postsecondary education.

''(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.

''(c) USE OF GRANTS.—

''(1) REQUIRED ACTIVITIES.—An institution of higher education receiving a grant under this section shall use such grant to carry out a model program that includes—

''(A) establishing of a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;

''(B) establishing a veteran students support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

''(C) providing a full-time or part-time coordinator whose primary responsibility is to coordinate the model program carried out under this section;

''(D) monitoring the rates of veteran student enrollment, persistence, and completion; and

''(E) developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

''(2) OTHER AUTHORIZED ACTIVITIES.—An institution of higher education receiving a grant under this section may use such grant to carry out any of the following activities with respect to veteran students:

''(A) Outreach and recruitment of such students.

''(B) Supportive instructional services for such students, which may include—

''(i) personal, academic, and career counseling, as an on-going part of the program;

''(ii) tutoring and academic skill-building instruction assistance, as needed; and

''(iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience.

''(C) Assistance in obtaining student financial aid.

''(D) Housing support for students living in institutional facilities and commuting students.

''(E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for such students.

''(F) Support for veteran student organizations and veteran student support groups on campus.

''(G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area.

''(H) Other support services the institution determines to be necessary to ensure the success of such students in achieving their educational and career goals.

''(d) APPLICATION; SELECTION.—

''(1) APPLICATION.—To be considered for a grant under this section, an institution of higher education shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) SELECTION CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—

''(A) the number of veteran students enrolled at an institution of higher education; and

''(B) the need for model programs to address the needs of veteran students at a wide range of institutions of higher education, including the need to provide—

''(i) an equitable distribution of such grants to institutions of higher education of various types and sizes;

''(ii) an equitable geographic distribution of such grants; and

''(iii) an equitable distribution of such grants among rural and urban areas.

''(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Secretary shall develop an evaluation and accountability plan for model programs funded under this section to objectively measure the impact of such programs, including a measure of whether postsecondary education enrollment, persistence, and completion for veterans increases as a result of such programs.

"PART O—UNIVERSITY SUSTAINABILITY PROGRAMS

"Subpart 1—Sustainability Planning Grants

"SEC. 884. GRANTS AUTHORIZED.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary shall make grants to eligible entities to establish sustainability programs to design and implement sustainability practices, including in the areas of energy management, green building, waste management, purchasing, transportation, and toxics management, and other aspects of sustainability that integrate campus operations with multidisciplinary academic programs and are applicable to the private and government sectors.

''(2) PERIOD OF GRANT.—The provision of payments under a grant under paragraph (1) may extend over a period of not more than 4 fiscal years.

''(3) DEFINITION OF ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

''(A) an institution of higher education that grants 2 or 4-year undergraduate degrees, or masters and doctoral degrees, or both; or

''(B) a non-profit consortia, association, alliance, or collaboration operating in partnership with one or more institutions of higher education that received funds for the implementation of work associated with sustainability programs under this part.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—Such application shall include assurances that the eligible entity—

''(A) has developed or shall develop a plan, including an evaluation component, for the program component established pursuant to subsection (c);

''(B) shall use Federal funds received from a grant under subsection (a) to supplement, not supplant, non-Federal funds that would otherwise be available for projects funded under such section;

''(C) shall provide, with respect to any fiscal year in which such entity receives funds from a grant under subsection (a)(1), non-Federal funds or an in-kind contribution in an amount equal to 20 percent of funds from such grant, for the purpose of carrying out the program component established in subsection (c); and

''(D) shall collaborate with business, government, and the nonprofit sectors in the development and implementation of its sustainability plan.

''(c) USE OF FUNDS.—

''(1) INDIVIDUAL INSTITUTIONS.—Grants made under subsection (a) may be used by an eligible entity that is an individual institution of higher education for the following purposes:

''(A) To develop and implement administrative and operations practices at institutions of higher education that test, model, and analyze principles of sustainability.

''(B) To establish multidisciplinary education, research, and outreach programs at institutions of higher education that address the environmental, social, and economic dimensions of sustainability.

''(C) To support research and teaching initiatives that focus on multidisciplinary and integrated environmental, economic, and social elements.

''(D) To establish initiatives in the areas of energy management, green building, waste management, purchasing, toxics management, transportation, and other aspects of sustainability.

''(E) To support student, faculty, and staff work at institutions of higher education to implement, research, and evaluate sustainable practices.

''(F) To establish sustainability literacy as a requirement for undergraduate and graduate degree programs.

''(G) To integrate sustainability curriculum in all programs of instruction, particularly in business, architecture, technology, manufacturing, engineering, and science programs.

''(2) PARTNERSHIPS.—Grants made under subsection (a) may be used by an eligible entity that is a non-profit consortia, association, alliance, or collaboration operating as a partnership with one or more institutions of higher education for the following purposes:

''(A) To conduct faculty, staff and administrator training on the subjects of sustainability and institutional change.

''(B) To compile, evaluate, and disseminate best practices, case studies, guidelines and standards.

''(C) To conduct efforts to engage external stakeholders such as business, alumni, and accrediting agencies in the process of building support for research, education, and technology development for sustainability.

''(D) To conduct professional development programs for faculty in all disciplines to enable faculty to incorporate sustainability content in their courses.

''(E) To enable an appropriate non-profit consortia, association, alliance, or collaboration operating in partnership with an institution of higher education to create the analytical tools necessary for institutions of higher education to assess and measure their individual progress toward fully sustainable campus operations and fully integrating sustainability into the curriculum.

''(F) To develop educational benchmarks for institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

''(d) REPORTS.—An eligible entity that receives a grant under subsection (a) shall submit to the Secretary, for each fiscal year in which the entity receives amounts from such grant, a report that describes the work conducted pursuant to subsection (c), research findings and publications, administrative savings experienced, and an evaluation of the program.

''(e) ALLOCATION REQUIREMENT.—The Secretary may not make grants under subsection (a) to any eligible entity in a total amount that is less than $250,000 or more than $2,000,000.

"Subpart 2—Summit on Sustainability

"SEC. 885. SUMMIT ON SUSTAINABILITY.

''Not later than September 30, 2008, the Secretary of Education shall convene a summit of higher education experts working in the area of sustainable operations and programs, representatives from agencies of the Federal Government, and business and industry leaders to focus on efforts of national distinction that—

''(1) encourage faculty, staff, and students at institutions of higher education to establish administrative and academic sustainability programs on campus;

''(2) enhance research by faculty and students at institutions of higher education in sustainability practices and innovations that assist and improve sustainability;

''(3) encourage institutions of higher education to work with community partners from the business, government, and nonprofit sectors to design and implement sustainability programs for application in the community and workplace;

''(4) identify opportunities for partnerships involving institutions of higher education and the Federal Government to expand sustainable operations and academic programs focused on environmental and economic sustainability; and

''(5) charge the summit participants or steering committee to submit a set of recommendations for addressing sustainability through institutions of higher education.

"PART P—MODELING AND SIMULATION PROGRAMS

"SEC. 886. MODELING AND SIMULATION.

''(a) PURPOSE; DEFINITION.—

''(1) PURPOSE.—The purpose of this section is to promote the study of modeling and simulation at institutions of higher education, through the collaboration with new and existing programs, and specifically to promote the use of technology in such study through the creation of accurate models that can simulate processes or recreate real life, by—

''(A) establishing a task force at the Department of Education to raise awareness of and define the study of modeling and simulation;

''(B) providing grants to institutions of higher education to develop new modeling and simulation degree programs; and

''(C) providing grants for institutions of higher education to enhance existing modeling and simulation degree programs.

''(2) DEFINITION.—In this section, the term 'modeling and simulation' means a field of study related to the application of computer science and mathematics to develop a level of understanding of the interaction of the parts of a system and of a system as a whole.

''(b) ESTABLISHMENT OF TASK FORCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a taskforce within the Department of Education to study modeling and simulation and to support the development of the modeling and simulation field. The activities of such taskforce shall include—

''(A) helping to define the study of modeling and simulation (including the content of modeling and simulation classes and programs);

''(B) identifying best practices for such study;

''(C) identifying core knowledge and skills that individuals who participate in modeling and simulation programs should acquire; and

''(D) providing recommendations to the Secretary with respect to—

''(i) the information described in subparagraphs (A) through (C); and

''(ii) a system by which grants under this section will be distributed.

''(2) TASKFORCE MEMBERSHIP.—The membership of the taskforce under this subsection shall be composed of representatives from—

''(A) institutions of higher education with established modeling and simulation degree programs;

''(B) the National Science Foundation;

''(C) Federal Government agencies that use modeling and simulation extensively, including the Department of Defense, the National Institute of Health, the Department of Homeland Security, the Department of Health and Human Services, the Department of Energy, and the Department of Transportation;

''(D) private industries with a primary focus on modeling and simulation; and

''(E) national modeling and simulation organizations.

''(c) ENHANCING MODELING AND SIMULATION AT INSTITUTIONS OF HIGHER EDUCATION.—

''(1) ENHANCEMENT GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enhance modeling and simulation degree programs at such eligible institutions.

''(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in enhancing the modeling and simulation degree program at such eligible institution.

''(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

''(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) ELIGIBLE INSTITUTIONS.—For the purposes of this subsection, an eligible institution is an institution of higher education that—

''(A) has an established modeling and simulation degree program, including a major, minor, or career-track program; or

''(B) has an established modeling and simulation certificate or concentration program.

''(3) APPLICATION.—To be considered for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the enhancement of the modeling and simulation program at the institution of higher education;

''(B) an identification of designated faculty responsible for the enhancement of the institution's modeling and simulation program; and

''(C) a detailed plan for how the grant funds will be used to enhance the modeling and simulation program of the institution.

''(4) USES OF FUNDS.—A grant awarded under this subsection shall be used by an eligible institution to carry out the plan developed in accordance with paragraph (3)(C) to enhance modeling and simulation programs at the institution, which may include—

''(A) in the case of an institution that is eligible under paragraph (2)(B), activities to assist in the establishment of a major, minor, or career-track modeling and simulation program at the eligible institution;

''(B) expanding the multi-disciplinary nature of the institution's modeling and simulation programs;

''(C) recruiting students into the field of modeling and simulation through the provision of fellowships or assistantships;

''(D) creating new courses to compliment existing courses and reflect emerging developments in the modeling and simulation field;

''(E) conducting research to support new methodologies and techniques in modeling and simulation; and

''(F) purchasing equipment necessary for modeling and simulation programs.

''(d) ESTABLISHING MODELING AND SIMULATION PROGRAMS.—

''(1) ESTABLISHMENT GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Secretary is authorized to award grants to institutions of higher education to establish a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program.

''(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in establishing a modeling and simulation degree program at such eligible institution.

''(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

''(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the establishment of a modeling and simulation program at the institution of higher education;

''(B) a detailed plan for how the grant funds will be used to establish a modeling and simulation program at the institution; and

''(C) a description of how the modeling and simulation program established under this subsection will complement existing programs and fit in to the institution's current program and course offerings.

''(3) USES OF FUNDS.—A grant awarded under this subsection may be used by an eligible institution to—

''(A) establish, or work toward the establishment of, a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program at the eligible institution;

''(B) provide adequate staffing to ensure the successful establishment of the modeling and simulation program, which may include the assignment of full-time dedicated or supportive faculty; and

''(C) purchasing equipment necessary for a modeling and simulation program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years. Of the amounts authorized to be appropriated for each fiscal year—

''(1) $1,000,000 is authorized to carry out the activities of the task force established pursuant to subsection (b); and

''(2) of the amount remaining after the allocation for paragraph (1)—

''(A) 50 percent is authorized to carry out the grant program under subsection (c); and

''(B) 50 percent is authorized to carry out the grant program under subsection (d).

"PART Q—BUSINESS WORKFORCE PARTNERSHIPS

"SEC. 887. GRANTS TO CREATE BUSINESS WORKFORCE PARTNERSHIPS.

''(a) PURPOSE AND AUTHORIZATION.—

''(1) PURPOSE.—The purpose of this section is to provide grants to institutions of higher education partnering with employers to strengthen ties between college degree credit offerings and business and industry workforce needs, and expand opportunities for worksite learning.

''(2) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible partnerships for the purposes of creating business and industry workforce partnerships.

''(b) DEFINITION OF BUSINESS AND INDUSTRY WORKFORCE PARTNERSHIP.—

''(1) IN GENERAL.—For purposes of this section, the term 'business and industry workforce partnership' means a partnership between an institution of higher education and—

''(A) an employer or group of employers, or a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998), or both; and

''(B) labor organizations, where applicable, that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

''(2) EXCEPTION.—In the case of a State that does not operate local boards, paragraph (1)(A) shall be applied by substituting 'State board' for 'local board'.

''(c) APPLICATION.—A business and industry workforce partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) PRIORITY FOR APPLICATIONS FOCUSED ON SERVING NONTRADITIONAL STUDENTS.—The Secretary shall give priority to applications focused on serving nontraditional students who are independent, as defined in section 480(d), do not already have a bachelor's degree, and who have one or more of the following characteristics:

''(1) Are the first generation in their family to attend college.

''(2) Have delayed enrollment in college.

''(3) Have dependents.

''(e) PEER REVIEW.—The Secretary shall convene a peer review process, which shall include individuals knowledgeable about workforce education for working adults, to review applications for grants under this section, and make recommendations to the Secretary on the selection of grant recipients.

''(f) MANDATORY ACTIVITIES.—A partnership that receives a grant under this section shall use the grant funds to carry out all of the following activities:

''(1) Identify high demand occupations in the regional labor market which offer or can lead to high wages, in coordination with the State employment security agency funded under the Wagner-Peyser Act.

''(2) Develop linked career and educational pathways for those occupations and related ones, including, where appropriate, pathways involving registered apprenticeships.

''(3) Consult with employers offering jobs in occupations identified under paragraph (1) to determine workforce development needs.

''(4) Consult with labor organizations representing workers locally in the occupations identified in paragraph (1), where applicable.

''(5) Identify existing college degree credit offerings or create new degree credit offerings that prepare students to meet business and industry workforce needs, including offerings connected to registered apprenticeship programs.

''(g) PERMISSIBLE ACTIVITIES.—A partnership that receives a grant under this section may use the grant funds to carry out one or more of the following activities:

''(1) In consultation with faculty in the appropriate departments, adapt college offerings identified and created under subsection (f)(5) to the schedules and needs of working students, such as by creating evening, weekend, modular, compressed, or distance learning formats, enrolling students in learning communities, or other relevant innovations.

''(2) Create bridge programs that prepare students with lower skills or limited English proficiency to enter the college offerings identified or created under subsection (f)(5).

''(3) Expand worksite learning opportunities.

''(4) Other activities that the institution and the Secretary deem appropriate to carry out the purposes of this program.

''(h) GRANT PERIOD.—Grants made under this section shall be for a period of at least 36 months and not more than 60 months.

''(i) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

''(j) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the program under this section and disseminate the findings of such evaluation, as well as information on promising practices developed under this section.

''(k) REPORT TO CONGRESS.—Not less than 36 months after the first grant is awarded under this section, the Secretary, jointly with the Secretary of Labor, shall report to Congress on:

''(1) Changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act (both Title I and Title II), that would help create and sustain business and industry workforce partnerships at colleges.

''(2) Other changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act, that would more generally strengthen the links between business and industry workforce needs, workforce development programs, and other college degree credit offerings.''.

SEC. 802. SENSE OF THE CONGRESS; REPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in order to provide the borrowers of Federal student loans with the option of converting their loans to income contingent repayment by providing direct loans for the discharge of such loans (in this section referred to as ''direct IDEA loans''), the Secretary of Education and the Secretary of the Treasury will work together to develop a process by which the borrower will make payments on such loan using the income tax withholding system and will make appropriate adjustments to his or her withholding or estimated tax payments for such purposes;

(2) the Secretaries should determine—

(A) whether such a repayment option would be beneficial to borrowers and taxpayers; and

(B) how such program would be implemented by the Departments of Education and Treasury; and

(3) this process would—

(A) streamline the repayment process and provide greater flexibility for borrowers electing to use the direct IDEA loan;

(B) significantly reduce the number of loan defaults by borrowers; and

(C) significantly reduce the redundancy in reporting information pertaining to income contingent repayment to the Department of Education, institutions, and applicants.

(b) REPORT.—The Secretaries of Education and the Treasury shall, within one year after the date of enactment of this Act—

(1) provide the Congress with information on the progress in devising the direct IDEA loan with income contingent repayment using the income tax withholding system;

(2) inform the Congress of any necessary statutory changes for the purpose of establishing a direct IDEA loan with income contingent repayment using the income tax withholding system; and

(3) consider international programs demonstrating implementation of income contingent repayment collected through revenue services, such as programs in England, Australia, and New Zealand.

SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2008; and

(2) a final report regarding such evaluation not later than December 31, 2010.

SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO "GO GREEN".

(a) FINDINGS.—The Committee on Education and Labor of the House of Representatives makes the following findings:

(1) A commitment to and academic programs for environmental and economic sustainability are essential for our Nation's future prosperity.

(2) The more than 4,200 higher education institutions in the United States have the capacity to innovatively leverage spending and change consumption patterns by incorporating concepts of sustainability into their academic programs and by modeling sustainable economic and environmental practices for their communities.

(3) Many colleges and universities have interdisciplinary programs or centers focusing on equipping students with the academic content knowledge needed to understand concepts of sustainability and ''going green''.

(4) Many colleges and universities have programs related to the research of sustainability and sustainable systems.

(5) Academic programs related to sustainability vary in rigor because no national education content standards for academic sustainability programs currently exist.

(6) Colleges and universities may partner with businesses to encourage students and faculty to translate academic learning and research into practical solutions that promote sustainability.

(7) Colleges and universities that make an effort to reduce energy consumption and promote environmental sustainability not only reduce their own emissions, but also motivate the leaders of the next generation to action and create technical skills and resources to develop innovative solutions.

(8) Many colleges and universities have undertaken detailed, campus-wide assessments of their progress toward ''going green'' and sustainability or have measured their progress in specific sectors, such as operations, or specific parameters, such as recycling, energy, and water consumption.

(9) No system that evaluates and compares college and university campuses in terms of overall sustainability-related academic programs and practices currently exists.

(b) SENSE OF THE COMMITTEE ON EDUCATION AND LABOR.—It is the sense of the Committee on Education and Labor that in order to encourage increased public awareness of the need to ''go green'' by using sustainable economic and environmental practices and rigorous sustainability academic programs on college and university campuses, the following should be encouraged:

(1) The development of educational standards by institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

(2) Public awareness of the need for ''going green'' by using sustainable economic and environmental practices.

(3) Non-governmental efforts to improve economic and environmental sustainability efforts on college and university campuses, including holding national summits to share best practices.

(4) Collaborative partnerships between Federal agencies, businesses, universities and communities to broaden sustainability practices.

SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH, AND SAFETY STANDARDS.

(a) STUDY.—The Secretary of Education shall commission the National Research Council to conduct a national study to determine the viability of developing and implementing standards in environmental, health, and safety areas to provide for differential regulation of industrial laboratories and facilities, on the one hand, and research and teaching laboratories on the other. The National Research Council shall make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(b) REPORT.—The Secretary of Education shall submit the list of those regulations that impose the greatest compliance costs on institutions of higher education and make recommendations for statutory changes to ease the compliance burden to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVEMENT.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) commission and ensure the conduct of a national study of underrepresented minority males, particularly African American and Hispanic American males, completing high school, and entering and graduating from colleges and universities in accordance with the following:

(A) the data comprising the study shall focus primarily on African American and Hispanic American males and will utilize existing data sources;

(B) the study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to college, including the financing of college, and college persistence and graduation; and

(C) the implementation of the study shall be in four stages based on the recommendations of the Commissioner of Education Statistics; and

(2) make specific recommendations to the Congress and State superintendents of education on new approaches to increase—

(A) the number of minority males successfully preparing themselves for college study;

(B) the number of minority males graduating from high school and entering college; and

(C) the number of minority males graduating from college and entering careers in which they are underrepresented.

(b) SUBMISSION OF THE REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit a report on the study required by subsection (a)(1), together with the recommendations required by subsection (a)(2), to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.

(a) STUDY.—The Comptroller General shall conduct a study to identify any race, ethnicity, and gender biases present in the design of standardized tests that are used for admission to institutions of higher education.

(b) DATA AVAILABLE TO THE PUBLIC.—Any data collected and used for the study under subsection (a) shall be made publicly available, except that such data shall not be made available in any manner that reveals personally identifiable information relating to any individual.

(c) REPORT.—Not later than one year after date of the enactment of this Act, the Comptroller General shall issue an interim report to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) related to the progress of the study under subsection (a).

SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.

(a) STUDY REQUIRED.—The Congressional Budget Office shall conduct a study on the feasibility of allowing borrowers in repayment of student loans made under the Higher Education Act of 1965 the option of selecting or renegotiating a fixed or variable interest rate on their loans and the repayment period of such loans. The study shall evaluate various scenarios and options and take into consideration the costs to the government, lenders and borrowers of allowing such an option as well as the impact on service quality.

(b) REPORT.—The Congressional Budget Office shall submit a report on the study required by this section to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than one year after the date of the enactment of this Act.

SEC. 809. ENDOWMENT REPORT.

(a) ANALYSIS OF ENDOWMENTS.—The Secretary of Education shall conduct a study on the amounts, uses, and public purposes of the endowments of institutions of higher education. The study shall include information (disaggregated by types of institution) describing—

(1) the average and range of—

(A) the outstanding balance of such endowments;

(B) the growth of such endowments over the last 10 years; and

(C) the percentage of spending on an annual basis and, to the extent practicable, the uses of such endowments by the institutions; and

(2) the extent to which the funds in such endowments are restricted, and the restrictions placed upon such funds.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than one year after the date of enactment of this Act.

SEC. 810. STUDY OF CORRECTIONAL POSTSECONDARY EDUCATION.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) conduct a longitudinal study to assess the effects of correctional postsecondary education that—

(A) employs rigorous empirical methods that control for self-selection bias;

(B) measures a range of outcomes, including those related to employment and earnings, recidivism, engaged citizenship, impact on families of the incarcerated, and impact on the culture of the correctional institution;

(C) examines different delivery systems of postsecondary education, such as on-site and distance learning; and

(D) includes a projected cost-benefit analysis of the Federal investment in terms of reduction of future offending, reduction of future prison costs (construction and operational), increased tax payments by formerly incarcerated individuals, a reduction of welfare and other social service costs for successful formerly incarcerated individuals, and increased costs from the employment of formerly incarcerated individuals; and

(2) make specific recommendations to the Congress and the relevant State agencies responsible for correctional education, such as the State superintendents of education and State secretaries of corrections, on best approaches to increase correctional education and its effectiveness.

(b) SUBMISSION OF REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit an interim report on the progress of the study required by subsection (a)(1) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)). Not later than 7 years after the date of enactment of this Act, the Secretary shall submit a final report, together with the recommendations required by subsection (a)(3), to the authorizing committees.

SEC. 811. NATIONAL UNDERGRADUATE FELLOWS PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants, on a competitive basis, to institutions of higher education (as defined in section 102) to support a National Undergraduate Fellows program.

(b) PURPOSE OF GRANTS.—Grants under this section shall be provided to enable administrators (including student affairs administrators)—

(1) to improve postsecondary degree completion rates of current underrepresented students through mentoring, a leadership institute, an internship, and funding to attend regional and national higher education administration conferences;

(2) to increase the retention and success rates of not only current students, but future generations of underrepresented college students, by encouraging them to pursue a career in higher education or student affairs; and

(3) to increase the quality and number of underrepresented higher education and student affairs administrators able to provide much needed student support services to students.

(c) USES OF FUNDS.—Grantees under this section may use the funds to provide—

(1) staffing support for the program, which may include a higher education administrator as a mentor;

(2) summer internship opportunities focusing on higher education administration, at an institution other than their own;

(3) a summer leadership institute participation opportunity for self reflection, leadership skill building, graduate school preparation, and career development; and

(4) as needed, support to attend regional and national higher education conferences for additional leadership and professional development.

(d) ON-GOING SUPPORT FOR THE FELLOWS PROGRAM.—From the funds appropriated in section 800 of the Higher Education Act of 1965, the Secretary shall award a grant, on a competitive basis, to a national organization to enable such organization to support the establishment and ongoing work of the program under this section.

SEC. 812. NATIONAL CENTER FOR LEARNING SCIENCE AND TECHNOLOGY TRUST FUND.

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Center for Learning Science and Technology (referred to in this Act as the ''Center'') which shall not be an agency or establishment of the United States Government. The Center shall be subject to the provisions of this section, and, to the extent consistent with this section,

to the District of Columbia Nonprofit Corporation Act (D.C. Code, section 29–501 et seq.).

(b) FUNDING.—

(1) IN GENERAL.—There is established in the Treasury a separate fund to be known as the National Center for Learning Science and Technology Trust Fund (referred to in this Act as the ''Trust Fund''). The Trust Fund shall contain such amounts as are credited to the Trust Fund under paragraph (2) and other funds obtained under paragraph (3).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such sums as may be necessary for the fiscal years 2008 and each of the 4 succeeding fiscal years.

(3) ADDITIONAL FUNDS.—The Trust Fund is authorized—

(A) to accept funds from any Federal agency or entity;

(B) to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Center; and

(C) to enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.

(c) BOARD OF DIRECTORS; FUNCTIONS, AND DUTIES.—

(1) IN GENERAL.—A board of directors of the Center (referred to in this Act as the ''Board'') shall be established to oversee the administration of the Center. Such Board shall consist of 9 members to be appointed by the Secretary of Education, who—

(A) reflect representation from the public and private sectors; and

(B) shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Center.

(2) ORGANIZATION AND OPERATION.—The board shall incorporate and operate the center in accordance with the laws governing tax exempt organizations in the District of Columbia.

(d) TRUST FUND USES.—

(1) USES OF FUNDS.—To achieve the objectives of this Act, the Director of the Center, after consultation with the Board, may use Trust funds—

(A) to support basic and applied research development and demonstrations of innovative learning and assessment systems as well as the components and tools needed to create them;

(B) to support the testing and evaluation of these systems; and

(C) to encourage the widespread adoption and use of effective approaches to learning.

(2) CONTRACTS AND GRANTS.—

(A) IN GENERAL.—In order to carry out the activities described in paragraph (1), the Director of the Center, with the agreement of a majority of the members of the Board, may award contracts and grants to colleges and universities, museums, libraries, public broadcasting entities and similar nonprofit organizations and public institutions (with or without private partners).

(B) PUBLIC DOMAIN.—

(i) IN GENERAL.—The research and development properties and materials associated with a project in which a majority of the funding used to carry out the project is from a grant or contract under this Act shall be freely and nonexclusively available to the general public in a timely manner.

(ii) EXEMPTION.—The Director of the Center may exempt specific projects from the requirement of clause (i) if the Director of the Center and a majority of the members of the Board determine that the general public will benefit significantly due to the project not being freely and nonexclusively available to the general public in a timely manner.

(C) PEER REVIEW.—To the extent practicable, proposals for grants or contracts shall be evaluated on the basis of comparative merit by panels of experts who represent diverse interests and perspectives, and who are appointed by the Director of the Center from recommendations from the fields served and from the Board of Directors.

(e) ACCOUNTABILITY AND REPORTING.—

(1) REPORT.—

(A) IN GENERAL.—Not later than April 30 of each year, the Director of the Center shall prepare a report for the preceding fiscal year that contains the information described in subparagraph (B).

(B) CONTENTS.—A report under subparagraph (A) shall include—

(i) a comprehensive and detailed report of the Center's operations, activities, financial condition, and accomplishments, and such recommendations as the Director of the Center determines appropriate;

(ii) a comprehensive and detailed inventory of funds distributed from the Trust Fund during the fiscal year for which the report is being prepared; and

(iii) an independent audit of the Trust Fund's finances and operations, and of the implementation of the goals established by the Board.

(C) STATEMENT OF THE BOARD.—Each report under subparagraph (A) shall include a statement from the Board containing—

(i) a clear description of the plans and priorities of the Board for the subsequent 5-year period for expenditures from the Trust Fund; and

(ii) an estimate of the funds that will be available for such expenditures from the Trust Fund.

(D) SUBMISSION TO THE PRESIDENT AND CONGRESS.—A report under this subsection shall be submitted to the President and the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

(2) TESTIMONY.—The Director and principal officers of the Center shall testify before the appropriate committees of Congress, upon request of such committees, with respect to—

(A) a report prepared under paragraph (1)(A); and

(B) any other matter that such committees may determine appropriate.

(f) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—The authority to award grants, enter into contracts, or otherwise to expend funds under this section is subject to the availability of amounts deposited into the Trust Fund under subsection (b)(3)(A) or (B), or amounts otherwise appropriated for such purposes by an Act of Congress.

SEC. 813. GAO STUDY OF EDUCATION RELATED INDEBTEDNESS OF MEDICAL SCHOOL GRADUATES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the higher education related indebtedness of medical school graduates in the United States at the time of graduation.

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required by subsection (a) to the authorizing Committees (as such term is defined in section 103 of the Higher Education Act of 1965), and shall make the report widely available to the public. Additional reports may be periodically prepared and released as necessary.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

*(1) by striking the section heading and inserting ''**LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**'';*

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(C) in paragraph (4)(C)—

(i) in clause (i), by striking ''(6)'' and inserting ''(8)''; and

(ii) in clause (vi), by striking ''(m)'' and inserting ''(o)''; and

(D) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i)(I) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; or

''(II) develop such standards and assessments subject to the approval of the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by—

''(i) the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i)(I); or

''(ii) the University, if the University develops standards and assessments in accordance with subparagraph (A)(i)(II); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York''; and

(II) by striking ''of a'' and inserting ''of the''; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of

those institutions for the establishment and operation of a National Technical Institute for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 905. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through the period and inserting ''of NTID programs and activities.''.

SEC. 906. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in the first sentence of subsection (a), by striking ''preparatory,'';

(2) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(3) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 910. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good-faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.''.

SEC. 911. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE DEAF.

(a) CONDUCT OF STUDY.—Subsection (a)(1) of section 211 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360) is amended by inserting after ''The Secretary shall'' the following: ''establish a commission on the education of the deaf (in this section referred to as the 'commission') to''.

(b) PUBLIC INPUT AND CONSULTATION.—Subsection (b) of such section is amended by striking ''Secretary'' each place it appears and inserting ''commission''.

(c) REPORT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''Secretary'' and all that follows through ''1998'' and inserting ''commission shall report to the Secretary and Congress not later than 18 months after the date of the enactment of the College Opportunity and Affordability Act of 2007''; and

(2) in paragraph (1)—

(A) by striking ''recommendations,'' and inserting ''recommendations relating to educated-related factors that contribute to successful postsecondary education experiences and employment for individuals who are deaf,''; and

(B) by striking ''Secretary'' and inserting ''commission''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended by striking ''$1,000,000 for each of the fiscal years 1999 and 2000'' and inserting ''such sums as may be necessary for each of the fiscal years 2008 and 2009''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 921. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE V—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

''SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h))) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

''SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the College Opportunity and Affordability Act of 2007.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

''SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic

support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the end of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

PART C—HIGHER EDUCATION AMENDMENTS OF 1998; HIGHER EDUCATION AMENDMENTS OF 1992

SEC. 941. GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS.

Part D of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''PART D—GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS

''SEC. 821. GRANTS FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.

''(a) DEFINITION.—In this section:

''(1) INCARCERATED INDIVIDUAL.—The term 'incarcerated individual' means a male or female offender who is incarcerated in a State or Federal prison, including a prerelease facility.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(b) GRANT PROGRAM.—The Secretary—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, and to the Federal Bureau of Prisons, to assist and encourage incarcerated individuals to acquire educational and job skills, through—

''(A) coursework to prepare students to take college-level courses, such as remedial math and English for postsecondary preparation;

''(B) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree, provided by a regionally or nationally accredited body while in prison; and

''(C) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies and the Federal Bureau of Prisons receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency or the Federal Bureau of Prisons shall submit to the Secretary a proposal for an incarcerated individual program that—

''(1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions with campuses established outside the prison facility that will provide postsecondary preparatory or postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency or the Federal Bureau of Prisons will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State and Federal correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State and Federal prison industry programs; and

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency and Federal Bureau of Prisons entity receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs and the Federal Bureau of Prisons;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic, and vocational education programs; and

''(2) provide to each State and the Federal Bureau of Prisons for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies, the Federal Bureau of Prisons, and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(f) LENGTH OF PARTICIPATION.—Services carried out with a grant under this section shall be available to incarcerated individuals as follows:

''(1) Educational services shall start during the period of incarceration or prerelease and shall end upon release.

''(2) Related services shall start during the period of incarceration or prerelease and may continue for not more than one year after release.

''(g) FEDERAL BUREAU OF PRISONS GRANT ELIGIBILITY.—Notwithstanding any other provision of law, the Federal Bureau of Prisons shall be eligible to apply for and receive a grant under this section, provided that the Federal Bureau of Prisons meets the application and program requirements under this section.

''(h) ALLOCATION OF FUNDS.—

''(1) STATES.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such funds as the total number of incarcerated individuals in such State bears to the total number of such incarcerated individuals in all States.

''(2) FEDERAL BUREAU OF PRISONS FACILITIES.—From the funds appropriated pursuant to subsection (h) for each fiscal year, the Secretary shall allot to each Federal Bureau of Prisons facility an amount that bears the same ratio to such funds as the total number of inmates in such facility bears to the total number of inmates in all Bureau of Prisons facilities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 942. UNDERGROUND RAILROAD.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section $3,000,000 for fiscal years 2009 and the 4 succeeding fiscal years.''.

SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVISIONS.

The following provisions of the Higher Education Amendments of 1998 are repealed:

(1) STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS.—Section 801 (20 U.S.C. 1018 note).

(2) STUDY OF FEASIBILITY OF ALTERNATE FINANCIAL INSTRUMENTS FOR DETERMINING LENDER YIELDS.—Section 802.

(3) STUDENT RELATED DEBT STUDY.—Section 803 (20 U.S.C. 1015 note).

(4) COMMUNITY SCHOLARSHIP MOBILIZATION.—Part C of title VIII (20 U.S.C. 1070 note).

(5) IMPROVING UNITED STATES UNDERSTANDING OF SCIENCE, ENGINEERING, AND TECHNOLOGY IN EAST ASIA.—Part F of title VIII (42 U.S.C. 1862 note).

(6) WEB-BASED EDUCATION COMMISSION.—Part J of title VIII.

SEC. 944. OLYMPIC SCHOLARSHIPS.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''1999'' and inserting ''2009''.

SEC. 945. ESTABLISHMENT OF ASSISTANT SECRETARY FOR INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.

(a) IN GENERAL.—Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended in subsection (b)(1)—

(1) in subparagraph (E) by striking ''and'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) an Assistant Secretary for International and Foreign Language Education; and''.

(b) FUNCTIONS.—Such section is further amended by adding at the end the following:

''(j) The Assistant Secretary for International and Foreign Language Education—

''(1) shall be an individual with extensive background and experience in international and foreign language education; and

''(2) notwithstanding any other provision of law, shall report directly to the Secretary.''.

(c) CONFORMING AMENDMENT.—Such section is further amended in subsection (e)—

(1) in paragraph (4), by adding ''and'' at the end;

(2) in paragraph (5), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (6).

(d) OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.—Title II of the Department of Education Organization Act is amended by inserting after section 207 (20 U.S.C. 3417) the following:

''OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION

''SEC. 207A. There shall be in the Department an Office of International and Foreign Language Education, to be administered by the Assistant Secretary for International and Foreign Language Education appointed under section 202(b). In addition to performing such functions affecting international and foreign language education as the Secretary may prescribe, the Assistant Secretary shall—

''(1) have responsibility for encouraging and promoting the study of foreign languages and the study of cultures of other countries at the elementary, secondary, and postsecondary levels in the United States;

''(2) carry out the administration of all Department programs on international and foreign language education and research;

''(3) coordinate with related international and foreign language education programs of other Federal departments and agencies; and

''(4) administer and coordinate the Department of Education's activities in international affairs.''.

PART D—JUSTICE DEPARTMENT PROGRAMS

SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3111. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation;

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF LOAN REPAYMENT.—

''(1) BORROWER AGREEMENT.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Attorney General that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.

''(2) REPAYMENT BY BORROWER.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other

sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—

''(A) subject to the availability of appropriations; and

''(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

''(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

''(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

''(B) who—

''(i) received repayment benefits under this section during the preceding fiscal year; and

''(ii) have completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) REPORT BY INSPECTOR GENERAL.—Not later than 3 years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

''(1) the cost of the program authorized under this section; and

''(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

''(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2008 through 2013.''.

SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

(a) IN GENERAL.—The Attorney General of the United States is authorized to make grants, through the Office of Community Oriented Policing Services, to establish and operate a National Center for Campus Public Safety (referred to in this section as the ''Center''). The Center shall—

(1) provide quality education and training for campus public safety agencies and the agencies' collaborative partners, including campus mental health agencies;

(2) foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including the prevention of violence against persons and property and emergency response and evacuation procedures;

(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

(6) coordinate campus safety information and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States;

(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

(b) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Attorney General shall—

(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorneys General of each State; and

(2) coordinate the establishment and operation of the Center with campus public safety resources that may already be available within the Department of Homeland Security and the Department of Education.

(c) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,750,000 for each of the fiscal years 2008 and 2009 and such sums as may be necessary thereafter.

SEC. 953. PRIVATE LOAN FORGIVENESS.

Section 209 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(i) This section does not prohibit—

''(1) a public or private institution of higher education from providing an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment: Provided, that such repaying or providing forbearance—

''(A) is not provided exclusively to officers and employees of the executive branch of the United States Government, of any independent agency of the United States, and of the District of Columbia; and

''(B) is provided to any such officer or employee—

''(i) in accordance with a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students who perform public service; and

''(ii) under the same terms and conditions as are available under such policy to other students of the institution who are performing public service and who qualify for such repayment or forbearance; and

''(2) an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia from receiving repayment or forbearance permitted under paragraph (1).''.

PART E—STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

SEC. 961. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (b):

''(c) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

''(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

''(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

''(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

''(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;

''(D) to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; and

''(E) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

''(3) APPLICATION AND REVIEW PROCEDURES.—

''(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Secretary, consistent with subparagraph (C) and in consultation with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

''(B) ADVISORY COUNCIL.—The Secretary shall establish an advisory council to advise the Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

''(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

''(D) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.

''(E) MATCHING REQUIREMENT.—The Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

''(F) AWARDS.—

''(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

''(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State education agency, local education agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

''(iii) PLANNING GRANTS.—The Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

''(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

''(v) NEED.—In awarding funds under this subsection, the Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

''(G) ANNUAL REPORT AND EVALUATION.—

''(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Secretary on its use of the grant, cooperative agreement, or contract.

''(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under paragraph (3)(A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Secretary under clause (i).

''(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Secretary shall transmit the assessment to Congress along with a summary of the Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

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

''(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.

''(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

''(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

''(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

''(VI) an institution of higher education (as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)) with an enrollment of needy students (as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d))).

''(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).

''(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

''(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

SEC. 962. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out section 5(c) of the Stevenson-Wydler Technology Innovation Act of 1980—

(1) $250,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

TITLE X—PRIVATE STUDENT LOAN TRANSPARENCY AND IMPROVEMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Private Student Loan Transparency and Improvement Act of 2007''.

SEC. 1002. DEFINITIONS.

As used in this title—

(1) the term ''Board'' means the Board of Governors of the Federal Reserve System;

(2) the term ''covered educational institution''—

(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

(B) includes an agent or employee of the educational institution;

(3) the terms ''Federal banking agencies'' and ''appropriate Federal banking agency'' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term ''institution of higher education'' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

(5) the term ''postsecondary educational expenses'' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll);

(6) the term ''private educational lender'' means any creditor (as defined in section 103 of the Truth in Lending Act) which solicits, makes, or extends private educational loans; and

(7) the term ''private educational loan''—

(A) means a loan provided by a private educational lender that—

(i) is not made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

(B) does not include an extension of credit under an open end consumer credit plan, a residential mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act), or any other loan that is secured by real property or a dwelling.

SEC. 1003. REGULATIONS.

The Board shall issue final regulations to implement this title and the amendments made by this title not later than 180 days after the date of enactment of this title.

SEC. 1004. EFFECTIVE DATES.

This title and the amendments made by this title shall become effective 180 days after the date on which regulations to carry out this title and the amendments made by this title are issued in final form.

Subtitle A—Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest

SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"§ 140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COVERED EDUCATIONAL INSTITUTION.—The term 'covered educational institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

''(B) includes an agent or employee of the educational institution.

''(2) GIFT.—The term 'gift'—

''(A) means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimis amount, including a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred;

''(B) does not include—

''(i) standard informational material related to a loan or financial literacy (such as a brochure);

''(ii) food, refreshments, training, or informational material furnished to an employee or agent of a covered educational institution, as an integral part of a training session that is designed to improve the service of the private educational lender to the covered educational institution, if such training contributes to the professional development of the employee or agent of the covered educational institution; or

''(iii) favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered educational institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution; and

''(C) includes a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, if—

''(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

''(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

''(3) INSTITUTION OF HIGHER EDUCATION.—the term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(4) POSTSECONDARY EDUCATIONAL EXPENSE.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

''(5) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means a creditor which solicits, makes, or extends private educational loans.

''(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

''(A) means a loan provided by a private educational lender that—

''(i) is not made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

''(B) does not include an extension of credit under an open end consumer credit plan, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

''(7) REVENUE SHARING.—the term 'revenue sharing' means an arrangement between a covered educational institution and a private educational lender under which—

''(A) a private educational lender provides or issues private educational loans to students attending the covered educational institution or to the parents of such students;

''(B) the covered educational institution recommends to students or others the private educational lender or the private educational loans of the private educational lender; and

''(C) the private educational lender pays a fee or provides other material benefits, including profit or revenue sharing, to the covered educational institution or to the officers, employees, or agents of the covered educational institution in connection with the private educational loans provided to students attending the covered educational institution or a borrower acting on behalf of a student.

''(b) PROHIBITION ON CERTAIN GIFTS AND ARRANGEMENTS.—A private educational lender, including any officer or employee thereof, may not, directly or indirectly—

''(1) offer or provide any gift to a covered educational institution or a covered educational institution employee, nor may such covered educational institution, officer, or employee receive any such gift, in exchange for any advantage or consideration provided to such private educational lender related to its private educational loan activities; or

''(2) engage in revenue sharing with a covered educational institution.

''(c) PROHIBITION ON CO-BRANDING.—A private educational lender may not use the name, emblem, mascot, or logo of the covered educational institution, or other words, pictures, or symbols readily identified with the covered educational institution, in the marketing of private educational loans in any way that implies that the covered educational institution endorses the private educational loans offered by the lender.

''(d) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—

''(1) IN GENERAL.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to private educational loans, shall not serve on or otherwise participate with advisory councils of private educational lenders or affiliates of such lenders.

''(2) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

''(A) prohibiting private educational lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, to the extent that no gifts or compensation (including for transportation, lodging, or related expenses) are provided by private educational lenders in connection with seeking this advice from such institutions; or

''(B) prohibiting an employee, officer, or agent of a covered institution from serving on the board of directors of a private educational lender, if required by State law.

''(e) PROHIBITION ON PREPAYMENT OR REPAYMENT FEES OR PENALTY.—It shall be unlawful for any private educational lender to impose a fee or penalty on a borrower, directly or indirectly, for early repayment or prepayment, of any private educational loan.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

''140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.''.

SEC. 1012. CIVIL LIABILITY.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''or section 128(e)(8)'' after ''section 125''; and

(B) in the fourth sentence of the undesignated matter at the end—

(i) by striking ''125 or'' and inserting ''125,''; and

(ii) by inserting ''or of section 128(e),'' before ''or for failing''; and

(2) in subsection (e), by inserting before the first period, the following: ''or, in the case of a violation involving a private educational loan, 1 year from the date on which the first regular payment of principal is due under the loan''.

Subtitle B—Improved Disclosures for Private Educational Loans

SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES AND LIMITATIONS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

''(e) TERMS AND DISCLOSURE WITH RESPECT TO PRIVATE EDUCATIONAL LOANS.—

''(1) DISCLOSURES REQUIRED IN PRIVATE EDUCATIONAL LOAN APPLICATIONS AND SOLICITATIONS.—In any application for a private educational loan, or a solicitation for a private educational loan without requiring an application, the creditor shall disclose to the borrower, clearly and conspicuously—

''(A) the potential range of rates of interest applicable to the private educational loan;

''(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

''(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

''(D) requirements for a co-borrower, including any changes in the applicable interest rates without a co-borrower;

''(E) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower;

''(F) fees or range of fees applicable to the private educational loan;

''(G) the term of the private educational loan;

''(H) whether interest will accrue while the student to whom the private educational loan relates is enrolled at an institution of higher education;

''(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

''(J) general eligibility criteria for the private educational loan;

''(K) an example of the total cost of the private educational loan over the life of the loan—

''(i) which shall be calculated using the principal amount and the maximum rate of interest actually offered by the creditor; and

''(ii) calculated both with and without capitalization of interest, if that is an option for postponing interest payments;

''(L) a statement that an institution of higher education may have school-specific educational loan benefits and terms not detailed on the disclosure form;

''(M) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

''(N) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

''(O) that the consumer may obtain additional information concerning such Federal financial assistance from their institution of higher education or at the website of the Department of Education;

''(P) that, as provided in paragraph (6)—

''(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

''(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period; and

''(Q) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

''(2) WRITTEN ACKNOWLEDGMENT OF RECEIPT.—In each case in which a disclosure is provided pursuant to paragraph (1) and an application initiated, a creditor shall obtain a written acknowledgment from the consumer that the consumer has read and understood the disclosure.

''(3) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN APPROVAL.—Subject to the rules of the Board, contemporaneously with the approval of a private educational loan application, and before the loan transaction is consummated, the creditor shall disclose to the borrower, clearly and conspicuously—

''(A) the applicable rate of interest in effect on the date of approval;

''(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

''(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

''(D) the initial approved principal amount;

''(E) applicable finance charges, late fees, penalties, and adjustments to principal, based upon borrower defaults or late payments;

''(F) the maximum term under the private educational loan program;

''(G) an estimate of the total amount for repayment, at both the interest rate in effect on the date of approval and at the maximum possible rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof;

''(H) any principal and interest payments required while the student to whom the private educational loan relates is enrolled at an institution of higher education and interest which will accrue during such enrollment;

''(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

''(J) whether monthly payments are graduated;

''(K) that, as provided in paragraph (7)—

''(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

''(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period;

''(L) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

''(M) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

''(N) the maximum monthly payment, calculated using the maximum rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof; and

''(O) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

''(4) PROVISION OF INFORMATION.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1) for an amount equal to more than $1,000, the creditor shall notify the relevant institution of higher education, in writing, of the proposed extension of credit and the amount thereof.

''(5) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN CONSUMMATION.—Subject to the regulations prescribed by the Board, contemporaneously with the consummation of a private educational loan, the creditor shall make each of the disclosures described in subparagraphs (A) through (J) and (L) through (O) of paragraph (3) to the borrower.

''(6) FORMAT OF DISCLOSURES.—Disclosures required under paragraphs (1), (3), and (5) shall appear in a clearly legible, uniform format, subject to section 122(c).

''(7) EFFECTIVE PERIOD OF APPROVED RATE OF INTEREST AND LOAN TERMS.—

''(A) IN GENERAL.—With respect to a private educational loan, the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan, and the rates and terms of the loan may not be changed by the creditor during that period, subject to the rules of the Board.

''(B) PROHIBITION ON CHANGES.—Except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor prior to the earlier of—

''(i) the date of acceptance of the terms of the loan and consummation of the transaction by the borrower, as described in subparagraph (A); or

''(ii) the expiration of the 30-day period referred to in subparagraph (A).

''(C) PROHIBITION ON DISBURSEMENT.—No funds may be disbursed with respect to a private educational loan until acceptance of the loan by the borrower under subparagraph (A) and the expiration of the 3-day period under paragraph (7).

''(8) RIGHT TO CANCEL.—With respect to a private educational loan, the borrower may cancel the loan, without penalty to the borrower, at any time within 3 business days of the date on which the loan is consummated, subject to the rules of the Board. No funds may be transferred to the borrower during that 3-day period.

''(9) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(B) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means any creditor engaged in the business of soliciting, making, or extending private educational loans.

''(C) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

''(i) means a loan provided by a private educational lender that—

''(I) is not made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(II) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

''(ii) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.''.

SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO ALL PRIVATE EDUCATIONAL LOANS.

Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by inserting ''and other than private educational loans (as that term is defined in section 140(a))'' after ''consumer''.

Subtitle C—Financial Literacy

SEC. 1031. COORDINATED EDUCATION EFFORTS.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary''), in coordination with the Secretary of Education, the Secretary of Agriculture (with respect to land grant covered educational institutions), and any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), shall seek to enhance financial literacy among students at institutions of higher education through—

(1) the development of initiatives, programs, and curricula that improve student awareness of the short- and long-term costs associated with educational loans and other debt assumed while in college, their repayment obligations, and their rights as borrowers; and

(2) assisting such students in navigating the financial aid process.

(b) DUTIES.—For purposes of this section, the Secretary, working in conjunction with the Secretary of Education, the Secretary of Agriculture, and the Financial Literacy and Education Commission, shall—

(1) identify programs that promote or enhance financial literacy for college students, with specific emphasis on programs that impart the knowledge and ability for students to best navigate the financial aid process, including those that involve partnerships between nonprofit organizations, colleges and universities, State and local governments, and student organizations;

(2) evaluate the effectiveness of such programs in terms of measured results, including positive behavioral change among college students;

(3) promote the programs identified as being the most effective; and

(4) encourage institutions of higher education to implement financial education programs for their students, including those that have the highest evaluations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Financial Literacy and Education Commission shall submit a report to Congress on the state of financial education among students at institutions of higher education.

(2) CONTENT.—The report required by this subsection shall include a description of

progress made in enhancing financial education with respect to student understanding of financial aid, including the programs and evaluations required by this section.

(3) APPEARANCE BEFORE CONGRESS.—The Secretary shall, upon request, provide testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate concerning the report required by this subsection.

Subtitle D—Study and Report on Nonindividual Information

SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFORMATION.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') conduct a study—

(1) on the impact on and benefits to borrowers of the inclusion of nonindividual factors, including cohort default rate, accreditation, and graduation rate at institutions of higher education, used in the underwriting criteria to determine the pricing of private educational loans;

(2) to examine whether and to what extent the inclusion of such nonindividual factors—

(A) increases access to private educational loans for borrowers who lack credit history or results in less favorable rates for such borrowers; and

(B) impacts the types of private educational loan products and rates available at certain institutions of higher education, including a comparison of such impact—

(i) on private and public institutions; and

(ii) on historically Black colleges and universities (defined for purposes of this section as a ''part B institution'', within the meaning of section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and other colleges and universities; and

(3) to assess the extent to which the use of such nonindividual factors in underwriting may have a disparate impact on the pricing of private educational loans, based on gender, race, income level, and institution of higher education.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller shall submit a report to Congress on the results of the study required by this section.

Subtitle E—Incentives For Low-Cost Educational Loans

SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL LOANS.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

''(d) LOW-COST EDUCATIONAL LOANS.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider, as a factor, low-cost educational loans provided by the financial institution to low-income borrowers.''.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–523 and amendments en bloc described in section 3 of House Resolution 956. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read; shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc shall insert may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

AMENDMENT NO. 1 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–523.

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEORGE MILLER of California:

Page 12, after line 16, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(1) in subsection (a)(1), by inserting before the semicolon the following: '', or persons who meet the requirements of section 484(d)(3)'';

Page 15, line 2, strike ''and eligible'' and insert ''or eligible''.

Page 17, line 23, strike ''1988))'' and insert ''1988)); as updated by the Secretary from time to time and published in the Federal Register,''.

Page 18, after line 3, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

''(19) DISCONNECTED STUDENTS.—The term 'disconnected students' means students who are—

''(A) homeless children and youths, as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

''(B) orphans, in foster care, or wards of the court, or who were in foster care or were wards of the court until the students reached the age of 16;

''(C) adjudicated or convicted juveniles, or who were adjudicated juveniles until the juveniles reached the upper age of juvenile court jurisdiction, or who were convicted juveniles who completed the sentence for the juvenile conviction prior to reaching the age of majority; or

''(D) pregnant or parenting youth.

Page 37, beginning on line 22, strike ''The Secretary'' and insert ''Not later than 90 days after the Secretary receives the information required under paragraph (2), the Secretary''.

Page 39, beginning on line 7, strike subsection (a) and insert the following:

''(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide—

''(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the 5 most recent preceding academic years for which satisfactory data are available; and

''(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the 5 most recent preceding academic years for which satisfactory data are available.

Page 39, line 23, after ''precipitous'' insert ''and unforeseen''.

Page 41, beginning on line 1, strike section 109 through page 54, line 24, and insert the following:

SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

(a) AMENDMENT TO TITLE I.—Part C of title I (20 U.S.C. 1015) is amended by adding after section 132 (as added by section 108 of this Act) the following new section:

''SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) COLLEGE AFFORDABILITY AND TRANSPARENCY LISTS.—Effective July 1, 2011, the Secretary shall annually update and make publicly available on the College Navigator website, in a manner that is sortable by State, the following lists:

''(1) A list of the top 5 percent of the institutions in each category (as defined by subsection (b)) that have the highest tuition and fees.

''(2) A list of the top 5 percent of the institutions in each such category that have the lowest tuition and fees.

''(3) A list of the top 5 percent of the institutions in each such category that have the largest increase, expressed as a percentage change, in their tuition and fees over the most recent three year period for which satisfactory data is available.

''(b) CATEGORIES OF INSTITUTIONS.—The following categories shall be used in compiling the information in subsection (a):

''(1) 4-year public institutions of higher education.

''(2) 4-year private, nonprofit institutions of higher education.

''(3) 4-year private, for-profit institutions of higher education.

''(4) 2-year public institutions of higher education.

''(5) 2-year private, nonprofit institutions of higher education.

''(6) 2-year private, for-profit institutions of higher education.

''(7) Less than 2-year public institutions of higher education.

''(8) Less than 2-year private, nonprofit institutions of higher education.

''(9) Less than 2-year private, for-profit institutions of higher education.

''(10) All types of institutions described in paragraphs (1) through (9).

''(c) INSTITUTION REPORTS.—If an institution of higher education appears on the list described in subsection (a)(3), the institution or a representative association designated by the institution shall submit to the Secretary the following information:

''(1) A description of the factors contributing to the increase in the institution's tuition and fees, including an identification of the major areas in the institution's budget with the greatest cost increases.

''(2) If determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations, and the authority exercised by such agency, instrumentality, or entity.

''(d) QUALITY EFFICIENCY TASK FORCES.—Each institution that is required to submit information by subsection (c) shall establish a quality-efficiency task force to—

''(1) review the operations of such institution;

''(2) analyze institutional operating costs in comparison with such costs at other institutions within the same category of institutions;

''(3) identify areas where, in comparison with other institutions in such category, the institution operates more expensively to produce a similar result;

''(4) conduct an in-depth analysis of such identified areas for cost reduction opportunities; and

''(5) submit a report to the Secretary and the institution on the results of the review and analysis conducted under this subsection.

''(e) INFORMATION TO THE PUBLIC.—The Secretary shall compile the information submitted under subsections (c) and (d) and shall submit an annual report summarizing such information to the authorizing committees and publish such report on the College Navigator website.

''(f) EXEMPTIONS.—An institution shall not be placed on the list required under subsection (a)(3) and shall not be subject to the reporting in subsection (c) if, for the 3-year interval described in subsection (a)(3) the institution meets the following criteria:

''(1) With respect to the category of institutions described in subsection (b) to which the institution belongs, the computed price of the institution is in the lowest quartile of institutions within such category, as determined by the Secretary, during the last year of such 3-year interval.

''(2) The dollar amount of the institution's increase in its full price, as computed under subsection (a)(3), is less than $500 for such 3-year interval.

''(g) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report on the College Navigator website, in charts for each State—

''(1) a comparison of—

''(A) the percentage change in State appropriations per full-time equivalent student in each public institution of higher education in the State for each of the 5 most recent preceding academic years; to

''(B) the percentage change in tuition and fees for each public institution of higher education in the State for each of the 5 most recent preceding academic years; and

''(2) the total amount of need-based and merit-based aid provided by the State to full-time equivalent students attending an institution of higher education in the State.

''(h) AVAILABILITY OF NET PRICE INFORMATION.—

''(1) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees actually charged to a full-time undergraduate student receiving student aid at an institution of higher education, after deduction of any discounts and Federal and State aid, and any other institutional aid, that reduce the full price of tuition and fees at the institution, as determined in accordance with regulations prescribed by the Secretary.

''(2) NET PRICE CALCULATOR.—

''(A) DEVELOPMENT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with institutions of higher education, develop a net price calculator to help students, families, and consumers determine the net price of an institution of higher education. The calculator shall be developed in a manner that permits students to determine an estimate of their individual net price of attendance for an institution.

''(B) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and make available for use on the institution's website the net price calculator developed under subparagraph (A) to help students, families, and other consumers determine the net price of such institution of higher education.

''(i) POSTSECONDARY EDUCATION PRICE INDICES.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop, for inclusion in the higher education pricing summary page required under subsection (j)(3), postsecondary education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions described in subsection (b). Such indices shall be updated annually. Prior to the completion of the postsecondary education price indices, the Secretary is authorized to use an alternative, comparable index or indices.

''(j) CONSUMER COST INFORMATION.—

''(1) INFORMATION FROM INSTITUTIONS.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall post on the College Navigator website and make available to institutions of higher education, students, families, and other consumers, in a consumer-friendly manner, the following information about each institution of higher education for the most recent academic year for which the Secretary has available data:

''(A) A statement of the institution's mission and specialties.

''(B) Total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Percentage of enrolled undergraduate students at the institution registered with the office of disability services (or equivalent department) as students with disabilities.

''(I) Retention rates for full-time and part-time first-time, first-year undergraduate students enrolled at the institution.

''(J) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(K) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5, and 6 years (in the case of 2-year and 4-year institutions), including by income category, as defined in paragraph (4).

''(L) Number of students who obtained a certificate or an associates, bachelors, masters, or doctoral degree at the institution.

''(M) Undergraduate major areas of study with the highest number of degrees awarded.

''(N) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty, and graduate teaching and research assistants with instructional responsibilities, at the institution.

''(O) Percentage of faculty at the institution with the highest degree in their field.

''(P) Percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the 3 most recent preceding academic years.

''(Q) Total average annual cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off campus.

''(R) Average annual grant amount (including Federal, State, and institutional aid) broken down by income category as defined in paragraph (4) for a student enrolled at the institution.

''(S) Average annual amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(T) Total annual grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(U) Percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(V) Number of students receiving Federal Pell Grants at the institution.

''(W) Average net price of the institution calculated for each income category, as defined in paragraph (4), for each of the 3 most recent preceding academic years.

''(X) Percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(Y) The institution's cohort default rate, as defined under section 435(m).

''(Z) Information on the policies of the institution related to transfer of credit from other institutions.

''(AA) Information on campus safety required to be collected under section 485(f).

''(BB) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(CC) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(2) DATA COLLECTION.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this subsection and to continue to improve the usefulness and timeliness of data collected by such System in order to inform consumers about institutions of higher education.

''(3) HIGHER EDUCATION PRICING SUMMARY PAGE.—The Secretary shall make publicly available on an annual basis, in a sortable

and searchable electronic format on the College Navigator website, a list of all institutions of higher education participating in aid programs under title IV of this Act that includes for each such institution:

''(A) The undergraduate tuition and fees for the upcoming academic year.

''(B) The average annual net price by income category, as defined in paragraph (4), over the 3 most recent preceding academic years.

''(C) The average annual percentage change and dollar change in such institution's tuition and fees over the 3 most recent preceding academic years.

''(D) The average annual percentage change and dollar change in such institution's per student instructional spending over the 3 most recent preceding academic years.

''(E) The difference between the average annual percentage change in such institution's tuition and fees over the 3 most recent preceding academic years and the postsecondary education price indices, as defined in subsection (i).

''(F) A link to the institution information on the College Navigator website, as detailed in paragraph (1).

''(4) INCOME CATEGORIES.—

''(A) IN GENERAL.—For purposes of reporting the information required under this subsection and compiling information for the net price calculator, the following income categories shall apply:

''(i) $0–35,000;

''(ii) $35,001–70,000;

''(iii) $70,001–105,000;

''(iv) $105,001–140,000; and

''(v) $140,000 and up.

''(B) ANNUAL ADJUSTMENT.—The Secretary shall make available to all institutions of higher education participating in an aid program under title IV of this Act, on an annual basis, the annual inflation adjustment for the income categories set forth in subparagraph (A).

''(C) IMPRACTICABLE REPORTING EXEMPTION.—An institution that is required by this subsection to report any information pertaining to institutional aid by income category is not required to report such information to the extent that reporting such information by income category is impractical or impossible because information concerning income is not collected from the recipients of such institutional aid.

''(k) STUDENT AID RECIPIENT SURVEY.—

''(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

''(A) to identify the population of students receiving Federal student aid;

''(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

''(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

''(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

''(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

''(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

''(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, professional, and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

''(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

''(l) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.''.

(b) SENSE OF CONGRESS REGARDING CONSUMER INFORMATION ABOUT INSTITUTIONS OF HIGHER EDUCATION.—

(1) FINDINGS.—Congress finds that—

(A) the diversity of the American higher education systems allows each student to find the right ''fit'' for his or her interests and talents;

(B) while the variety of options available is one of the great strengths of our system of higher education, it can also be overwhelming when students and their families begin a college search;

(C) there is a massive amount of information available about institutions of higher education, but it is often difficult to navigate or is scattered among several sources;

(D) the data collected and available is comprehensive; however, there is a need to keep consumer needs in mind in packaging the information that already exists and presenting the information in a simple, consumer-friendly format;

(E) in particular, prospective students and their families want a succinct overview of common key information about institutions, with easy access to more in-depth institution-specific information about campus life and the complete college experience; and

(F) a variety of efforts have been initiated by colleges and universities and others to provide web-based, consumer-friendly information geared to prospective students and their families.

(2) SENSE OF CONGRESS.—It is the sense of Congress that institutions of higher education should participate in efforts to provide concise, easily accessible, on-line consumer information to prospective students and families that is consistent across institutions while permitting opportunities for more in-depth exploration of specific institutions.

Page 59, line 1, after ''writing'' insert ''(which may include electronic communications)''.

Page 59, line 9, after ''textbook'' insert ''in the preceding 10 years''.

Page 74, line 18, strike ''August 1 of each year'' and insert ''March 1 of each year, or such other date determined by the Secretary,''.

Page 80, beginning on line 10, strike clause (i) and insert the following:

''(i) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

Page 81, line 4, strike ''Exit'' and insert ''Entrance and exit''.

Page 81, line 6, strike ''exit'' and insert ''entrance and exit''.

Page 81, after line 21, insert the following:

''(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

Page 88, line 11, strike ''$25,000'' and insert ''$27,500''.

Page 88, line 13, after ''Secretary may'' insert ''impose a civil penalty in an amount of not more than $27,500, or''.

Page 97, line 21, insert before the semicolon the following: '', and includes Migrant and Seasonal Head Start and American Indian/Alaska Native Head Start''.

Page 97, line 24, after ''program'' insert ''(including a program authorized under section 619 or part C of the Individuals with Disabilities Education Act)''.

Page 110, line 25, strike ''or''; on page 111, line 14, strike the period and insert ''; or''; and after line 14 insert the following new subparagraph:

''(C) whose participants include current teachers who seek ongoing professional development in the subject matter knowledge in which the teacher is assigned to teach; and

''(D) that requires the faculty of arts and sciences of the partner institution to lead collaborative seminars for such participants for the purpose of—

''(i) improving student learning;

''(ii) enhancing the quality of teaching and strengthening subject matter mastery and the pedagogical skills of current teachers through continuing professional development; and

''(iii) developing curriculum units, based on the subject matter presented, for use in the teachers' classrooms.

Page 120, line 10, after ''techniques'' insert ''and strategies, consistent with the principles of universal design for learning,''.

Page 120, line 16, after ''teaching skills'' insert '', including the ability to effectively teach higher-order analytical, evaluative, problem-solving, and communications skills,''.

Page 122, line 9, strike ''and''; on line 11, after the semicolon insert ''and''; and after line 11, insert the following:

''(cc) effectively teach high-order analytical, evaluative, problem solving and communications skills appropriate for the teacher's content or specialty area;

Page 125, beginning on line 24, strike ''incentive, or merit or performance-based pay.'' and insert ''or incentive pay, based on their extra skills and responsibilities.''.

Page 127, line 10, after ''school'' insert ''teachers or''.

Page 127, line 12, after ''instruction for'' insert ''elementary or secondary school teachers or''.

Page 128, beginning on line 24, strike ''Modifying'' and all that follows through page 129, line 2, and insert ''Where feasible, attempt to place''.

Page 131, line 11, after ''based on'' insert '', but is not required to include all of, the''.

Page 131, line 12, strike ''teaching as'' and insert ''teaching, which may include''.

Page 134, strike lines 22 and 23 and insert the following:

''(C) STIPENDS; APPLICATIONS; AGREEMENTS; REPAYMENTS.—

Page 135, line 3, after the period insert ''The stipend or salary shall be provided for no longer than 1 year.''.

Page 135, strike line 4 and all that follows through line 20 and insert the following:

''(ii) APPLICATIONS FOR STIPENDS.—Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

''(iii) AGREEMENTS TO SERVE.—Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

''(I) serve as a full-time teacher for a total of not less than 3 academic years after successfully completing the teaching residency program;

''(II) teach in a high-need school served by the high-need local educational agency in the eligible partnership;

''(III) teach in a field designated as high-need by the eligible partnership;

''(IV) provide to the eligible partnership a certificate, from the chief administrative officer of the school at which the resident is

employed, of the employment required in subclauses (I), (II), and (III), at the beginning of, and upon completion of, each year or partial year of service;

''(V) be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, when the applicant begins to fulfill the service obligation under this clause; and

''(VI) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

''(iv) REPAYMENTS.—

''(I) IN GENERAL.—An eligible partnership carrying out a teaching residency program under this subsection shall require a recipient of a stipend or salary under this subparagraph who does not complete the service obligation required by clause (iii) to repay the stipend or salary to the eligible partnership, together with interest thereon accruing from the date of the stipend or salary award, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

''(II) OTHER TERMS AND CONDITIONS.—Any other terms and conditions specified by the eligible partnership may include reasonable provisions for deferral of a teaching resident's service obligation required by clause (iii) on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, or other extraordinary circumstances.

''(III) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

Page 136, line 8, strike ''rural school districts'' and insert ''rural local educational agencies (as such term is defined in section 872 of this Act)''.

Page 138, line 15, strike ''designated by the Secretary''.

Page 144, line 25, after ''instruction'' insert '', including technology consistent with the principles of universal design for learning,''.

Page 157, beginning on line 2, strike ''As a condition of receiving assistance under title IV, each'' and insert ''Each''.

Page 157, line 12, strike ''Secretary'' and insert ''State educational agency''.

Page 157, beginning on line 19, strike ''As a condition'' and all that follows through ''title IV, each'' on line 20, and insert ''Each''.

Page 158, line 11, before the period insert '', as applicable''.

Page 164, line 17, and page 165, line 3, strike ''develop skills to enter'' and insert ''develop learning skills to succeed in higher education and to enter''.

Page 165, line 2, after ''environments'' insert '', including environments consistent with the principles of universal design for learning,''.

Page 165, line 19, insert ''or masters'' before ''degrees''.

Page 167, line 10, strike ''technology development'' and insert ''development in the use of technology''.

Page 171, after line 5, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

''(6) A description of how the project—

''(A) will incorporate State teacher technology standards; and

''(B) will incorporate State student technology standards.

Page 174, line 20, strike ''and''; page 175, line 2, strike the period and insert a semicolon; and after line 2, insert the following new paragraphs:

''(6) may be used to develop and apply virtual classroom simulation and related technologies to enhance recruitment, preparation, and retention for high-need schools in the areas of mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient; and

''(7) may be used to develop innovative teacher preparation programs that emphasize the essential components of reading instruction and other strategies based on scientifically valid research and that address early intervention strategies for students with reading difficulty or language processing differences.

Page 177, line 10, strike ''and''; line 13, strike the period and insert a semicolon; and after line 13, insert the following new paragraphs:

''(12) develop associate's degree programs with an emphasis on the essential components of reading instruction to train educators such as pre-service teachers, paraprofessionals, speech-language pathology assistants, and tutors to teach students with reading difficulties and students who learn to read differently than their peers; and

''(13) develop licensure programs for early childhood educators that emphasize the essential components of reading instruction and other strategies based on scientifically valid research, and that address strategies for early screening and early intervention for students with reading difficulty and who learn to read differently than their peers.''.

Page 179, beginning on line 24, strike ''has the meaning'' and all that follows through line 25, and insert ''means a publicly funded institution of higher education (as defined in section 101) at which the highest degree awarded is predominantly the associates degree.''.

Page 183, line 13, after ''teachers to'' insert ''serve in low-performing schools and''.

Page 188, line 15, strike ''ACHIEVEMENT'' and insert ''STUDENT LEARNING''; and on lines 17 and 19, strike ''achievement'' and insert ''student learning''.

Page 189, line 3, insert after the period the following: ''Further, the peer review standards shall ensure that reviewers have expertise in assessment systems, accountability, and instruction.''.

Page 190, line 10, after ''childhood'' insert ''development and''.

Page 190, strike lines 11 and 12, and redesignate the succeeding subparagraphs accordingly.

Page 190, beginning on line 15, strike ''through age 5'' and insert ''to school entry''.

Page 192, line 4, after ''supplemental initiative,'' insert ''the State Head Start collaboration director,''.

Page 222, line 2, strike ''by regulation''.

Page 234, beginning on line 5, strike section 308 and insert the following:

SEC. 308. HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING.

(a) DEFINITIONS.—Section 342 (20 U.S.C. 1066a) is amended—

(1) in paragraph (5)(G), by inserting ''by an accrediting agency or association recognized by the Secretary of Education'' after ''agency or association'';

(2) in paragraph (8)—

(A) is amended by striking ''the private'' and inserting ''any private''; and

(B) by inserting adding ''capital project'' after ''issuing taxable''; and

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

''(10) The term 'eligible foundation' means a non-profit foundation owned and sponsored by an eligible institution, or an entity wholly owned by such a foundation.

''(11) The term 'borrower' means the eligible institution or the eligible foundation that receives funding pursuant to a loan.''.

(b) FEDERAL INSURANCE FOR BONDS.—

(1) RESPONSIBILITIES OF DESIGNATED BONDING AUTHORITY.—Section 343(b) (20 U.S.C. 1066b(b)) is amended—

(A) in paragraph (1), by striking ''2 percent'' and inserting ''1 percent'';

(B) in paragraph (3)(A), by inserting '', not to exceed 1 percent,'' after ''charge such interest'';

(C) in paragraph (8)—

(i) by inserting ''for loans closed before June 15, 2008,'' before ''establish an escrow account'';

(ii) in subparagraph (B)(ii), by inserting ''within 90 days'' after ''loan proceeds'';

(D) by striking ''and'' at the end of paragraph (10);

(E) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

''(12) with respect to any such loan, provide that any loan collateralization shall not exceed 100 percent of the loan amount; and

''(13) for loans closed after, June 15, 2008, establish a reserve account which shall be available to the Secretary to pay principal and interest on the bonds in the event of delinquency in loan repayment, which reserve account shall consist of an origination fee of 1 percent with respect to each loan.''.

(2) FORBEARANCE; DEFERMENT.—Section 343 is further amended by adding at the end the follow new subsections:

''(f) FORBEARANCE.—An insurance agreement under this subsection shall contain provisions providing that, upon request from the borrower and with the approval of the Secretary in consultation with the Advisory Board, the designated bond authority shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary, and otherwise consistent with the regulations of the Secretary.

''(g) DEFERMENT.—An insurance agreement under this subsection shall contain provisions providing that, during construction or renovation, the Designated Bond Authority shall grant a borrower deferment, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary in consultation with the Advisory Board, and otherwise consistent with the regulations of the Secretary.''.

(c) LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.—Section 344(a) (20 U.S.C. 1066c(a)) is amended—

(1) by striking ''$375,000,000'' and inserting ''$1,100,000,000'';

(2) by striking ''$250,000,000'' and inserting ''$733,333,333''; and

(3) by striking ''$125,000,000'' and inserting ''$366,666,666''.

(d) AUTHORITY OF THE SECRETARY.—Section 345(1) (20 U.S.C. 1066d(1)) is amended—

(1) by striking ''the Higher Education Amendments of 1992,'' and inserting ''the College Opportunity and Affordability Act of 2007'';

(2) by striking ''and'' at the end of subparagraph (A); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

''(C) specify up to 3 designated bonding authorities to be authorized under this part; and

''(D) provide for periodic review of designated bonding authority authorizations no less frequently than every 3 years;''.

(e) HBCU CAPITAL FINANCING ADVISORY BOARD.—Section 347(b)(1) (20 U.S.C. 1066f(b)(1)) is amended—

(1) by striking out ''9 members'' and inserting ''11 members'';

(2) in subparagraph (C), by striking ''two'' and inserting ''three'';

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

''(G) The president of the Thurgood Marshall Scholarship Fund.''.

Page 238, beginning on line 8, strike ''this subpart'' and all that follows through ''including'' on line 9 and insert ''this subpart. Such plan shall include, if the Secretary determines that it is practical, an objective measure of the impact of such projects, such as''.

Page 238, after line 19, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(B) in subparagraph (C), by inserting before the semicolon the following: '', the Department of Defense, or the National Science Foundation'';

Page 248, beginning on line 12, strike subsection (d) and insert the following:

(d) TECHNICAL AMENDMENTS TO CCRAA.—Section 401(b)(9) is amended—

(1) by amending subparagraph (D) to read as follows:

''(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.''; and

(2) by amending subparagraph (F) to read as follows:

''(F) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.''.

Page 254, line 10, insert ''and'' after the semicolon and strike lines 11 through 14 and insert the following:

(ii) by amending subparagraph (A) to read as follows:

''(A) to synchronize the awarding of grants for programs under this chapter, the Secretary may, under such terms as are consistent with the purposes of this chapter, provide a one-time, limited extension of the length of such an award;''; and

Page 255, beginning on line 1, strike subparagraph (A) and insert the following:

(A) in paragraph (2)—

(i) by striking ''(2) PRIOR EXPERIENCE.—In'' and inserting the following:

''(2) CONSIDERATIONS.—(A) PRIOR EXPERIENCE.—In'';

(ii) by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),''; and

(iii) by adding at the end the following new subparagraph:

''(B) PARTICIPANT NEED.—In making grants under this chapter, the Secretary shall consider the number, percentages, and needs of eligible participants in the area, college, or school or schools to be served to aid such participants in preparing for, enrolling in, or succeeding in college, as appropriate to the particular program for which the eligible entity is applying.'';

Page 255, line 12, after ''foster care youth'' insert ''(including youth in foster care and youth who have left foster care after reaching age 16)''.

Page 261, beginning on line 20, strike paragraph (5) and insert the following:

''(5) APPEALS.—(A) Upon a determination by the Secretary not to accept an application, or upon a determination by the Secretary through the peer review process as specified in subsection (c)(4) not to fund an application, for any program under this chapter, the Secretary shall allow such applicant to appeal the funding decision. An applicant may submit a written request for reconsideration of the application, with appropriate documentary evidence, to the Secretary.

''(B) For appeals regarding the awarding of points for prior experience of high quality service delivery or a decision not to read an application or any mishandling of such application, a panel of three Department employees appointed by the Secretary shall review each request for reconsideration. The panel shall review the request for the purpose of identifying any technical errors or administrative problems with the scoring of the application, the awarding of prior experience points, or the handling of the application, including any decision not to read an application. The panel shall make its recommendations to the Secretary in writing.

''(C) For appeals regarding scoring decisions by the peer review panel, the Secretary shall refer the application to a second peer review panel.

''(D) In each instance, after the Secretary or the Secretary's designee considers the recommendations of the panel and makes a final decision, the Secretary shall notify each entity requesting reconsideration under this paragraph regarding the status of their appeal within 90 days after the date the applicant submitted the appeal.'';

Page 264, after line 20, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(b) TALENT SEARCH.—Section 402B(b)(10) (20 U.S.C. 1070a-12(b)(10)) is amended by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''.

Page 264, line 25, strike ''and''; and on page 265, before line 1, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(2) in subsection (b)(12), by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''; and

Page 265, beginning on line 2, strike subsection (f) and insert the following:

''(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Upon enactment of this subsection and except as otherwise expressly provided by amendment to this section, the Secretary shall not continue to implement or enforce the absolute priority for Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.''.

Page 265, after line 9, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(d) STUDENT SUPPORT SERVICES.—Section 402D(b)(10) (20 U.S.C. 1070a-14(b)(10)) is amended by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''.

Page 265, after line 14, insert the following new subsections (and redesignate the succeeding subsection accordingly):

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F(b)(10) (20 U.S.C. 1070a-16(b)(10)) is amended by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b) (20 U.S.C. 1070a-17(b)) is amended by adding at the end the following new paragraph:

''(5) Strategies for recruiting and serving hard-to-reach populations, including students of limited English proficiency, groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, disconnected students, and students with disabilities.''.

Page 272, beginning on line 8, strike clauses (iv) and (v) and insert the following:

(iv) in paragraph (3), by inserting ''eligible'' before ''for assistance'', and by striking the period and inserting ''; or''; and

(v) by adding at the end the following new paragraph:

''(4) a disconnected student.''.

Page 276, strike lines 1 through 13 and insert the following:

(f) SCHOLARSHIP COMPONENT.—Section 404E(b)(2) (20 U.S.C. 1070a–25) is amended by striking ''the maximum Federal Pell Grant'' and inserting ''the minimum Federal Pell Grant''.

Page 276, line 23, strike ''subpart 1'' and insert ''subpart 2''.

Page 283, beginning on line 16, strike ''and include'' and all that follows through ''this title'' on line 21.

Page 289, beginning on line 11, strike ''(less any'' and all that follows through ''by the student)'' on line 15.

Page 290, beginning on line 8, strike ''(less any'' and all that follows through ''by the student)'' on line 11.

Page 290, beginning on line 22, strike ''(less any'' and all that follows through ''by the student)'' on line 25.

Page 301, beginning on line 25, strike paragraph (6) through page 302, line 6, and insert the following:

(6) by inserting after subsection (f) the following:

''(g) RESERVATION AND ALLOCATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary—

''(1) may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a); and

''(2) shall, in awarding grants from the remainder of such amounts—

''(A) make available not less than 45 percent of such remainder for the high school equivalency programs and not less than 45 percent of such remainder for the college assistance migrant programs;

''(B) award the rest of such remainder for either high school equivalency programs or college assistance migrant programs based on the number, quality, and promise of the applications; and

''(C) consider the need to provide an equitable geographic distribution of such grants.'';

Page 302, beginning on line 22, strike paragraph (8) through page 303, line 8, and insert the following:

(8) by striking subsection (i) (as redesignated by paragraph (5)) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $75,000,000 for fiscal year 2009 and such sums as may be necessary for the each of the 4 succeeding fiscal years.''.

Page 305, line 6, strike ''social psychology or''.

Page 306, strike lines 19 through 22.

Page 311, line 13, after ''service'' insert ''in a full-time position related to the field in which the student obtained his or her undergraduate degree,''; and after ''following'' insert ''the later of—''.

Page 311, strike lines 14 and 15, and before line 16, insert the following:

''(A) the completion of the student's undergraduate degree program; or

''(B) the completion of a graduate degree program in a field related to the field in which the student obtained his or her undergraduate degree.

Page 323, after line 3, insert the following new subsection:

''(g) REPORT ON BEST PRACTICES.—Within one year after the date of enactment of this section, the Secretary shall—

''(1) conduct a study to identify the best practices to strengthen the role of institutions that receive funding under title III or title V in increasing America's critical foreign language education efforts; and

''(2) submit a report on the results of such study to the authorizing committees.

Page 323, before line 4, insert the following new section (and redesignate the succeeding section accordingly):

''SEC. 419D. ADJUNCT TEACHER CORPS.

''(a) PURPOSE.—The purpose of this section is to create opportunities for individuals with subject matter expertise in mathematics, science, and critical foreign languages to provide such subject matter expertise to secondary school students on an adjunct basis.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages to serve as adjunct content specialists.

''(c) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

''(d) ELIGIBLE ENTITY.—For the purpose of this section, an eligible entity is—

''(1) a local educational agency; or

''(2) a partnership consisting of a local educational agency, serving as a fiscal agent, and a public or private educational organization or business.

''(e) USES OF FUNDS.—An eligible entity that receives a grant under this section is authorized to use such grant to carry out one or both of the following activities:

''(1) To develop the capacity of the eligible entity to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages who are not employed in the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct content specialists.

''(2) To provide pre-service training and ongoing professional development to adjunct content specialists.

''(f) APPLICATIONS.—

''(1) APPLICATION REQUIRED.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary requires.

''(2) CONTENTS.—Such application shall include a description of—

''(A) the need for, and expected benefits of using, adjunct content specialists in the schools of the local educational agency, which may include information on the difficulty the local educational agency faces in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

''(B) measurable objectives for the activities supported by the grant, including the number of adjunct content specialists the eligible entity intends to place in schools and classrooms, and the gains in academic achievement expected as a result of the addition of such specialists;

''(C) how the eligible entity will establish criteria for and recruit the most qualified individuals and public or private organizations and businesses to participate in the activities supported by the grant;

''(D) how the eligible entity will provide pre-service training and on-going professional development to adjunct content specialists to ensure that such specialists have the capacity to serve effectively;

''(E) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of the activities supported by the grant;

''(F) how the eligible entity will support and continue the activities supported by the grant after the grant has expired, including how such entity will seek support from other sources, such as State and local government and the private sector; and

''(G) an assurance that the use of adjunct content specialists will not result in the displacement or transfer of currently employed teachers nor a reduction in the number of overall teachers in the district.

''(g) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that demonstrate in the application for such a grant a plan to—

''(1) serve the schools of the local educational agency that have a large number or percentage of students performing below grade level in mathematics, science, or critical foreign language courses;

''(2) serve local educational agencies that have a large number or percentage of students from families with incomes below the poverty line (as such term is defined in section 200); and

''(3) recruit and train individuals to serve as adjunct content specialists in schools that have an insufficient number of teachers in mathematics, science, or critical foreign languages.

''(h) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of such grant (in cash or in kind) to carry out the activities supported by such grant.

''(i) PERFORMANCE REPORT.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the activities supported by such grant, which shall contain such information as the Secretary may require, including any improvements in student academic achievement as a result of the use of adjunct content specialists.

''(j) EVALUATION.—The Secretary shall evaluate the activities supported by grants under this section, including the impact of such activities on student academic achievement, and shall report the results of such evaluation to the authorizing committees.

''(k) DEFINITION.—In this section the term 'adjunct content specialist' means an individual who—

''(1) meets the requirements of section 9101(23)(B)(ii) of the Elementary and Secondary Education Act of 1965;

''(2) has demonstrated expertise in mathematics, science, or a critical foreign language, as determined by the local educational agency; and

''(3) may not be the primary provider of instructional services to a student unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of Section 9101(23) of such Act.''.

Page 323, after line 25, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(e) REPORTING REQUIREMENTS.—Section 419N(e) is amended—

(1) in paragraph (1)(A), by striking ''18 months,'' and all that follows through the end thereof and inserting ''annually.''; and

(2) in paragraph (2)—

(A) by striking ''the third annual grant payment'' and inserting ''continuation awards''; and

(B) by striking ''the 18-month report'' and inserting ''the reports''.

Page 324, line 23, strike ''and'' and after such line insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(3) in section 420N—

(A) in subsection (b)—

(i) in paragraph (1)(E), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(3) contains, or is accompanied by, a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequence of the failure to complete the service obligation.''; and

(B) by adding a the end the following new subsection:

''(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

''(1) CHANGE OF HIGH-NEED DESIGNATION.—In the event that a recipient of an initial grant under this subpart has acquired an academic degree, or expertise, in a field that was, at the time of the recipient's application for that grant, designated as high-need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the service obligation described in subsection (b)(1) by teaching in that field.

''(2) EXTENUATING CIRCUMSTANCES.—The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of his or her service obligation may be excused from fulfilling that portion of the service obligation.''; and

Page 325, beginning on line 4, strike ''Such evaluation shall'' and all that follows through line 18 and insert close quotation marks and a period.

Page 326, line 21, after ''this title'' insert '', as determined by the Secretary,''.

Page 327, beginning on line 1, strike subparagraph (B) and insert the following:

''(B) An institution and any third party servicer obtaining access to information under subparagraph (A), including any subcontractor obtaining access to information under subparagraph (C)(iii), shall safeguard that information—

''(i) as required by any law applicable to the institution, third party servicer, or subcontractor; and

''(ii) at least to the same extent that the disclosing financial institution is required to safeguard its customer information under sections 501 and 505(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801, 6805(b)).

Page 327, line 16, after ''the borrower'' insert '', a subcontractor of the third party servicer for purposes of skip tracing,''.

Page 327, line 23, strike the close quotation marks and the following period; and after line 23, insert the following:

''(D) Any requirement under subparagraph (A) to provide student loan information shall be considered an applicable legal requirement for the purposes of section 502(e)(8) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(8)).

''(E) Any subcontractor obtaining access to information under subparagraph (C)(iii) shall meet the same restrictions that apply to third party servicers under subparagraph (C).''.

Page 328, before line 1, insert the following new sections (and redesignate the succeeding sections accordingly):

SEC. 424. VOLUNTARY FLEXIBLE AGREEMENTS.

Section 428A(a) (20 U.S.C. 1078-1(a)) is amended by adding at the end the following new paragraph:

''(3) REPORT REQUIRED.—The Secretary, in consultation with the guaranty agencies participating under voluntary flexible agreements, shall report on an annual basis to the authorizing committees regarding the program outcomes that the voluntary flexible agreements have had with respect to program integrity, program and cost efficiencies, delinquency prevention, default aversion, and consumer education programs described in section 433A, and the availability and delivery of student financial aid. Such report shall include—

''(A) a description of each voluntary flexible agreement and the performance goals established by the Secretary for each agreement;

''(B) a list of participating guaranty agencies and the specific statutory or regulatory waivers provided to each guaranty agency and any waivers provided to other guaranty agencies under paragraph (2);

''(C) a description of the standards by which each agency's performance under the agency's voluntary flexible agreement was assessed and the degree to which each agency achieved the performance standards;

''(D) an analysis of the fees paid by the Secretary, and the costs and efficiencies achieved under each voluntary flexible agreement; and

''(E) an identification of promising practices for program improvement that could be replicated by other guaranty agencies.''.

SEC. 425. GRACE PERIOD FOR GRADUATE AND PROFESSIONAL STUDENT PLUS LOANS.

(a) AMENDMENT.—Section 428B(d) (20 U.S.C. 1078-2(d)) is amended by amending paragraphs (1) and (2) to read as follows:

''(1) COMMENCEMENT OF REPAYMENT.—Repayment of principal on loans made under this section shall—

''(A) commence not later than—

''(i) in the case of a parent borrower, 60 days after the date such loan is disbursed by the lender; and

''(ii) in the case of a graduate or professional student borrower, commence at the beginning of a repayment period that begins 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); and

''(B) be subject to deferral during any period during which the graduate or professional student or the parent meets the conditions required for a deferral under section 427(a)(2)(C) or 428(b)(1)(M).

''(2) CAPITALIZATION OF INTEREST.—

''(A) IN GENERAL.—Interest on loans made under this section—

''(i) which accrues prior to the beginning of repayment under paragraph (1)(A)(i), shall be added to the principal amount of the loan; and

''(ii) which accrues during a period in which payments of principal are deferred pursuant to paragraph (1)(B) shall, if agreed upon by the borrower and the lender—

''(I)(aa) be paid monthly or quarterly; or

''(bb) be added to the principal amount of the loan not more frequently than quarterly by the lender.

''(B) INSURABLE LIMITS.—Capitalization of interest under this paragraph shall not be deemed to exceed the annual insurable limit on account of the borrower.''.

(b) CONFORMING AMENDMENT.—Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking '', 428B,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans issued on or after July 1, 2008.

Page 329, after line 4 insert the following new sections (and redesignate the succeeding sections accordingly):

SEC. 427. EXTENSION OF CONSOLIDATION LOAN AUTHORITY.

Section 428C(e) (20 U.S.C. 1078–3(c)) is amended by striking ''2012'' and inserting ''2013.''

SEC. 428. REQUIREMENTS FOR DISBURSEMENT OF STUDENT LOANS.

(a) SPECIAL RULE.—Section 428G(a) (20 U.S.C. 1078-7(a)) is amended by adding at the end the following new paragraph:

''(4) AMENDMENT TO SPECIAL RULE.—Beginning on October 1, 2011, the special rule under paragraph (3) shall be applied by substituting '15 percent' for '10 percent'.''.

(b) REQUIREMENTS FOR DISBURSEMENTS TO FIRST YEAR STUDENTS.—Section 428G(b) (20 U.S.C. 1078-7(b)) is amended by adding at the end the following new paragraph:

''(3) AMENDMENT TO COHORT DEFAULT RATE EXEMPTION.—Beginning on October 1, 2011, the exemption to the requirements of paragraph (1) in the second sentence of such paragraph shall be applied by substituting '15 percent' for '10 percent'.''.

Page 332, line 22, after ''PATHOLOGISTS'' insert ''AND AUDIOLOGISTS''; and line 23, after ''pathologist'' insert ''or audiologist''.

Page 333, line 2, insert '', audiology'' before the comma.

Page 335, after line 14, insert the following new paragraphs:

''(14) DENTISTS.—An individual who—

''(A) has received his or her degree from an accredited dental school (as accredited by the Commission on Dental Accreditation) and has completed residency training in pediatric dentistry, general dentistry, or dental public health; or

''(B) is employed as a member of the faculty at a program or school accredited by the Commission on Dental Accreditation.

''(15) STEM EMPLOYEES.—An individual who is employed in engineering, technology, applied sciences, or mathematics.

Page 336, after line 18, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

''(1) AUDIOLOGIST.—The term 'audiologist' means an individual who—

''(A) has received, at a minimum, a graduate degree in audiology from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides audiology services under subsection (ll)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x(ll)(2)), or meets or exceeds the qualifications for a qualified audiologist under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4)).

Page 348, beginning on line 5, strike subsection (c) and insert the following:

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit—

''(1) a guaranty agency from using activities, programs, and materials existing on the date of enactment of this section in meeting the requirements of this section; or

''(2) a lender or loan servicer from providing outreach or financial aid literacy information in accordance with subsection (b).''.

Page 348, after line 8, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 433. DEFINITION OF ELIGIBLE INSTITUTION: PARTICIPATION RATE INDEX.

(a) AMENDMENTS.—Section 435(a) (20 U.S.C. 1085(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking ''paragraph (4)'' and inserting ''paragraph (5)''; and

(B) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii); and

(ii) by striking clause (iii) and inserting the following new clauses:

''(iii) 25 percent for fiscal year 1994 through fiscal year 2011; and

''(iv) 30 percent for fiscal year 2012 and any succeeding fiscal year.'';

(2) by redesignating paragraph (6) as paragraph (8), and redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

''(3) APPEALS FOR REGULATORY RELIEF.—An institution whose cohort default rate, calculated in accordance with subsection (m), is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) of this subsection, for two consecutive fiscal years may, within 30 days of receiving notification from the Secretary, file an appeal demonstrating exceptional mitigating circumstances, as defined in paragraph (5). The Secretary shall issue a decision on any such appeal within 45 days after its submission. If the Secretary determines that the institution demonstrates exceptional mitigating circumstances, the Secretary shall not subject the institution to provisional certification based solely on the institution's cohort default rate.'';

(4) in paragraph (5)(A) (as redesignated by paragraph (2) of this subsection), by striking ''For the purposes of paragraph (2)(A)(ii)'' and all that follows through ''following criteria:'', and inserting ''For purposes of this subsection, an institution of higher education shall be treated as having exceptional mitigating circumstances that make application of paragraph (2) inequitable, and that provide for regulatory relief under paragraph (3), if such institution, in the opinion of an independent auditor, meets the following criteria:'';

(5) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

''(7) DEFAULT PREVENTION AND ASSESSMENT OF ELIGIBILITY BASED ON HIGH DEFAULT RATES.—

''(A) FIRST YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) in any fiscal year shall establish a default prevention task force to prepare a plan to—

''(I) identify the factors causing the institution's cohort default rate to exceed such threshold;

''(II) establish measurable objectives to improve the institution's cohort default rate; and

''(III) specify actions that the institution can take to improve student loan repayment, including enhanced use of professional judgment and discretion of student financial aid administrators.

''(ii) Each institution subject to this subparagraph shall submit the plan under clause (i) to the Secretary, who shall review the plan and offer technical assistance to the institution to promote improved student loan repayment.

''(B) SECOND CONSECUTIVE YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage

specified in paragraph (2)(B)(iv) for two consecutive fiscal years shall require the institution's default prevention task force established under subparagraph (A) to review and revise the plan required under such subparagraph, and shall submit such revised plan to the Secretary.

''(ii) The Secretary shall review each revised plan submitted in accordance with this subparagraph, and may direct that such a plan be amended to include actions, with measurable objectives, that the Secretary determines, based on available data and analyses of student loan defaults, will promote student loan repayment.

''(C) COHORT DEFAULT RATES PUBLISHED.—The Secretary shall make available to the public on the College Navigator web site the cohort default rate and the plan of the default prevention task force of each institution that is subject to this paragraph.''; and

(6) in paragraph (8)(A) (as redesignated by paragraph (2) of this subsection), by striking ''0.0375'' and inserting ''0.0625''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(6) is effective for fiscal years beginning on or after October 1, 2011.

Page 348, line 22, strike ''beginning of the third'' and insert ''end of the second''.

Page 348, after line 23, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) in paragraph (1)(B), by striking ''such fiscal year'' and inserting ''such second fiscal year'';

Page 349, beginning on line 1, strike ''beginning of the third'' and insert ''end of the second''.

Page 349, strike lines 4 through 10 and insert the following:

(3) in paragraph (2)(C)—

(A) by striking ''end of such following fiscal year is not considered as in default for the purposes of this subsection'' and inserting ''end of the second fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection''; and

(B) by striking ''such fiscal year'' and inserting ''such second fiscal year''; and

Page 349, line 21, strike ''cohort default data'' and insert ''cohort default rate''.

Page 348, line 19, insert ''(a) AMENDMENTS.—'' before ''Section 435(m)''; and on page 350, after line 13, insert the following new subsection:

(b) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for purposes of calculating cohort default rates for fiscal year 2008 and succeeding fiscal years.

(2) TRANSITION.—Notwithstanding paragraph (1), the method of calculating cohort default rates under section 435(m) of the Higher Education Act of 1965 as in effect on the day before the date of enactment of this Act shall continue in effect, and the rates so calculated shall be the basis for any sanctions imposed on institutions of higher education because of their cohort default rates, until three consecutive years of cohort default rates calculated in accordance with the amendments made by subsection (a) are available.

Page 351, line 19, strike ''2752(d)(4)(D)'' and insert ''2752(c)(4)(D)''.

Page 351, after line 20, insert the following new subsections:

(c) GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.—Section 443 (42 U.S.C. 2753) is amended —

(1) in subsection (b)(2)(B), strike ''(as described in subsection (d)), is'' and insert the following: ''(as described in subsection (d)), and not less than 1 civic education and participation project (as described in subsection (e)), are'';

(2) by adding at the end the following new subsection:

''(e) CIVIC EDUCATION AND PARTICIPATION ACTIVITIES.—

''(1) USE OF FUNDS.—In any academic year to which subsection (b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this section are used in accordance with such subsection to compensate (including compensation for time spent in training and travel directly related to civic education and participation activities) students employed in projects that—

''(A) teach civics in schools;

''(B) raise awareness of government functions or resources; or

''(C) increase civic participation such as in voting or running for elected office.

''(2) PRIORITY FOR SCHOOLS.—To the extent practicable, an institution shall—

''(A) give priority to the employment of students participating in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and

''(B) ensure that any student compensated with the funds described in paragraph (1) receives appropriate training to carry out the educational services required.

''(3) FEDERAL SHARE.—The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.''.

(d) FLEXIBLE USE OF FUNDS.—Section 445 (42 U.S.C. 2755) is amended by adding at the end the following new subsection:

''(d) FLEXIBILITY IN THE EVENT OF A MAJOR DISASTER.—

''(1) In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students as follows:

''(A) For any academic year during which a major disaster occurs, such an eligible institution may pay wages under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work-study funds for such academic year.

''(B) Wages shall not be awarded to any student who, for the academic year during which a major disaster occurs, was not eligible for work-study or was not completing the work obligation necessary to receive work-study funds under this part prior to the occurrence of the major disaster.

''(C) Any wages awarded to disaster-affected students under this subsection shall meet the matching requirements outlined in section 443.

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

''(A) The term 'disaster-affected students' means students enrolled at an eligible institution who—

''(i) were receiving Federal work-study payments from such eligible institution for an academic year prior to the occurrence of a major disaster during such academic year; and

''(ii) were prevented from fulfilling their work-study obligations for such academic year due to such major disaster, as determined by the Secretary.

''(B) The term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

Page 367, after line 3, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) TREATMENT OF COOPERATIVE EDUCATION WORK INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) any income earned from work under a cooperative education program offered by an institution of higher education;''.

Page 400, beginning on line 3, strike paragraphs (1) through page 402, line 6, and insert the following (and redesignate the succeeding paragraph accordingly):

''(1) IN GENERAL.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401, subpart 3 of part A, and part C of this title, a student with an intellectual disability (as defined in section 768(2)) shall—

''(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program for students with intellectual disabilities at an institution of higher education;

''(B) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

''(2) AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 401, subpart 3 of part A, or part C of this title, or any institutional eligibility provisions of this title, as the Secretary deems necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

Page 402, line 7, strike ''rules'' and insert ''regulations''.

Page 405, strike lines 7 through 9 and insert the following:

(a) DISCLOSURE OF POLICIES.—Section 485(a) (20 U.S.C. 1092(a)) is amended—

Page 405, after line 9, insert the following new paragraph:

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''program, and'';

Page 405, beginning on line 10, redesignate paragraphs (1), (2), and (3) as subparagraphs (B), (C), and (D), respectively, and move the margins of such subparagraphs (as so redesignated) to the right two em spaces.

Page 405, strike line 13 and insert ''graph (O) and inserting a semicolon; and''.

Page 405, line 15, strike ''paragraph'' and insert ''paragraphs''.

Page 406, line 12, strike the period, close quotation marks, and following period and insert ''; and'', and after such line insert the following new subparagraph:

''(Q) institutional policies regarding meningococcal vaccinations which may include offering the vaccinations through the institution at a cost to the student.''; and

Page 406, before line 13, insert the following new paragraph:

(2) by amending paragraph (4) to read as follows:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may recalculate the completion or graduation rates of

such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.''.

Page 406, beginning on line 18, strike paragraph (2) through page 407, line 23, and insert the following:

(2) in subparagraph (F)(ii), by inserting after ''through (VIII) of clause (I)'' the following: '', and for larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property,''.

Page 417, line 18, strike ''Each'' and insert the following:

''(1) NOTICE UPON ENROLLMENT.—Each

Page 417, line 21, strike the close quotation marks and following period, and after such line insert the following:

''(2) NOTICE AFTER LOSS OF ELIGIBILITY.—Within two weeks of notification by the Secretary that a student has lost eligibility under section 484(r) for any grant, loan, or work assistance, an institution of higher education shall provide to each such student affected by the penalties listed under 484(r)(1) a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 484(r)(2).''.

Page 417, before line 22, insert the following new subsection:

(e) DISCLOSURE OF ATHLETICALLY RELATED GRADUATION RATES.—Section 485(e)(3) (20 U.S.C. 1092(e)(3)) is amended to read as follows:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.''.

Page 418, line 4, strike ''REQUIREMENTS'' and insert ''ESTABLISHED''.

Page 418, beginning on line 12, strike '', and on the application materials of such institutions''.

Page 418, line 18, insert ''and'' after the semicolon; strike lines 19 through 21; and redesignate the succeeding subparagraphs accordingly.

Page 419, beginning on line 4, strike ''limit the'' and all that follows through line 5 and insert ''authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to articulation agreements.''.

Page 419, beginning on line 10, strike '', including private nonprofit and for-profit institutions''.

Page 420, line 24, after ''degree'' insert ''or program''.

Page 430, beginning on line 6, strike clause (i) and insert the following new clauses (and redesignate the succeeding clause accordingly):

''(i) in the case of loans made by an institution, for each of the institution's fiscal years 2009 through 2012, the principal amount of loans made by the institution, based on the expected interest earned less the estimated amount to account for future defaults and loan forgiveness accounted for on an accrual basis, in accordance with Generally Accepted Accounting Principles and related standards and guidance, if the loans are bona fide as evidenced by enforceable promissory notes, are issued at intervals related to the institution's enrollment periods, and are subject to regular loan repayments and collections;

''(ii) in the case of loans made by an institution, for the institution's fiscal year 2013 and each of the institution's subsequent fiscal years, only the amount of loan repayments received during the fiscal year; and

Page 435, after line 10, insert the following new subsection:

(f) INSTITUTIONAL CERTIFICATIONS FOR PRIVATE EDUCATIONAL LOANS.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(29)(A) The institution will—

''(i) upon the request of a private educational lender, acting in connection with an application initiated by a consumer for a private educational loan, provide certification to such private educational lender—

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

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

''(III) of the difference between the cost of attendance of the institution and the student's estimated financial assistance received under this title and other assistance known to the institution;

''(ii) disclose a borrower's ability to select a private educational lender of the borrower's choice; and

''(iii) inform students about the impact of a proposed private educational loan on the students' potential eligibility for other financial assistance, including Federal financial assistance under this title.

''(B) For purposes of this paragraph, the terms 'private educational lender' and 'private educational loan' have the meanings given in section 140 of the Truth in Lending Act (15 U.S.C. 1631 et seq.).''.

Page 437, after line 12, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 492. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended by striking ''section 413D.'' and inserting ''section 413D or 462 (or both).''.

Page 443, line 2, after ''graph'' insert '', nor shall the agency or association be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education, provided that the agency or association notifies the Secretary in writing of the change in scope''.

Page 443, after line 9, insert the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

(B) in paragraph (5), by amending subparagraph (A) to read as follows:

''(A) success with respect to student achievement in relation the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;'';

Page 447, after line 9, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(b) RULE OF CONSTRUCTION.—Section 496 is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—Nothing in subsection (a)(5) of this section shall restrict the authority of—

''(1) an accrediting agency or association to set, with the involvement of its members, and to apply accreditation standards to institutions or programs that seek review by the agency or association; or

''(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which shall be considered as part of any accreditation review.''.

Page 481, beginning on line 24, strike subsection (e) through page 482, line 2, and redesignate the succeeding subsection accordingly.

Page 492, line 14, strike ''subpart 5'' and insert ''subpart 6''; line 17, strike ''**THROUGH 4**'' and insert ''**THROUGH 5**''; line 20, strike ''through 4'' and insert ''through 5''; and line 23, strike ''or 4'' and insert ''4, or 5''.

Page 502, after line 23, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 705. MASTERS DEGREES PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY SERVING INSTITUTIONS.

Part A of title VII (20 U.S.C. 1134) is further amended by inserting after subpart 4 (as added by section 704 of this Act) the following subpart:

''Subpart 5—Masters Degrees Programs at Historically Black Colleges and Universities and Other Minority Serving Institutions

''SEC. 723. GRANTS TO ACADEMIC DEPARTMENTS AND PROGRAMS AT ELIGIBLE INSTITUTIONS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary shall make grants to graduate academic departments, programs, and other academic units at historically Black colleges and universities and other minority-serving institutions that provide qualified courses of study leading to a degree in a qualified masters degree program described in subsection (d)(1)(B). Such grants shall be used to make fellowship awards to eligible students and may be combined with matching grants from non-Federal sources to strengthen qualified masters degree programs.

''(2) ADDITIONAL GRANTS.—From the amounts appropriated under subsection (g), The Secretary may also make grants to consortia and cooperative arrangements among eligible institutions that submit joint proposals, and have formal arrangements designed to fulfill the purposes of this subpart.

''(b) AWARD AND DURATION OF GRANTS.—

''(1) AWARDS.—The Secretary shall make awards to institutions that are eligible under subsection (d) and that submit an application to the Secretary in accordance with subsection (c). Awards shall be based on the following criteria:

''(A) The number of students enrolled in the masters degree program.

''(B) The number of students who earned such degrees in the previous year from the program for which the eligible institution is seeking funds.

''(C) The average cost of education per student, for all full-time masters degree students enrolled in the qualified masters degree program.

''(D) The quality of the academic program at the institution.

''(E) The quality of the application submitted by the institution or consortium.

''(2) DURATION AND AMOUNT.—

''(A) DURATION.—The Secretary shall award a grant under this subpart for a period of 5 years, which may be renewed for an additional 5 years consistent with subsection (c).

''(B) AMOUNT.—The Secretary shall award a grant to an academic department, program, or consortium at an eligible institution of higher education under this subpart for a fiscal year in an amount that is not less than $100,000, and not greater than $750,000.

''(c) APPLICATION.—

''(1) CONTENTS OF APPLICATIONS.—An institution that is eligible under subsection (d) that seeks a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

''(A) a description of the qualified masters degree program or programs that the institution intends to provide fellowship awards to, including the number of student awards to be made;

''(B) a budget describing the amount of the fellowship awards to students for 2 successive academic years, based on the academic progress of such students and the cost of attendance at the eligible institution, except that in no instance shall a graduate student receive a fellowship in excess of the award level provided for such students by the National Science Foundation;

''(C) a budget for stipends to students who are awarded fellowships under this subpart in order to encourage highly qualified students to pursue graduate study for the purposes described in this part; and

''(D) a description of activities to be undertaken with institutional, private foundation, or State matching funds that will be used to contribute to the increased production of minority masters degree candidates.

''(2) PREFERENCE TO CONTINUING GRANT RECIPIENTS.—

''(A) IN GENERAL.—The Secretary shall make initial grant awards consistent with the criteria in subsection (b)(1), and shall renew such awards if the grantee demonstrates success in satisfying the criteria in subparagraphs (A) and (B) of such subsection by increasing the number of African Americans and other minorities earning masters degrees at the institution based on benchmarks established by the Secretary.

''(B) RATABLE REDUCTION.—To the extent that appropriations are insufficient to comply with subparagraph (A) and subsection (b)(2)(B), available funds shall be distributed by ratably reducing the amounts required to be awarded under subsection (b)(2)(B).

''(d) INSTITUTIONAL ELIGIBILITY.—

''(1) QUALIFIED MASTERS DEGREE PROGRAMS.—

''(A) IN GENERAL.—To be eligible to apply for a grant under this part, an applicant shall be an academic department, program, or unit at an institution of higher education that is within the meaning of the term 'part B institution' as defined in section 322(2), that offers a qualified masters degree program, and that is specifically enumerated in paragraph (2), or a consortium of such institutions.

''(B) QUALIFIED MASTERS DEGREE PROGRAM.—For purposes of this subpart, the term 'qualified masters degree program' means a program of study leading to a masters degree in the physical or natural sciences, mathematics, engineering, computer science, information technology, nursing, allied health, or related scientific or health field identified by the Secretary.

''(C) LIMITATION.—No department, program, or unit shall be eligible to apply unless the qualified masters degree program has been in existence and awarded such degrees for at least four years.

''(2) ENUMERATED INSTITUTIONS.—For purposes of paragraph (1)(A), the institutions enumerated in this paragraph are—

''(A) Albany State University;

''(B) Alcorn State University;

''(C) Chicago State University;

''(D) Columbia Union College;

''(E) Coppin State University;

''(F) Elizabeth City State University;

''(G) Fayetteville State University;

''(H) Fisk University;

''(I) Fort Valley State University;

''(J) Grambling State University;

''(K) Kentucky State University;

''(L) Long Island University, Brooklyn campus;

''(M) Mississippi Valley State University;

''(N) Robert Morris College;

''(O) Savannah State University;

''(P) South Carolina State University;

''(Q) University of Arkansas, Pine Bluff;

''(R) Virginia State University;

''(S) West Virginia Sate University;

''(T) Winston-Salem State University; and

''(U) York College, The City University of New York.

''(3) LIMITATION.—No institution that is eligible for and receives an award under section 326 for a fiscal year shall be eligible to apply for, or receive funds under this subpart for the same fiscal year.

''(e) MATCHING FUNDS RULE.—Each eligible institution or consortium that receives an award under this subpart, may elect to use up to 25 percent of the total grant to carry out activities designed to strengthen its qualified masters degree program. An institution that elects to use funds for strengthening a qualified masters degree program shall provide an equal amount for such purpose from institutional, private foundation, or State sources. Matching funds must supplement, not supplant, existing resources available at the time of the Secretary's award.

''(f) USES OF FUNDS.—Funds made available under this section shall be used in accordance with the application under subsection (c).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

Page 510, strike lines 4 through 9 and insert ''shall be $5,000.''.

Page 513, line 15, strike the close quotation marks and following period, and after line 15 insert the following new paragraph:

''(6) Establishment of centers to incorporate education in quality and safety into the preparation of medical and nursing students, through grants to medical schools, nursing schools, and osteopathic schools. Such grants shall be used to assist in providing courses of instruction that specifically equip students to understand the causes and remedies for medical error, medically-induced patient injuries and complications, and other defects in medical care; engage effectively in personal and systemic efforts to continually reduce medical harm; and improve patient care and outcomes, as recommended by the Institute of Medicine.''.

Page 521, line 13, strike ''The Secretary'' and insert ''The Office of Postsecondary Education''.

Page 522, line 10, strike ''disabilities,'' and insert ''disabilities and''; and on line 11, strike '', and disability support service personnel''.

Page 523, line 19, strike ''or'' and insert ''and''.

Page 524, line 3, strike ''and maintaining'' and insert '', maintaining, and updating''.

Page 524, line 5, after ''education,'' insert ''or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education,''.

Page 524, line 9, after ''shall include'' insert ''available''.

Page 524, beginning on line 21, strike paragraph (4) and insert the following:

''(4) PROFESSIONAL STANDARDS FOR DISABILITY SUPPORT PERSONNEL.—The Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to consolidate, evaluate, improve upon, and disseminate information related to professional standards and best practices for disability support services personnel and offices in institutions of higher education.

Page 525, line 4, strike ''The Center'' and insert ''Not later than 3 years after the establishment of the Center, and every 2 years thereafter, the Center''.

Page 525, strike line 5, and insert ''prepare and disseminate a report to Congress and the Secretary analyzing''.

Page 525, line 9, strike ''ths'' and insert ''this'', on line 10, insert ''annual'' before ''enrollment'', and on line 12, insert before the semicolon the following: ''from existing data''.

Page 526, beginning on line 1, strike ''Such personnel'' and all that follows through line 5.

Page 542, line 13, strike ''The'' and insert ''Not later than 3 years after the date of the first grant award under this section, the''.

Page 542, strike line 14 and insert ''mit to Congress a report that''.

Page 544, beginning on line 13, strike section 768 and insert the following:

''SEC. 768. DEFINITIONS.

''In this Act:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—

''(A) offered by an institution of higher education;

''(B) designed to support students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at an institution of higher education in order to prepare for gainful employment and independent living;

''(C) includes an advising and curriculum structure; and

''(D) requires students to participate on at least a half-time basis, as determined by the institution, with such participation focusing on academic components such as reading, language arts, or math, and occurring through a combination of one or more of the following activities:

''(i) Regular enrollment in courses offered by the institution.

''(ii) Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit, nondegree courses.

''(iv) Participation in internships or apprenticeships.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student who is—

''(A) an individual whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning; and

''(B)(i) a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(ii) an individual who was, but is no longer, eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State in which the student resides provides a free appropriate public education.

Page 545, lines 7, 18, 20, and 22, strike ''Secretary'' and insert ''Office of Postsecondary Education''.

Page 545, beginning on line 24, strike paragraph (1) and insert the following:

''(1) are located in geographically diverse, underserved areas; or

Page 548, beginning on line 21, strike ''Not later'' and all that follows through ''Secretary'' on line 23, and insert ''Not later than 5 years after the date of the first grant award under this section, the Office of Postsecondary Education''.

Page 549, line 7, strike ''**ACCREDITATION**''.

Page 549, line 9, strike ''Secretary'' and insert ''Office of Postsecondary Education''.

Page 549, line 13, after ''and'' insert ''recommendations related to the''.

Page 549, lines 14 and 24, strike ''model''.

Page 550, strike line 17 and all that follows through page 551, line 7; on page 551, beginning on line 8, redesignate subparagraph (B) and clauses (i) through (v) thereof as paragraph (5) and subparagraphs (A) through (E), respectively; and move such redesignate paragraph 2 em spaces to the left.

Page 552, line 6, strike ''and''; on line 8, strike the period and insert ''; and''; and after line 8, insert the following (and redesignate the succeeding subsection accordingly):

''(10) convene a workgroup to develop recommendations on criteria, standards, and components of such programs as described in paragraph (5), to include the participation of—

''(A) an expert in higher education;

''(B) an expert in special education;

''(C) a disability organization that represents students with intellectual disabilities; and

''(D) a national, State, or regional accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV.

''(c) REPORT.—No later than 5 years after the date of the establishment of the coordinating center under this section, such center shall report to the Secretary, the Congress, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in subsection (b)(10).

Page 553, line 16, strike ''section 435(d)(5)(J)'' and insert ''section 435(j)''.

Page 554, line 18, after ''program students'' insert '', in each of the institution's nursing programs (associate, baccalaureate, or advanced nursing degree program),''.

Page 554, line 23, after ''average number'' insert ''in each of the institution's nursing programs''.

Page 557, beginning on line 18, strike ''fund release time for qualified nurse employees, so that'' and insert ''ensure that''.

Page 559, line 6, after ''higher education'' insert the following: '', including institutions providing alternative methods of delivery of instruction in addition to on-site learning''.

Page 560, line 2, after ''technologies'' insert the following: ''and to expand methods of delivery of instruction to include alternatives in addition to on-site learning''.

Page 560, line 22, after ''program'' insert the following: ''if the program requires a clinical site''.

Page 560, line 24, insert ''at least'' before ''a''.

Page 561, line 2, insert ''at least'' before ''a''.

Page 561, line 4, strike ''class schedule'' and insert ''program requirements, as necessary''.

Page 563, after line 3, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

''(3) the provision of accommodations for students with disabilities on college entrance and graduate admissions tests, including—

''(A) the frequency of, and approval rate for, accommodations requests;

''(B) documentation requirements for accommodations requests and criteria used to determine if an accommodation is appropriate; and

''(C) challenges facing students in accessing reasonable accommodations on such tests;''.

Page 565, line 10, strike ''COMPETITIVE''; and on line 12, strike ''on a competitive basis''.

Page 565, line 14, strike ''year,'' and insert ''year (A)''; and on line 19, insert before the period the following: ''; (B) are public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions; or (C) are public institutions of higher education that have a tuition increase of less than $500 for a full-time undergraduate student''.

Page 565, line 18, on page 567, line 8, and on page 568, line 2 and line 13, strike ''higher'' and insert ''postsecondary''.

Page 566, beginning on line 18, strike paragraphs (2) and (3) through page 568, line 6, and insert the following:

''(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

''(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

''(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

''(ii) for any other institution of higher education—

''(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

''(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

''(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

''(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

''(ii) for any other institution of higher education—

''(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

Page 568, line 14, after ''year,'' insert ''and, with respect to any public institution of higher education, has a tuition that is not in the lowest quartile of comparable institutions''.

Page 569, beginning on line 20, strike paragraph (2) and insert the following:

''(2) POSTSECONDARY EDUCATION PRICE INDEX.—The term 'postsecondary education price index' means the postsecondary education price index developed pursuant to section 133(i).

Page 604, line 22, strike ''contract with'' and insert ''award a grant to''.

Page 623, line 23, strike ''and''; page 624, line 5, strike the period and insert ''; and''; and after line 5, insert the following subparagraph:

''(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

Page 626, line 2, insert ''natural or manmade'' after ''event of a''.

Page 632, line 22, strike ''EDUCATION'' and insert ''EDUCATIONAL''; and line 23, strike ''education'' and insert ''educational''.

Page 633, line 1, strike ''all of the schools of which meet'' and insert ''that is designated with''.

Page 633, line 13, strike ''or less than part-time''.

Page 633, line 22, insert before the period ''or the recognized equivalent of such a diploma''.

Page 638, after line 8, insert the following new subsection:

''(d) PREFERENCE IN SELECTION.—In determining which applications to approve for a grant under this section, the Secretary shall give priority to applications from partnerships that include one or more regional employers that are located in a rural area.

Page 646, line 19, page 647, line 7 and line 18, page 648, line 17, page 651, line 17 and line 21, page 652, line 11 and line 23, and page 653, line 22, strike ''Commerce'' and insert ''Education''.

Page 658, line 19, after ''Secretary'' insert '', in consultation with the Administrator of the Environmental Protection Agency,''.

Page 664, line 4, after ''Education'' insert '', in consultation with the Administrator of the Environmental Protection Agency,''.

Page 667, line 18, strike ''and'' after the semicolon; line 20, strike the period and insert ''; and''; and after line 20, insert the following:

''(F) the Office of Science and Technology Policy.

Page 675, line 7, strike ''an institution'' and insert ''one or more institutions''.

Page 675, after line 23, insert the following new paragraph:

''(3) EXISTING PARTNERSHIPS.—Nothing in this subsection shall be construed to prohibit a partnership that is in existence on the date of enactment of this section from applying for a grant under this section.

Page 689, line 22, strike ''10 years'' and insert ''20 years''.

Page 695, line 10, strike ''Such'' and insert ''The initial''.

Page 695, line 11, after ''Education'' insert ''from a list of recommendations received from the House of Representatives and the Senate''.

Page 696, line 3, strike ''may use Trust funds'' and insert ''shall use Trust funds to support research that is in the public interest but that is unlikely to be undertaken entirely with private funds''.

Page 696, line 4, strike ''basic'' and insert ''precompetitive''.

Page 696, beginning on line 5, strike ''demonstrations of innovative learning and assessment systems'' and insert ''demonstrations, and assessments of prototypes of innovative digital learning and information technologies''.

Page 696, line 8, before ''testing'' insert ''pilot'', and line 9, strike ''systems; and'' and insert ''prototype systems;''.

Page 696, line 11, strike ''effective approaches to learning.'' and insert ''effective, innovative digital approaches to learning supported by this Act; and''.

Page 696, after line 11, insert the following:

(D) to support innovative digital media education programs for parents, teachers, and children to help children in the United States learn digital safety and build technology literacy.

Page 696, line 20, strike ''(with or without private partners)'' and insert ''with or without for-profit partners, and to for-profit organizations'', and

Page 700, after line 13, insert the following new sections:

SEC. 814. STUDY ON REGIONAL SENSITIVITY IN THE NEEDS ANALYSIS FORMULA.

(a) STUDY.—The Comptroller General shall conduct a study to review the methodology that is used to determine the expected family contribution under part F of title IV of the Higher Education Act of 1965.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall identify and evaluate the need analysis formula under part F of title IV of the Higher Education Act of 1965 and examine the need for regional sensitivity in need analysis. The study shall include—

(1) the factors that are used to determine a student's expected family contribution under part F of title IV of the Higher Education Act;

(2) the varying allowances that are made in calculating the expected family contribution;

(3) the effects of the income protection allowance on all aid recipients; and

(4) options for modifying the income protection allowance to reflect the significant differences in the cost of living in various parts of the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, Comptroller General shall report to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on the results of the study conducted under this section.

SEC. 815. DYSLEXIA STUDY.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the Center for Education of the National Academy of Sciences for a scientifically based study of the quality of teacher education programs, to determine if teachers are adequately prepared to meet the needs of students with reading and language processing challenges, including dyslexia. Such study shall—

(1) establish the prevalence of dyslexia and other processing difficulties in the general population by conducting a review of existing research and available relevant data; and

(2) conduct a survey of institutions of higher education to provide data on the extent to which teacher education programs are based on the essential components of reading instruction and scientifically valid research.

(b) COMPONENTS.—The study conducted under subsection (a) shall be designed to provide statistically reliable information on—

(1) the number, type of courses, and credit hours required to meet the requirements of the reading degree programs; and

(2) the extent to which the content of the reading degree programs are based on—

(A) the essentials of reading instruction and scientifically valid research, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(B) early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity, specifically dyslexia, and the extent to which such strategies are effective in preventing reading failure before it occurs.

(c) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(d) INTERIM AND FINAL REPORTS.—The National Academy of Sciences shall submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives—

(1) an interim report regarding the study under subsection (a) not later than 9 months after the award of the contract to the Center for Education, as specified in this Act; and

(2) a final report summarizing the findings, conclusions, and recommendations of such study not later than 18 months after the award of such contract.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—Upon completion of the final report under subsection (d)(2), the Secretary of Education shall assemble a task force to make policy recommendations regarding the findings of the report to the Secretary.

(2) MEMBERSHIP.—The membership of the task force under this subsection shall include chief State school officers, State reading consultants, a panel of master teachers, national reading experts, and researchers with expertise in the relevant fields.

(3) PUBLIC HEARINGS.—The task force under this subsection shall hold public hearings to provide an opportunity for public comment on the results of the findings of the task force.

SEC. 816. STUDY AND REPORT ON BORROWER REPAYMENT PLANS.

(a) STUDY.—The Secretary of Education shall conduct a study—

(1) on the impact of the standard 10-year student loan repayment term on the ability of undergraduate borrowers in low-income areas, including Puerto Rico, to repay their loans made under title IV, part B, of the Higher Education Act of 1965; and

(2) to examine the extent to which longer payment terms would assist borrowers in such low-income areas in reducing their monthly loan payments.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary shall submit a report to Congress on the results of the study required by this section.

SEC. 817. NURSING SCHOOL CAPACITY.

(a) FINDINGS.—The Congress finds as follows:

(1) Researchers in the field of public health have identified the need for a national study to identify constraints encountered by schools of nursing in graduating the number of nurses sufficient to meet the health care needs of the United States.

(2) The shortage of qualified registered nurses has adversely affected the health care system of the United States.

(3) Individual States have had varying degrees of success with programs designed to increase the recruitment and retention of nurses.

(4) Schools of nursing have been unable to provide a sufficient number of qualified graduates to meet the workforce needs.

(5) Many nurses are approaching the age of retirement, and the problem worsens each year.

(6) In 2004, an estimated 125,000 applications from qualified applicants were rejected by schools of nursing, due to a shortage of faculty and a lack of capacity for additional students.

(b) STUDY WITH RESPECT TO CONSTRAINTS WITH RESPECT TO SCHOOLS OF NURSING.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute conducts a study for the purpose of—

(A) identifying constraints encountered by schools of nursing in admitting and graduating the number of registered nurses necessary to ensure patient safety and meet the need for quality assurance in the provision of health care; and

(B) developing recommendations to alleviate the constraints on a short-term and long-term basis.

(2) CERTAIN COMPONENTS.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will include information on the following:

(A) The trends in applications for attendance at schools of nursing that are relevant to the purpose described in such subsection, including trends regarding applicants who are accepted for enrollment and applicants who are not accepted, particularly qualified applicants who are not accepted.

(B) The number and demographic characteristics of entry-level and graduate students currently enrolled in schools of nursing, the retention rates at the schools, and the number of recent graduates from the schools, as compared to previous years and to the projected need for registered nurses based on two-year, five-year, and ten-year projections.

(C) The number and demographic characteristics of nurses who pursue graduate education in nursing and non-nursing programs but do not pursue faculty positions in schools of nursing, the reasons therefor, including any regulatory barriers to choosing to pursue such positions, and the effect of such decisions on the ability of the schools to obtain adequate numbers of faculty members.

(D) The extent to which entry-level graduates of the schools are satisfied with their educational preparation, including their participation in nurse externships, internships, and residency programs, and to which they are able to effectively transition into the nursing workforce.

(E) The satisfaction of nurse managers and administrators with respect to the preparation and performance levels of entry-level graduates from the schools after one year, three years, and five years of practice, respectively.

(F) The extent to which the current salary, benefit structures, and characteristics of the workplace, including the number of nurses who are presently serving in faculty positions, influence the career path of nurses who have pursued graduate education.

(G) The extent to which the use of innovative technologies for didactic and clinical nursing education might provide for an increase in the ability of schools of nursing to train qualified nurses.

(3) RECOMMENDATIONS.—Recommendations under paragraph (2)(B) may include recommendations for legislative or administrative changes at the Federal or State level, and measures that can be taken in the private sector—

(A) to facilitate the recruitment of students into the nursing profession;

(B) to facilitate the retention of nurses in the workplace; and

(C) to improve the resources and ability of the education and health care systems to prepare a sufficient number of qualified registered nurses.

(4) METHODOLOGY OF STUDY.—

(A) SCOPE.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will consider the perspectives of nurses and physicians in each of the various types of inpatient, outpatient, and residential facilities in the health care delivery system; faculty and administrators of schools of nursing; providers of health plans or health insurance; and consumers.

(B) CONSULTATION WITH RELEVANT ORGANIZATION.—The Secretary shall ensure that the agreement under paragraph (1) provides that relevant agencies and organizations with expertise on the nursing shortage will be consulted with respect to the study under such subsection, including but not limited to the following:

(i) The Agency for Healthcare Research and Quality.

(ii) The American Academy of Nursing.

(iii) The American Association of Colleges of Nursing.

(iv) The American Nurses Association.

(v) The American Organization of Nurse Executives.

(vi) The National Institute of Nursing Research.

(vii) The National League for Nursing.

(viii) The National Organization for Associate Degree Nursing.

(ix) The National Student Nurses Association.

(5) REPORT.—The Secretary shall ensure that the agreement under paragraph (1) provides that not later than 18 months after the date of the enactment of this section, a report providing the findings and recommendations made in the study under such subsection will be submitted to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(6) OTHER ORGANIZATION.—If the Institute declines to conduct the study under paragraph (1), the Secretary may enter into an agreement with another appropriate private entity to conduct the study.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Institute'' means the Institute of Medicine of the National Academy of Sciences.

(2)(A) The term ''school of nursing'' means a collegiate, associate degree, or diploma school of nursing in a State.

(B) The terms ''collegiate school of nursing'', ''associate degree school of nursing'', and ''diploma school of nursing'' have the meanings given to such terms in section 801 of the Public Health Service Act.

(3) The term ''Secretary'' means the Secretary of Education.

SEC. 818. STUDY OF THE IMPACT OF STUDENT LOAN DEBT ON PUBLIC SERVICE.

(a) STUDY.—The Secretary of Education, in consultation with the Office of Management and Budget, is authorized to coordinate with an organization with expertise in the field of public service, such as the National Academy of Public Administrators or the American Society for Public Administration, to coordinate with interested parties to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Such study shall include—

(1) an assessment of the challenges to recruiting and retaining well-qualified public servants, including the impact of student loan debt;

(2) an evaluation of existing Federal programs to recruit and retain well-qualified public servants;

(3) an evaluation of whether additional Federal programs could increase the number of graduates of postsecondary and graduate education programs who enter careers in public service; and

(4) recommendations related to any potential pilot programs, including an academy for public service, that could be used to encourage new graduates of postsecondary and graduate education programs to enter public service careers.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education, in consultation with the Office of Management and Budget, shall submit to Congress a report related to the findings of the study conducted under subsection (a).

Page 701, line 20, strike ''(I)''; on page 702, line 2, strike ''or'' and insert ''and''; and strike lines 3 and 4.

Page 702, strike lines 13 through 19 and insert the following: ''by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and''.

Page 703, beginning on line 19, strike subparagraph (A) through page 704, line 3, and insert the following:

(A) in paragraph (1), by striking the second sentence;

Page 704, beginning on line 9, strike ''Rochester Institute of Technology'' and insert ''institution of higher education''.

Page 706, strike lines 14 through 17 and insert the following:

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through ''section 203'' and inserting ''of NTID programs and activities''.

Page 708, line 16, strike ''NTID or the University and'' and insert ''the University or the NTID,''; and on line 17, after ''United States'' insert '', and are not enrolled in a degree program at the University or the NTID''.

Page 709, line 16, before the period insert the following: '', or a country that was a developing country for any academic year during the student's period of uninterrupted enrollment in a degree program at the University or NTID, except that such a surcharge shall not be adjusted retroactively''.

Page 710, line 20, strike ''$4,825'' and insert ''$5,345''.

Page 710, lines 20 and 22, strike ''1999'' and insert ''2005''.

Page 730, line 16, strike ''or Federal''.

Page 730, beginning on line 23, strike '', and to the Federal Bureau of Prisons,''.

Page 731, line 14, and page 734, beginning on lines 4 and 18, strike ''and the Federal Bureau of Prisons''.

Page 731, beginning on line 19, and page 732, line 14, strike ''or the Federal Bureau of Prisons''.

Page 733, lines 13 and 16, strike ''and Federal''.

Page 733, beginning on line 22, strike ''and Federal Bureau of Prisons entity''.

Page 735, line 4, strike '', the Federal Bureau of Prisons,''.

Page 735, beginning on line 17, strike subsections (g) and (h) through page 736, line 13, and insert the following (and redesignate the succeeding subsection accordingly):

''(g) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (h) for each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such funds as the total number of incarcerated individuals in such State bears to the total number of such incarcerated individuals in all States.

Page 748, line 25, after ''including'' insert ''off-campus housing safety,''.

Page 749, line 16, after ''information'' insert ''(including ways to increase off-campus housing safety)''.

Page 751, after line 4, insert the following new subsection:

(e) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that in order to increase awareness of the importance of student safety in off-campus housing that is located in the areas surrounding colleges and universities, the following should be encouraged:

(1) The creation of chapters at colleges and universities that aim to raise awareness of the issue of off-campus student safety.

(2) Public awareness on the benefits of security measures that may increase the safety of students living in off-campus housing.

(3) Collaborative partnerships between Federal agencies, local law enforcement agencies, non-profit organizations, colleges and universities, and communities to disseminate information and best practices related to off-campus housing safety for students.

Page 751, beginning on line 5, strike section 953 and insert the following:

SEC. 953. PRIVATE LOAN FORGIVENESS.

Notwithstanding any other provision of law—

(1) a public or private institution of higher education may provide an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment: Provided, that such repaying or providing forbearance is provided to any such officer or employee in accordance with a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students or former students who perform public service; and

(2) an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia may receive repayment or forbearance permitted under paragraph (1).

Page 765, line 23, page 770, line 9, and page 784, line 17, strike ''part B of''.

Page 766, line 12, and page 770, line 23, after ''credit plan,'' insert ''a reverse mortgage transaction,''.

Page 768, beginning on line 7, strike clause (i) and insert the following:

''(i) standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training;

Page 768, line 19, strike ''or''; on page 769, line 2, strike ''and''; and after line 2 insert the following new clauses:

''(iv) the provision of financial literacy counseling or services to students or parents, including counseling or services provided in coordination with a covered educational institution, to the extent that such counseling or services—

''(I) are not undertaken to secure applications for private educational loans or to secure private educational loan volume;

''(II) are not undertaken to secure applications or loan volume for any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965; and

''(III) do not promote the products or services of any private educational lender;

''(v) philanthropic contributions to a covered institution from a private educational lender that are unrelated to educational

loans, to the extent that such contributions are disclosed pursuant to paragraphs (1) and (2) of section 153(a) of the Higher Education Act of 1965, if applicable; or

''(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State; and

Page 770, line 24, strike ''mortgage transaction,'' and insert ''mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act),''.

Page 774, strike lines 13 and 14 and insert the following:

(ii) by inserting ''128(e)(8), or'' after ''125,''; and

Page 778, line 20, after the period insert the following: ''The form of such written acknowledgment shall be subject to the regulations of the Board.''.

Page 781, beginning on line 19, strike paragraph (4) and insert the following:

''(4) INSTITUTIONAL CERTIFICATION REQUIRED.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1), the creditor shall obtain from the relevant institution of higher education such institution's certification of—

''(A) the enrollment status of the borrower;

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

''(C) the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education Act of 1965 and other assistance known to the institution.

Page 784, before line 1, insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

''(9) PROVISION OF INFORMATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in paragraph (1), the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Board.

Page 785, line 10, strike ''mortgage transaction,'' and insert ''mortgage transaction (as those terms are defined in section 103 this Act),''.

The CHAIRMAN. Pursuant to House Resolution 956, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself 1 minute.

I want to thank Mr. MCKEON and the minority for working on this manager's amendment. With this, it makes additional changes to the Pell Grant program, additional changes to strengthen the TRIO and GEAR UP programs, adds a master's program for the Historical Black Colleges and Universities, and includes changes to encourage colleges and universities to adopt energy efficient sustainable practices in their campuses, and it enhances teacher training and development so we can place qualified teachers in every classroom.

It is a bipartisan amendment that has been worked on by the staffs and Members on both sides of the aisle in the committee and Members of the House, and I urge its passage.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, but I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, from the outset of this process, Chairman MILLER has recognized that by working together we can make this bill stronger. Just as he worked with us on the underlying bill, he also invited our input and involvement in the development of this manager's package. I believe the amendment is stronger because of it, and I want to thank him for his bipartisanship.

Anyone who has studied the college cost issue recognizes that there are no easy or obvious solutions. It has taken 5 years of refining to produce the proposal we are voting on here today.

When this process began, we identified three key principles to guide our proposals. First, we saw the need for sunshine and transparency in college costs. Students and families do not have access to accurate, useful, and comparable information about college costs.

Second, we recognized that colleges and universities were not being held accountable to consumers. There were no consequences for schools that engaged in massive unexplained tuition increases year after year.

Third, in our effort to identify solutions, it became abundantly clear that Congress could not do it alone. We realized that all stakeholders must come together. That includes the Federal Government, State government and local communities, institutions of higher education, students, and parents.

States have scaled back their investment in higher education, and the Federal Government has been expected to make up the difference. While some of the details have changed over time, the bill before us adheres to these same three principles.

I want to thank Chairman MILLER for allowing me to take the lead on these college cost provisions. After years of listening to stakeholders, seeking the advice of experts, and studying potential unintended consequences, I believe this proposal strikes the right balance on the cost issue.

I also want to thank Chairman MILLER for working with me to prevent this bill from limiting access for low-income, first-generation, and nontraditional students. An amendment offered during committee consideration of the bill changed the way cohort default rates are calculated. While the proposal did spur an important conversation about how to get a more accurate understanding of default rates in order to protect students and taxpayers, the consequences of the proposal would have done far more damage than was intended. I am pleased that, in this manager's amendment, we were able to forge a compromise that achieves our goal of a more accurate cohort default rate calculation without putting financial aid in jeopardy for the students who need it most.

On these and other issues, Chairman MILLER has worked closely with me to ensure the final bill reflects the priorities of Members on both sides of the aisle. I thank him for his willingness to cooperate, and I urge the majority to continue this spirit of cooperation to address other flaws that remain in the bill, so that when this legislation is signed into law, it is as strong as it can be.

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

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a member of the committee.

Mr. DAVIS of Illinois. I want to commend the committee, especially Chairman MILLER, Ranking Member MCKEON, and all of the members, actually, of the committee, for such an outstanding bill.

In particular, I want to thank the committee for its consideration of items and issues of particular interest to me, students with disabilities, the handling of Pell Grants and student loans, veterans and their needs, especially those who are returning, and the efforts to strengthen the Historically Black Colleges and Universities so that those institutions can have master's degree programs that allow students access to them. It's an outstanding bill; and, again, I commend Chairman MILLER and Ranking Member MCKEON for an outstanding piece of legislation.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. Davis).

Mrs. DAVIS of California. Mr. Chairman, last year Congress passed a budget reconciliation bill that allows servicemembers to get a deferment on their student loans when they are activated, but that particular deferment only applies to repayment of the principle and existing interest on these loans. It does not prevent new interest from accruing while our servicemembers are on active duty.

One Reservist told me that while he was granted a deferment on his loan, he was told that the interest would continue to accrue while he was away and would be added on to his loan when he returned. Servicemembers such as this Reservist already have enough to worry about when they are called to active duty without this added burden.

This amendment will cover all active duty servicemembers, including Reserve units and the National Guard.

According to CRS estimates, this will help the average servicemember save between $1,200 and $1,500 over the course of a 12- to 15-month activation period, with even more savings for those activated for longer periods.

In addition, and the best part, the CBO scored this amendment and found that it will not cost the American taxpayer any significant amount.

I urge my colleagues to support this amendment.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

We are here today addressing the college cost crisis, a problem that has reached epic proportions in this country. There are many who believe, me among them, that we should never have allowed this challenge to reach a crisis point.

I am pleased to be acting today, but this bill serves as a reminder that Congress often fails to recognize challenges in our higher education system and act quickly to solve them. I am afraid we may be making the same mistake by failing to recognize the brewing problems in our Federal student loan programs.

Since 2006, Congress has cut nearly $30 billion from the Federal Family Education Loan Program. While many of these reforms were needed to improve program efficiency, I am afraid we may have gone too far, cutting not just the fat but straight through to the bone.

The impact of these cuts has yet to be fully realized; but already borrower benefits have been curtailed, lenders have left the program, and workers have lost their jobs. The consequences of program cuts are being exacerbated by a crunch in our financial markets that has produced a loss of liquidity, an increase in financing costs, and uncertainty about the future viability of the Federal loan program.

Just a few short months into this time of market turmoil, already 1,200 jobs have been lost and eight lenders have left the Federal student loan program or severely limited participation. This includes the departure of the seventh largest lender in the program. Major lenders have significantly scaled back or ended their borrower benefit programs.

Mr. Chairman, I am afraid this is only the tip of the iceberg. I had hoped to offer an amendment today that would help ensure Congress does not ignore these challenges until they, too, reach a crisis point.

My amendment was nothing more than a sense of Congress, but I believe it would have signaled our commitment to averting a student loan crisis before it happens. Unfortunately, I was blocked by the majority from offering this amendment. It seems we have not yet learned from past mistakes.

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

Mr. HINOJOSA. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today in support of the College Opportunity and Affordability Act. For decades, increases in college tuition have outpaced inflation, posing financial challenges to many students and families.

As a former teacher, school principal and school board member, I am committed to providing our students with greater access to a higher education, thereby ensuring that America remains competitive in the global economy. Having well-trained teachers in our classrooms is essential to preparing our children for the jobs of tomorrow.

It is estimated that over 2 million new teachers will be needed in the next 10 years. H.R. 4137 provides individuals seeking a rewarding career in teaching more opportunities to enroll in high-quality teacher preparation programs.

This legislation will enhance the teacher workforce by establishing Centers of Excellence in teacher training and providing grants to community colleges to establish or improve teacher preparation and professional development programs. H.R. 4137 will also help improve reading for as many as 10 million struggling readers.

During my tenure as a school administrator, I successfully established a program for students with dyslexia. Central to this program was the specialized training every teacher received on how to address the needs of students with reading difficulties.

After more than 20 years, there still appears to be a gap between what is known about effective reading structure and how teachers are being trained. H.R. 4137 includes provisions to expose this gap by examining the quality and extent to which teacher training programs are based on the recommendations of the congressionally requested National Reading Panel.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I want to take a moment to highlight a few aspects of this bill that I worked to include. During committee consideration of the bill, I offered and passed an amendment to encourage colleges and employers to form partnerships that identify high-demand occupations and create educational pathways for students to pursue them.

These partnerships will help students succeed in the job market and provide local businesses with the skilled workers they need to grow. This bill also includes my legislation that requires the Department of Education to forgive the student loans of veterans who are determined to be totally and permanently disabled by the VA.

This will end the duplicative and burdensome process that disabled veterans currently must endure. It also includes my legislation to provide grants for teacher preparation courses at minority-serving institutions to help them recruit and prepare the teachers of tomorrow.

This legislation will expand our teaching pipeline and improve the diversity of our Nation's teachers and teaching force. The College Opportunity and Affordability Act significantly improves our higher education system, and I encourage my colleagues to support it.

Mr. MCKEON. May I inquire of the time remaining.

The CHAIRMAN. The gentleman from California has 4 minutes, and the gentleman from Texas has 4½ minutes.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I am pleased to have helped add a little green idea to our higher education bill. I want to thank Chairman MILLER for incorporating an idea that I have proposed into this manager's amendment, which will really help colleges in some of the terribly exciting work they are doing to green up their campuses.

I visited Plymouth State University in New Hampshire a while back, which has built the Langdon Woods dormitory. It's a 100,000 square-foot dormitory. It's a beautiful dorm, and they are saving enormous amounts of energy because they built it green with good insulation, co-generation, triple-pane windows. It's a great idea.

We have an amendment that has been incorporated that is going to help colleges move forward in three ways. First, it will call for those who use these Federal funds for the colleges to meet or exceed minimum energy efficiency standards for their new renovations or construction as developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, two other ways we are going to do it.

Congratulations to these colleges.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the ranking member on the subcommittee, Mr. CASTLE from Delaware.

Mr. CASTLE. I thank the distinguished ranking member for yielding.

Mr. Chairman, I am very pleased to rise in support of the legislation and to rise in support of the manager's amendment.

I hope that everybody who supports considering this bill today is paying attention to what I think all of us are hearing at home, and that is that the cost of college education is going up faster, as the cost of living increases, than anything, including health care; that is a vital part of our economy; that if we do not produce good college graduates and graduate students beyond that, that we will be hurt greatly from an economic point of view; and that we need to address these issues.

I think this legislation, which was forged with the help of Republicans and Democrats, with amendments by Republicans and Democrats, is balanced legislation and serves the purpose of dealing with looking closely at college costs and asking them to pay attention to it.

We have had a number of hearings about this; and some have produced good testimony, some have produced

sort of marginal testimony in terms what could be done. In my view, this legislation is a big step forward in addressing that issue. I know all the college presidents and boards mean well, but the bottom line is they have to serve well too. They have to make sure that college is affordable to as many people as possible.

I will be involved in several of the amendments later on, but the basic underlying structure of what we are trying to do here today is of great importance to the entire educational and economic future of our country. I hope that all of us can be as supportive as possible of the legislation and of the manager's amendment.

Mr. HINOJOSA. Mr. Chairman, I yield 1 minute to my friend and colleague from the great State of Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this; and I particularly appreciate the chairman, Mr. MILLER, and the Ranking Member, Mr. MCKEON having incorporated into this legislation the committee work that we have been doing for the last several years dealing with sustainability in higher education.

I would like this provision to be named after the late Debbie Murdock. She was a leader at Portland State University with whom I worked who tragically left us far too soon, to make sure that we have equipped, to have strong sustainability programs. This is the wave of the future. This is where the jobs are to be found.

This is what our companies need to be competitive in a world of global warming and climate change. Only 30 percent of these companies say, they have the people with the skills and information and personnel to meet the environmental, sustainability challenge. This provision will enable colleges to develop sustainability programs, and to implement those sustainability programs, to have the appropriate evaluation to know what works.

I hope this is the tip of the iceberg for programs we can work on in the future. I look forward to working with the chairman, looking forward to working with my friend, the subcommittee Chair and our friends on the otherside of the aisle like Mr. MCKEON and Mr. EHLERS on this critical bipartisan legislation.

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Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. HINOJOSA. Mr. Chairman, I am pleased to recognize the gentleman from Minnesota (Mr. WALZ) for 1½ minutes.

Mr. WALZ of Minnesota. Mr. Chairman, I say a special thank you to Chairman MILLER and the ranking member. As a lifelong educator and a teacher in the classroom for 20 years, the understanding and the work that has been put into this piece of legislation is something that I think we can all be very proud of. It takes in and understands the investment in America's future comes in education.

I would like to make one comment. One of the issues that doesn't come up very often in the cost of college expenses is the cost of textbooks. It runs about $900 for an average student. One of the problems we've seen is small changes in textbooks that require students to buy new ones each and every year. There was a very important person in my district, Jared Stene, who was the president of the Winona State University Student Senate. Jared worked for years tirelessly on this issue to bring about some transparency in how textbooks are marketed. Unfortunately, Jared passed away unexpectedly over Thanksgiving, and I thank the chairman for giving me the opportunity and for the work he did in the committee to address this very issue.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WALZ of Minnesota. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I just wanted to say that we did respond in this manager's amendment by making this process more transparent, encouraging greater communication and cooperation between the students, faculty, college bookstores, and publishers in providing an accurate description of what the revisions in the textbooks, what the new edition really means.

Very often we have been told by students and faculty and those concerned with this, as you are, that sometimes these changes are de minimis, but you have to have the new textbook; you can't use a used textbook.

We think this will be an improvement, and I thank you so much for hounding the committee on this subject. I think this is the beginning of increased transparency and concentration on this problem of rising textbook and educational material cost increases.

Mr. WALZ of Minnesota. I thank the chairman.

Mr. HINOJOSA. Madam Chairman, how much time remains?

The Acting CHAIRMAN (Ms. DEGETTE). The gentleman from California has 2 minutes remaining. The gentleman from Texas has 1 minute remaining.

Mr. HINOJOSA. I reserve the balance of my time to close.

Mr. MCKEON. If the gentleman is prepared to close, I am in strong support of the manager's amendment, and I yield back the balance of my time.

Mr. HINOJOSA. Madam Chairman, it is an honor to be able to close this debate on the higher education bill, one that is going to be one of the most meaningful pieces of legislation that I have participated in, together with our chairman, GEORGE MILLER, and with our good friend, BUCK MCKEON from California, who has been a real gentleman and a great leader in higher education.

I believe that this will open the doors to so many men and women throughout the country. It will raise the level of education attainment in many regions of the country. All I can say is we are delighted that we can be working with leaders of the quality of BUCK MCKEON and MIKE CASTLE, and many others on the other side of the aisle.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–523.

Mr. MCKEON. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCKEON:

At the end of title VIII, add the following new section:

SEC. 814. FEDERAL REGULATION OF HIGHER EDUCATION REPORT.

(a) ANALYSIS OF FEDERAL REGULATIONS ON INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of Education shall contract with the National Research Council of the National Academies to conduct a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply. The study shall include information describing—

(1) by agency, the number of Federal regulations and reporting requirements affecting institutions of higher education;

(2) by agency, the estimated time required and costs to institutions of higher education (disaggregated by types of institutions) to comply with the regulations and reporting requirements as required in (a)(1); and

(3) by agency, recommendations for consolidating, streamlining, and eliminating redundant and burdensome Federal regulations and reporting requirements affecting institutions of higher education.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than 18 months after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Madam Chairman, I yield myself such time as I may consume.

Before this reauthorization even began, I was involved in an innovative, bipartisan effort known as the FED UP project that laid the groundwork by reducing red tape, eliminating outdated rules, and streamlining Federal financial aid programs.

The late Representative Patsy Mink and I joined together to solicit input from the higher education community to increase the effectiveness of our Federal financial aid programs by cutting through the red tape and regulations. We did this because over the years, colleges and universities have become subject to an increasing level of Federal regulation. Unfortunately, when new regulations are layered on top of the old, we often end up with duplication and confusion.

Today, as we contemplate another set of new programs, regulations, and requirements, I believe we need to renew that commitment to less red tape. That's why I am proposing a comprehensive study of the regulations that impact higher education. Under my plan, the National Research Council will undertake a governmentwide review to identify regulations that are duplicative and unnecessary.

Particularly in a bill with so many duplicative and unnecessary new programs, there is a danger that we may be exacerbating the college cost crisis by burdening colleges and universities with excessive new reporting and compliance costs. With this study, I hope we can move in a different direction.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HINOJOSA. Madam Chairman, I rise in support of the McKeon amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HINOJOSA. I wish to give 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I also rise in support of this amendment and commend Mr. MCKEON. He has been working on this for a considerable period of time.

I think it makes sense even more so now, it was envisioned in an earlier reauthorization, because it will include the programs that survive the conference committee and become law. It will also compare those new programs against existing programs, and I ask our colleagues to support this amendment.

Mr. HINOJOSA. Madam Chairman, I yield back the balance of my time.

Mr. MCKEON. Madam Chairman, I wish to thank Chairman MILLER and Chairman HINOJOSA for their support and for the hard work that they have put into this bill, and let them know how much I have appreciated working with them not just on this bill but over the years. And I hope that all of our colleagues will support this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

The amendment was agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. HINOJOSA

Mr. HINOJOSA. Madam Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendment Nos. 3, 8, 20, 14, and 15 printed in House Report 110–523 offered by Mr. HINOJOSA:

AMENDMENT NO. 3 OFFERED BY MR. KILDEE

The text of the amendment is as follows:

Page 206, line 18, strike ''ALLOTMENT OF REMAINING FUNDS'' and insert ''ALLOCATION OF FUNDS''.

Page 206, line 20, strike ''subsection'' and insert ''subsections'', and after line 20 insert the following new subsection (and redesignate the succeeding subsection accordingly):

''(e) CONSTRUCTION GRANTS.—

''(1) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, beginning with fiscal year 2009, the Secretary may reserve 30 percent of such amount for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(2) PREFERENCE.—In providing grants under paragraph (1) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

AMENDMENT NO. 8 OFFERED BY MRS. DAVIS OF CALIFORNIA

The text of the amendment is as follows:

After section 453 of the bill, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 454. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.

(a) AMENDMENT.—Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following:

''(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part that is disbursed on or after October 1, 2008.

''(2) CONSOLIDATION LOANS.—In the case of any consolidation loan made under this part that is disbursed on or after October 1, 2008, interest shall not accrue pursuant to this subsection only on such portion of such loan as was used to repay a loan made under this part that was disbursed on or after October 1, 2008.

''(3) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual who—

''(A)(i) is serving on active duty during a war or other military operation or national emergency; or

''(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

''(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

''(4) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

(b) CONSOLIDATION LOANS.—Section 428C(b)(5) (20 U.S.C. 1078–3(b)(5)) is amended by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members program offered under section 455(o), the Secretary shall offer a Federal Direct Consolidation loan to any such borrower who applies for participation in such program.''.

AMENDMENT NO. 20 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

Page 365, after line 11, insert the following:

SEC. 466. SENSE OF CONGRESS REGARDING PERKINS LOANS.

It is the sense of Congress that—

(1) the Federal Perkins Loan Program, which provides low-interest loans to help needy students finance the costs of postsecondary education, is an important part of Federal student aid, and should remain a campus-based aid program at colleges and universities; and

(2) in order to strengthen the Federal Perkins Loan Program, the Federal Government should support increased funds to the Program and restore the capital contribution funds for the Program, to provide more low-income students with affordable borrowing options.

Page 512, strike lines 4 through 7 and insert the following:

''(e) PROHIBITION.—No funds made available under this part may be used to provide financial assistance—

''(1) to students who do not meet the requirements of section 484(a)(5); or

''(2) to any institution of higher education after the date of enactment of this subsection unless the institution demonstrates to the Secretary that the institution meets or exceeds the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) for any new facilities construction or major renovation of that institution after that date, except that this paragraph shall not apply with respect to barns or greenhouses or similar structures owned by the institution.''.

Page 658, line 22, after ''energy management,'' insert ''greenhouse gas emissions reductions,''.

Page 661, line 15, after ''energy management,'' insert ''greenhouse gas emissions reductions,''.

AMENDMENT NO. 14 OFFERED BY MR. LANTOS

The text of the amendment is as follows:

Page 490, after line 13, insert the following new subsection:

(g) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 711(a)(1) (20 U.S.C. 1135(a)) is amended by inserting ''(including a masters degree)'' after ''leading to a graduate degree''.

(2) Section 712(a)(1) (20 U.S.C. 1135a(a)(1)) is amended by inserting ''(including a masters degree)'' after ''leading to a graduate degree''.

(3) Section 713 (b)(5)(C) (20 U.S.C. 1135b(b)(5)(C)) is amended by inserting ''at the institution'' before the semicolon at the end.

AMENDMENT NO. 15 OFFERED BY MR. EDWARDS

The text of the amendment is as follows:

Page 63, after line 17, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 112. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 136. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

''(a) REQUIREMENT.—A member of the armed forces on active duty for a period of

more than 30 days whose domicile or permanent duty station is in a State, and the dependents of such a member, may not be charged tuition for attendance at a public institution of higher education in that State at a rate that is greater than the rate charged for residents of that State.

''(b) CONTINUATION.—If a member of the armed forces, or a dependent of a member, pays tuition at a public institution of higher education in a State at a rate determined by reason of subsection (a), the provisions of subsection (a) shall continue to apply to such member or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

''(c) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State at the beginning of the first period of enrollment at that institution that begins more than 90 days after the date of enactment of the Military Child College Affordability Act.

''(d) DEFINITIONS.—For purposes of this section:

''(1) STATE.—The term 'State' has the meaning given that term in section 103 of this Act.

''(2) MILITARY DEFINITIONS.—The terms 'armed forces' and 'active duty for a period of more than 30 days' have the meanings given those terms in section 101 of title 10, United States Code.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from California (Mr. MCKEON) each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HINOJOSA. Madam Chairman, I wish to recognize the chairman of the Subcommittee on Elementary and Secondary Education, the Honorable Congressman DALE KILDEE, for as much time as he may consume.

Mr. KILDEE. Madam Chairman, I want to thank Chairmen MILLER and HINOJOSA and Ranking Members MCKEON and KELLER for reporting this fine bill out of committee by a vote of 45–0.

It was 10 years ago that Mr. MCKEON and I managed the reauthorization of this bill, and that was a labor of love during that time, and I think we are going to have a great bill here again today. I remember those 10 years ago very fondly.

This amendment clarifies that the Secretary of Education may continue to set aside a percentage of the funds appropriated for tribally controlled colleges and universities for a competition for grants for facilities at TCCUs. Since 2002, the secretary has conducted this competition pursuant to appropriations language.

My amendment will ensure that these colleges have the resources they need to invest in their infrastructure. That is why this competition has been so important to all the TCCUs. My amendment is strongly supported by the American Indian Higher Education Consortium and the National Education Association, and I urge my colleagues to support this amendment.

At this time I would like to yield to the gentlewoman from Kansas (Mrs. BOYDA).

The Acting CHAIRMAN. Who is controlling the time on behalf of the amendment?

Is the gentleman from Michigan controlling the time?

Mr. KILDEE. I am controlling the time at this time and I yield to her such time as she may consume.

Mrs. BOYDA of Kansas. Madam Chairman, I rise today to ask my esteemed colleagues for their enthusiastic support for an amendment that Representative CHET EDWARDS and I are offering.

Quite simply, this amendment makes certain that children and dependents of active service duty members can afford higher education. It guarantees in-State tuition for the dependents of military family members, and it ensures that these students may maintain their in-State rates even if a parent or guardian is reassigned out of State.

In Kansas, we have always believed that everyone who works hard should have the chance to succeed. Kansans believe that education should open doors, not close them. Education should create opportunities. Requiring military dependents to pay out-of-State tuition leaves military students, the children of our Nation's heroes, sometimes with debt as far as the eye can see.

I am proud that my State of Kansas, like many others, extends both benefits to military dependents. But now Congress must act to support servicemembers in all 50 States. All but five States in America offer in-State tuition to military dependents, and all but 17 preserve those in-State rates even if a loved one is reassigned.

Military parents, like all parents, want a high-quality and affordable education for their children. Due to the nature of their jobs, which often requires frequent moves, military families are too often faced with the extra challenge of making sure their children receive an affordable education without endlessly transferring schools.

Our country's servicemembers are making the ultimate sacrifice for us. It is our duty to do everything within our power to help them take care of their loved ones. We must help them serve with a clear mind, unworried about the financial security and educational futures of their children. The very last thing a soldier needs to worry about while navigating the streets of Baghdad is whether his or her child can pay for college.

I rise today to ask my esteemed colleagues for their enthusiastic support for the children of these heroes of our Nation's military.

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Mr. MCKEON. We are discussing all four amendments at this time en bloc?

The Acting CHAIRMAN. The gentleman is advised that there are five amendments en bloc: No. 3, Kildee; No. 8, Davis; No. 14, Lantos; No. 15, Edwards; and No. 20, Inslee.

Mr. MCKEON. Madam Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, I support the amendments, with a couple of caveats. The Inslee amendment, while we are not objecting to this amendment, we do have some concerns about the consequences of the amendment. The requirement that these sustainability grants provide for greenhouse gas emissions reductions will increase operating costs for colleges and universities. If that happens, the result will be still higher tuition and fees for students at a time when we're trying to lower the cost of the higher education.

And some comments on the Susan Davis amendment. I appreciate the amendment. I served with Mrs. DAVIS on the Armed Services Committee, and I appreciate her efforts. There are some questions that I do have.

First, what her amendment does, it says that an individual that is serving on active duty during a war, performing qualifying National Guard duty during a war, military operation or national emergency and is serving in the area of hostilities in which service qualifies for special pay, I'm hopeful that that includes everyone that we're trying to reach in the service, and I'm not sure that that is totally inclusive for what she's trying to cover.

And then the next concern I have is that the borrower must have obtained their loan through the government-run direct loan program. Currently, the direct loan program only provides about 20 percent of the loans, so that would mean that if one of these military personnel got their loan through one of the other programs, they would be excluded from this. I believe her intention would be to grant this benefit to all serving in the military in wartime. So I'm hopeful that we can clean that up, make changes in that during the conference, because I believe that that's probably her intent on that.

And, finally, I would like to also say to my good friend, Mr. KILDEE, the 10 years have gone quickly. But he looks just as young as he did 10 years ago, and I appreciated working with him then, as I do now.

Madam Chairman, I yield back the balance of my time.

Mr. KILDEE. Madam Chairman, I yield to the gentlewoman from Ohio (Mrs. JONES) for a unanimous consent request.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. I thank the gentleman for yielding.

Madam Chairman, I rise in support of H.R. 4137, the College Opportunity and Affordability Act of 2007, as reported by the Education and Labor Committee under the able leadership of the gentlemen from California, Chairman MILLER and Ranking Member MCKEON.

I want to commend the chairman specifically for including in the bill a provision requiring the Government Accountability Office to examine the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities. I would also like to thank my colleague Representative BOBBY SCOTT for his efforts to have this amendment included.

This provision is important and timely in light of a 15 year decline in minority law school enrollment documented by a Columbia Law School web site created in conjunction with the Society of American Law Teachers. As described in the National Law Journal and other publications, the site uses 12 graphs and nearly 200 data points to illustrate an 8.6 percent drop in law school enrollment among African American and Mexican American students between 1992 and 2006. This disturbing trend has occurred even while overall law school enrollment numbers have increased and admissibility indicators for minority applicants have improved.

in addition, 2007 statistics from the Law School Admissions Council suggest that high shutout rates may be discouraging African American and Mexican American students from applying to law school in the first place; data show that the number of African American and Mexican American applicants has fallen significantly since 2004.

One certain factor in the trend is the overreliance of law schools and accreditors on L.S.A.T. scores as an admissions criterion and I expect the GAO study to bear that out.

In the meantime, Madam Chairman, this trend threatens great harm to minority and disadvantaged communities throughout the United States where the consequences will include reduced access to quality legal services and less economic opportunity and empowerment. It is therefore critical that Congress understand and take active steps to counteract the various factors that have contributed to the decline.

Realizing the promise of ''equal justice under the law'' requires that we ensure equal opportunity to legal education for students who come from, and intend to serve, our Nation's neediest communities. Despite the remarkable progress that has been made, many obstacles to opportunity remain. We cannot stand idle as minority underrepresentation in the legal profession increases.

So, as we await the results of the GAO study, I respectfully urge my colleagues on the Education Committee to conduct hearings that will illuminate the problem, its causes, and expert recommendations for alleviating it.

In closing, I will insert into the RECORD the aforementioned articles. There are current efforts underway by members of the Congressional Black and Hispanic Caucuses to formally request a hearing on this subject and to urge the ABA Section of Legal Education to adopt law school accreditation standards that are consistent with the goal of increasing minority representation in the legal profession.

Madam Chairman, I urge my colleagues to support the bill.

[From the National Law Journal, Jan. 21, 2008]

MINORITY ENROLLMENT IS FALTERING

(By Leigh Jones)

A web site recently established by an elite law school paints a dismal picture of enrollment among certain minority groups in law schools generally—a picture that may well become still bleaker.

Enrollment of blacks and Mexican-Americans has fallen by 8.6% in the past 15 years, according to a Web site created by Columbia Law School and the Society of American Law Teachers (SALT).

The decline has occurred as applications to law schools among those two groups have remained constant and as law school enrollment overall has increased since 1992.

With law schools continuing to revere U.S. News & World Report rankings and with anti-affirmative action initiatives possibly being on the ballot in five states in November, it appears that the situation may only worsen.

''It's not a pipeline problem,'' said Conrad Johnson, clinical professor of law at Columbia. Johnson and two law students working with the school's Lawyering in the Digital Age Clinic helped create the Web site, along with SALT. He said that the statistics, compiled from information provided by the Law School Admission Council, dispute the notion that the low enrollment numbers among blacks and Mexican-Americans are due to dwindling applications from those groups.

EYE ON RANKINGS

From 1992 to 2006, the number of blacks and Mexican-Americans enrolled in the nation's law schools accredited by the American Bar Association (ABA) fell from 3,937 to 3,595. During that same time period, the number of ABA accredited law schools grew from 176 to 195.

Johnson acknowledged an uptick in African-American enrollment in 2006, the biggest increase in 10 years, but he said that a combination of both groups showed a continuous decline during the 15-year period.

Vernellia Randall, a professor at University of Dayton School of Law and creator of the The Whitest Law School Report, said that law schools, concerned about their U.S. News & World Report rankings, are requiring higher scores from applicants on the Law School Admission Test (LSAT), which has resulted in lower admission numbers among people from the two minority groups.

In the rankings, a school's median LSAT score is part of a larger score designed to measure a school's selectivity in choosing applicants who enter an incoming class. Selectivity accounts for 25% of a school's ranking.

The Columbia Law School Web site notes that LSAT and grade-point average scores have increased among African-American and Mexican-American applicants. But more demanding requirements from law schools continue to outpace improvements in scores, Randall said.

''It's going to get a whole lot worse before it gets better,'' she said.

U.S. News & World Report does not include diversity as one of the factors in the rankings, but it does publish a separate ranking of law schools that have high minority enrollment numbers. Revamping the general law school rankings to include diversity as a factor would be difficult, said Robert Morse, director of data research at U.S. News & World Report.

Not only would the standard need to account for the difference in minority populations in various parts of the country, but the rankings would require a value judgment regarding which minority groups' enrollment ''improved'' a school, he said.

Part of the concern about the low numbers relates to efforts in five states to ban race- and gender-based preferences. Arizona, Colorado, Missouri, Nebraska and Oklahoma all have initiatives under way to place questions on November ballots that would end programs that increase minority and female numbers in education and in government. The effort is led by Ward Connerly, president of the American Civil Liberties Institute, which led successful efforts to ban such preferences in California, Michigan and Washington. ''Preferences are morally wrong,'' said Connerly, who is black.

The U.S. Supreme Court ruled in 2003 in *Grutter* v. *Bollinger*, 539 U.S. 306, that the University of Michigan Law School's race-preference admissions policy served a compelling interest in maintaining a diverse student body.

Marquette University Law School Dean Joseph Kearney said his school relies heavily on affirmative action to recruit minorities. Marquette was ranked No. 8 among Randall's latest ranking of the ″Whitest Law Schools.″ Its student body is 89.5% white, with black enrollment equaling 2.7% and Mexican-Americans making up 0.7%, according to the 2007 ABA Official Guide to ABA Approved Law Schools.

Kearney, who challenges the validity of Randall's list, attributes his school's low numbers to competition from its state competitor, University of Wisconsin Law School, which has lower tuition and is aggressive on minority recruitment.

[From the National Law Journal, Jan. 4, 2008]

ENROLLMENT DECLINE REPORTED FOR MINORITY LAW STUDENTS

(By Vesna Jaksic)

Columbia Law School has launched a Web site documenting the declining trend of minority students' enrollment in law schools.

The site calls the trend disturbing and says that while African-American and Mexican-American students have applied to law schools in relatively constant numbers over the last 15 years, their representation has fallen by 8.6 percent, from 3,937 in 1992 to 3,595 in 2006. The site points out that this is occurring at a time minority students' leading admissibility indicators have improved and the number of law schools has increased to provide room for nearly 4,000 more students.

The Web site was created by Columbia Law School's Lawyering in the Digital Age Clinic, in collaboration with the Society of American Law Teachers, or SALT. It contains 12 graphs and nearly 200 data points based on yearly Law School Admission Council statistics.

''We need diversity in our legal profession to promote better legal education and fairness in our system of justice,'' Conrad Johnson, clinical professor of law at Columbia and a member of SALT's board of directors, said in a news release.

The site also includes an analysis of Grutter v. Bollinger, the 2003 U.S. Supreme Court decision that reaffirmed the limited use of affirmative action in university and law school admissions.

Columbia Law School students Christina Quintero and Jeffrey Penn helped create the Web site as part of their Lawyering in the Digital Age Clinic. The clinic provides hands-on experience in digital technologies that help shape the legal profession. Through the clinic, students work with public interest lawyers and members of the judiciary and handle issues such as eviction cases, advocate to restore government benefits and help organize pro bono efforts.

[From the Wall Street Journal online, Jan. 17, 2008]

STUDY SHOWS GRIM OUTLOOK FOR MINORITY LAW-SCHOOL ENROLLMENT

(By Peter Lattman)

Law-school enrollment of African-Americans and Mexican-Americans has fallen by

8.6 percent in the past 15 years, according to a Web site created by Columbia Law and the Society of American Law Teachers. And with anti-affirmative action admissions measures gaining traction around the country, the numbers could get worse, according to an NLJ story.

The decline has come as applications to law schools among those minority groups have remained constant and law school enrollment overall has risen since 1992.

''It's not a pipeline problem,'' said Conrad Johnson (pictured), a clinical professor at Columbia and Law Blog Moustache Society. who helped create the site. The stats, compiled from LSAC data, counter the notion that minorities are submitting fewer law-school applications. He did acknowledge an increase in blacks' student enrollment in 2006, but said that the numbers are in overall decline.

Another professor, Vernellia Randall, a professor at Dayton Law who created something called The Whitest Law School Report, agrees, and thinks one reason is that schools are requiring higher LSAT scores, which results in lower admission numbers for minority groups. ''It's going to get a whole lot worse before it gets better,'' she told the NLJ.

''The net result is that . . . law schools are not progressing towards more inclusive admissions,'' concludes the Columbia Law clinic's Web site. ''This affects everyone who is concerned about better education and a more representative legal profession.''

Readers, from your vantage point, what are the biggest hurdles to minority advancement in the law?

Mr. EDWARDS. Madam Chairman, I rise today in support of an amendment that includes the language of H.R. 3780, the Military Child College Affordability Act, to ensure that military dependents receive in-state college tuition. I urge my colleagues to do the same.

There are two serious problems that this amendment addresses. First, there are states that do not give military families in-state tuition rates even when the service member is stationed there. For example, dependents of service members stationed in Michigan must pay $31,302 per year to attend University of Michigan. This is in contrast to the $10,448 yearly cost for in-state tuition, resulting in a $20,854 education tax on our military families.

The second problem is that in 17 states, military sons and daughters have to start paying out-of-state tuition if their parents are restationed to another state. For example, in California, if a military connected college student is enrolled in the University of California system, his or her yearly tuition jumps from the in-state level of $7,347 to $19,068 if their parents are transferred out of state, despite the fact that the student could have already been enrolled for several semesters.

Let me share with you an example of the effects of this additional burden on our military families. This is from the spouse of a military wife, stationed with her husband in Hawaii.

My daughter is a junior at the University of Hawaii. We have been able to pay in-state tuition because my spouse is stationed here. My spouse was deployed to Iraq in August of 2006 and returned after 15 months. He is most likely going to [be re-stationed] in January of 2008. The university has informed us that as soon as he leaves, we will have to pay out of state tuition.

This would cause the tuition they pay for their daughter to jump from $5,952 per year to $16,608 for her last year of college.

This same family's younger daughter is affected as well. I quote from her mother's letter:

''It is enough that our daughters will not see their Dad for the last two years, but now we are telling them that she may not be able to attend University of Hawaii because we will be charged out of state prices.''

This amendment mandates in-state tuition benefits for military dependents if their parent is stationed or domiciled in that state. Further, this amendment would say that a military child can continue to pay in-state tuition if his or her parent is re-stationed outside of that respective state after the son or daughter has started college.

It is my belief that we have asked enough of our military families already, and should not require them to pay unfair tuition rates to send their children to college. I urge my colleagues to support this amendment and the children of the United States Armed Forces.

Mr. KILDEE. Again, Madam Chairman, I urge support for these amendments en bloc, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Texas (Mr. HINOJOSA).

The amendments en bloc were agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PETRI

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–523.

Mr. PETRI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PETRI:

Page 451, line 24, strike ''and''; on page 452, line 5, strike the period and insert ''; and''; and after such line insert the following new paragraph:

''(8) the feasibility of a specific alternative market-based mechanism that will—

''(A) determine lender returns;

''(B) result in reduced Federal costs on a program-wide basis, on loans made, insured, or guaranteed under part B of this title, excluding from consideration the Federal PLUS loans described in section 428B that are the subject of the competitive loan auction pilot program under this section;

''(C) include not more than—

''(i) 10 percent of the annual loan volume under this part B of this title during the first year of the alternative pilot program; and

''(ii) 20 percent of the annual loan volume under this part B of this title during the subsequent years of the alternative pilot program;

''(D) permit participation in any alternative auction-based pilot program on a voluntary basis for eligible institutions and eligible lenders participating under part B of this title prior to July 1, 2007; and

''(E) provide for all savings to the United States Treasury generated by such alternative pilot program to be distributed to institutions participating under this section on a basis proportionate to loan volume under such part for supplemental, need-based financial aid, except than an institution that is operating as an eligible lender under section 435(d)(2) shall not be eligible for any such distribution.

Page 452, line 14, strike the close quotation marks and following period, and after line 14 insert the following new subsection:

''(e) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of any auction or auctions conducted under this section no later than September 1, 2013.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Madam Chairman, my alternative market study mechanism, which is before us, this amendment would significantly advance our understanding of market-based reforms to the guaranteed student loan program that were begun last year during our consideration of the College Cost Reduction Act. This Congress has demonstrated significant interest in developing some type of comprehensive market-based reform in order to overhaul the guaranteed loan program and make certain that taxpayers' interests are better served.

Last year, I had the opportunity to offer an amendment in the Education and Labor Committee to the College Cost Reduction Act to study and pilot a market-based reform, such as an auction, to determine how the Federal Government may better determine lender yields to reduce wasteful spending in the guaranteed loan program. This amendment was adopted in the committee and included in the bipartisan House-passed bill last summer.

Well, I was pleased that an auction pilot was included in the final law. There is growing concern among reformers, the lending industry, and the administration that the Senate model which was adopted may have significant implementation and logistical challenges.

However, this bill presents us with an opportunity to further study and consider an effective market-based reform proposal. So the amendment before us would simply amend the current auction pilot evaluation language included in this bill to require the Secretaries of Education and the Treasury, in conjunction with the Government Accounting Office, the Office of Management and Budget, and the Congressional Budget Office, to evaluate the feasibility of an alternative market-based reform to the Federal Family Education Loan Program. The alternative should reduce Federal costs to taxpayers and use savings to increase need-based grants to lower-income students.

I'd urge Members to support this amendment to further our understanding of market-based reform options. The study would mark an important step toward fully understanding market-based reforms of the program and would build on reforms incorporated in the College Cost Reduction Access Act. And again I'd ask my colleagues to support an alternative market mechanism study amendment.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Madam Chairman, this amendment essentially requires a feasibility study on market mechanisms that could then be used to determine lender returns when making student loans. Had we not just adopted an auction process for student loans in the recently passed budget cutting bill, this might make sense.

This amendment may be couched in terms of a study; however, it's difficult to see how the Secretary would study something like this without actually implementing a broader pilot, and that is the main concern that we have.

The Department of Education conducted a market mechanism study several years ago with the GAO and others. That extensive study did not find auctions to be a workable mechanism for administering the student loan program. Taking another look several years later may have shed new light on the subject.

We need the Department to focus on the creation and evaluation of this auction before we decide to push for studies or implementations of other auctions.

Madam Chairman, I reserve the balance of my time.

Mr. PETRI. Madam Chairman, we'd just say that it's important for us to get informed, knowledgeable advice as to how to operate the student loan programs, the direct program, and the guarantee program better. In the past, we've adopted pretty much a political-based approach of Congress setting the amount of the guarantee that private lenders receive for making student loans. In the reform act this summer, we cut that and tried to put in place a pilot approach coming from the Senate for a market-based mechanism. This would broaden the study; and, I think, would, in fact, be something that will end up saving the taxpayer money if it works. And if it doesn't work, we're no worse off. It's a study.

So I don't understand the reluctance to try to get the Treasury Department and experts in this area. We have auctions for loans weekly to finance the debt of our country. And we certainly can do a better job of pricing the guaranteed student loan program.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. PETRI. I certainly do.

Mr. GEORGE MILLER of California. I just want to rise and I think support this amendment. I think in the context of going to the conference committee, where we know the Senate has an auction provision, I think, well given even there, where we've done, we have this provision in the reconciliation bill to look at an auction to see whether we can do it and make it feasible, this may be helpful in us making some determinations about how we proceed on that effort and how the Department proceeds on that effort. So I would support the amendment.

Mr. PETRI. I thank the chairman.

I certainly would urge the chairman and the ranking minority member on the committee, as they go to conference, to keep an open mind on this proposal so we can do the best job with the taxpayers' money and help students get their loans in a cost-effective manner.

Madam Chairman, I yield back the balance of my time.

Mr. MCKEON. Madam Chairman, it pains me to oppose the amendment of my good friend from Wisconsin. We've served now on the Education Committee together for almost 16 years, and he's always concerned about protecting the taxpayer and the taxpayer dollars.

I think that I'm not so concerned about the study. It's the way the amendment is drafted that looks like it will impose the full program before the study so that the study could be made complete. And I understand that auctions are taking place all the time, but they're not generally done by the Department of Education. They're done by the Department of the Treasury and other branches. I'm not sure the Department of Education has that expertise.

But as we move forward on this, hopefully, maybe in conference, this could be cleared up and the intent of the gentleman could be carried out. That would be my hope.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCKEON. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. PETRI

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–523.

Mr. PETRI. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PETRI:

Page 359, beginning on line 13, strike subparagraphs (C), (D), and (E) and insert the following (and redesignate the succeeding paragraphs accordingly):

''(C) with respect to each of the guaranty agencies operating under a guaranty agreement under section 428(c)—

''(i) un-reconciled balances in held loans by year of origination;

''(ii) status and number of defaulted loans by length of default in 30-day increments; and

''(iii) status and number of delinquent loans by length of delinquency in 30-day increments;

Page 359, line 23, insert before the period the following: ''carrying out activities under this part''.

Page 359, beginning on line 24, strike subsection (c) through page 360, line 12.

Page 360, after line 12, insert the following new subsection:

(d) AUDIT OF FEDERAL FAMILY EDUCATION LOAN PROGRAM PORTFOLIO AND GUARANTY AGENCIES.—The Secretary of Education shall have a financial and compliance audit of all guaranty agencies participating in the loan programs under part B of title IV of the Higher Education Act of 1965 (including each guaranty agencies' contract for the servicing, collecting, and related activities of such loans), conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with the standards established by the Comptroller General. The standards shall measure the guaranty agency's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the guaranty agency for the purpose of this subsection. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Wisconsin (Mr. PETRI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. PETRI. Madam Chairman, this amendment should be much less controversial than the one that just passed. As you're aware, the Federal Government runs two Federal student loan programs that provide the same affordable loans to American students: the Federal Family Education or Guaranteed Loan Program, and the William D. Ford Direct Loan Program.

In the past year, a significant amount of attention has been paid to the scandal-ridden and wasteful guaranteed loan program. Reducing excessive subsidies was the primary goal of the bipartisan College Cost Reduction and Access Act that was enacted last September, and we have seen some success. But this program was so embroiled with illegal and unethical activity between lenders and financial aid officers that sweeping new rules are included in this higher education reform act aimed at ending these relationships and providing much greater transparency for students and for taxpayers.

□ 1430

Given all of the abuse that's occurred in the guaranteed program, imagine my surprise when an amendment ended up being adopted which had the effect of targeting the direct loan program and a seemingly innocuous amendment to audit the direct loan program contained a series of reporting requirements applied only to the direct loan program which were designed to make it appear the program was performing more poorly than the tarnished guaranteed program.

I should note that despite the scores of improprieties documented in the

guaranteed loan program, the direct loan program has had no similar ethical abuses. Further, it has been scored as significantly cheaper by the Office of Management Budge, CBO and GAO, since its inception in the early 1900s.

Now it will be one thing if the amendment applied these new reporting provisions equally to both the guarantee and direct programs, and I'm encouraged that the author of the amendment, my respected colleague from the State of Georgia (Mr. PRICE), has indicated that that is his intent, and I'm hoping that we can, in fact, adopt this amendment to apply requirements to both programs.

But this language currently in the bill has the effect of undermining the direct loan program, boosting the guaranteed loan program's performance in comparison, and the amendment before us addresses the language.

Madam Chairman, what is good for the goose is good for the gander. The amendment would maintain the audit and most of the reporting requirements added to the direct loan program but would also require comparable audits in reporting for guaranty agencies in the Guaranteed Loan program. I have no doubt the direct loan program will pass the audit with shining colors, and I look forward to the report. I hope the same can be said of the Guaranteed Loan program.

I would ask support for the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. PRICE of Georgia. Madam Chairman, I rise to claim the time in opposition.

The ACTING CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Chairman, I want to commend my friend from Wisconsin for his willingness to continue to work on this. We've got some disagreements about it, although we are basically saying the same thing, that we want both of the programs to be treated equally, and I certainly concur with that. I also want to thank the chairman and the ranking member for their work on this as we went through committee, but at this time I rise to oppose this amendment.

H.R. 4137, the College Opportunity and Affordability Act, really has been a product of significant and extensive thoughtful deliberation over many Congresses. One example, I believe, of that thoughtfulness is section 454, which is included in the manager's amendment, which is a provision asking for an independent audit of the direct loan program and greater disclosure of the program's impact on the national debt. In fact, that provision was unanimously adopted in our committee during markup.

Now, why is this important? Well, it's important because the direct loan program amazingly is not currently subject to the routine audits that examine all of these issues. Further, the government finances the direct loan program by borrowing, and so it contributes in some way that we believe ought to be determined, and that was the purpose of the amendment. It contributes in some way directly to that national debt.

Now, we all talk about transparency, and I'm all for transparency. Transparency is critical if we are going to, here in Congress, get a handle on evaluating the student lending program and make the best decisions for college access and affordability. Unfortunately, I believe that this amendment being offered undermines that congressional oversight and paralyzes section 454.

I also believe that it weakens the independent audit portion of the direct loan program. Private lenders under the FFEL, the Federal Family Education Loan program, are subject to full and regular audits, and this section in the bill is intended to subject the direct loan program to similar full and regular audits. That's the common ground that we talk about and hopefully will be able to find as we move forward.

As an example, the amendment also eliminates a requirement to the direct loan audit that includes an examination of the unreconciled balances of loans by year of origination. This is a key piece of information for the FFEL program, the loans must be reconciled every year, while the direct loan program is not held to the same standards. So by weakening the independent audit of the direct loan program, the amendment would eliminate the portion requiring disclosure of the program's impact on the national debt.

And just as a matter of information, we all here in Congress should know about that.

In closing, Members, I believe, need to remember that all of this that is being done, in essence, would add a duplicate audit ability for the FFEL programs and not the same for the direct loan programs. I look forward to working with my colleague from Wisconsin and the chairman and ranking member as we move forward. Both the direct loan and FFEL program should be held up to the light of day so the taxpayers know what they're getting from their tax dollars.

Madam Chairman, I reserve the balance of my time.

Mr. PETRI. Madam Chairman, how much time do I have remaining?

The ACTING CHAIRMAN. Each side has 2 minutes remaining.

Mr. PETRI. I yield to the chairman of the full committee such time as he may consume.

Mr. GEORGE MILLER of California. Madam Chairman, I rise in support of the gentleman from Wisconsin's amendment. I think having these parallel audits, these are two programs that, for the sake of the taxpayer, compete with one another, and I think that that's important.

I was encouraged to see in the President's 2009 budget that, for the first time, the taxpayer costs for student borrowing through the FFEL program are closer to the more efficient direct loan programs, taking into account what we did in the reconciliation bill. I was also interested to see that still we see that it costs only one-fourth as much to make a direct loan as it does to make a FFEL loan program.

So I think that we should be encouraged and we should be prepared to have these audits, because I think the taxpayer is winning this discussion, thanks in large part to the efforts of Mr. PETRI over many years, to have this kind of comparison, this kind of discussion. Many of the recommendations that we made in the reconciliation bill were, in fact, the recommendations of the Bush administration from the office of OMB about the cost of that program. We were able to take that money out, recycle it in favor of students and families borrowing the money to drive down the cost of borrowing that money and increase the Pell Grants. Now we see that we are still 25 percent cheaper for the taxpayers than the FFEL program.

Mr. PETRI. Madam Chairman, I just have to say, this is important, because, on the one hand, if you treat a direct loan as adding to the debt with no offset because it is a loan which will be repaid, the loan is an asset, there should be some offset, you can get a very misleading picture. If you are cosigning a note, you are liable on the note, and that's what we do when we guarantee these private loans.

So zero costs in the direct program and outlay. And it misleads, too, because unless you compare apples and apples, you can have a badly distorted picture.

Mr. PRICE of Georgia. Madam Chairman, I want to once again say we are happy to have the same review in the audit of both the lending programs. You have heard that some individuals believe that the direct loans are cheaper than the FFEL programs, the loans, and, in fact, official government reports all agree that the budget scoring rules do not, I repeat, do not capture the real economic cost of both of these student loan programs. They agree all of the costs should be accounted for when comparing the two programs. Madam Chairwoman, I think we are, in fact, saying a lot of the same thing.

I look forward to working with my friend from Wisconsin, with the ranking member, and with the chairman as we move forward to the conference committee. In the meantime, however, I'm obliged to urge my colleagues to vote ''no'' on this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PRICE from Georgia. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–523.

Mr. CASTLE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CASTLE:

In section 133(d) of the Higher Education Act of 1965, as amended by section 109 of the bill:

(1) insert ''(1)'' after ''TASK FORCES.—'';

(2) redesignate paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (E);

(3) strike ''and'' at the end of subparagraph (C) as so redesignated;

(4) insert after such subparagraph (C) the following new subparagraph:

''(D) develop annual benchmarks for the institution to reduce costs in areas identified under subparagraph (C); and''.

(5) add at the end the following new paragraph:

''(2) An institution of higher education that does not meet the benchmarks established under paragraph (1)(D) shall provide to the Secretary a detailed explanation of the reasons why the institution did not meet such benchmarks.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I will claim the time in opposition, although I do not intend to oppose the amendment.

The Acting CHAIRMAN. The gentleman from California will be recognized in due time.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Madam Chairman, I yield myself such time as I may consume.

I'm pleased to offer this college cost accountability amendment to the College Opportunity and Affordability Act, which I also support, legislation to reform and strengthen many of the Nation's higher education programs.

As you know, for over a decade, Congress has worked on the behalf of students and families in an effort to solve the college cost crisis. Today we will have the opportunity to vote on these bipartisan college cost reforms.

We all can agree on the need to hold down the costs of college, and I believe we're making progress by providing additional support to minority-serving institutions, teacher quality grants, grants supporting veteran student success, and other positive changes. I would like to also note the provisions included to help us better track annual changes in tuition, fees, and room and board costs for undergraduate students. All of the information collected will be made publicly available on the department's College Navigator Web site so that students and their parents have better access to cost increases at various institutions.

While each of these provisions take steps in the right direction to combat college costs, I believe we can go farther to uncover what is driving college costs and hopefully stem the tide of this growth that threatens access to higher education for many American students.

My amendment expands the responsibilities of the quality task forces established in the underlying legislation by requiring them to develop annual benchmarks for the top 5 percent of institutions that have the largest increase in their tuition and fees over the most recent 3-year period. If these institutions fail to meet these benchmarks, rather than punishing these schools with legislative penalties, institutions are simply required to provide the Secretary of Education with a detailed explanation of the reasons why they failed to do so.

I am supportive of the underlying legislation which makes reforms for our institutions of higher learning, parents and students, and my amendment will build upon the provisions set forth in the introduced legislation to make tuition increases even more transparent and help ensure colleges are doing everything possible to reduce college costs so that any student wishing to obtain a higher education may do so.

I urge my colleagues to support my amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I would simply rise in support of the amendment. I think that the effort that is being made here by Mr. CASTLE will, in fact, add to some understanding by the public and some transparency for those of us who have to make policy as to exactly what's going on with the increase in college costs. I think these kinds of explanations will be important for all of us, and we welcome the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. CASTLE. Madam Chairman, I thank the distinguished chairman for his kind words about the amendment and for his work, along with Mr. MCKEON and Mr. KELLER and others and Mr. TIERNEY on the legislation, and I urge everybody to support the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–523.

Mr. DAVIS of Illinois. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DAVIS of Illinois:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE XI—RELATED AMENDMENTS

SEC. 1101. TREATMENT IN BANKRUPTCY.

Section 523(a)(8) of title 11, the United States Code, is amended—

(1) in subparagraph (A)(i) by striking ''or made'' and all that follows through ''institution'', and inserting ''or made under any program funded in whole or in part by a governmental unit, or made under any program in which a substantial portion of the funds for making such overpayment or loan is provided by a nonprofit institution or an institution of higher education as defined in section 102 of the Higher Education Act and in which no part is funded by a governmental unit''; and

(2) in subparagraph (B) by inserting before the semicolon at the end the following:

''unless the period beginning on the date when such loan first became due and ending on the date of the filing of the petition, excluding any time during such period when the repayment obligation was deferred while the borrower was attending an eligible educational institution as defined in section 221(d)(2) of the Internal Revenue Code of 1986, is longer than 5 years''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Madam Chairman, I yield myself 2 minutes.

Unlike most kinds of debt, student loans of all types are currently nondischargeable in bankruptcy, except on a judicial finding of undue hardship. Under this amendment, government student loans, Federal and State, and loans made directly by nonprofit entities would remain nondischargeable. Other student loans made by for-profit banks and other lenders would continue to be nondischargeable for the first 5 years after they come due, but after that, they would be treated like other unsecured consumer loans in bankruptcy.

□ 1445

This amendment also closes the loophole that lenders were beginning to pursue just before the 2005 changes went into effect. Currently, loans that are funded in whole or in part by a nonprofit institution are nondischargeable. Lenders offering private student loans were setting up affiliations with nonprofit institutions in order to take advantage of this loophole, even though the nonprofit was not the source of funding.

The current law is unfair to students. Students who take out student loans are trying to better themselves and contribute to the advancement of our economy. Unlike Federal student loans, private loans lack basic consumer protections, such as limits on

interest rates, loan limits, and flexible payments; yet the bankruptcy law treats student loan borrowers who face financial tragedy in the same severe manner as people trying to escape child support payments, alimony, overdue taxes, and criminal fines. People should not be punished for trying to get an education.

Madam Chairman, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I rise in opposition to the Davis amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. I yield myself such time as I may consume.

This amendment changes the Bankruptcy Code in a way that will add uncertainty and additional risk to student lending. And I can't help but think that this will further restrict students' access to loans at a time when they're already finding it harder to obtain loans due to the current instability of the credit market.

Madam Chairman, I yield 2½ minutes to a member of the Judiciary Committee, the ranking member of Commercial and Administrative Law that has jurisdiction for the Bankruptcy Code, the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Madam Chairman, this amendment will undo an important provision of the Bankruptcy Code that was enacted just 2 years ago in the bipartisan Bankruptcy Abuse, Prevention and Consumer Protection Act of 2005. It will increase risk for student lending, risk that the lending market will respond to by restricting the availability of credit.

The bankruptcy law currently allows student loans to be discharged if the graduate is facing an undue hardship. This policy provides balance by protecting truly unfortunate graduates, while still preserving the integrity of student loans.

This amendment will eviscerate this policy by removing the undue hardship requirement for private sector student loans, allowing these loans to be discharged 5 years after graduation. Federally guaranteed loans can still be discharged only upon a showing of undue hardship. Accordingly, the private market, which is the most sensitive to risk, bears the burden of this change. Students looking for loans in the future will have a hard time finding them. Inevitably, students would encounter higher interest rates, shorter payment periods, and other more restrictive lending terms as lenders look to avoid potential losses in bankruptcy.

The amendment, in short, would damage, not advance, the cost of education. There is no free lunch and there is no free bankruptcy. We can do better for our students, and we can do better for our system of higher education. This amendment would undo an important provision of the Bankruptcy Code enacted just 2 years ago. If there is one thing that is important in commercial law, including bankruptcy law, it's stability. Lenders and investors must have confidence that Congress will not constantly change the rules of the game.

We will send the wrong message if a mere 2 years after BAPCPA's passage we begin to tinker with the provisions of the new bankruptcy law. Regrettably, the pattern is already beginning to emerge in this Congress. It can and should be stopped.

Capricious treatment of creditors in bankruptcy can have only one effect, the chilling of lending and investment. Changes in the Bankruptcy Code ought to receive the scrutiny of the Judiciary Committee. Since the Davis amendment is not being considered by the Judiciary Committee, the congressional experts on bankruptcy have had no opportunity to vet it through in regular order. This amendment will do more harm than good and will affect the availability of student loans in the future.

I urge my colleagues to vote against this amendment.

Mr. DAVIS of Illinois. Madam Chairman, I yield 1 minute to the chairman of the Education Committee, the Honorable GEORGE MILLER.

Mr. GEORGE MILLER of California. I rise in strong support of this amendment, and I thank the gentleman for offering it.

We now see that, almost like the subprime home mortgages, that these private student loans have been offered to a great number of people who it's questionable about whether or not they can pay it back. And we now see these private lenders retreating from this market because they know they've now made loans that they're not going to be able to sell off to others. They've made questionable loans.

These loans look more and more like consumer loans because there's no requirement that the people who take out these loans in the direct marketing to students, a student signs up, gets a loan, they don't have to pay their tuition, they don't have to pay their books, they don't have to pay their dormitory fees. They're consumer loans. They can buy beer and pizza, they can buy flat screened TVs, and they ought to be treated like those consumer loans. That's why this amendment is supported by the American Association of Community Colleges, the Association of State Colleges and Universities, the Association of Jesuit Colleges and Universities, the Consumer Federation of America, the Consumers Union, the United States Students Association, the U.S. Public Interest Groups, because they all recognize that this is far different than the public loans that families and students take out where there's arrangements to work out and help those students if they get into trouble. That's not the case with the private loans.

Let the marketplace work. They are now charging these students 18 and 20 percent, and we ought to understand what that means to the future of these students. We ought to support the Davis amendment.

Mr. MCKEON. Madam Chairman, may I inquire as to the time remaining.

The Acting CHAIRMAN. The proponents have 2½ minutes remaining; opponents have 2 minutes remaining.

Mr. MCKEON. And we have the right to close?

The Acting CHAIRMAN. That is correct.

Mr. MCKEON. I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Chairman, it's my pleasure to yield 1 minute to the gentleman from Georgia, a member of the Judiciary Committee, Representative HANK JOHNSON.

Mr. JOHNSON of Georgia. On behalf of Congressman JOHN LEWIS, Chair of the full committee, and as a member of the Commercial and Administrative Law Subcommittee, I rise in support of the Davis amendment.

Bankruptcy relief provides a critical last resort economic safety net for those in dire financial need. It gives a fresh start to honest and deserving debtors so they can regain their financial footing on which to rebuild a productive life, which is good for them as well as for society.

My colleague, the gentleman from Illinois, seeks to restore some balance with respect to the dischargeability of certain student loans. This is an excellent measure for the following reasons: one, it ensures that predatory for-profit lenders cannot take advantage of a current provision in bankruptcy law intended to protect nonprofit institutions that make educational loans; and, second, the amendment instills some moderation with respect to the dischargeability of certain educational loans made by private sector lenders which under current bankruptcy law can be nondischargeable no matter how long ago the loan was made.

So for those reasons, I urge my colleagues to support this amendment.

Mr. DAVIS of Illinois. Madam Chairman, I yield myself the balance of our time.

For many of these students who secure loans without the protection of bankruptcy, it's like receiving a life sentence with no appeal. That is to say, they get a loan that is supposed to help them get a college degree, an education so that they can pay the loan off. Unfortunately, many of them are stuck on $70,000, $80,000, $90,000, $100,000 that they're never able to pay. And so they struggle along for the rest of their lives trying to pay off a loan that was supposed to have secured for them a level of financial ability.

I would urge that we pass this amendment to give those hundreds and thousands of students throughout the country the simple protection of bankruptcy that is provided for individuals with any other consumer loan.

Madam Chairman, I yield back the balance of my time.

Mr. MCKEON. Madam Chairman, I yield the remainder of my time to the subcommittee ranking member of Higher Education, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

Madam Chairman, I know what Mr. DAVIS is trying to do here, and I'm sympathetic. He realizes, like we all do, that people are hurting and they're paying higher costs for mortgages and health insurance and gas prices and college tuition. And so for those folks who can't make their student loan payments, let's give them some relief in bankruptcy court. The challenge is, this is going to help a small number of people, but hurt a larger number of people.

If you allow this to go forward, then what you have is a much higher risk loan that will result in the lenders having no choice but to charge higher interest rates for new students getting loans, higher origination fees. They will require a higher credit score. Now, since most 18-year-old kids don't have good credit scores, you would have to look to their parents as cosigners. What does that mean? The kids from wealthy families, whose mom and dad have a high credit score and have lots of assets to back up as collateral, nice home, Mercedes, are going to get student loans. The poor kids in the future who you're trying to help whose parents don't have a high credit score are going to have to pay a lot higher interest rate for loans and origination fees. And their mom and dad may not have the collateral to get them a loan if that's required in these private loans.

So it's going to have the unintended consequences of restricting credit in the future. It's also very unfair to lenders who made loans 10 years ago to have this applied retroactively.

Now, what is a better way? The better way is the current system. You get out of school, you've got 10 years to make your payment, and if you can't make it, you work with the lenders for more flexible options, let you pay over 25 years. The Bankruptcy Code already provides a provision for undue hardship for those people who truly need it.

Let's go with the better approach. And that's why it would have been better to have the Judiciary Committee have jurisdiction over this issue, because we could have flushed it out. That was skipped in this process. And while the intentions are good, the consequences are bad. And I urge my colleagues to vote ''no'' on Mr. DAVIS' amendment.

Mr. MCKEON. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCKEON. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–523.

Mr. SESTAK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SESTAK:

Page 335, after line 14, insert the following new paragraph:

''(14) PHYSICAL THERAPISTS.—Individuals who are physical therapists and who are providing physical therapy services to children, adolescents, or veterans.

Page 338, after line 21, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

''(5) PHYSICAL THERAPIST.—The term 'physical therapist' means an individual who—

''(A) has received, at a minimum, a graduate degree in physical therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides physical therapy services under 1861(p) of the Social Security Act (42 U.S.C. 1395x(p), or meets or exceeds the qualifications for a qualified physical therapist as determined by State law.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Madam Chairman, I yield myself such time as I may consume.

Today our country faces significant labor shortages in occupations that are vital to our educational, health and, therefore, our national security.

I thank Chairman MILLER and ranking member, Mr. MCKEON, for their efforts to expand the professional areas of recognition where there is a national need which is critically important as we attempt to ensure an adequate workforce for services that are vital to all Americans.

In this vein, I believe the list of health occupations for which national need exists must also include physical therapists. Recent reports have shown that our country does not have an adequate number of physical therapists to meet our growing needs.

According to the American Hospital Association, therapists represent the occupation for which the greatest percentage of vacancies exist in our hospitals across our Nation, at an 11.4 percent vacancy rate. This is at a time when the demand for physical therapist employment is projected to grow 27 percent within 8 years, even as 58 percent of our hospitals are reporting in 2006 that therapist recruitment was more difficult than the year before. I, therefore, believe it is imperative we add physical therapists in the area of national need to ensure the Secretary of Education has direction to provide loan repayment to physical therapists.

Compounding this challenge of our national need for physical therapists exceeding our supply are already 31,000 servicemen and -women who have returned home from the war in Afghanistan and Iraq to recover from wounds sustained in the service of their country.

Physical therapists will, therefore, continue to play an integral role in rehabilitating our Nation's veterans as they cope with injuries from the battlefield. To ensure the proper care and recovery of those who have sacrificed their well-being to protect us, we must address our shortage of physical therapists.

This amendment to include physical therapists as individuals in an occupation of national need, supported by the American Physical Therapy Association, is a necessary and practical measure to attract students to this profession. The loan repayment incentive of up to $10,000 for students who obtain a graduate degree in physical therapy which results from designating physical therapy as an area of national need will encourage more students to enter the profession and help alleviate these growing vacancies.

I, therefore, urge my colleagues to support this commonsense amendment that highlights this issue of utmost importance for everyone, but also including the veterans who are returning from our wars overseas.

I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition, although I'm not opposed to the amendment. I don't have any objection to it. But at this time I would like to reserve the balance of my time.

Mr. SESTAK. I yield back the remainder of my time.

□ 1500

Mr. KELLER of Florida. Madam Chairman, I would like to yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Chairman, I want to commend the author of what I think is an appropriate amendment of loan forgiveness.

As an orthopedic surgeon, I worked closely with physical therapists, and they are integral to the healing process in so many areas. Another group also is the occupational therapists. And we have been contacted by them, and I would be pleased to enter into a colloquy or ask my friend if he would consider throughout the process if we can work toward including the occupational therapists in this area as well.

Mr. SESTAK. Madam Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentleman from Pennsylvania.

Mr. SESTAK. Sir, that 11.4 percent was for all therapists including the three categories, including the occupational. So with the chairman and ranking member's agreement, I would like to do so.

Mr. PRICE of Georgia. Reclaiming my time, Madam Chairman, I thank the gentleman. That being the case and as we move forward, I look forward to supporting this as we broaden the therapists that are included.

Mr. BERRY. Madam Speaker, ensuring health care, including physical therapy services, is available to those who need it most is vital to our Nation. I support the Sestak amendment to H.R. 4137, The College Opportunity and Affordability Act, which would add physical therapists to the ''national need'' section of this legislation so that they may qualify for student loan forgiveness. As a lead sponsor of the Physical Therapist Student Loan Repayment Eligibility Act, H.R. 1134, I understand the student loan debt challenges faced by physical therapists, who along with nursing, are currently the only health care profession listed in shortage on the Department of Labor's Schedule A classification. I am joined on H.R. 1134 by Representative JO ANN EMERSON and 113 bipartisan cosponsors who support adding physical therapists who agree to practice in rural and underserved areas to the list of providers eligible to participate in the National Health Service Corps Student Loan Repayment Program. The Sestak amendment, while it does not address access to care for every patient in rural and urban underserved areas, would help begin to address this need by granting student loan forgiveness to physical therapists who care for children, adolescents or veterans.

Physical therapists treat patients of all ages who have medical problems or other health-related conditions that limit their abilities to move and perform functional activities in their daily lives. These services are essential to many children with disabilities in Arkansas and across our Nation. Physical therapists also work with patients to prevent the loss of mobility by developing fitness and wellness oriented programs for healthier and more active lifestyles which are essential in addressing our Nation's obesity crisis.

I encourage my colleagues to support the Sestak amendment and also to join as a cosponsor on the bill to include physical therapists in the National Health Service Corps, H.R. 1134.

Mr. KELLER of Florida. Madam Chairman, I yield back the balance of my time

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–523.

Mr. SESTAK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESTAK:

Page 418, strike lines 19 through 21 and insert the following:

''(C) management systems regarding course equivalency, transfer of credit, and articulation; and

Page 419, beginning on line 22, strike ''and'' and insert a comma; and on line 23, before the semicolon insert '', and management systems''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, Congress has worked hard on legislation to improve the access, affordability, and transparency of our higher education system. Reforms that improve transparency in college costs and the student loan industry are a priority of this legislation, and I thank the chairman and the ranking member and their staffs for their hard work on these important efforts.

However, I also believe we need to call attention to the barriers and the lack of transparency among colleges, specifically regarding the transfer of academic credit between postsecondary institutions. Today, students take increasingly complex pathways to achieving their postsecondary degree. Over 40 percent of students attending a college or university transfer at least once before they complete their undergraduate degree. However, despite increases in student mobility, institutions have not adjusted with substantive changes in the manner in which they oversee and articulate the transfer of college student academic credit.

There are significant consequences for failing to provide students with a better understanding of how, and which of, their courses qualify for credit in other postsecondary institutions. A student's inability to transfer credit may result in longer enrollment, more tuition payments, and additional Federal financial aid. In fact, it is estimated that transfer students incur costs of well over $5 billion per year. National data indicates that, on average, transfer graduates take about 10 more credits and 3 more months to complete their baccalaureate degree than nontransfer graduates. And some transfer students have even been forced to spend up to an additional year in an institution to obtain a degree because their earned academic credits do not transfer. These students expend money taking courses at one institution that will not result in academic credit at another. One of the most problematic consequences of our current system is the loss of students who are or may drop out of college due to the costs and complications of transferring their academic course credit between schools. It is clear that the credit transfer process, to the extent that it delays students' progress, can affect the affordability of postsecondary education, the time it takes students to graduate, and the number of those who do actually graduate.

I believe it is time for institutions to develop new strategies to improve gaps in credit transfer agreements and facilitate transparency of credit equivalencies between institutions.

My amendment encourages States and public institutions of higher education to develop management systems for course equivalency, transfer of credit, and articulation. The cost of transferring between institutions demand the utilization of new techniques to reduce the financial impact and obstacles facing students. I believe that this amendment provides an approach and a necessary alternative for institutions to consider when developing credit transfer agreements, and I therefore urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition, although I am not personally opposed to this amendment.

I just want to briefly address the subject matter of articulations and the free flow of credit. And while that's important, many people listening to us, our colleagues, may not be familiar with the term ''articulation agreements'' if they do not serve on the Education Committee, for example. Let me give them an idea of what that is.

If you go to a community college in my district, let's say one called Valencia Community College, and you get your associate's degree, there is an articulation agreement that exists with the local 4-year university that's called the University of Central Florida. That agreement says if you graduate from Valencia Community College, we guarantee you admission and acceptance into our 4-year university. That is a wonderful thing for low-income kids who want to get a 4-year education, because it only costs 2 grand a year to go to this community college, and you know that based on this articulation agreement and the transfer of credits you will then go to a prestigious 4-year school for an additional 2 years and be guaranteed admission. It's really the only silver bullet I see out there right now at a time when we see the public 4-year universities increasing their tuition by 31 percent over the past 5 years. The one bright spot that exists is so many partnerships that exist between community colleges and 4-year schools in the forms of articulation agreements.

Whatever we can do in Congress to make it easier to have more of these articulation agreements and a freer

flow of transfer of credit can only help those children from low- and moderate-income families achieve their dream of a college education. That's why I am going to support this amendment, and I urge my colleagues on both sides of the aisle to support it as well.

Madam Chairman, I yield back the balance of my time.

Mr. SESTAK. I thank my colleague for his comments.

Madam Chairman, just 2 weeks ago I was at an event in my district where Drexel University partnered in an articulation agreement with the Pennsylvania Institute of Technology. The Pennsylvania Institute of Technology focuses on many of those who were disenfranchised. They bring them in, and after 2 years now maintaining a GPA and the credits that have been articulated, they can then step into a 4-year baccalaureate.

I thank you for your support.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. YARMUTH

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–523.

Mr. YARMUTH. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. YARMUTH:

Page 200, line 15, strike the close quotation mark and the following period, and after such line insert the following:

"Subpart 6—Preparing General Education Teachers to More Effectively Educate Students With Disabilities

"SEC. 291. TEACH TO REACH GRANTS.

''(a) AUTHORIZATION OF PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher candidates to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct students with disabilities in their classrooms.

''(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of five years.

''(3) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

''(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' is a partnership that—

''(1) shall include—

''(A) one or more departments or programs at an institution of higher education—

''(i) that prepare elementary or secondary general education teachers;

''(ii) that have a program of study that leads to an undergraduate degree, a master's degree, or completion of a post-baccalaureate program required for teacher certification; and

''(iii) the graduates of which are highly qualified, as defined in section 9101 of the Elementary and Secondary Education Act of 1965;

''(B) a department or program of special education at an institution of higher education; and

''(C) a high-need local educational agency; and

''(2) may include a department or program of mathematics, earth or physical science, foreign language, or other departments at the institution that have a role in preparing teachers.

''(c) REQUIRED ACTIVITIES.—An eligible partnership that receives a grant under this section shall use the grant funds to—

''(1) develop or strengthen an undergraduate, post-baccalaureate, or master's teacher preparation program by integrating special education strategies into the general education curriculum and academic content;

''(2) provide teacher candidates participating in the program under paragraph (1) with skills related to—

''(A) response to intervention, positive behavioral supports, differentiated instruction, and data driven instruction;

''(B) developing and administering alternate assessments of students with disabilities;

''(C) determining and utilizing accommodations for instruction and assessments;

''(D) collaborating with special educators, related services providers, and parents, including participation in Individualized Education Program development and implementation; and

''(E) utilizing technology and assistive technology for students with disabilities; and

''(3) provide extensive clinical experience for such participants, with mentoring and induction support throughout the program that continues during the first year of full-time teaching.

''(d) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(1) A self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities.

''(2) An assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the local educational agency in which most graduates of the teacher preparation program are likely to teach after completion of the program under subsection (c)(1).

''(e) PEER REVIEW.—The Secretary shall convene a peer review committee to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall be recognized experts in the fields of special education, teacher preparation, and general education, and shall not be in a position to benefit financially from any grants awarded under this section.

''(f) EVALUATIONS.—

''(1) BY THE PARTNERSHIP.—An eligible partnership receiving a grant under this section shall conduct an evaluation at the end of the grant period to determine the effectiveness of the general education teachers who completed a program under subsection (c)(1) at instruction of students with disabilities in general education classrooms, and the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary and secondary schools. Each eligible partnership performing an evaluation under this paragraph shall report the findings of such evaluation to the Secretary.

''(2) REPORT BY THE SECRETARY.—Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to Congress and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Kentucky (Mr. YARMUTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. YARMUTH. Madam Chairman, I rise today to offer an amendment that will bring the Nation closer to providing a world-class education to 2.9 million children with disabilities.

The last few years we have seen significant advances in diagnosis and understanding of students with autism, ADD, dyslexia, Down's Syndrome, and a dozen other common and treatable disabilities. Where people once thought these students were unmanageable and unteachable, we now know that more often than not, the majority of them are bright, creative students who are capable of success when given the opportunity to learn.

In 1975, we took a major step forward with the enactment of the Individuals with Disabilities Education Act. IDEA placed many students with their peers, where the bar was raised on their achievements, and we began to discover how truly capable these students were.

Over the last 33 years, educators have revolutionized techniques to help students with disabilities find success, but these tools have not yet made their way into the vast majority of classrooms. And as a result, the system is failing millions of students.

The fact that so many students with disabilities, well over half, now study alongside their peers is a tribute to the success of IDEA. But because most educators have not been given the information, resources, or training to effectively work with students with disabilities, the teachers are getting understandably frustrated, the diverse learners are not being helped, and the rest of the class waits while teachers struggle to deal with situations for which they are simply not equipped. The bottom line is it does no good to put students with disabilities in a classroom with a teacher who has not been given the tools to reach them.

Make no mistake, the teachers are not the problem, but with proper resources, they can be a big part of the solution. Many teachers have not been trained to individualize instruction for these special needs students.

This isn't a straightforward manner of simply developing special curricula.

Spending time with peers is crucial for the development of these students, especially if we want them to attain the social, communicative, and educational skills we know they are capable of.

One area I have focused on is educated children with autism. Without the proper training, misconceptions, such as the Rain Man savant, run rampant. Autism is a spectrum disorder, meaning that the Hollywood depiction is an extreme, with highly functional students with Aspbergers on the other end and every level of functionality in between. The signals are abundant, but recognizing them is not just a matter of common sense.

The untrained educator may not know why a student with autism refuses to make eye contact, suddenly stops socializing, acts out, or completely cuts off all communication. What's more troublesome is that the wrong response, in many cases the normal, logical response, can send a child into a downward spiral.

And what has escaped many is the tremendous scope and urgency of what we're dealing with. Already 1 in 150 children is diagnosed with autism, and the number is escalating at an alarming rate. An analysis of the U.S. Department of Education special education data revealed that the number of students with a diagnosis of autism has increased more than 500 percent since 1993, and by 2014 the number is expected to increase 1800 percent.

We cannot afford to wait to address the needs of these children and others with special needs. That is why I am proposing a new grant program for institutions of higher education working to better prepare general education teachers for success in helping students with disabilities. Institutions would partner with high-need local education agencies to place qualified teacher candidates into the areas that need the most help.

The Teach to Reach grants will give our teachers the tools to properly engage students with disabilities. Truly engaging the students not only improves the quality of learning for special needs students but for everyone in the classroom. These grants will provide just the sort of preparation that is needed. Teacher candidates will learn how to use Response to Intervention, a scientifically based intervention strategy that allows a teacher to pinpoint the specific skills students need in order to progress. They will train in positive behavioral support strategies that will enable them to manage and improve challenging behaviors in the classroom and also learn how to work with their special education and related colleagues to develop and implement individualized educational programs so that students with disabilities will have their diverse needs met.

In classroom after classroom across the Nation, these grants can make the difference between students trapped by misunderstanding and teachers reaching their students and helping them unlock their potential to succeed in school and excel in life.

This program is endorsed by the NEA, the American Association of Colleges for Teacher Education, the Higher Education Consortium for Special Education, and many organizations that advocate for the education of students with disabilities.

I strongly encourage my colleagues to join me in supporting this amendment so that we may empower our Nation's teachers to reach all of our children.

Madam Chairman, I yield back the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition, although I am not opposed to this amendment.

Let me just clarify for our colleagues what this amendment is about, at least from my perspective.

If you are a high school special education teacher, you are probably familiar with autism and dyslexia, and by virtue of your training and daily experience, you know how to relate to the children with these special needs pretty well. But what if you are a 10th grade history teacher trained in, obviously, teaching history? It may be a little more challenging for you to teach children who have autism or dyslexia unless you have some special training to help you teach them history. So what this amendment does is to provide funding for these general education teachers to partner up with their 4-year universities to get some extra training in teaching children with special needs.

That seems like a commonsense approach to us. So I will be voting for this amendment and urge my colleagues to do the same.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. YARMUTH).

The amendment was agreed to.

□ 1515

AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–523.

Mr. HASTINGS of Florida. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Florida:

Page 679, line 13, strike the close quotation marks and following period and after such line insert the following new part:

"PART R—PATH TO SUCCESS PROGRAM

"SEC. 887. PATH TO SUCCESS.

''(a) PURPOSE.—The purpose of this part is to encourage community supported programs that—

''(1) leverage and enhance community support for at-risk young adults by facilitating the transition of such young adults who are eligible individuals into productive learning environments where such young adults can obtain the life, social, academic, and vocational skills and credentials necessary to strengthen the Nation's workforce;

''(2) provide counseling, as appropriate, for eligible individuals participating in the programs to allow such individuals to build a relationship with one or more guidance counselors during the period that the individuals are enrolled in the programs, including providing referrals and connections to community resources that help eligible individuals transition back into the community with the necessary life, social, academic, and vocational skills after being in detention, or incarcerated, particularly resources related to health, housing, job training, and work-place readiness;

''(3) provide training and education for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars, training, and workshops throughout the community; and

''(4) provide each eligible youth participating in the programs with individual attention based on a curriculum that matches the interests and abilities of the individual to the resources of the program.

''(b) REENTRY EDUCATION PROGRAM.—

''(1) GRANT PROGRAM ESTABLISHED.—The Secretary is authorized to award grants to community colleges to enter into and maintain partnerships with juvenile detention centers and secure juvenile justice residential facilities to provide assistance, services, and education to eligible individuals who reenter the community and pursue, in accordance with the requirements of this part, at least one of the following:

''(A) A certificate of graduation from a school providing secondary education, a general equivalency diploma (GED), or another recognized equivalent of such a certificate or diploma.

''(B) A certificate of completion for a specialized area of study, such as vocational training and other alternative post-secondary educational programs.

''(C) An associate's degree.

''(2) GRANT PERIOD.—A grant awarded under this part shall be for one 2-year period, and may be renewed for an additional period as the Secretary determines to be appropriate.

''(3) APPLICATION.—A community college desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require, which shall include—

''(A) an assessment of the existing community resources available to serve at-risk youth;

''(B) a detailed description of the program and activities the community college will carry out with such grant; and

''(C) a proposed budget describing how the community college will use the funds made available by such grant.

''(4) PRIORITY.—In awarding grants under this part, the Secretary of Education shall give priority to community colleges that accept the highest number of eligible individuals from high-risk areas, and among such community colleges, shall give priority to

community colleges that the Secretary determines will best carry out the purposes of this part, based on the applications submitted in accordance with paragraph (3).

''(c) ALLOWABLE USES OF FUNDS.—A community college awarded a grant under this part may use such grant to—

''(1) pay for tuition and transportation costs of eligible individuals;

''(2) establish and carry out an education program that includes classes for eligible individuals that—

''(A) provide marketable life and social skills to such individuals;

''(B) meet the education program requirements under subsection (d);

''(C) promote the civic engagement of such individuals; and

''(D) facilitate a smooth reentry of such individuals into the community;

''(3) create and carry out a mentoring program—

''(A) that is specifically designed to help eligible individuals with the potential challenges of the transitional period from detention to release;

''(B) is created in consultation with guidance counselors, academic advisors, law enforcement officials, and other community resources; and

''(C) that is administered by a program coordinator, selected and employed by the community college, who shall oversee each individual's development and shall serve as the immediate supervisor and reporting officer to whom the academic advisors, guidance counselors, and volunteers shall report regarding the progress of each such individual;

''(4) facilitate employment opportunities for eligible individuals by entering into partnerships with public and private entities to provide opportunities for internships, apprenticeships, and permanent employment, as possible, for such individuals; and

''(5) provide training for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars and workshop series throughout the community.

''(d) EDUCATION PROGRAM REQUIREMENTS.—An education program established and carried out under subsection (c) shall—

''(1) include classes that are required for completion of a certificate, diploma, or degree described in subparagraphs (A) through (C) of subsection (b)(1);

''(2) provide a variety of academic programs, with various completion requirements, to accommodate the distinctive academic backgrounds, learning curves, and concentration interests of the eligible individuals who participate in the program;

''(3) offer flexible academic programs that are designed to improve the academic development and achievement of eligible individuals, and to avoid high attrition rates for such individuals; and

''(4) provide for a uniquely designed education plan for each eligible individual participating in the program, which shall require such individual to receive, at a minimum, a certificate or diploma described in subparagraph (A) of subsection (b)(1) to successfully complete such program.

''(e) REPORTS.—Each community college awarded a grant under this part shall submit to the Secretary of Education a report—

''(1) documenting the results of the program carried out with such grant; and

''(2) evaluating the effectiveness of activities carried out through such program.

''(f) DEFINITIONS.—In this part:

''(1) COMMUNITY COLLEGE.—The term 'community college' means a public or nonprofit institution of higher education (as such term is defined in section 101 or 102(a)(2)(B)), that—

''(A) provides an educational program of not less than two years; and

''(B) that is accredited by a regional accrediting agency or association.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A) is 16 to 25 years of age;

''(B) has been convicted of a gang-related offense, and has served a period of detention in a juvenile detention center for such offense; and

''(C) is detained in, or has been released from, such center.

''(3) GANG-RELATED OFFENSE.—The term 'gang-related offense' means conduct constituting any Federal or State crime, punishable by imprisonment in any of the following categories:

''(A) A crime of violence.

''(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(4) GUIDANCE COUNSELOR.—The term 'guidance counselor' means an individual who works with at-risk youth on a one-on-one basis, to establishing a supportive relationship with such at-risk youth and to provide such at-risk youth with academic assistance and exposure to new experiences that enhance their ability to become responsible citizens.

''(5) HIGH-RISK AREA.—The term 'high-risk area' means a specified area within a State where there is a disproportionately high number of gang-related activities reported to State and local law enforcement authorities.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chairman, I rise today with my good friend from California, Congresswoman LINDA SAŃCHEZ, to offer an amendment to the College Opportunity and Affordability Act. I certainly commend the Chair and ranking member for all of their efforts on this measure.

Madam Chairman, gang violence is a cycle that poisons many of our districts and deprives many of our youth from pursuing productive educational opportunities. Many who have been engaged in gang activity unfortunately return to the same streets after they serve time in our juvenile justice system, and the cycle begins again. Only holistic partnerships that engage entire communities are going to break this cycle of gang activity.

To meet this need, I introduced the Path to Success Act July 6 of last year. Our amendment today reflects the content of the Path to Success Act and will authorize a nationwide program through the Department of Education to promote public and private community-centered partnerships aimed at reducing gang violence.

Madam Chairman, our amendment will establish a program that is set up to the task of disrupting the juvenile justice pipeline. It will give former gang members a chance to attend college and be engaged positively in their communities. Through educational and vocational training opportunities at community colleges as well as partnerships with law enforcement for pro-active gang prevention efforts, our amendment will give former gang members hope for the future while taking juvenile justice in a new direction.

Also the American Psychological Association, the American Association of Community Colleges agree with the need for this new direction and have endorsed our amendment.

I urge our colleagues to support this amendment.

I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KELLER of Florida. Thank you, Madam Chairman.

I claim the time in opposition although I am not opposed to this amendment. We have seen a skyrocketing problem, at least in my home State of Florida, with the rise in violent juvenile crime. In my area, central Florida, we have seen juvenile robberies over the past 2 years of kids of 15 and under increase by 311 percent.

When I talk with the experts about this problem, I am told that we do need a holistic approach, as my colleague, Congressman HASTINGS, says; and that for the worst of the worst offenders, the repeat violent offenders, people who slit other kids' throats, you have got to lock them away. But on the front end when you can still have hope to catch some of these kids and turn them around, we have to make every effort to do it.

The reason I say that is because when we look at the statistics in Florida we find that 80 percent of the inmates in our jails and prisons are high school dropouts. If we deal with them holistically, we say, hey, if you're going to stay in school, we will give you a Pell grant to pay for a college education so you can have a nice car and a home. If you are willing to stay in school but you can't read, we will get you a reading coach to help you read, even if you are in high school. We are going to get you a mentor to get you through it.

We have to give these young people hope in educational and job opportunities and approach it holistically. Yes, that means prevention, but you also need tough enforcement. I think this amendment recognizes you need all of it. And so we are pleased to support this amendment. I urge my colleagues to do the same.

I yield back the balance of my time.

Mr. HASTINGS of Florida. At this time, I am pleased to yield 1½ minutes to my colleague from California, the original cosponsor of this measure, Ms. LINDA SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. I would like to thank my colleague, Mr. HASTINGS.

And, Madam Chairman, I rise in support of the Hastings-Sánchez amendment to H.R. 4137, the College Opportunity and Affordability Act. I thank Mr. HASTINGS for his leadership on this issue and was pleased to work with him in this effort to provide constructive opportunities for youthful offenders.

The Hastings-Sánchez amendment would authorize grants to community colleges to create partnerships with juvenile detention centers and residential facilities that would reduce recidivism rates by providing education, vocational training, counseling, and related activities.

Gangs, crimes, and youth problems are often symptoms of larger problems, problems that require comprehensive solutions. Too often, we have spent far more time, money, and effort on enforcement than we have on prevention, missing opportunities to rehabilitate the youth that we incarcerate.

Unfortunately, taxpayers have not experienced a great return on these massive anti-gang investments. For example, the State of California will spend over $9 billion on incarceration this year, yet gang activity in California continues to rise.

Young people who are involved in gangs do not have to be condemned to a lifetime in gang involvement.

This amendment would leverage power of community colleges to help in the campaign against youth violence. Community colleges already have expertise in providing job training and education to nontraditional students. By encouraging them to develop partnerships with other local agencies and community-based organizations, we can multiply the opportunities that young ex-offenders have to get involved in their communities in a positive way and cut down on the odds that they will return to gang activity.

I urge my colleagues to support the Hastings-Sánchez amendment to help make our communities safer.

Mr. HASTINGS of Florida. At this time, I am very pleased to yield 1 minute to my very good friend from Virginia, Representative SCOTT.

Mr. SCOTT of Virginia. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, this amendment is a significant step forward in prevention and intervention efforts to reduce juvenile and gang crime. For far too long, the Congress has focused its crime policy on waiting for crimes to occur before anything is done. This has contributed to what the experts at the Children's Defense Fund call the ''cradle to prison pipeline.''

Since 1970, the number of individuals incarcerated in the United States has risen from over 300,000 to over 2 million. Initiatives such as this, along with initiatives such as the Youth Promise Act, will create investments in strategies that deal with the root cause of crime, resulting in greater crime reduction and a cost savings to taxpayers. We must begin making meaningful investments in our Nation's youth, and this amendment is a strong step in that direction.

I thank Representatives HASTINGS and SÁNCHEZ for their leadership and encourage my colleagues to support the amendment.

Mr. HASTINGS of Florida. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–523.

Mr. WELCH of Vermont. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. WELCH of Vermont:

Page 63, after line 17, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 112. ENDOWMENT REPORTING.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 136. ENDOWMENT REPORTING.

''Each institution of higher education shall annually submit to the Secretary, in a form prescribed by the Secretary, a report on the expenditures made by such institution from any endowment funds of the institution for the purpose of reducing the costs of the programs of instruction offered by such institution, including the specific amounts expended for grants and other aid to reduce the amounts charged for tuition, fees, textbooks, meals, room and board.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Madam Chairman, as we know on a bipartisan basis, the cost of college is skyrocketing, and it is putting in jeopardy access to college and achievement of the American Dream for kids across this entire country. The Education and Labor Committee has taken a number of very concrete steps to try to address that. And this Congress passed a major increase in financial aid, $17 billion, over 5 years. Over the last 10 years, student aid has increased from $37 billion to $86 billion. But every time we raise a dollar in financial aid, if it is a dollar increased in tuition that is burned away, the students are continuing to graduate and swim in a sea of debt.

So if we are going to continue on this effort and be successful in making college affordable for average kids wanting to achieve the American Dream, we have to work on both sides of the equation. We have to address the financial aid side, which we are doing our best to do, and do it in the context of enormous budgetary pressures, and we also have to do it on the cost side. And we have to look to our university administrators to work with us to do everything that is possible to constrain the ever-rising cost of college education.

Many kids now are graduating with a debt that is equivalent to what was the mortgage on the first house that I bought, and they don't have the home. They do have the education.

This amendment is very simple. It would require colleges and universities to annually report to the Department of Education on how much of their endowment was spent each year for the purpose of containing college cost, including tuition, fees, textbooks, meals, and room and board. And it would provide Congress really with much-needed information, the same information that goes to the trustees, so it is not in any way a significant burden.

We have to work together if we are going to be successful in containing costs. And we have to acknowledge that we have to work on that cost side as well as on the financial aid side. So this amendment would give us information to work with colleges in trying to achieve that goal to maintain cost affordability for our kids.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, one of the most frustrating things that Members of Congress have had to deal with over the past 5 years on a bipartisan basis is the skyrocketing cost of tuition. Over the past 5 years, tuition at public 4-year universities has gone up 31 percent. And we are frustrated because you want to rein in the tuition costs, but at the same time you are hesitant to implement any sort of cost control or micromanaging of these universities.

What this amendment says essentially is that we are going to ask the college to tell us what your endowment is and how much of it you spent on helping kids with their aid to go to your college. Sometimes that will mean that gives us an opportunity to really thank these colleges for doing a great job. For example, Harvard University has a $34 billion endowment. They recently received nationwide publicity, well deserved, for using that endowment to say, if you are accepted to Harvard and you are from a low-income family, we are going to use our endowment to pay for you to come here. If you are from a middle income family, we are going to pay for you to come here. If you are from an upper-middle-income family, all the way up to

$180,000, we are still going to help you with tuition. I think that is wonderful. And you have seen other schools, Yale and others, follow suit.

We would like to see exactly what schools across America are doing on the positive front to use their endowment to help low- and moderate-income kids go to college, and on the flip side what schools with substantial endowments are not making any efforts to help these low- and moderate-income kids get a college education.

So for these reasons, I will be voting for this amendment, and I will urge my colleagues to also vote for the amendment.

I reserve the balance of my time.

Mr. WELCH of Vermont. I yield to the chairman such time as he may consume.

Mr. GEORGE MILLER of California. I rise in support of Mr. WELCH's amendment and thank Mr. KELLER for his support of this amendment. Mr. KELLER has laid it out quite correctly.

We have been struggling with this for a number of years. I think that this amendment helps with the transparency and with the information that we need to know as we continue to consider public policy. I say that because growing numbers of Members of Congress come up to me every week after they go home and talk about they have been asked the question about the increased costs of college. We know it is complex. We know it is difficult. And we know that it is not easily given to the idea that one policy fits all, one size fits all, whatever cliche you want to use.

But it must be addressed when we are asking the taxpayers to continue to step up and to provide the assistance to these families so that we can create a strong Nation and a strong economy and well-educated individuals that are critical to maintaining the democracy in a complex world. So I want to thank the gentleman for offering this amendment and ask my colleagues to support it.

Mr. KELLER of Florida. Madam Chairman, I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–523.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 249, after line 5, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(f) CALCULATION OF FEDERAL PELL GRANT ELIGIBILITY.—

(1) AMENDMENT.—Section 401(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a(f)) is amended by adding at the end the following new paragraph:

''(4)(A) Notwithstanding paragraph (1) or any other provision of this section, the expected family contribution of each student described in subparagraph (B) shall be deemed to be zero for the period during which each such student is eligible to receive a Federal Pell Grant under subsection (c).

''(B) Subparagraph (A) shall apply to any student at an institution of higher education—

''(i) whose parent or guardian was a member of the Armed Forces of the United States who died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(ii) who was 18 years or less, or was enrolled as a full-time or part-time student at an institution of higher education, as of the time of the parent or guardian's death.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to Federal Pell Grants awarded for academic year 2009–2010, and each succeeding academic year.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1530

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise today in strong support of the Johnson-Young amendment to expand higher education opportunities for the children of fallen soldiers.

Since the year 2001, more than 4,400 U.S. servicemembers have died during their deployment in Iraq or Afghanistan. Historically, war has cost America the lives of our sons and daughters. However, the soldiers serving today in Iraq and Afghanistan are not just single men; 40 percent of the servicemembers in Iraq are married and 30 percent have children. The soldiers we have lost are not only our sons and daughters, but our husbands and wives and fathers and mothers.

As we reflect on the cost of this war, we must realize that many of these brave young men and women have left families and young children behind. These young men and women include Sergeant Paul Sanchez, a native of Irving, Texas, who was killed last January by an IED in Iraq, leaving behind a wife, a 12-year-old daughter and a 10-year-old son; and Second Lieutenant John Craver who was killed in October 2006 in Baghdad. A native of McKinney, Texas, he left behind a wife and three children. As well as Specialist Jessica Cawvey, who was killed in Fallujah in 2004. She was a 21-year-old single mother and left behind a 6-year-old daughter. These are just a few of more than 2,100 children who have lost a parent in the conflicts in Iraq and Afghanistan.

The death of a parent is not only emotionally devastating for a child but often creates financial hardships for their family. The Johnson-Young amendment offers financial assistance and access to higher education for children who lost a parent or guardian as a result of this war. It allows the children who have been left behind to have access to a maximum Pell Grant award. Through this Pell Grant award, we can offer a chance for a bright future for the children of those brave young men and women who gave their lives in the name of service for our country.

Mr. GEORGE MILLER of California. Madam Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for bringing this amendment to the attention of the committee. I think it is a very good amendment and it is the right thing for us to do with respect to these families that have paid such a high price for their service to our country. I thank the gentlewoman, and I urge our colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the ranking member, and I thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for introducing this legislation. I am the cosponsor of the amendment, and I thank the chairman of the full committee.

The proportion of married U.S. soldiers serving in Iraq and Afghanistan is higher today than in any other previous war, including the Civil War. Consequently, when these brave men and women are killed in the line of duty, they often leave behind husbands, wives and children.

Since 2001, more than 4,400 U.S. servicemembers have died during their deployment in Iraq or Afghanistan, and more than 2,100 children have lost a parent as result of the conflicts in Iraq and Afghanistan.

Nine months after Fort Wainwright's Stryker Brigade Combat Team returned from their deployment in Iraq, Bassett Army Community Hospital in Fairbanks delivered a record number of babies. Those babies will be a year old when their parents redeploy this fall. This amendment, which I have offered with the distinguished gentlewoman from Texas, will ensure that they deploy with the knowledge that, if necessary, their children's education will be taken care of.

Our amendment will provide financial assistance and access to higher education for children who lost a parent or guardian as a result of our ongoing military presence in Iraq and Afghanistan. It allows the children who have been left behind to have access to a maximum Pell Grant award by waiving the income eligibility requirement for them.

It will apply to children of U.S. soldiers who have died while performing military service in Iraq or Afghanistan after September 11, 2001. Children who are 18 years or younger or those enrolled part time or full time at college at the time of the parent or guardian's death will be eligible for a Pell Grant application starting in 2009.

The death of a parent is not only emotionally devastating for a child, but often creates a financial hardship for the family. Through this Pell Grant award we can offer a chance for a bright future for the children of those who gave their lives in the name of service for their country.

I urge my colleagues to support our amendment and help those children who have been left behind. I would like to thank the distinguished gentlewoman from Texas for offering this amendment with me and reaching across the aisle in a bipartisan way to solve some of the problems caused by this war.

Mr. KELLER of Florida. Madam Chairman, I just want to thank Congresswoman JOHNSON and Congressman YOUNG for offering this wonderful amendment. This will mean that the 2,100 children of parents who died in Iraq or Afghanistan will be able to get the full Pell Grant, which is about $4,800 this year and will be upped to $5,400 by 2012. It is certainly the least we can do.

There are many more things we want to do beyond this to help these children whose parents paid the ultimate sacrifice. But I think it is wonderful that these two Congressmen have come forward with this very commonsense and important amendment. I enthusiastically support it and urge my colleagues on both sides of the aisle to support it as well.

Madam Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I would like to thank the chairman of the full committee and his staff for working with me on these important issues that will help to deliver for the needs of our Nation's students. I thank Mr. YOUNG, and I urge my colleagues to support this legislation.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110–523.

Mr. STUPAK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. STUPAK:

Page 335, after line 14, insert the following:

''(14) SUPERINTENDENTS, PRINCIPALS, AND OTHER ADMINISTRATORS.—Individuals who are school superintendents, principals, or other administrators for 5 consecutive complete school years in a school district of a local educational agency in which 30 percent or more of the schools are schools that qualify under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Madam Chairman, the loan forgiveness programs under the Ford Direct Loan Program and Federal Family Education Loans encourage teaching professionals to take positions in low-income schools.

Like teachers, qualified school administrators and principals are crucial to creating an effective learning environment. Unlike teachers, however, school administrators and principals at low-income schools are not given access to the same loan forgiveness programs. In fact, under current law, if a teacher is eligible for loan forgiveness but is promoted to an administrator or principal in that same school, the newly promoted teacher loses access to the loan forgiveness programs for which they were previously eligible. As a result, low-income school districts often have difficulty recruiting talented principals and administrators to their districts.

My amendment would extend eligibility of the Ford Direct Loan Program and the Federal Family Education Loans to full-time school superintendents, principals, or other administrators after completing 5 consecutive school years in a school district in which at least 30 percent of the schools are defined as low income.

This amendment is supported by the National Education Association, the National Association of Secondary School Principals, and by the American Association of School Administrators. Furthermore, the Congressional Budget Office has indicated that this amendment will not violate the pay-as-you-go rules.

I urge Members to support my amendment to help recruit and retain talented and qualified school administrators and principals.

Also, Madam Chairman, I include for the RECORD a letter from the National Association of Secondary School Principals in support of this legislation.

Hon. BART STUPAK,
Rayburn House Office Building,
Washington, DC.

FEBRUARY 6, 2008.

DEAR CONGRESSMAN STUPAK: On behalf of the 31,000 members of the National Association of Secondary School Principals (NASSP), I would like to express our support for an amendment you will be offering to the College Opportunity and Affordability Act (H.R. 4137). The amendment would extend eligibility of the William D. Ford Direct Loan Program and the Federal Family Education Loans to principals and other school administrators who serve for 5 consecutive years in a low-income school or school district.

The No Child Left Behind Act (NCLB) expanded the federal role in education and brought to light the impact educators have on improving student achievement. A study by the Southeast Center for Teaching Quality on the working conditions of teachers found that high-quality leadership was the single greatest predictor of whether or not high schools made adequate yearly progress as defined by NCLB—more then either school size or teacher retention. But the demands on principals and their need for advanced training particularly in instructional leadership—are growing and have made the job much more challenging.

It is becoming increasingly difficult to attract prospective candidates to the principalship, but just as troubling, it is harder to keep effective and experienced administrators on the job. The U.S. Bureau of Labor Statistics projected a 13 percent increase in job openings for principals between 2000 and 2010, stemming in part from a large proportion of principals who planned to retire during the same time period. Additionally, Advocates for Children & Youth released a study in December 2007 that found ''an alarming proportion of Maryland's poorest and lowest-performing schools have the least experienced principals and struggle with high turnover in leadership.''

Congress must be creative in providing new incentives to attract effective principals and school administrators to enter and then remain in the profession, and your amendment is an opportunity to do just that. While new programs are being developed to attract teachers to low-income schools, principals are not given the same access to these loan forgiveness programs. In fact, under current law, if a teacher is eligible for loan forgiveness but is promoted to an assistant principal or principal position in the same school, the newly promoted teacher loses his or her eligibility.

NASSP strongly feels that your amendment will help to attract and retain highly effective principals in the schools where they are most needed. We look forward to working with you to ensure that this important provision is enacted into law.

Sincerely,

GERALD N. TIROZZI,
Executive Director,
National Association of Secondary School Principals.

I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, we want the best and the brightest to go into the inner city, low-income areas to give these young people as much hope and opportunity as we can. Right now, we already provide student loan relief for math and science teachers who are willing to go

into these low income areas to help turn around a school.

When I look at Mr. STUPAK's amendment, it reminds me of the movie ''Lean on Me,'' where it has a principal who goes into a low-income area and, against all odds, completely turns around the school.

We want the best and the brightest of our assistant principals, principals, and school superintendents to go into these areas and say, Hey, look at all these young people who are taking AP calculus and AP English, and we are excited, and we turned things around.

The more we can do to get the best and the brightest into these inner city areas, then the better these young people's lives will be. So I am happy for those reasons to support this amendment, and I urge my colleagues on both sides of the aisle to do the same.

Madam Chairman, I yield back the balance of my time.

Mr. STUPAK. Madam Chairman, I yield such time as he may consume to Mr. MILLER, the chairman of the full committee.

Mr. GEORGE MILLER of California. Madam Chairman, I want to thank the gentleman for offering this amendment and join Mr. KELLER in support of this amendment. I think this is an important amendment. As the gentleman pointed out, not only are these difficult positions, but they are becoming more and more difficult to fill with the wave of retirements and all the other impacts on schools. I want to thank him for bringing this to our attention and getting it included in the bill. I join in its support.

Mr. STUPAK. Madam Chairman, I would just like to thank the committee chairman, Mr. MILLER, and Mr. KELLER for their help and support of this amendment, and the staffs and my staff for making this a possibility.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. DOGGETT

Mr. DOGGETT. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. DOGGETT:

Page 367, after line 19, insert the following new section:

SEC. 474. USE OF MOST RECENT TAX INFORMATION IN NEED ANALYSIS.

Section 480(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(1)), as amended by section 473 of this Act, is further amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, the Secretary shall, by regulation, provide for the use of the second preceding tax year when and to the extent necessary to carry out the simplification of applications used for the estimation and determination of financial aid eligibility through the sharing of data with the Internal Revenue Service with the consent of the taxpayer.''.

Page 395, line 17, strike '' **REPORT**''; on line 18, strike ''(a) SENSE OF CONGRESS.—''; and on page 396, beginning on line 18, strike subsection (b).

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Texas (Mr. DOGGETT) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. DOGGETT. Madam Chairman, I yield myself two minutes.

This is the time of year when millions of families all over the country are working with their high school seniors. The college applications are in, but now it is time to try to figure out how to pay for college and higher education.

The task of completing these complex forms for student financial assistance can be very daunting. The Free Application for Federal Student Aid, or FAFSA, as it is known, is 11 pages long. It includes more than 100 questions and it has three worksheets. The Secretary of Education has called it ''longer and more complicated than a Federal tax form.'' In trying to complete the current application, students would actually probably benefit from having gone to college to do the accounting necessary to be able to set foot in a college classroom.

As David Cay Johnston, a Pulitzer Prize winning author and New York Times reporter comments in his new book, ''Free Lunch,'' each year an estimated 1.5 million students decline to seek federal student financial assistance for which they are eligible because the form is too complicated.

A report produced by the Institute for College Access and Success supports the approach that is taken in this amendment, and it identifies about a third of the questions that it highlights in its report as being questions that could be deleted if we could simply get two bureaucracies to communicate with one another.

That is really all that this amendment is about, trying to make the forms less complicated by getting the Internal Revenue Service and the Department of Education to communicate with each other and eliminate the confusion, to share data that is already available. This amendment would authorize the Secretary of Education to provide for the use of tax data that the IRS has available when the student aid form is due in February.

□ 1545

Under this proposal, students would not lose their ability to correct any information that the Department of Education gets that might not be accurate.

The access would be improved; the accuracy would be improved. And it works both ways: just as we want to be sure that no student eligible for aid is denied that aid, or as is currently happening, because of the complex form, we also want to be sure that no student ineligible gets that aid.

That's one of the reasons that the Bush Administration proposed something similar to what I am advancing, because they were concerned that about $350 million every year in assistance is provided and lost as a result of inaccurate information. So it will be a two-way street: get the information that is needed, minimize the confusion and the bureaucracy, and help more students obtain the opportunity to get a college education.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, at this time I yield 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank Congressman KELLER for yielding.

Madam Chairman, I rise today in support of the Doggett amendment. I believe this amendment will simplify the application process for students and families seeking financial aid.

I feel that the Free Application for Federal Student Aid, FAFSA, is overly complicated and a real burden on students and parents who need the most financial assistance. I believe we must take the burden off families and put more of it on the IRS and the Department of Education.

Current language in the bill encourages the Secretaries of Education and the Treasury to work together. By adopting this amendment, we are requiring the Federal agencies to work together to use existing IRS data to get positive outcomes.

With the implementation of data matching, we can eliminate the cumbersome and confusing FAFSA questions, increase the accuracy of the data used in calculating aid eligibility, and ensure that Federal financial aid dollars are going to the right people for the right reasons.

The issue was brought to my attention by University of North Carolina President Erskine Bowles. I worked closely with him on this issue and hope to see the changes that we discuss, which are included in this amendment, be included in the final bill.

I thank Mr. Bowles and the UNC system for their commitment to making the FAFSA easier for students and families. Again, if we are going to evaluate this issue, let's do it right. Let's put more of the burden on the government to make the financial aid application process easier for students and families who are applying for assistance.

I appreciate Chairman MILLER and Ranking Member MCKEON for their dedication in improving our education

and hope that my colleagues will support the Doggett amendment.

Mr. KELLER of Florida. Madam Chairman, I also rise in support of this amendment, which will encourage the prepopulation of the FAFSA income and asset information with tax data provided directly from the IRS to the Department of Education, if done by taxpayer consent.

In a nutshell, this amendment will greatly simplify the financial aid process and help to eliminate erroneous payments under the Pell Grant program. By taking these commonsense steps, it is estimated that the Federal Government would save billions of dollars over the next 5 years, which could go toward providing additional Pell Grant aid to our most disadvantaged students.

For all of these reasons, I urge its adoption and yield back the balance of my time.

Mr. DOGGETT. Thank you very much, and I thank Mr. KELLER and Mr. HAYES for their important comments and yield 1 minute to Chairman MILLER for his observations.

Mr. GEORGE MILLER of California. I thank the gentleman from Texas (Mr. DOGGETT). Thank you so much for offering this amendment.

Madam Chairman, this is a critical amendment if we are, in fact, going to simplify the process of applying for student loans, if we are going to make it understandable to parents and to students who make these applications, and we are going to cut down the time that is required by them to do this.

This linking of the data between the IRS and the Department of Education, we have been given excuse after excuse after excuse why this couldn't be done. The Doggett-Hayes amendment allows this to happen, requires that it happen. It's very important that we support this amendment and that it be part of the final bill when it comes out of the conference committee.

I want to thank the gentlemen, Mr. DOGGETT from Texas and Mr. HAYES, for offering this amendment, a very, very important amendment if we are going to change the way we do business and do it on behalf of families and students to make their life easier and to save the Federal taxpayers a lot of money.

Mr. DOGGETT. I thank the gentleman for his comments and for the support and encouragement that he and his staff have provided us on this amendment. I also want to thank the Greater Austin Chamber of Commerce for bringing this to my attention.

Austin is an area that has a very dynamic economy, and so much of our success results from the fact that our business leaders are enlightened and recognize that one of the best investments we can make is in our people. We have been concerned with a workforce shortage, with needing more highly skilled, highly educated people, and this is a measure that the Chamber identified as part of its ''20,010 by 2010'' initiative of trying to get college graduates from our area that can staff our many high-tech and other companies.

I salute Sandy Hentges and Drew Scheberle and the many other members of the Chamber staff and leadership for their work that led to this amendment.

Let me just say in conclusion, thanks for the bipartisan support for this measure. I hope only that with our measure, for which we have considered a variety of different versions during recent months while working with the committee, I just hope that both of the bureaucracies involved here will really heed this amendment and will move expeditiously because it will ensure more young people have an opportunity to obtain a college education and have the support they need, and it will also reduce the cost from those who are receiving assistance improperly.

Madam Chairman, I yield back the balance of my time and urge adoption of the amendment.

The Acting CHAIRMAN. The question is the amendment offered by the gentleman from Texas (Mr. DOGGETT).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. BAIRD

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 110–523.

Mr. BAIRD. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. BAIRD:

At the end of title VIII of the bill, add the following new section:

SEC. 814. STUDY OF AID TO LESS-THAN-HALF-TIME STUDENTS.

(a) STUDY REQUIRED.—The Secretary shall conduct a study on making and expanding the student aid available under title IV of the Higher Education Act of 1965 to less-than-half-time students. The Secretary shall submit a report on the results of such study, including the Secretary's recommendations, to the authorizing committees not later than one year after the date of enactment of this Act.

(b) SUBJECTS FOR STUDY.—The study required by this section shall, at a minimum, examine the following:

(1) The existing sources of Federal aid for less-than-half-time students seeking a college degree or certificate.

(2) The demand for Federal aid for less-than-half-time students and whether the demand is satisfied by existing sources of Federal aid, taking into consideration not only the number of less-than-half-time students currently seeking a college degree or certificate, but also any increase in the number of less-than-half-time students that may result from an expansion of Federal aid for less-than-half-time students seeking a college degree or certificate.

(3) The potential costs to the Federal Government and the potential benefits that could be received by students resulting from expanding Federal aid for less-than-half-time students seeking a college degree or certificate.

(4) The barriers to expanding Federal aid for less-than-half-time students, including identifying—

(A) statutory and regulatory barriers, such as student eligibility, institutional eligibility, need analysis, program integrity, and award amounts; and

(B) other factors that may limit participation in an expanded Federal aid program for less-than-half-time students.

(c) RECOMMENDATIONS TO BE PROVIDED.—The Secretary's recommendations under this section shall include recommendations for designing a demonstration student loan program tailored to less-than-half-time students. The recommendations shall include any required statutory or regulatory modifications, as well as proposed accountability mechanisms to protect students, institutions, and the Federal investment in higher education.

(d) DEFINITIONS.—As used in this section:

(1) the term ''Secretary'' means the Secretary of Education;

(2) the term ''authorizing committees'' has the meaning provided in section 103 of the Higher Education Act of 1965, as amended by this Act;

(3) the term ''less-than-half-time student'' means a student who is carrying less than one-half the normal full-time work load for the course of study that the student is pursuing, as determined by the institution such student is attending.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Washington (Mr. BAIRD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. BAIRD. Madam Chairman, I want to address a fundamental problem in our current education and support system and it is this, people who are not able because they lack the money to go to school on their own expense are not eligible for student loans if they can't go more than half time.

Ironically, this means that some of the people who are most in need of student loans, and very often most deserving of student loans, are ineligible for such loans. The one law we haven't been able to repeal in Congress is the law of unintended consequences, and this is an unintended consequence.

We should not say to hardworking men and women who would like to go back to school to improve their education, improve their standard of living, no, you can't get any Federal help unless you have the time to go more than half time. It just doesn't work. I have spoken to young, hardworking students who say, look, I am doing everything right. I am trying to raise my family. I am working for a living. I am paying my bills. I would like to take courses, but I can't afford to do so without a loan, and yet I am ineligible for the loan.

What our amendment does is simply ask the Department to conduct a study of the pros and cons of providing less than half-time students, making them eligible for student loans and of possibly establishing a pilot program to see how this can best be done. This amendment has broad support. The American Association of University Women, the National Education Association, the Hispanic Association of Colleges and Universities, the American Association of Community Colleges and others.

I would like to thank, particularly, the Chair and ranking member of this committee and the subcommittee Chair, ranking member and their staffs for their diligent work on this. It is a commonsense amendment that will help literally millions of Americans be eligible for student loans to further their education.

Madam Chairman, I would urge passage of this amendment and reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, we have no objections to this amendment, will be voting ''yes.'' I urge my colleagues to do the same, and I yield back the balance of my time.

Mr. BAIRD. Madam Chairman, I yield to the distinguished chairman, Mr. MILLER, for 30 seconds.

Mr. GEORGE MILLER of California. I want to thank the gentleman for offering this amendment.

Madam Chairman, I think that this is a very important amendment. It starts to make the attempt to conform our policies with the make-up of the college population and the reasons that people go back to college, which are much more diverse today than they were 10, 15 years ago; and I want to thank him and urge my colleagues to support this amendment.

Mr. BAIRD. Madam Chairman, I urge passage and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BAIRD).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. CROWLEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110–523.

Mr. CROWLEY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. CROWLEY:

Page 346, after line 20, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 427. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.

Part B of title IV is further amended by inserting after section 428L (as added by the preceding section) the following new section:

''SEC. 428M. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

''(A) commits to volunteering as a mentor for a period of at least one school year as described in subsection (b);

''(B) attends a recognized community college; and

''(C) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

''(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(b) VOLUNTEER MENTORING.—For purposes of this section, an individual shall be treated as participating in a volunteer mentoring program if they commit to mentoring an at-risk child for a period of not less than one school year.

''(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of volunteering as a mentor on or after the date of enactment of the College Opportunity and Affordability Act of 2007 as described in subsection (b), not to exceed 5 years, the Secretary shall forgive $10 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, for every hour of mentoring committed, not to exceed $10,000 in the aggregate for any borrower.

''(d) PRIORITY.— The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. CROWLEY. Madam Chairman, I rise today to offer an amendment that will reward community college students who are serving an important role in all of our communities.

Specifically, it will provide community college students who mentor at-risk children with $10 of their student loan forgiveness for every hour, for each hour of mentoring they complete. Not only will this loan forgiveness help our college students afford their student loans, but it will also help recruit mentors for at-risk children.

I am proud that this Congress is so committed to creating loan forgiveness programs for students who work in areas of national need after graduation. Teachers, nurses, police officers, and child welfare workers are just some professions that will have more opportunities for loan forgiveness under the legislation we are considering today.

I applaud the Education and Labor Committee, particularly Chairman MILLER and Ranking Member MCKEON, for their work on this legislation.

However, unlike many of the existing programs, my amendment offers loan forgiveness to students for volunteer work they complete while they are still in school, not for entering a specific profession upon graduation. For most, mentoring children is a volunteer effort and not a full-time job, and their reward is not monetary. With the realization that this kind of work makes a real difference, not only in the life of the young person they are mentoring or in their own lives, but, in fact, it helps our entire community.

Caring adults can make a difference in children's lives, and research shows the many positive effects of mentoring. Children that have mentors have better relationships with adults, fewer disciplinary referrals, and more confidence to achieve their goals. Mentoring programs are a cost-effective approach to reducing teen pregnancy, substance abuse, incarceration, and violence.

For at-risk children who are already susceptible to these dangers, the need for a mentor is even greater. Unfortunately, mentors are not always easy to recruit, and finding mentors that are able to develop long-term relationships with children can be even more difficult.

I believe that by providing a small incentive, we will compel others to engage in this kind of volunteerism. That is why I am offering this amendment to provide an incentive for college students to begin mentoring now, which will hopefully lead them to continue serving as a mentor long after they have graduated.

Community college students are ideal targets for mentoring recruitment because they tend to have existing relationships within the surrounding community and are likely to remain in the area after completing their studies. This encourages a consistent mentor relationship, which provides the most stability for at-risk children.

Of course, potential mentors can be found in many places, and I hope that in the future we will be able to expand this program to all colleges and universities. I know that many institutions are working on ways to encourage their student body to get more involved in volunteering, and I am certain that passing this amendment today will lead to future success.

I would ask my colleagues to please join me in supporting this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KELLER of Florida. Madam Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Madam Chairman, this is a very creative outside-the-box way to provide an incentive to recruit mentors for at-risk kids, and I commend the author of this amendment, Congressman CROWLEY, for coming up with this idea; and I will be voting for it.

I had a mentor myself when I was a young child in Big Brothers Big Sisters program. When I got a little older and became an adult, I became a mentor to high school students through the largest mentoring program in Orlando, Florida, called Compact, which provides mentors to children who are at risk of dropping out of school.

I then became chairman of the board of that organization; chairman of the Mentoring Caucus, once I got to Congress; and a coauthor of the Mentoring for Success Act with Congressman Tom Osborne, which is now part of No Child Left Behind.

□ 1600

I tell you this by way of background, because I know that the hardest thing in mentoring organizations is recruiting mentors. I gave in 1 year 50 speeches to Rotary clubs and Kiwanis clubs to recruit 700 mentors, and it was very difficult because sometimes you only get folks to mentor for 1 year. But I saw that once you invested the time towards recruitment, it made a difference. That program, Compact, has a 95 percent success rate in keeping kids in school. As Congressman CROWLEY alluded to, that helps all of us in terms of lower incarceration rates. Right now, 75 percent of the inmates in our jails and prisons nationwide are high school dropouts. State prisons cost taxpayers $20,000 a year; Federal prisons, $25,000 a year.

If we can say to community college students, Hey, we want you to do the right thing by providing an hour a week as a mentor, or more, and by the way, if you do, we will help you financially for $10 an hour for every hour you mentor for a year, that creates a pretty good pool of folks that we can look to to do the right thing and have a financial incentive.

I congratulate you for this innovative approach. I never thought of it, but am impressed with it, and will be voting for it. I urge my colleagues on both sides of the aisle to vote for it as well.

I yield back the balance of my time.

Mr. CROWLEY. I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman from New York (Mr. CROWLEY) for offering this amendment. As has been pointed out, mentoring can be a very powerful force in students' lives as they struggle. To have mentoring by older students or older members of the community who have a grasp of the subject matter can really turn around their abilities to read and do math and comprehend so many other subjects and lead to improved performance in school or in other activities in the community.

I thank the gentleman for offering this and urge support of the amendment.

Mr. CROWLEY. Mr. Chairman, let me thank the chairman, Mr. MILLER, for his comments. And thank you, Mr. KELLER, for adding your own life experience and adding that to the debate today, and for your support for this amendment.

We have heard the expression ''this is a win-win.'' Well, this is a win-win-win. This is a win for the at-risk youth. This is a win for the student who will serve as a mentor and be able to repay his or her college loan at $10 an hour for each hour that they commit to this program, and this is a win for all of our communities as well, mentoring at-risk youth, enabling them to have a better quality of life through this program. And I thank both of you, and all of my colleagues, for supporting this amendment.

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

The Acting CHAIRMAN (Mr. POMEROY). The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. COOPER

The Acting CHAIRMAN. It is now in order to consider amendment No. 22 printed in House Report 110–523.

Mr. COOPER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. COOPER: Page 244, line 7, strike ''$300,000,000'' and insert ''$500,000,000''; and on line 11, strike ''$100,000,000'' and insert ''$125,000,000''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Tennessee (Mr. COOPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, this is a very simple but important amendment. It will help Historically Black Colleges and Universities, as well as Historically Black Graduate Institutions. What it would do is raise the authorization level for HBCUs, Historically Black Colleges and Universities, from the current $300 million up to $500 million, which is a $200 million increase, and a vitally necessary $200 million increase. It has been some 10 years since the Higher Ed. Act has been reauthorized. It is very important that we take into account inflation and other needs and offer to HBCUs the help that they so desperately need.

The amendment would also increase for HBGIs, Historically Black Graduate Institutions, the authorization from the current $100 million and would take it up to $125 million.

As the chairman knows, being a Blue Dog Democrat, I am firmly committed to finding spending cuts to pay for these eventual appropriations, but the key is to lift the cap to allow these vitally important national institutions to grow and prosper and continue the wonderful job they are currently doing.

Although these institutions today are only 3 percent of the total college and graduate population in this country, they graduate 25 percent of our minority lawyers and doctors and teachers and other workers, so these are vitally important institutions.

I want to thank the chairman of the full committee, Mr. MILLER, for allowing this amendment. And also, in particular, our majority whip, Mr. CLYBURN, for the key role he has played in making sure that Historically Black Colleges and Universities get the attention they deserve.

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

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of the Cooper amendment.

I am a great believer in what our historically black colleges have done and continue to do. Delaware State University in my State is clearly a good example of that. I think this authorization level increase makes a lot of sense.

This is not something new. This has been going on for over 100 years in our country. We have been basically educating African Americans, sometimes in a segregated way, but now I think in every instance in a way where we have complete desegregation, too. The historical black colleges have played a prominent role in the education of many African American students in our country and have provided an environment of intellectual and cultural growth.

While comprising 2.4 percent of all 2- and 4-year title IV eligible institutions, the Historically Black Colleges and Universities are responsible for 23 percent of the bachelor's degrees awarded to African Americans, 13.6 percent of all master's degrees awarded to African Americans, and 24.1 percent of first professional degrees awarded to African Americans. These statistics are very important, and I think make a great deal of sense in terms of our continuing support in the Congress of the United States of America.

I think the amendment is a good amendment, and I believe that it is one that we should all support here as part of this act which is going to help higher education in our country.

Mr. COOPER. Mr. Chairman, I am proud to support this amendment on behalf of the HBCUs that I represent in my district, Meharry Medical College, Fisk University, and Tennessee State University, and also on behalf of the 103 other great HBCUs across this country.

And I now yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN) who represents LeMoyne-Owen College in his district.

Mr. COHEN. Thank you, Congressman COOPER.

Earlier this year, on the budget, Congressman COOPER and I cosponsored an amendment to include this in the budget. Unfortunately, it didn't make it through the Senate, and I am proud to be here to support this amendment with Congressman COOPER.

In my district, LeMoyne-Owen College has struggled financially. It is an institution of long and historic import to our community. It survived this year. It has difficulties with its financial base, but it has done much for our city in educating young people and continues to do so.

This provision would give LeMoyne and Fisk, which has had some financial difficulties, and other schools like Bennett and Wiley, additional help so they can continue to serve a mission that is unique in this country.

Anybody who saw the movie ''The Great Debaters'' should be able to understand what Historically Black Colleges and Universities mean to many people in this country. There are alumni of Fisk University, LeMoyne-Owen, Wiley, and other Historically Black Colleges and Universities which see their institutions being threatened with elimination. That is a serious thing. We consider our colleges part of ourselves and almost part of our family, that is part of your home, your mother, in essence. To have it disappear is wrong.

LeMoyne-Owen is a good institution, as is Fisk, as is Wiley, and this amendment would help them stay capable of surviving and servicing people who want an education in this atmosphere, and I wholeheartedly support this amendment and thank Congressman COOPER for bringing it.

Mr. KELLER of Florida. Mr. Chairman, I yield back the balance of my time.

Mr. COOPER. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. RYAN OF OHIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 23 printed in House Report 110–523.

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. RYAN of Ohio:

At the end of title VIII of the bill, add the following new section:

SEC. 814. ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL.

(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary shall make grants on a competitive basis to not more than 10 institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

(1) purchase of course materials that the entity will make available by rent to students;

(2) any equipment or software necessary for the conduct of a rental program;

(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

(4) building or acquiring extra storage space dedicated to course materials for rent.

(d) EVALUATION AND REPORT.—

(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2009 and 2010.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I rise in support of this amendment and first want to thank Mr. MILLER for what he has been able to do with this piece of legislation, and also thank the gentleman from New York. And congratulations on the New York Giants' victory in the Super Bowl.

This is an issue that is near and dear to many people's hearts in this Congress, the cost of college education.

When you think about what a lot of these kids have to go through, application fees, lab fees, parking passes, meal tickets, rec center fees. You get a bill from the bursar's office, and you don't even know what it is for, but it is for $150.

And one of the key factors in the increase in the cost of a college education is textbooks. You buy a textbook for $100, you use it for the semester, and you bring it back and they say, We will give you a dollar for it. So you end up keeping it.

This amendment creates a pilot program across the United States authorizing $50 million over 2 years to allow pilot programs for book rentals. There have been programs across the country, several here or there, that have showed savings for students up to a third of the cost of the textbooks. This pilot program gives the Secretary of Education great discretion to start up to 10 pilot programs where they can begin to share books, rent books, put them back into circulation and save students some money.

This is an opportunity for us to figure out what pilot programs work, what is best for a big school, and what is best for a smaller school, but give us an opportunity to figure out how we can save these students money.

We talk about being competitive in a global economy, we talk about investing in education, but if we continue to have these kinds of barriers for our students, we are not going to get the entries that we need, and we are not going to get the production of diplomas that we need in this country to continue the kind of economic growth we need.

I think this is a good amendment that gives a lot of discretion to the Secretary of Education to make sure that we try to figure this out and do it the right way.

I would appreciate support for this amendment. I know that the chairman supports it. I think it is a good thing to add onto this bill. I think it is good for the country, and it gets us into an innovative mindset as we try to address the cost of college education.

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

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in support of the Ryan-Altmire amendment in the broader sense of what we are dealing with here today, and that is the cost of higher education.

□ 1615

I think we have an obligation as elected officials in this country to do everything in our power to allow young individuals, perhaps in some cases middle-aged individuals, to proceed with a college education. It is necessary for the future of our country, for the future of our economy, and we have to look at all different measures of this. And we're dealing with a lot of broader measures here today. But I've often heard this issue of textbooks is a significant cost driver, and I think it is. I see, by some statistics that have been provided to us, the textbook prices have increased at four times the rate of inflation since 1994; and students spend an average of $900 a year on textbooks,

an amount equal to 20 percent of tuition at an average university, half the tuition at a community college. If those numbers are anywhere near correct, and they're projected numbers, but if they're anywhere near correct, that is a huge problem which we have to address in this country. And the colleges have sort of wrestled with it a little bit, but I think they need some guidance. And I believe that the proposal which is in this amendment provides some good guidance to actually try to put together a program so that textbooks can be exchanged and the costs can be kept down greatly.

Under the bill, the publishers would be asked to provide more information to the faculty about pricing; and that's good, because I think the bill did some good things in this area. And colleges and universities would be required to notify their students about which books are needed for which classes so the students are better able to plan and prepare for textbook costs.

But this amendment, which goes further than that, provides us with an opportunity to take more concrete steps to address the high cost of college textbooks by creating the limited pilot competitive grant program to establish a college textbook rental program. If this, as a pilot program, can work, it could lead to measures much further down the line which could provide very substantial cost savings to individuals who are attending college. And for that reason, hopefully we can all be supportive of it.

Mr. RYAN of Ohio. Mr. Chairman, can I inquire how much time I have.

The Acting CHAIRMAN. The gentleman from Ohio has 2½ minutes remaining.

Mr. RYAN of Ohio. Mr. Chairman, I would like to yield 1½ minutes to my partner from Pennsylvania (Mr. ALTMIRE) whose fingerprints are all over this amendment.

Mr. ALTMIRE. Mr. Chairman, over the past 20 years, the average price of textbooks has nearly tripled. College students now spend $1,000 a year on textbooks, and for some majors it can be up to $2,000. This dramatic rise in textbook prices is a significant contributor to the increase in overall cost of college education. To remedy this, I'm offering this amendment today with Congressman RYAN. Our amendment creates a pilot program to award 10 competitive grants to establish rental textbook programs.

Rental programs could reduce textbook expenses by up to 75 percent. A recent report by the Advisory Committee on Student Financial Assistance highlighted textbook rental programs as a way to significantly reduce textbook expenses. The same report noted that the primary obstacle to these programs is the start-up costs associated with implementing them.

The Ryan-Altmire amendment will enable institutions to create textbook rental programs and, as a result, save students money. I encourage all of my colleagues to support it. And I thank the gentleman from Niles, Ohio, for allowing me to attach my name to his amendment.

Mr. KELLER of Florida. Mr. Chairman, I yield myself as much time as I may consume.

I also will be supporting the Ryan-Altmire amendment. I am not so far removed from college and law school that I don't remember the days when you would go to buy your textbook at the bookstore. Often you'd be required to buy a particular textbook written by that professor and get sticker shock that this particular book is $120.

When you talk to the publisher, sometimes they say, well, it's not our fault. We sold it to the bookstore at 60 bucks and they marked it up to 120 bucks. And when you talk to the bookstore people they said, no, it's their fault because they told us an abnormally low suggested retail price and made us look bad.

I don't know whose fault it is. All I know is we've got to get some relief to these college and law school and graduate students who are forced to buy particular books. This seems to at least try, and whatever we can do to try to help these kids who are spending $900 to $2,000 a year we owe it to them to do. So I urge my colleagues to vote ''yes'' on this bill.

Mr. Chairman, I yield back the balance of our time.

Mr. RYAN of Ohio. Mr. Chairman, I'd like to thank the gentleman and appreciate the bipartisan support of this amendment. Funding education, trying to reduce the cost of college is not a partisan issue. This is something that we need to do as Americans if we want to stay competitive.

You can't fund your military without a growing economy. You can't have a growing economy without investments in education.

This particular amendment has taken the advice from the Advisory Committee on Student Financial Assistance that was started a couple of years ago, offered this as a suggestion. We're taking that suggestion; we're working with it.

Colleges in Ohio, my alma mater, Bowling Green, is now, through this program, offering books for 35 percent of what the book should cost. So a $100 book, through this program at Bowling Green is 35 bucks. That's a significant savings for our students.

So I want to thank the bipartisan support, thank Speaker PELOSI, and thank Chairman MILLER for their help with this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. RYAN).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 24 printed in House Report 110–523.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. VAN HOLLEN:

At the end of section of section 271 of the Higher Education Act of 1965, as added by section 201 of the bill, add the following new subsection:

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the sums authorized to be appropriated by section 240, the amount authorized to be appropriated to carry out this section shall not exceed—

''(1) $20,000,000 for fiscal year 2009;

''(2) $25,000,000 for fiscal year 2010; and

''(3) such sums as may be necessary for each of the 3 succeeding fiscal years''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to join my colleague, Mr. CASTLE of Delaware, in offering this amendment in support of Teach for America. And I want to recognize the efforts of Mr. CASTLE for his years of advocacy for this very important cause and thank Chairman MILLER and Ranking Member MCKEON for their stalwart bipartisan support for Teach for America.

For many years, Teach for America has pioneered an innovative and very successful approach to teacher recruitment, placing over 17,000 outstanding college graduates in schools around our Nation, reaching over 2 million students. Many of those graduates remain in education after teaching as corps members, either as teachers or as principals, or remain otherwise active within our educational community.

This is a program that has received strong bipartisan support from this Congress, and the Teach for America Act, which authorizes the partnership between the Federal Government and this important program, was introduced on a bipartisan basis by a number of us, including Mr. CASTLE, Ms. DELAURO, who has been a champion of this issue, Mr. REGULA, Mr. SARBANES, and now has over 105 cosponsors. And I want to thank Chairman MILLER and the committee for incorporating the major provisions of that legislation into the bill that is before us today.

This amendment proposes one change, which is the bill before us authorizes such sums as may be necessary for this program. And what this amendment does is seek to clarify our congressional intent with respect to the specific targets that we want to hit with respect to funding. It sets an authorized level of $20 million for fiscal year 2009 and $25 million for fiscal year 2010. And those are the levels that are consistent with the Teach for America's published budget. And with this funding, Teach for America can expand

from 5,000 members in 26 urban and rural areas around the country, to 8,000 members in 33 regions and serve 680,000 economically disadvantaged children.

This is an important, real impact. Teach for America has been forthright about its plans, and it raises about 80 percent of its funds from nongovernment sources. This amendment, of course, does not make this mandatory, but it clearly says that this is the intent of Congress to reach these levels. These are the levels necessary to get the job done and make sure we fund our share of this very important partnership.

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

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER of Florida. Mr. Chairman, I yield 2½ minutes to the coauthor of this amendment, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in strong support of the amendment which I have cosponsored with Mr. VAN HOLLEN. I could not be more strongly in support of this.

I think we need to understand what Teach for America is. Most people may know, but essentially it's a reach-out by a young lady whose name is Wendy Kopp, with a board of directors which is very strong, which was created with the idea of attracting bright young students to education.

We have many, many good educators in America. We need the best teachers we can find in this country. This was an effort to try to attract individuals who are not necessarily involved in education to become involved in that profession. So they reached out to our very best schools. And all of a sudden, if you look at the Ivy League schools and the other very top schools in America, you are going to find there are more young candidates to go into the Teach for America program than there are any other employer at those particular schools now. A lot of young people want to do this, and it's been highly successful.

They get involved in the schools. It was never established, necessarily, to have them be teachers for life. But that has actually worked in favor of teaching as well because some have stayed in teaching. Others have gone into education administration. And as a result, we have been able to bolster our teachers across the United States of America. It brings new young people into teaching; and with the experienced good teachers that we have already in our country, it can make a huge difference.

I think we have a responsibility to inspire young people to teach, if they are qualified to do so, in every way we possibly can. As a matter of fact, they turned down so many people in this program, I think maybe we should be suggesting a second program of some kind to pick up some of those who were turned down, because they're very qualified people, as a matter of fact.

You heard some of the numbers which Mr. VAN HOLLEN brought up before of 5,000 corps members, et cetera. We want to increase that number. That's what this is really all about.

Hopefully, all of us can be supportive of legislation which is going to provide good teachers, great teachers, to make a difference in the lives of our young people and, hopefully, any concern about how they're getting into teaching versus how others get into teaching is something which we can resolve.

This is clearly needed in this country. We need to improve our schools however we can. I think this amendment will do it, and I encourage everyone to support it.

I rise in support of this amendment offered by Congressman VAN HOLLEN. I support H.R. 4137, and believe that with passage today we will be making some good reforms for our institutions of higher learning, parents, and students. This amendment is intended to build upon these reforms, and extend them into our nations elementary and secondary schools.

Specifically, our amendment would authorize funding to support the Teach for America Program to recruit, select, train and support a national corps of outstanding recent college graduates, of all academic majors, who commit to teach in low-income communities and who hopefully become lifelong leaders for education.

Earlier this year, Representative VAN HOLLEN and I introduced legislation which authorizes Teach for America. Currently, funding for the program has been consistent, but piecemeal. The purpose of the bill, and amendment, should the organization be awarded a grant, would be to provide an efficient funding stream. Ultimately this will help the organization grow from its current membership of over 5,000 corps members in over 1,000 schools in 26 regions. The Teach for America legislation has the support of 105 cosponsors, spanning the political spectrum. The Senate has also expressed support for the program, and has included language in their reauthorization of the Higher Education Act. It is my hope that today the House will show their support by including this amendment in H.R. 4137.

What we know to be true is that a highly qualified teacher is imperative to the achievement of our students. This amendment will help us to make that more possible across the country. As we, as a nation, continue to focus on closing the achievement gap, I see no better compliment than a national teacher corps.

I encourage all of my colleagues to join representative VAN HOLLEN and me in supporting this amendment.

Mr. VAN HOLLEN. Mr. Chairman, I'd like to inquire how much time is remaining.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

The Acting CHAIRMAN. I yield 30 seconds to the chairman of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I just want to thank my colleagues for support of this amendment. I want to thank Mr. VAN HOLLEN. He's been so persistent on this amendment.

Teach for America brings a lot of exciting new people to teaching, to join career teachers to rebuild our schools. And I know there's been some criticism of this program. I would just say, ask a principal who has Teach for America students in their schools. They're delighted. They would like more.

I also want to recognize, I see Mr. REGULA sitting here, who's been a champion of this program year after year after year in the appropriations process.

Mr. VAN HOLLEN, thank you for this amendment.

Mr. VAN HOLLEN. Thank you very much, Mr. Chairman.

I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, at this time I'd like to yield 2½ minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. I thank the gentleman for yielding, and I congratulate the sponsors.

In the Labor, Health and Human Resources and Education bill, we started funding this program. It was a huge success. We had testimony in our subcommittee from students who had been involved in this, and they were so impressed that they could participate. And I'm sure, out of this program, we've developed not only teachers, but administrators. A classic example is Michelle Rhee, who is the new superintendent of the City of Washington school system. She was a person who was part of the Teach for America. And not only do you get teachers who are, of course, extremely important to education, but you get people who will probably be on school boards, community leaders who will be in positions to further the cause of education. And I don't think there's anything we can do as a Nation more important than beefing up and supporting our education system. It's the future of this country to have educated people, and to do that you need good teachers. And we need to get people from all walks of life involved in teaching.

I think it's a great program. We certainly were impressed with the testimony we heard in the Labor, Health and Human Services Education Subcommittee of the Appropriations Committee about the value of this to the society and to the individuals involved.

□ 1630

I congratulate the authors for this support, and I think by making this a part of the education program on a fixed basis we are saying, in effect, this is more than temporary; this is of permanent value to the future of this Nation and to the future of education.

Mr. KELLER of Florida. Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment and yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I also want to recognize Mr. REGULA for his early and steady support.

I yield 1 minute to Congresswoman ROSA DELAURO of Connecticut.

Ms. DELAURO. Mr. Chairman, I rise in support of this amendment. Last year I participated in Teach for America's guest teacher program, leading a class of first graders at Clemente Leadership Academy in New Haven. I saw some of our brightest teachers, active and engaged teachers, raising expectations, building the foundations to create opportunity. That is what Teach for America is all about.

The studies show that these teachers make more progress in reading and math. That's expected. They obtain significantly greater gains in math. They work in the highest need classrooms in the country. Their alumni work in full-time positions in education. They support the program's mission, and what they do is they have closed that achievement gap.

Support this amendment and confront the inequity; pursue educational excellence.

I urge a ''yes'' vote.

Mr. VAN HOLLEN. May I inquire how much time is remaining.

The Acting CHAIRMAN. The gentleman from Maryland has 1 minute remaining.

Mr. VAN HOLLEN. Mr. Chairman, I want to once again thank the chairman of the committee, Mr. MILLER, and the ranking member, Mr. MCKEON, for their efforts on this.

I yield the remainder of my time to Mr. Chaka Fattah of Pennsylvania who has been such a great leader on education issues across the board.

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

Mr. FATTAH. Mr. Chairman, I want to thank Chairman MILLER and the ranking member, BUCK MCKEON, for a great bill. This amendment by my colleagues to expand and authorize a greater investment in Teach for America, there is no more important an effort, as far as I'm concerned, in terms of recruiting quality teachers. We have hundreds of Teach for America volunteers in the Philadelphia School District now and across the country, and I've watched this program grow from its very inception. It is a great program.

This amendment will make this bill even better. I congratulate the chairman and the ranking member and the work product of the committee.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MRS. GILLIBRAND

The Acting CHAIRMAN. It is now in order to consider amendment No. 25 printed in House Report 110–523.

Mrs. GILLIBRAND. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mrs. GILLIBRAND:

Page 406, line 17, strike ''and'' and after such line insert the following new paragraph (and redesignate the succeeding paragraph accordingly):

(2) in subparagraph (C), by striking clauses (i) and (ii) and inserting the following:

''(i) the law enforcement authority of campus security personnel;

''(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether or not the institution has a written agreement, such as a memorandum of understanding, with such agencies;

''(iii) the institution's plan, which shall address coordination with State and local law enforcement agencies, for the investigation of—

''(I) any felony described in subparagraph (F) of this paragraph occurring in the areas described in subparagraphs (A) through (D) of paragraph (12) of this subsection; and

''(II) a report of a missing student; and

''(iv) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies;''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Mr. Chairman, I rise in support of my amendment, and I yield myself as much time as I may consume.

First, I would like to thank Chairman MILLER and Chairman HINOJOSA and Congressman BISHOP for their leadership on this bill. This reauthorization of the Higher Education Act will strengthen the American Dream by allowing millions of young people to better afford college.

I also would like to thank my colleague Congressman MIKE MCNULTY and Congresswoman CAROLYN MCCARTHY for their thoughtful work on the issue of campus safety.

Thank you, also, to Security on Campus, Inc., the leading advocacy organization for campus security.

Our country's number one priority is to protect our children from harm so that they can grow up and fulfill their God-given potential. A parent's worst fear is to send their child off to college and to have them become a victim of violent crime. Tragically, this happens far too often. The 10-year span from 1997 to 2006 registered, on average, 20 homicides every year occurring on college campuses.

Furthermore, numerous college students, the majority of them young women, have been abducted, leaving their family, friends, and community searching for years in hopes of solving their case.

Mr. Chairman, this issue has significantly affected the community that I represent.

On March 2, 1998, Suzanne Lyall, a 19-year-old sophomore at SUNY-Albany, was kidnapped and never seen again. Nearly 10 years later, her case remains unsolved.

My amendment is intended to prevent more parents from experiencing the pain that Suzanne's parents, Doug and Mary, must face every day. The amendment that I am offering would ensure that all institutions of higher education have a standing policy outlining the roles and responsibilities for campus, local, and State law enforcement agencies if a violent crime happens to occur on campus.

This amendment will minimize confusion and delays during the initial investigation of a violent felony, such as a kidnapping. The first few hours and days after a crime is committed are the most critical for solving a case, and the questions involving police jurisdiction should be settled before a crime occurs, not after. My amendment will help facilitate the prompt and sufficient investigation of serious crimes.

In addition, the amendment's provisions have already been signed into law in California, South Carolina, Tennessee, and my home State of New York.

Over 60 percent of postsecondary schools have fewer than 2,500 students. And thankfully, such horrific crimes are rare at small schools. However, many of the small schools do not have a full police force, and the school security force may not be sufficiently trained to handle such a complex investigation.

This amendment will give peace of mind to students and to parents by giving them the knowledge that the best investigative procedures will be followed to solve such terrible crimes.

Mr. Chairman, at this time, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KELLER. Mr. Chairman, I reserve the balance of my time.

Mrs. GILLIBRAND. Mr. Chairman, I yield myself such time as I may consume.

I would also like to add that bringing attention to the issue of campus safety has been a priority of mine since I entered Congress. Last year, I introduced, and the House passed, House Resolution 303, which called on the President to declare April 6, which is Suzanne Lyall's birthday, National Missing Persons Day. This day will allow all Americans to honor those who remain missing and to remember their families and loved ones who hope and pray every day for their safe return.

April 6 is approaching, and I join with Suzanne's parents in strongly advocating for the creation of this national day of remembrance.

The amendment that I offer today will hopefully prevent future school tragedies from happening. I urge all my colleagues to join me in honoring Suzanne by voting ''yes.''

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. GILLIBRAND. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentlelady from New York (Mrs. GILLIBRAND) very much for offering this amendment. The question of student safety is something that the committee is hearing more and more about from not only schools but obviously from parents. Parents are asking these questions now as they seek to apply to different institutions, and I think this amendment will be very helpful to us.

I urge the support of the amendment.

Mrs. GILLIBRAND. Mr. Chairman, I yield back the balance of my time.

Mr. KELLER of Florida. Mr. Chairman, we have no objections to the amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York.

The amendment was agreed to.

AMENDMENT NO. 26 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 26 printed in House Report 110–523.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

In section 490, after subsection (d), insert the following new subsection (and redesignate the succeeding subsection accordingly):

(e) COMMITMENT TO AND NOTICE OF TUITION LEVELS.—

(1) AMENDMENT.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(29)(A) The institution will provide to each admitted student considering an undergraduate or graduate program—

''(i) a multi-year tuition and fee schedule; or

''(ii) a single-year tuition and fee schedule, and nonbinding, multi-year estimate of net costs after all financial aid is awarded, assuming constant family and student income, assets, and relevant circumstances.

''(B) Multi-year schedules and estimates required by subparagraph (A)—

''(i) may include a percentage or dollar increase or decrease of any size the institution deems appropriate from one year to the next; and

''(ii) shall indicate, on a year-by-year basis, costs for the normal duration of the relevant student's undergraduate or graduate program.

''(C) Institutions that elect a single-year tuition and fee schedule under subparagraph (A)(ii) shall include with each multi-year estimate the average deviation, in percentage terms, between previous year estimates and actual net costs for students at their institution.

''(D) The Secretary shall waive the requirements of subparagraph (A), and of the commitment made therender, if the institution demonstrates to the Secretary that the requirements of subparagraph (A) are not practicable because of the occurrence of one or more events causing the institution severe economic distress, dramatic reduction of State or Federal aid, or any other circumstance the Secretary deems valid.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective on July 1, 2009.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, today, with this bill, we will vote to make a real difference and put a college education within reach of more students than ever before. My colleagues, Chairman MILLER, Chairman HINOJOSA, Mr. MCKEON, and Mr. KELLER, put forth legislation that we could all be proud to support. This is just the latest measure in the 110th Congress that has put forth more help for students to reach the American dream.

Mr. Chairman, it's time to be straight with American families about how much a college education is truly going to cost. We have seen the numbers and met the families who sit at their kitchen table and struggle to find a way to send their kids to school.

One thing, though, we don't hear much about, what is just as devastating to families, is the dramatic fluctuation in tuition from year to year. College costs have risen 40 percent over the last 5 years, but in several cases around the country a sharp jump in prices comes between the end of classes and the following fall. How are families supposed to plan when between finals and the first day of school tuition goes up more than $6,000?

Mr. Chairman, this amendment is about planning and predictability. With this measure, students and families will know how much their education is going to cost from the start, and that means fewer surprise tuition hikes and plenty of time to plan financially.

We not only give parents and students the time that they need, but we also give colleges and universities options and incentives for helping kids plan for and to afford college.

Our amendment gives colleges and universities two options on how to better inform students and families. Schools can either provide a fee schedule up front for all 4 years or a single-year fee schedule with detailed information about future costs, including financial aid. Through either of these options we can make planning for college a little easier.

Mr. Chairman, I don't believe it's too much for families to ask the university for a best guess as to what their child's education will cost. After all, families can figure out how much they're going to pay for a house, how much braces will cost for their kids' teeth, or what it costs to buy a car or plan for their retirement. They should be able to plan more appropriately for college.

I thank my colleague from North Carolina, Congresswoman MYRICK, for standing with me on this amendment and being a leader on college affordability, and for my colleague from California, Congressman CARDOZA, for his support.

I'd also like to thank Chairman MILLER for his leadership and his tireless efforts to help families and students realize the American Dream.

Mr. Chairman, I urge my colleagues to stand with us to put a stop to the uncertainty families face and give them this truth in tuition.

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

The Acting CHAIRMAN. Does any Member claim time in opposition?

Mr. BISHOP of New York. Mr. Chairman, I rise to claim time in opposition, though I will not express opposition, I will just express a plea for clarity on this measure as we go to conference.

My concern is this, and by the way, I would like to applaud my colleagues for offering this amendment, and I certainly would like to laud their intent, but my concern is that we will be requiring colleges to provide information that, by its very nature, is speculative, and we will then be allowing students to make judgments on that information when it may not be reliable. And having gone through this for a long, long time in a previous life, it is not a good idea to give students misinformation.

So my plea is that as we go to conference on this, I hope that we can work with the authors of the amendment to maintain its intent but clarify the language in such a way that students are not put into the position where they are put in a position where they make judgments based on information that, as I say, is speculative and, therefore, not as reliable as it could be.

As I say, though, I am not in opposition. I just hope that we can clarify this in conference.

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

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield 2 minutes to my friend and colleague from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. I thank my friend for yielding.

Every time a constituent of mine talks about college there is mention about how much it costs, and they tell me about their struggles and the choices they have to make in order to put their kids through college.

□ 1645

Millions of families sit at the kitchen table and try and figure this out every year, how are they going to make ends meet and pay for it. And there have been a lot of high and unpredictable costs over the years, and it's really tough for them, especially if it's tough

economic times. It's tough for them to figure it out because they don't know if it will be 3 percent, 30 percent, what it might end up being. So I feel, and my colleague agrees, that parents need to have some certainty and know the cost of the degree.

And when colleges can set multi-year contracts for their vendors and for their basketball coach and even their presidents and other people, it seems like they can at least give some idea of what the education is going to cost for the parents.

The Truth in Tuition amendment helps the families plan by making sure that the schools give every student a clear picture of what their degrees will cost. It's a reasonable amendment, and it gives schools great flexibility. There aren't any price caps, and it doesn't freeze the price of tuition. They can set their tuition rates however they see fit. But it shows the students and their families what the charges are going to be over the course of their studies.

It's not binding on the schools. It provides the students, though, as I say, with an idea. And there is a provision in there that if the school has some kind of an economic hardship, they can get a waiver from the Secretary of Education. This could include a cut in Federal or State funding, or any number of other economic issues that might disrupt the school's budget.

All the public universities in Illinois, central Michigan, the University of Minnesota, George Washington University, and many more have already implemented this policy.

And so I thank my colleague from Pennsylvania (Mr. MURPHY) for all his hard work on this bill. I thank both Chairman MILLER and Ranking Member MCKEON and their staff for all the hard work they put into the underlying bill.

I just urge my colleagues to vote for this amendment because it will help students and families who need relief from the uncertainties of college tuition.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. SHULER

The Acting CHAIRMAN. It is now in order to consider amendment No. 27 printed in House Report 110–523.

Mr. SHULER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SHULER:

After section 111 of the bill, insert the following new section (and redesignate the succeeding sections accordingly):

SEC. 112. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

"SEC. 136. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement postsecondary student data systems that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for reporting to the postsecondary student data system; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

The Acting CHAIRMAN. Pursuant to House Resolution 956, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. SHULER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we often study how students progress from the beginning of the school year to the end, but what happens after that? How well are high school students prepared for college? How well are college students prepared for the workforce? How long are graduates staying in high-needs fields like nursing? My amendment will help provide long-term data for our State systems' need to answer these questions.

The Shuler amendment will create a grant program to help universities develop studies to measure students' achievement from preschool to college and beyond. This data will also allow State lawmakers to direct resources to programs that are producing top-quality graduates in critical areas. Participation is completely voluntary and complies with all aspects of the Family Educational Rights and Privacy Act.

My amendment has also been supported by the American Association of State Colleges and Universities, the Alliance for Quality Teaching, the National Association of Secondary School Principals, and 10 other major organizations.

I thank Chairman MILLER and Ranking Member MCKEON for their time and their dedication, and I urge my colleagues to support this amendment.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SHULER. I will yield.

Mr. GEORGE MILLER of California. I want to thank the gentleman from North Carolina for offering this amendment.

This information would be helpful to us. It would also give us the ability to determine whether we're putting our resources and our time and our talents in the right place with respect to properly preparing people for the workforce.

I would urge my colleagues to support the amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized. There are approximately 3 minutes remaining on his time.

Mr. MCKEON. Will the gentleman yield?

Mr. SHULER. I will yield.

Mr. MCKEON. The thing that I like most about this amendment is it is done at the State level. There are some people that would like to have this done at the Federal level. I think the State level is the appropriate place.

And I also like the fact that it's a pilot. It's limited. It gives us a chance to see how it works before making it a national program.

So I commend the gentleman for his amendment and urge support of the amendment.

Mr. SHULER. I thank Ranking Member MCKEON for his dedication and hard work as well.

I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–523 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. PETRI of Wisconsin.

Amendment No. 5 by Mr. PETRI of Wisconsin.

Amendment No. 7 by Mr. DAVIS of Illinois.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

AMENDMENT NO. 4 OFFERED BY MR. PETRI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 153, not voting 21, as follows:

[Roll No. 36]

AYES—260

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wolf
Wu
Young (AK)

NOES—153

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Ehlers
Fallin
Feeney
Flake
Forbes
Fortuño
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Kucinich
Lamborn
Latham
LaTourette
Latta
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Yarmuth
Young (FL)

NOT VOTING—21

Boehner
Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Weiner
Woolsey
Wynn

□ 1718

Messrs. LATOURETTE, CAMP of Michigan, MCCRERY, ALTMIRE, KUCINICH and ADERHOLT changed their vote from ''aye'' to ''no.''

Messrs. SHAYS, CARDOZA, ROHRABACHER, CARNEY, SKELTON, BUTTERFIELD, COHEN, Ms. WASSERMAN SCHULTZ and Messrs. WATT and FRELINGHUYSEN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. PETRI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 191, not voting 21, as follows:

[Roll No. 37]

AYES—222

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird

Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Brady (PA)
Brown, Corrine
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Faleomavaega
Fattah
Filner
Frank (MA)
Frelinghuysen
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pomeroy
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wolf
Wu
Young (AK)

NOES—191

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Platts
Poe
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Yarmuth
Young (FL)

NOT VOTING—21

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Manzullo
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Weiner
Woolsey
Wynn

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised there is 1 minute remaining in this vote.

□ 1726

Messrs. ALTMIRE, BILIRAKIS, ARCURI, BOSWELL and LOEBSACK changed their vote from ''aye'' to ''no.''

Mr. MURPHY of Connecticut changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. DAVIS OF ILLINOIS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 236, not voting 19, as follows:

[Roll No. 38]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaHood
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Petri
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wu
Yarmuth
Young (AK)

NOES—236

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes

Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—19

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Weiner
Woolsey
Wynn

□ 1734

Messrs. SKELTON and SHUSTER changed their vote from ''aye'' to ''no.''

Messrs. MOLLOHAN, BRADY of Pennsylvania, and FATTAH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, pursuant to House Resolution 956, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Madam Speaker, I know Members have probably gotten it on their BlackBerries, but I wanted to confirm that the stimulus package is going to be passed in the Senate and will be coming back to us. Mr. BOEHNER and I and the whip and the leadership have agreed that we will take up the stimulus tonight. We will take it up by unanimous consent. There will be 20 minutes of debate on each side.

We will conclude the stimulus package, send it to the President, and we will not be meeting tomorrow.

MOTION TO RECOMMIT OFFERED BY MR. FERGUSON

Mr. FERGUSON. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FERGUSON. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ferguson moves to recommit the bill H.R. 4137 to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE XII—LIMITATIONS ON EXPENDITURES

SEC. 1201. FUNDING PRIORITIES.

(a) PELL AND IDEA FIRST.—None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations or other provision of this Act (including an amendment made by this Act) shall be expended to carry out any new program under this Act for any fiscal year, or any FIPSE program for that fiscal year, unless—

(1) the Federal Pell Grant program is fully funded for that fiscal year; and

(2) the Individuals with Disabilities Education Act is fully funded for that fiscal year.

(b) DEFINITIONS.—For purposes of this section:

(1) NEW PROGRAM.—The term ''new program under this Act'' means a title, part, subpart, section, or other provision of the Higher Education Act of 1965—

(A) for which funds are authorized to be appropriated or otherwise made available by an amendment made by this Act to the Higher Education Act of 1965; and

(B) for which funds were not authorized to be appropriated or otherwise made available prior to the date of enactment of this Act .

(2) FIPSE PROGRAM.—The term ''FIPSE program'' means any program authorized by section 741 of the Higher Education Act of 1965, as amended by title VII of this Act.

(3) PELL GRANT FULL FUNDING.—The Federal Pell Grant program shall be considered to be fully funded for a fiscal year only if the total amount appropriated or otherwise made available for such fiscal year is sufficient to provide a maximum Federal Pell Grant that equals or exceeds $9,000.

(4) IDEA FULL FUNDING.—The Individuals with Disabilities Education Act shall be considered to be fully funded for a fiscal year only if, with respect to such fiscal year, the total amount appropriated pursuant to the authorization of appropriations under section 611(i) of such Act (20 U.S.C. 1411(i)) or otherwise made available is sufficient to provide the maximum grant to each State as determined under section 611(a)(2)(B) of such Act (20 U.S.C. 1411(a)(2)(B)) for such fiscal year.

Mr. FERGUSON (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FERGUSON. Madam Speaker, I rise today to offer a motion to recommit H.R. 4137, the College Opportunity and Affordability Act, back to the committee. I offer this motion to recommit because this legislation falls short of funding two very critical programs for the education of people in our country. We must ensure that we are fully funding two very important programs, Pell Grants and the Individuals with Disabilities Education Act, IDEA, before moving forward with other programs.

Both the Pell Grant program and IDEA have been underfunded for years. This body has promised to fully fund these programs for all Americans, individuals and States, and, sadly, today this body is going to break that promise once again.

These are commitments that Republicans and Democrats together have made over the years, and together we have fallen short. Today we have an opportunity to change that.

While I am sure the additional programs in today's legislation are worthy programs, we must first guarantee that we are meeting the requirements of current programs before adding more responsibilities to the Department of Education.

Individuals in this country depend on Pell Grants and special education funding. For years, these two programs have been successful and are critical to ensuring that all Americans have access to a quality education. It is crucial that we bring these programs up to their full funding levels before adding new spending programs.

This motion establishes better funding priorities than the underlying bill. Funding special education and Pell Grants for the higher education of individuals in this country should be the

number one priority of the education programs for this body.

Currently, IDEA, our special education program, is only being funded at 17 percent of the added cost of educating individuals with disabilities. The Federal Government has been authorized to fund up to 40 percent of the total cost of special education in our States.

The fiscal year 2009 budget request is for $11.28 billion. This represents 17 percent of the added cost of special education. To fund IDEA to the level the Federal Government has promised, this request needs to be, should be, $26.55 billion. This creates a funding shortfall of over $15 billion for IDEA.

Pell Grants are authorized to be $9,000, the maximum award, under this legislation. However, the current level is less than half of that, the discretionary maximum of $4,241. Including mandatory spending in the maximum Pell Grant, it is still only $4,371, which is only 49 percent of the authorized level.

Now, as a nation, Madam Speaker, we pride ourselves on our education system. How can we be proud of a piece of legislation that funds our longstanding key educational programs at only 42.5 percent of the authorized level? It doesn't sound like something to be proud of. How can we be proud of a piece of legislation without this motion to recommit that doesn't set the right funding priorities for our Nation?

Members on both sides of the aisle know that one of the heartfelt items that I have worked on in my years in this body has been fully funding our special education programs. We have worked on it together. We have sometimes had success, and sometimes we haven't had the success that we would have liked. But together, today, we have an opportunity to fully fund IDEA and to fully fund the Pell Grant program, these two programs which are so instrumental in helping give young people in our country the educational opportunities that they so desperately need and deserve.

Let's fully fund the Pell Grant program. Let's fully fund IDEA to keep our commitment to our special needs students. Let's vote ''yes'' on the motion to recommit.

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

□ 1745

Mr. GEORGE MILLER of California. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, one of the great coalitions we have in the Congress of the United States, supported by every school board, every teacher organization, every educational group in the country was to fully fund IDEA. It was bipartisan; letters went down with 200, 300, 350, 375 Members of Congress saying fully fund IDEA.

We got pounded on our side when we weren't in control of the Congress; that's the way it was. Everybody was for it, right up until the moment that they took control of the Congress of the United States, because in No Child Left Behind, when we asked to fully fund IDEA, the now-minority leader of the Republicans pulled the plug, and that great bipartisan coalition hasn't been heard of since.

I would be embarrassed too. I would try to struggle to come back because you disappointed the American public. You certainly disappointed the families of these children, and you certainly disappointed these children and those who struggle to give them an education every day. So now as they struggle to come back, what are they going to do?

They are going to say unless you fund IDEA, you can't spend any money on higher education under this bill. Folks, that's all money in higher education under this bill, which is under this bill. So you won't be able to provide loan forgiveness for firefighters and policemen and public defenders and prosecutors and nurses. You won't be able to help veterans reenter the higher education system when they come back with so many of the injuries that they are coming back from.

We won't be able to give them the assistance that's in this legislation. For those veterans who lost a family member, this bill says they are automatically entitled, the children are automatically entitled to the Pell Grant. Those veterans' families won't get that, a member of their family paid the supreme price in the defense of this country. They won't get that.

You are not going to get what we have been working for for so many years, led by Mr. MCKEON, led by RAHM EMANUEL, to simplify it so families can understand the access to the loan program so they can pay for their kids' education. For the first time in 25 years, we have a simplified system. But you won't get that; families won't get that.

What about safety on college campuses? We had a moment of silence here for those students. We had hearings all over Capitol Hill for those students, but we address campus safety on a bipartisan basis. We slugged it out, we worked it out, we did it. You won't get that. Those campuses won't get that kind of assistance.

What about now for the first time a master's program for the historically black colleges? You won't get that. Because you shirked your duties year after year after year for over a decade, you have now decided these are the people that you are going to punish. This is the tenet of this party on the other side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should address his remarks to the Chair.

Mr. GEORGE MILLER of California. It is tough to do when I realize the substance of this amendment. It should be directed to the author of the amendment and to the party that supports it.

What about Teach for America? Have you talked to the principals in the school districts that have these magnificent young people who have come to this system to give us a couple of the best years of their life? It won't be allowed under this amendment.

Finally, what about the disabled kids that are in college where, for the first time, in the Higher Education Act, we speak to the needs of the disabled community that can thrive and do well in colleges but they need help. You pit them against their brothers and sisters.

Make your choice, ladies and gentlemen. You can vote for the past and a scandalous record and commitment on education, or you can vote for the future. How about some change?

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FERGUSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; and suspending the rules agreeing to House Resolution 947.

The vote was taken by electronic device, and there were—ayes 194, noes 216, not voting 19, as follows:

[Roll No. 39]

AYES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo

Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Foxx
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NOT VOTING—19

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lewis (KY)
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Turner
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain on this vote.

□ 1807

Ms. FOXX changed her vote from ''aye'' to ''no.''

Mr. CARNEY changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 354, nays 58, not voting 17, as follows:

[Roll No. 40]

YEAS—354

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—58

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Conaway
Cubin
Culberson
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Hoekstra
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McHenry
Miller (FL)
Moran (KS)
Musgrave
Myrick
Paul
Pence
Poe
Price (GA)
Putnam
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—17

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey
Wynn

□ 1817

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material into the RECORD on the bill, H.R. 4137.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4137, COLLEGE OPPORTUNITY AND AFFORDABILITY ACT OF 2007

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 4137, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BALDWIN). Without objection, 5-minute voting will continue.

There was no objection.

CONGRATULATING LEE MYUNG-BAK ON ELECTION TO PRESIDENCY OF THE REPUBLIC OF KOREA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 947, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 947.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 41, as follows:

[Roll No. 41]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—41

Bachmann
Boucher
Coble
Cramer
Davis, Tom
Diaz-Balart, L.
Emanuel
Everett
Farr
Feeney
Fortenberry
Gutierrez
Inslee
Lampson
Lantos
LaTourette
Lewis (CA)
Lowey
Lynch
Mahoney (FL)
Marchant
Marshall
McCarthy (NY)
Murphy (CT)
Neal (MA)
Pitts
Porter
Radanovich
Reynolds
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Saxton
Smith (NJ)
Smith (WA)
Space
Sutton
Tanner
Turner
Woolsey
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1827

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TURNER. Madam Speaker, on rollcall No. 39 (Republican Motion to Recommit) and 41 (Adoption of H. Res. 947) I was present for the vote however my voting card malfunctioned and did not record my votes. Had my voting card not malfunctioned, I would have voted "aye" on rollcall vote 39 and "aye" on rollcall vote 41.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title.

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

ECONOMIC STIMULUS ACT OF 2008

Mr. RANGEL. Madam Speaker, I ask unanimous consent that it shall be in order at any time to take from the Speaker's table the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, with a Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment; the Senate amendment and the motion shall be considered as read; the motion shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and the previous question shall be considered as ordered on the motion to its adoption without intervening motion.

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

There was no objection.

□ 1830

Mr. RANGEL. Madam Speaker, pursuant to the previous order of the House, I call up H.R. 5140 and the Senate amendment thereto.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Stimulus Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

Sec. 101. 2008 recovery rebates for individuals.

Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.

Sec. 103. Special allowance for certain property acquired during 2008.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.

Sec. 202. Temporary loan limit increase for FHA.

TITLE III—EMERGENCY DESIGNATION

Sec. 301. Emergency designation.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—

''(1) net income tax liability, or

''(2) $600 ($1,200 in the case of a joint return).

''(b) SPECIAL RULES.—

''(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

''(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

''(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

''(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

''(A) has qualifying income of at least $3,000, or

''(B) has—

''(i) net income tax liability which is greater than zero, and

''(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

''(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

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

''(1) QUALIFYING INCOME.—The term 'qualifying income' means—

''(A) earned income,

''(B) social security benefits (within the meaning of section 86(d)), and

''(C) any compensation or pension received under chapter 11, chapter 13, or chapter 15 of title 38, United States Code.

''(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—

''(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

''(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

''(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

''(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(g) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(h) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number,

''(B) in the case of a joint return, the valid identification number of such individual's spouse, and

''(C) in the case of any qualifying child taken into account under subsection (b)(1)(B), the valid identification number of such qualifying child.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.''.

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 53(e)'' and inserting ''53(e), and 6428''.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking ''or 32'' and inserting ''32, or 6428''.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as amended by this section).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (c) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(e) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) DEPARTMENT OF TREASURY.—

(i) For an additional amount for ''Department of the Treasury—Financial Management Service—Salaries and Expenses'', $64,175,000, to remain available until September 30, 2009.

(ii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'', $50,720,000, to remain available until September 30, 2009.

(iii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Operations Support'', $151,415,000, to remain available until September 30, 2009.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for ''Social Security Administration—Limitation on Administrative Expenses'', $31,000,000, to remain available until September 30, 2008.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 6428'' after ''section 35''.

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

''Sec. 6428. 2008 recovery rebates for individuals.''.

SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—

''(A) the dollar limitation under paragraph (1) shall be $250,000,

''(B) the dollar limitation under paragraph (2) shall be $800,000, and

''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—

(1) by striking ''September 10, 2001'' each place it appears and inserting ''December 31, 2007'',

(2) by striking ''September 11, 2001'' each place it appears and inserting ''January 1, 2008'',

(3) by striking ''January 1, 2005'' each place it appears and inserting ''January 1, 2009'', and

(4) by striking ''January 1, 2006'' each place it appears and inserting ''January 1, 2010''.

(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking ''30 percent'' and inserting ''50 percent''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking ''and (iii)'' and inserting ''(iii), and (iv)''.

(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking ''clauses (ii) and (iii)'' and inserting ''clause (iii)''.

(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking ''and (iii)'' and inserting '', (iii), and (iv)''.

(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking ''$4,600'' and inserting ''$8,000''.

(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).

(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.

(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.''.

(7) Paragraph (5) of section 168(l) of such Code is amended—

(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and

(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.

(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2005'' and inserting ''January 1, 2010''.

(9) Paragraph (3) of section 1400N(d) of such Code is amended—

(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and

(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.

(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k).—The term 'specified Gulf Opportunity Zone extension property' shall not include any property to which section 168(k) applies.''.

(11) The heading for subsection (k) of section 168 of such Code is amended—

(A) by striking ''SEPTEMBER 10, 2001'' and inserting ''DECEMBER 31, 2007'', and

(B) by striking ''JANUARY 1, 2005'' and inserting ''JANUARY 1, 2009''.

(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2005'' and inserting ''PRE-JANUARY 1, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSEs.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages

purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

TITLE III—EMERGENCY DESIGNATION

SEC. 301. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

MOTION OFFERED BY MR. RANGEL

Mr. RANGEL. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. RANGEL:

Mr. Rangel moves that the House concur in the Senate amendment to H.R. 5140.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may utilize.

Madam Speaker, I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the tax divisions of H.R. 5140. The technical explanation expresses the committee's understanding and the legislative intent behind this important legislation. This explanation document, JCX–16–08, is currently available on the joint committee's Web site.

Madam Speaker, first and foremost, I want to extend my deep appreciation for Speaker PELOSI, for her leadership and commitment to a bipartisan spirit, and to the minority leader, Mr. BOEHNER, for his hard work and the cooperation as we move toward this truly critical legislation.

In addition, I want to thank my friend, Hank Paulson, for working to broker a compromise between the Congress and an administration that not before had indicated the depth of cooperation that the Secretary of the Treasury invoked.

Finally, I would like to thank the Senate leadership for recognizing the urgency of this relief and finally getting to work to ensure its quick passage today, enabling the House to pass the Senate amendment and delivering it to the President's desk.

I also would like to thank Mr. MCCRERY, who made it easy for us to work with our leadership in the House to cooperate with the administration to make certain that our mission to speedily pass the stimulus bill was done and sent over to the Senate.

I also want to point out that they should give us all, in our country, and indeed in this House, an opportunity to see that we are not sending these hundreds of billions of dollars in rebate dollars to the people that need it out of compassion. We are not sending it to them because we think it's right that they should put a roof over their heads or clothing on their backs or provide food on the table. We are doing it because, once again, we want to stimulate the economy, and therefore, it means that we want goods and services to be purchased.

We do this and we support this effort because the economists say it's the right thing to do and we do it because these are the people, middle-class people, lower income people, hardworking people, disabled veterans, we do it because it's the right thing to do. But, Madam Speaker, my colleagues in the House, I hope when this recession is over, and it will be over, that we'll take a good look at the people that we are talking about today, and we should be able to say that there is something wrong with this picture and there is something wrong when we can find millions of people unable to provide the basic goods and services they need and, at the same time, find that those who are most affluent are not even disturbed by the recession that we find ourselves in today.

And so we should be pleased that the Congress is doing the right thing. But we also should also remember that it is not with a lot of dignity and pride that people receive this assistance. They receive it because, as the economists and elitists said, they're going to spend this money because they have to spend this money.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield myself so much time as I may consume.

I will also begin my remarks by thanking the leadership on both sides of the aisle, Speaker PELOSI, Leader BOEHNER, for their efforts on a bipartisan basis to respond in a very efficient and quick manner to the needs of the country, the needs of our economy, by putting together and supporting a stimulus package that we hope, combined with the efforts of the Fed, will indeed avert a recession in this country and will contribute to a higher level of economic growth this year than we otherwise would have had.

Their efforts surely should be taken note of by every Member in this House, indeed of the Congress, and by people across this country. It demonstrates that when we, in this body, want to work together and accomplish something for the country, we can do it. And we certainly have done it in this piece of legislation.

It is a compromise, no question about it. There are things that we would have

liked to have had in this bill that are not in there. There are things that the majority would have liked to have in here that are not in here. But the fact that we were able to come together and get this done and in this very short amount of time is clearly a victory for the American people and I believe a victory for this Congress.

I also want to thank my colleague, the chairman of the Ways and Means Committee, Mr. RANGEL. He has really reached out to the minority throughout his tenure as chairman, and in this instance, his staff worked very closely with the minority staff and with leadership staff to put this product together. So I want to thank him for his continued gentlemanly conduct of the committee and cooperation with the minority when it's possible.

Madam Speaker, this bill before us today does have a few changes from the House bill that passed just a few days ago.

The changes basically allow Social Security benefits and disabled veterans benefits to count as earned income for purposes of satisfying the $3,000 requirement for earned income to get the prebates: $300 per person, $600 per couple, and even the $300 child credit, if applicable.

So I think certainly that is an improvement to the bill in the sense that we will get more money into the hands of people who will more than likely spend that money very quickly and get that money working in the economy.

The Senate also made some changes with respect to making sure that illegal immigrants are not able to take advantage of this prebate, these checks that are being sent out, and certainly that is a positive development.

Madam Speaker, all in all, I think the product before us this evening is an excellent work of the two bodies on a bipartisan basis and, of course, with the support of the Bush administration. And I hope that all Members in this body will tonight enthusiastically support this product and get this to the President for his signature, to the IRS for their administration, and get the checks in the hands of people and allow businesses to begin to get a bonus depreciation for investment. We think that will help speed investment into this year and create jobs. And that is the best way to fight an economic downturn is to create jobs and get money circulating in the economy with paychecks.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 3 minutes to my good friend from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Madam Speaker, I rise today to express my appreciation to the House Democratic and the Republican leadership and to our colleagues in the Senate for the bipartisan effort that has produced timely, targeted, and temporary legislation to stimulate our Nation's slowing economy. I am also pleased that the legislation we are about to consider ensures that our Nation's senior citizens and disabled veterans are not left out of this worthwhile package.

Because of my concerns that the bill we considered last week did not include the low-income seniors and the disabled, I led the effort in the House to ensure that those who depend entirely on their Social Security checks were included in the final version of this legislation. I am very pleased that the Senate agreed and expanded the economic stimulus package to provide these Americans with much-needed relief. I urge my colleagues in the House to do the same.

Our Nation's seniors and disabled veterans are facing difficult economic times. For years, these men and women have been forced to survive on less and less as their costs continue to increase and their incomes remain the same. These Americans need cash rebates just as much as the individuals originally included in the stimulus package.

I am also pleased to see that the legislation we are about to vote on includes language that would ensure that illegal immigrants do not receive cash benefits that should only go to those who rightfully deserve it. This language mirrors legislation that I introduced in the House today.

Finally, the bill before us today contains an important provision that I helped to craft as the chairman of the Subcommittee of Capital Markets, Insurance and Government-Sponsored Enterprises. This reform will temporarily increase the conforming loan limits of Fannie Mae and Freddie Mac to enhance the liquidity of our mortgage markets. I support this short-term change.

Madam Speaker, once again, I wish to applaud the efforts of both the Members of the House and the Members of the Senate in crafting legislation that will spur our economy, provide rebates to those that need them most, and ensure that those ineligible for Federal benefits do not receive them.

Further, Madam Speaker, I have great pride today that the Congress of the United States could bring this most important legislation in this very short time in a very bipartisan way, and we should all have that pride as we vote on this package today.

Mr. MCCRERY. Madam Speaker, at this time I yield 3 minutes to the distinguished ranking member of the Financial Services Committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the ranking member.

First of all, I'd like to commend Chairman RANGEL, Chairman FRANK, the leadership of both the Democratic and Republican leadership, and Ranking Member MCCRERY. I think that what we have here is good legislation. I supported it for three reasons when it passed the House.

Most importantly, and I repeat the words of Ranking Member MCCRERY, we're getting money back in the hands of American citizens. We're letting them make the decision on how to spend the money and not this Congress. It's a tax cut. It's a tax cut for many low- and middle-income Americans. I particularly like the tax cuts we've given to seniors, to veterans, and the disabled, as the gentleman from Pennsylvania pointed out.

Secondly, the Financial Services Committee tried to address the much publicized and very important problems with our housing market by increasing liquidity in our housing market for mortgages. There are people that are ready to buy houses, there are institutions that are ready to loan, but there is a lack of confidence in some of those mortgages and in that financing. And I believe the new limits we've given the GSEs and FHAs will help that market. We've done it short term. We'll revisit it if it needs to be for a longer period of time.

Third, I believe what is lacking most of all in our economy and our country today is a lack of confidence, a lack of optimism.

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There has been a lot of expression of the importance of hope, the importance of optimism and confidence. And I believe, at least short term, this package will at least say to the American people, we have confidence in you. There is need for optimism. And, hopefully, in some small way, it will promote optimism and confidence.

I will say this as I close: until and unless we balance the budget, until government begins to spend what it brings in, we're going to have problems. Until we address entitlement reform, we're going to have problems. This government cannot continue to run deficits. If it does, the economy will not, over the long term, recover.

We have a spending problem in this Congress. We need to recognize that. We've recognized in this bill that we spend too much money, that instead the people ought to do it. We ought to continue that.

Madam Speaker, I rise in support of this economic stimulus package.

The version of the stimulus plan we vote on tonight is very similar to the version passed by the House last month. It includes a number of changes—including tax relief for seniors, veterans, and the disabled—that will extend the package's benefits to millions more Americans.

Madam Speaker, I support this package for three reasons.

First, it recognizes the basic economic reality that getting money back in the hands of people who earned it is the best way to help our economy. The tax element of this package has been called a rebate, but in essence, it's a tax cut for millions of low- and middle-income Americans who need it the most.

Second, it will help struggling homeowners. It includes several provisions designed to address the lack of liquidity in certain segments of the mortgage market. It temporarily increases the loan limits that apply to mortgages that can be purchased by the housing GSEs,

and increases the size of mortgages which the Federal Housing Administration can insure.

Third, quick enactment of this plan will encourage optimism among Americans concerned about the economy. Madam Speaker, hope has been mentioned very often in this Presidential campaign. Tonight we should send a message to the American people that our economy is strong. There are businesses that are ready to hire, ready to invest, ready to buy new technology. There is a legitimate reason for optimism today, and we should promote that optimism. This package, I believe, will contribute to that optimism and that hope.

Madam Speaker, let me conclude by commending President Bush, Chairman FRANK, Chairman RANGEL, Ranking Member MCCRERY, and the Republican and Democratic leadership of this House for coming together so quickly to assemble this stimulus package. I urge all my colleagues to support it.

Mr. RANGEL. Madam Speaker, I would like to recognize the chairman of the Finance Committee who, under the leadership of our Speaker, provided the guidance to all of us in the committee to be ready for this occasion if, in fact, we had to. We do have to, we were ready, and I'm proud to be his colleague, Mr. FRANK, for 3 minutes.

Mr. FRANK of Massachusetts. I begin, appropriate to this bill, on a note of bipartisanship. My counterpart on the Financial Services Committee said we must reduce spending, and I agree. And we will have a chance this year to reduce the most wasteful drain on our economy imaginable, the war in Iraq, $100 billion a year, far more than the excess in any other program. So I hope the American people this year will heed his view and we will put in place a policy that will save us $1 trillion over the next 10 years if the wishes of some to stay in Iraq are maintained.

Secondly, let me reinforce what the chairman said. It was in late November of last year that Speaker PELOSI urged us to begin thinking about the economy and called together a group of economists, labor leaders, and business leaders. And she took the lead and more than anyone else is responsible for the fact that we are confounding the cynics by acting so quickly and responsibly today.

Lastly, on the housing piece. What we have is a private housing market that has gotten itself into a terrible jam. And part of this bill is to use public and quasi-public entities, entities created by the Federal Government, to go to the aid of the private market. The private market has stopped making loans for houses above a certain level because of, as my friend from Alabama said, a lack of confidence. What we do today is to empower the Federal agency, the FHA, to help untangle that with a higher loan limit. And those two creations of the Congress, quasi-public/private Fannie Mae and Freddie Mac, we here today send the public sector to the rescue of a mortgage market at the upper end that can't function on its own.

But let me say this: there has been an argument that we should not have done that without further structural reform in those two entities. I have agreed to those limits and, in fact, pushed for them being raised now because we're in an economic crisis and we need a short-term response.

But I am committed, and I know my friend from Alabama joins me in this, we will not agree to any further extension of those loan limits after the expiration date of December of this year unless we are able to accompany them with structural reform. And let me say, I see my friend nodding, that's our commitment.

So we are committed. And the chairman of the Senate Banking Committee and I and Members are now talking about the FHA bill. We will not, and let me give this commitment, we will not bring out of our committee an increase in the time at which the jumbo loans can be paid for until we have comprehensive reform.

Given that, we have here a reasonable package. We get money out, thanks to the Speaker's insistence on this bipartisan framework, to precisely the people who will spend it, which is what we need now. And we send the FHA and Fannie and Freddie in a responsible way to the aid of the private market because private sector-public sector cooperation is the foundation of our economy.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Tax Subcommittee of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Madam Speaker, tonight the House has an opportunity to give American working families and employers the shot in the arm they need to weather this growing economic storm.

The heart of this bipartisan plan focuses on putting more demand into a flagging economy, more money back into the hands of America's hard-working middle-class families. Through tax rebates and a bump in the child tax credit, this agreement will quickly inject a cash infusion into the economy to assist families with skyrocketing food, services, and energy costs.

Importantly, this legislation will go a step further than the original compact and ensure that veterans and seniors receive additional financial support to boost their buying power. All of that is positive. And as we've already heard, the housing provisions to increase limits on loans backed on by the FHA and GSEs will, without a doubt, give relief to families facing financial pressure from the subprime mortgage crisis.

Finally, and importantly, by rewarding businesses for making critical capital investments here onshore, we will expand investment, create new jobs, improve the competitiveness of the American economy, and put an immediate infusion of liquidity into the economy.

Madam Speaker, in my view, this is precisely the right tonic at the right time. This should be a start, not the last word. We should be moving forward with regulatory reform and, above all, let me note to the people on the other side of the aisle, a budget this year without a large tax increase looming in the future.

But short of that, this is a good starting place. And I urge my colleagues to vote for working families, vote for jobs, and vote, above all, for a growing economy.

Mr. RANGEL. Madam Speaker, I am certain that all of us feel the same sense of pride in that Speaker PELOSI has responded to a national need, and not only did it by reaching out to the minority leader, but created an atmosphere in this House of Representatives so that we all could respect our dignity and the differences that we have with the other body.

Our staffs, our committee has worked together in such a way that at the end of the day we knew that we would be able to say that it was the House of Representatives that sent the bill over there.

And so I would like to yield 1 minute to our distinguished Speaker, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for his kind words and his extraordinary leadership, which made it possible for us to come to the floor with this bipartisan historic legislation tonight. Thank you, Mr. RANGEL, for your leadership. And thank you, Mr. MCCRERY, for yours. It's quite an evening when we can come together in a bipartisan way for legislation that helps the middle class, helps those aspire to the middle class, gives incentives to businesses to create jobs to stimulate our economy. I thank you for that.

I acknowledge the leadership of Chairman BARNEY FRANK, chairman of the Financial Services Committee, for his leadership, along with Ranking Member BACHUS for his, because those who are concerned about, and that is all of us, the subprime crisis can see some relief in this legislation because of their leadership.

I want to acknowledge another member of the Financial Services Committee, Mr. KANJORSKI, and salute him for his leadership dropping the bill even before we took this up this evening for seniors and disabled veterans to be getting the recovery rebates as well, as well as clarification of language regarding undocumented persons in our country getting that benefit. Thank you, Mr. KANJORSKI, for your leadership.

Before I go on too long, I must salute Leader BOEHNER. It was a privilege to work with him on this. And Mr. HOYER and I shared a view of our caucus. We came with consensus to the table. None of us got everything we wanted in the legislation, but we did get a great deal for the American people. We did so in a manner that was timely. We were acting in record time, targeted on the

middle class and those who aspire to it, targeted to businesses, tax incentives to businesses to create jobs, and temporary. So these resources and these tax incentives will be used and spent in a way that will have an impact in the economy.

I also want to salute Secretary Paulson for his persistence and his leadership and his receptivity, shall we say, and responsiveness to some of the values that the Democrats were putting on the table regarding those who have not participated in receiving a recovery rebate before, but do so in this bill.

This was across the aisle, but it is also across the Capitol. We worked it out in record time, again, with Leader REID and the Republican leader, MITCH MCCONNELL, on the Senate side, so that tonight we could bring this bill to the floor.

It was only about 2½ weeks ago that leadership was on the telephone with the President of the United States. He had just returned from his trip to the Middle East. And we talked about what every homemaker in America has known for a long time, that our economy is going into a downturn. We wanted to prevent it from being more of a downturn, and a stimulus was needed.

We had heard from Chairman Bernanke about the state of the economy and that a stimulus was needed and that it should have certain features of being timely, targeted, and temporary. And the President, on that phone call, agreed that we should go forward with a stimulus package in record time. The House put it together and sent it over to the Senate. And I'm very, very proud of that.

If I boast of it, it's because it's highly unusual that we can respond in such record time. But we did so because it was urgent for the American people. So often they listen in on the debate on the floor of the House which seems irrelevant to their lives. This is very relevant to their lives because there are many firsts in here.

For the first time, those who don't make over a certain income are able to participate in the recovery rebates and the child tax credit. In fact, more than 40 million Americans, 40 million families will be receiving those rebates and tax credits who had never received a rebate or a tax refundable child tax credit before. That's just astounding.

It was different from the bill the President originally proposed because his proposal did not have a cap, so some of the wealthiest people in America could get this rebate. Instead, we said, God bless them for their success. We need to put this money in the pockets of those who are living paycheck to paycheck, who are finding it hard or struggling to make ends meet with the price of gasoline, the price of groceries, the price of health care, the price of education, anything that you can name, that costs were going up and the purchasing power of their income was not.

And so we believe that the stimulus, the way it is targeted, will put money in the hands of those who will spend it immediately, injecting demand into the economy and therefore creating jobs, the impact that we want the stimulus to have. Same thing with the small business incentives.

One of the reasons we were able to move so quickly is because we were ready. We were ready. The reason we were ready with the child tax credit is because Congresswoman DELAURO has worked on this issue for her lifetime in Congress. And of course as chairman of the committee, Mr. RANGEL has had this as a high priority. So it wasn't something that we had to go create. It's something that we had in our minds and in our hearts to do for a long time.

The tax credits, the incentives for small businesses have been a part of the bipartisan support we have in the House for an innovation agenda so that small businesses and medium-size businesses can take advantage in a short period of time of this incentive that they have to invest and to purchase equipment and the rest. Again, for job creation, good-paying jobs here in America.

We were ready because the Financial Services Committee, under the leadership of Mr. BARNEY FRANK and Ranking Member BACHUS, had already passed these bills on the floor of the House. Not everything in the bill is included in this stimulus, but these bills have passed the House and had been sent over to the Senate. Certain features are contained in this bill so that there is some relief for the subprime crisis.

The list goes on and on. But we had our priorities; they have been our priorities for a while. They are particularly essential now in the time of a need of stimulus. So when the time came and the President said he would sign such a bill, we were ready with our priorities.

We fought it out. It wasn't an easy fight, but we knew we had to do it in the shortest period of time. And it wasn't easy. And there were some things that I said to the President on the phone when he congratulated us for going forward that I would have liked to have seen in the bill, like unemployment insurance and LIHEAP and food stamps and the rest. But we will take care of those issues in due course. Every bill cannot accomplish every goal that we have.

I want to identify myself with the comments that Mr. BACHUS made. This is a fiscally sound bill. There were those who wanted to make it larger with elements that were not necessarily stimulus that we resisted, excellent ideas. They should be revisited in another piece of legislation for another day.

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But we had been cautioned over and over, and we have cautioned each other. And whatever we did in stimulus, even though it would not have to conform with PAYGO, strictly speaking, that it would not be so overloaded that it would be a deterrent to recovery because we would be taking our country more deeply in debt than was justified by our stimulus package for recovery.

So, because of all of this cooperation, hopefully, it will serve as a model. I again want to commend Secretary Paulson for his perseverance and his leadership. And we look forward to soon, in a few days, perhaps, the President of the United States signing this bill. But the Secretary has assured us that with the passage of this bill tonight, even before the Presidential signature, the word will go to the IRS to begin the process of getting these checks out to the families.

So I think every Member of this body should take great pride in the bipartisanship of it, in the focus of it, the discipline of it, and what it means: that it is relevant to the lives of the American people. A typical middle-income family, a family of four with two children, will get $1,800. Eighteen hundred dollars. I think that that is impressive. And families making less than that, other families, depending on the number of their children, will get a sizable check in the mail.

This says to them we respect your contribution to our country, to our economy, to our society, and, even if you don't make a lot of money and pay income tax, that your contribution to our economy is recognized and acknowledging the FICA tax that you pay. And that's why once more I will reiterate that 40 million American families will participate in the recovery rebates to the tune of about $28 billion infused into our economy through their hands.

This is a new direction. I urge my colleagues to support it and am proud to be associated with it. And I thank all for their leadership in making it possible this evening.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my friend from Louisiana for yielding.

Madam Speaker, I hope that my colleagues on both sides of the aisle will vote against this bill tonight. I hope you will vote against it because it's too late. The most important quarters are this quarter and next quarter, and the vast majority of this won't even take effect until after or at the end of the next quarter. I hope you will vote against it, because it may be political stimulus, but it is the wrong economic stimulus. We are in this problem because of a credit crunch leading to a capital crunch because, arguably, Americans bought, borrowed, and spent too much, and we are going to ask them to spend more.

I hope you will oppose it because it is wealth redistribution. People who pay

over 50 percent of the taxes in this country will get nothing, and roughly 30 percent of the benefit of this will go to people who pay no taxes at all.

I hope you will vote against this and oppose it because illegal aliens will get this in spite of the new language put in the bill. You see, we have lots of laws that say it is illegal for people to be here and do what they do anyway. The problem is we don't enforce those, and we can't enforce what is in here either. It will be another unenforceable law.

I hope you will oppose it because of the potential for fraud. When you give money for nothing, there is an ability for fraud. The GAO estimates that roughly one-third of all the earned income tax credits paid out are fraudulent. It will be the same here.

I hope you will oppose it because it encourages spending when what we need as a society is more saving and investment.

But if none of that mattered, if none of that mattered to you at all, I hope you will oppose it because it nearly doubles the deficit for this year. After 3 years of declining deficits, we're going to begin the other way. We are going to nearly double that deficit.

Buy a flat screen TV and save America. It's not a good policy. I urge you to vote ''no.''

Mr. RANGEL. Madam Speaker, I would like to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished chairman, Mr. RANGEL; and to Mr. KANJORSKI; the whole team; and our most forthright and determined Speaker and this bipartisan leadership that has responded to the pain and the hurt of so many Americans.

Some would ask the question why are we moving so fast and why are we investing in people who are those who would receive dollars who happen to be low income. Because people are hurting. So I'm glad that we have these values that have created this vehicle to help America and that we are including help and rebates for the elderly. We are including moneys for 35 million families who work but yet make too little to pay income tax in the way that you think of them paying, but they do pay taxes. They will get a rebate. Disabled veterans will get a rebate.

But I look forward to the time when we can extend the unemployment, we can expand food stamps and Medicaid only because people are hurting. Why are they hurting? Because we are spending $120 billion in Iraq. For the gentleman who just spoke, if we stop doing that, we will be able to provide for the engine of the economy.

Why do we need it? Because in this budget right here that the President has offered, $39 million will be taken away in social services block grants from Texans and millions of dollars for the rest of Americans. Why are we hurting? Because $47 million will be taken away from Texans as it relates to community block grants. And 200 communities will be impacted. More people hurting.

This is the right direction. This economic stimulus package is quick. It gives back to families. It gives back to hardworking families. It gives back to moderate- and low-income families. And it says that Warren Buffet is right. Give money to hardworking Americans so that they can make a difference. Give money to invest in communities so we can build up the economic economy.

And, lastly, let me say thank you so very much for the increase in the FHA loans of $729,000.

People are hurting, and we need to be able to provide for those people who are hurting. A moratorium on foreclosures is necessary. Support the economic stimulus.

Madam Speaker, I rise today in support of the Senate Amendments to the Recovery Rebates and Economic Stimulus for the American People Act. I would like to thank Speaker PELOSI for her leadership on this issue, as well as my colleagues on both sides of the aisle who have worked together to overcome partisan divisions to work together to stimulate our national economy. This legislation will inject over $106 billion into the economy in 2008, over 2/3 of which will come in the form of tax rebate checks, given directly to individuals and families. I also want to thank the Senate for their amendments which extend the stimulus rebate checks to 250,000 disabled veterans and at least 20 million additional American seniors living on Social Security.

However, while I support this legislation, I would like to express my concern about some of this bill's omissions. requested and had hoped that this legislation would include language declaring that it is the sense of Congress that a moratorium of up to 90 days should be declared on all home foreclosures, and that it is the sense of Congress that the financial industry should allow for the reconstruction and reconfiguration of the mortgage loan market.

Madam Speaker, I would have liked to see the following language included in the final legislation, agreed on by both Houses and signed into law by the President:

(i) It is the sense of Congress that a moratorium of up to 90 days should be declared on all home foreclosures.

(ii) It is the sense of Congress that the financial industry should allow for the reconstruction and reconfiguration of the mortgage loan market.

It was my sincere hope, shared by many economists, that a temporary economic adjustment period including a cap on adjustable mortgage rates would provide relief for millions of Americans, and that this added time would give them time to look for other resources. By delaying foreclosure, Congress would have declared that millions of Americans deserve to make their payments, or to get their loans restructured before they lose their homes. Those who can keep paying would continue putting money back into our economy. Madam Speaker, we must act now to prevent what could be a disaster for millions of Americans.

There are a number of additional proposals that I would have liked to see included in the final Economic Stimulus package. I believe it should have included a summer job program, aimed at helping our nation's youth gain the crucial work experience and job skills that will allow them to be competitive in today's increasingly difficult employment market. By working to Provide Americans with the skills they need to successfully secure and keep employment, we can not only help both adults and youth to develop their careers and to support themselves and their families, but we can bolster the whole economy by combating poverty and unemployment.

I would also like to see the extension and expansion of several existent programs which are already doing important work toward helping Americans such as unemployment benefits. Under the strain of current financial circumstances, I believe that we must bolster these important programs, especially for hard working Americans who have lost their jobs. Madam Speaker, I call for the expansion of food stamps and Medicaid programs, and for the extension of unemployment benefits.

Given the current economic climate, I believe that is our responsibility, as the leaders of our nation, to do all in our power to ensure that the most vulnerable populations are protected. That is why I am particularly pleased to support the Senate amendments extending benefits to disabled veterans who risked their lives to protect the freedoms we cherish and seniors who spent decades of their lives contributing to our economy.

Madam Speaker, now is the time for innovative leadership and concerted action. Recent data shows economic growth is slowing, and many economic analysts predict a 50% chance of recession. According to the Bureau of Labor Statistics, unemployment rose from 4.7% to 5.0% in November 2007 alone. This data, coupled with a struggling housing market and overall slowing economic growth, has caused a ''credit crunch'' that has reduced available funding and has caused rising prices for housing and food.

Over the past year, we have seen a crisis in subprime mortgage lending, which has threatened the stability of the housing market and the livelihoods of large numbers of Americans. During the third quarter of 2007, the nation's home foreclosures doubled from the previous year. This Democratic Congress is committed to strengthening the housing market and stabilizing the economy, and we have passed important legislation to address this crisis.

Because of the lack of regulation by the federal government, many housing loans were accompanied by fraud, predatory lending, inadequate information and other failures of responsible marketing. With exceptionally high (and rising) foreclosure rates across the country, homeowners all over America are losing their homes. Homeowners are surprised to find out that their monthly payments are spiking and they are struggling to make these increasingly high payments.

The sub-prime mortgage crisis has impacted families and communities across the country. Home foreclosure filings rose to 1.2 million in 2006—a 42 percent jump—due to rising mortgage bills and a slowing housing market. Nationally, as many as 2.4 million sub-prime borrowers have either lost their homes or could lose them in the next few years.

In my home state of Texas, citizens are feeling the impact of the looming financial crisis. In November 2007 alone, there were 11,599 foreclosure filings in Texas. According to the Center for Responsible Lending, in Harris County alone 11,944 homes were lost from 2005–2006 through foreclosure on sub prime loans. During the same time period, the average home decreased $1,355 in total value.

Madam Speaker, I firmly believe that this agreement should include a moratorium on foreclosures of at least 90 days on owner-occupied homes with subprime mortgages. Any agreement should also include a rate freeze on adjustable mortgages of at least five years or until the loan is converted into a fixed-rate mortgage. The freeze on foreclosures would give the housing market time to stabilize and homeowners time to build equity. It is critical that we address this crisis. The Bush administration and the mortgage industry must reach an agreement that matches the scale of the problem. The U.S. Treasury Department has been pushing the mortgage industry to agree to temporarily freeze interest rates for some borrowers who took out loans with low teaser rates that will soon be resetting much higher.

Madam Speaker, it is imperative that we address the serious underlying housing issues faced by our nation. 17 million households, or one in seven, spend more than 50% of their income on housing. On any given night, approximately 750,000 men, women, and children are homeless. Constructing more affordable housing is necessary to help families who have lost their homes in the subprime mortgage crisis or due to a family financial crisis, such as illness or job loss. In my home district in Houston, homelessness remains a significant problem. Houston's homeless population increased to approximately 14,000 in 2005, before Hurricanes Katrina and Rita, and hurricane evacuees remaining in the Houston area could result in the homeless population increasing by some 23,000. Approximately 28% of homeless Americans are veterans.

In August, I, in coordination with the Texas Department of Housing and Community Affairs, hosted a workshop on the introductory concepts and considerations in applying for Housing Tax Credits in Texas. This workshop was designed to create new incentives for developers to expand business opportunities in housing development, as well as to generate a significant increase in the availability of low-income and affordable housing for the residents of Houston and Harris County. I believe that an increase in affordable housing and job opportunities will help reduce the high rates of homelessness among Houston residents.

Madam Speaker, today's economic stimulus legislation will make important strides towards helping hardworking Americans who are struggling with the high costs of gas, health care, and groceries. By putting several hundred dollars directly into the hands of over 130 million American families, this legislation will make important strides toward invigorating our economy, giving money to those who will quickly spend it, reinvesting this money in the American economy.

This bill provides broad-based relief for individuals and families, valued at approximately $115 billion over 10 years. The packages include tax cuts for 130 million families, providing up to $600 per individual, $1,200 per married couple, and an additional $300 per child. On top of these recovery rebate checks, which could be sent as early as mid-May, this legislation will provide unprecedented tax relief for working families, with $32 billion in tax relief for 35 million families who work but make too little to pay income taxes, who would therefore otherwise not be included in this recovery effort. It is targeted to reach those who need the relief the most: of these 35 million working families, over 19 million are families with children. I support provisions in this legislation providing tax relief to middle-income Americans, as well as those aspiring to the middle class, leaving out the wealthiest taxpayers. Nearly $50 billion of the rebate will go to those making less than $50,000.

Madam Speaker, family incomes and home prices are down, even as the costs of health care, energy, food, and education are on the rise. Combined with the jump in mortgage foreclosures, the American economy is struggling, with American families falling behind on their bills and consumer confidence hitting a five year low.

This bill also contains some provisions to help families avoid foreclosure. It increases affordable refinancing opportunities and liquidity in the housing market, increasing the Federal Housing Administration loan limits to $729,750 for 2008. This will expand affordable mortgage loan opportunities for families at risk of foreclosure. Further, it includes a one-year increase in loan limits for single family homes from Fannie Mae and Freddie Mac, enhancing credit availability in the mortgage market.

While this legislation includes provisions intended to provide a short-term "fix" to many of the economic difficulties our economy is currently facing, I do not believe that it addresses the long-term needs of our Nation. While short-term response is critical, we must not neglect infrastructure, energy independence, and innovation needs, without which we will not be able to establish a vibrant U.S. economy. I look forward to working with House leadership, and with my fellow Members on both sides of the aisle, to look to the future, and to build innovative and long-term solutions to the underlying problems our economy faces.

Madam Speaker, this legislation is not perfect, but I believe it is an important step. I continue to advocate for a 90-day moratorium on home foreclosures to give financially troubled borrowers time to work with lenders and avoid losing their homes. I also believe we, together, must address the underlying infrastructure problems plaguing our economy. However, I do believe today's legislation will provide important benefits to millions of Americans, to the entire economy, and to our Nation as a whole. I urge my colleagues to join me in support of this legislation.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished ranking member of the Trade Subcommittee of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I wish I could share the enthusiasm of my colleagues about tonight's bill. I truly do. But right now Americans need to know their jobs will be around tomorrow. Regrettably, this evening's bill doesn't have much in the way of tax relief to spur job creation and should have gone much further.

What concerns me more is the expanded redistribution of money through tax rebates that will, I believe, have next to zero positive effect on our economy in the short or long term. And, unfortunately, at more than $100 billion, it can hardly be called ''free money.'' In Congress's hurry to act in reaction to negative economic news, we have truly missed a golden opportunity to enact lasting, pro-growth tax relief. Such relief would benefit all Americans, create new jobs, and drive economic prosperity.

I support tonight's legislation, but I believe we can and must do more as a Congress to foster economic growth.

Mr. RANGEL. Madam Speaker, I would like to yield to the gentleman from Indiana (Mr. DONNELLY) for 2 minutes, who last week introduced H.R. 5172 to assure that 127 million Americans, senior Americans, receive this relief.

Mr. DONNELLY. I thank the chairman for yielding.

Madam Speaker, I rise tonight to commend the House and the Senate for working together to put together this economic stimulus package and to do it so quickly. This bipartisan package will spark our economy by providing millions of working families, including seniors and disabled veterans, with targeted tax relief.

I am especially proud that this broad-based package also includes language from my bill, H.R. 5172, the Immediate Financial Assistance for America's Seniors Act. This provision ensures that nearly 20 million low-income seniors, many who rely heavily on Social Security, will receive much-needed tax relief. These retired seniors have worked hard all of their lives. They have paid taxes and they deserve this support.

Again, I commend the House and Senate for all this work.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise in support of this bill, which will boost economic activity and help strengthen the American housing market. I am pleased that the House and Senate leaders from both sides of the aisle have been able to reach agreement on a well-balanced compromise. I also applaud our colleagues in the Senate for resisting pressure from those who would delay this package with inappropriate changes and unnecessary spending.

Hardworking Americans are finding it more and more difficult to provide for their families, and this bill will help to relieve some of the financial strain. And because it is a clean and targeted package, this bill will provide the greater economy with a much-needed jolt of consumer activity.

As a member of the Financial Services Committee, I especially appreciate that the Senate preserved the House-passed provisions to increase conforming loan limits for the FHA- and

GSE-backed home mortgages. This is a critical change that will help invigorate the housing market and enable prospective homeowners in higher priced markets like Chicago to take advantage of these prime mortgage products.

I think this bill is a testimony of what can be accomplished in Washington when Congress and the administration set aside the partisan rhetoric and work together.

And I want to urge my colleagues to turn next to comprehensive FHA reform. I think it's great that Chairman FRANK has committed to Ranking Member BACHUS that we will be working on the FHA reform. So we took the first steps today by increasing the conforming loan limits, but to truly restore the housing sector, we need to give more consumers an alternative to subprime and predatory products. The FHA can provide that alternative but not until the House and Senate conference their respective FHA reform bills. So by sending this legislation to the President, we can help hundreds of thousands of families facing foreclosure qualify for prime rate refinancing so they can keep their homes.

Again, I applaud the bill before us as a truly good step toward restoring vigorous economic growth, and I look forward to working with my colleagues on legislation to address our long-term economic challenges.

Mr. RANGEL. Madam Speaker, I would like to yield 1 minute to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Thank you, Mr. Chairman and ranking member. I thank you for your pragmatism. I thank you for your vision and your willingness to get this done, understanding that the situation in our economy is one, as I heard Speaker PELOSI say, where most Americans knew far before we did that this was trouble.

Madam Speaker, I keep hearing people say that the economy was fine. Saying it doesn't make it so. We know that in the last 7 years, the policies we have seen have created the lowest job growth since the Great Depression. We have seen real wages drop by $2,500.

The American people needed something, and this is a good bipartisan piece of legislation, bringing them together to try to address those facts that they understood long before we did. And I think it sets the stage and shows the American public we can get along, we can move things, and we can make a positive difference. And this is a great first step.

With that, I urge my colleagues to support this good, timely piece of legislation.

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

Mr. RANGEL. Madam Speaker, I yield to the distinguished gentleman from Georgia (Mr. SCOTT) for 1 minute.

Mr. SCOTT of Georgia. Madam Speaker, it is indeed a pleasure to stand before the House and to thank the distinguished chairman of our Ways and Means Committee for doing a yeoman's job on a very difficult issue, in bringing both parties together, in bringing both Chambers together, and responding in a timely way to help the American people who are struggling to make ends meet.

There are some who say we're not in a recession, but I can tell you this from my constituency and others all across this country, a recession is upon us. And in some areas with high unemployment, it borders on a depression.

So this is much needed. It comes in a timely manner. We are putting money into the hands of those who will spend it the quickest, and that means the moderate and lower income individuals. And at the same time, I am proud as a member of the Financial Services Committee to have played a small role in helping this move forward, especially in expanding the limits of Fannie Mae and Freddie Mac and our FHA loan extensions.

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Madam Speaker, I thank again the gentleman from New York.

Mr. MCCRERY. Madam Speaker, it is a pleasure to recognize for closing on our side the distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER), who clearly was instrumental in getting this product developed through the floor and through the process. He has been lauded by a number of our colleagues here tonight, and rightfully so. So I am very pleased at this time to yield the balance of my time to Mr. BOEHNER.

Mr. BOEHNER. Madam Speaker, let me thank my colleague for his very nice words and thank my colleagues on both sides of the aisle who have worked diligently to get this bill passed.

This economic growth package is an important victory for middle-class American families and small businesses. With the rising costs of energy, health care, college, housing and taxes, we put a real strain on the family budget. But the American people want us to work together to provide solutions to these problems. And I think this bill begins to move us in the right direction.

The bipartisan measure will help our economy get moving in the quickest and most effective way possible. It puts money back in the hands of middle-class American families. It will give businesses incentives to create new jobs and help grow our economy. And I think the package we have before us also clearly is a genuine compromise. Republicans gave a little, Democrats gave a little, the House gave a little, and the Senate gave a little. But perhaps most importantly, it is simple and it is straightforward. And it does not increase taxes or increase unrelated spending. In other words, it will empower individuals, not the Federal Government, to help grow our economy.

With this short-term growth package behind us, I think it is now critical that we focus on the longer term economic future of our country. I think that raising taxes in this environment would be the worst thing that we could do. I think that we need to begin to focus on how we make the tax cuts that we put in place earlier this year, earlier this decade, how we make them permanent. What do we do about the corporate tax rate that is driving American businesses out of the U.S.? We need to have a corporate tax rate that helps keep American businesses here. There is one thing that we really can do to help ourselves, and that is really to put our arms around spending, especially wasteful spending, and put a stop to it. We have got to get our fiscal house in order.

Many Americans, I think correctly, believe that Washington is broken. And I am here tonight to say that Washington does have its share of problems. And I am hopeful that this agreement we have been able to come to will help us on a path that shows the American people that we understand the problems that we have here in Washington and that we can, in fact, work together to solve the problems the American people sent us here to solve.

I couldn't finish this without also saying something very nice about our Speaker. Over the course of last year, the Speaker and I didn't have a policy conversation. I can tell you that we have had about 25 over the last several weeks. And for the health of our institution, I think it is good to come together and find common ground where we can. And I am glad that we were able to find common ground on this economic growth package, and I am hopeful that we will continue to try to find places where we can work together to solve problems that the American people expect us to solve.

Mr. RANGEL. Madam Speaker, I cannot think of any higher way of expressing the hopeful bipartisanship in the House of Representatives than expressed by my friend, Minority Leader BOEHNER.

GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5140.

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

There was no objection.

Mr. RANGEL. Madam Speaker, I ask for an ''aye'' vote on this piece of legislation before the House, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the motion offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 34, not voting 16, as follows:

[Roll No. 42]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Filner
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
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Tanner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1944

Mr. HUNTER changed his vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 12, 2008

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

WASHINGTON, DC,
February 7, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 12, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Madam Speaker, for the purpose of inquiring about next week's schedule, I yield to my friend, the majority leader from Maryland, to give us that information.

Mr. HOYER. I thank the Republican whip.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday, Thursday, and Friday the House will meet at 10 a.m.

We will consider several bills under suspension of the rules. A list of those bills will be announced by close of business this week.

We will consider H.R. 3521, the Public Housing Asset Management Improvement Act of 2007. In addition, we will consider legislation regarding the Foreign Intelligence Surveillance Act, as we expect the Senate to act on the bill the House sent, hopefully, early next week.

Mr. BLUNT. I thank the gentleman for that information. Regarding FISA, regarding the Foreign Intelligence Surveillance Act, I hope that we are moving toward a long-term resolution of that. I know the Senate, we believe, will pass a long-term bill possibly as early as tomorrow.

On the Foreign Intelligence Surveillance Act, as we hopefully move toward a longer-term bill, we had a 6-month extension the first of August. We did a 2-week extension last week.

I think the Senate will send over a bill that has a longer term and includes things like liability protection for companies that cooperate with the government under the law. I also understand that at least 21 Members of the majority have sent a letter saying they would like to see a long-term solution dealt with next week. I wonder if my friend has any sense of how that may go next week and, again, I am hoping that we encourage a longer-term solution before this short-term extension runs out.

Mr. HOYER. I appreciate the gentleman's confidence that the Senate is going to send us a bill, short-term, medium-term or long-term duration. We have been waiting for that for some time, obviously.

It is my understanding the Senate is going to address this bill on Tuesday. Now, if they send it to us on Tuesday, we will see what they have in the bill. There obviously will be little, if any,

time for a conference. My expectation is there will be a difference between the House bill which passed here 2½ months ago and the Senate bill.

As I said on the floor, when we passed the Foreign Intelligence Surveillance Act bill on November 15 or 16, I said at that time I was hopeful that we would pass it, that the Senate would pass it, and that we could have a conference in which the very important specifics of the bill might be discussed and differences ironed out. That has not yet occurred, unfortunately.

In addition, as I told my friend last week, we had still not gotten access to the documents that we had asked to see to indicate what, in fact, immunity was being asked for. Those documents, my friend and I had an opportunity to discuss that, I don't know whether he had any role in that, but they will now be made available as of today. As a matter of fact, I intend to take the opportunity tomorrow, much of the morning, perhaps even into the afternoon, to review those documents. Some few Members have had that opportunity already, but very few. So we have been very late and compressed in the schedule of dealing fully with what is the thorniest issue on the Foreign Intelligence Surveillance Act bill, and that is the granting of immunity.

I will tell my friend that, as I said, when we extended it for 15 days, when we had an agreement to do that, to give the Senate time to act, I was hopeful they could act within that time. The problem we now find ourselves in, if they act on Tuesday, and they send the bill to us on Wednesday or late Tuesday night, I don't know how long their consideration is going to take.

As you know, there is substantial controversy, as is evident by the difficulty they have had in passing it, so I don't know exactly how quickly they will be able to pass that bill. But as I have said on numerous occasions, we believe, I believe, there are serious issues on which there are obviously honest differences of opinion.

I agree with my friend, we would like to resolve this. We would like to have it resolved so that we don't visit it monthly or every 3 months or every 6 months. We believe, as I said before, that the current bill, the current FISA law, if it is reverted to, will provide for all of the intelligence surveillance that is needed by the administration.

It would require, of course, getting FISA approval, the court's approval, which was, of course, contemplated in 1978 when it was adopted so that with or without an extension or new legislation, we believe the administration can pursue, as all of us want to, there is nobody on this floor who doesn't want to make sure that we facilitate the protection of the American public and America through the interception of communications which may be by terrorists planning to attack us.

But having said that, I am sure my friend appreciates, as I have said all along, this is a serious issue, a difficult issue for many. I think we are all agreeing on the enforcement and interception part. It is the immunity issue that gives many concerns, and they want to look at that carefully, and I think that's fair to do. Whether or not we will be able to do that next week, frankly, I tell my friend, I am not sure.

Mr. BLUNT. Well, I appreciate that; I hope we can. I do think that there is the likelihood that a very quick problem develops if you don't have the ongoing ability that we currently have to try to intercept communications. There is some argument even about the short-term of that, and I think almost any expert will say that the long-term challenge there actually becomes a short-term problem pretty quickly.

We saw how encumbered the FISA Court became when this law was not in existence and how difficult it was. I hope that the Senate can act quickly. We saw them act quickly today, certainly.

In fact, today is a good example of what we can do working together. The House worked together. We sent a bill to the Senate, the House stood firm in defense of that bill, and at the end of the day the Senate sent a bill back pretty quickly with improved changes that the House could agree to.

I would like to see us respond to a bipartisan Senate bill, and I anticipate that would be the case with a bipartisan House vote. Even though we had sent a bill initially over a long time, this issue has been out there a long time. I think the documents that the leader was talking about were available at the White House at an earlier time, but I am glad those documents are now available in a way more easily accessed over the next few days for our Members.

Hopefully, that resolves what the leader has just described as the last significant outstanding issue, and that we get this done. A significant amount of what we know about our enemies in the world is found out today through the structure of the Foreign Intelligence Surveillance Act, and we want to continue that.

Mr. HOYER. I agree with my friend, and that is correct, and I think that is why all of us want to facilitate and ensure that the work of the NSA and others can go forward. I don't know whether the gentleman had an opportunity to either see or hear this; but I just wanted to bring to your attention, because we do share that concern, that in testimony this morning before the Intelligence Committee, the Director of National Intelligence, Mike McConnell, whom we work with, said that all current surveillance activity under the Protect America Act would continue even after the law expires.

He went on to say, after being asked about the backlog of surveillance, because, as you recall when we were back in August or July of last year, there was a concern about the backlog and therefore it couldn't get approval as quickly as might be needed. Director McConnell informed the House Intelligence Committee that the backlog that existed has been eliminated, saying we are caught up on everything at this point in time.

I think we can have a confidence level. I agree with you, we want to get this done as quickly as possible. Because I am concerned that we not have a gap, we are trying to assure ourselves, and believe we are assured that there will not be a down time for our intelligence service should we not be able to reach agreement either with the Senate or with ourselves in the time frame of next Friday.

I am hopeful that we can do that, and we will work toward that end.

Mr. BLUNT. I am hopeful of that, too. I appreciate that.

In an article from the New York Times, January 23, 2008, that the leader was able to share a part of with me on that date, Kenneth Wainstein, who is the Assistant Attorney General for National Security, said in an interview, according to the Times, ''that if the August bill was allowed to expire in 10 days,'' that was 10 days before the expiration date, ''intelligence officials would still be able to continue'' the word he used was ''eavesdropping on already approved targets for another year under the law.''

I think that essentially verifies my friend's comments on that and possibly, as you have explained it to me, the admiral's comments this morning. But Mr. Wainstein went on to say but ''there is a risk'' that the officials would not be able to use their broadened authority to identify and focus on new suspects and would have to revert to the more restrictive pre-August standards if we wanted to eavesdrop on someone.

I think we want to not revert to that if we don't have to. I believe that the 2½ months we have waited for the Senate and now the 2 weeks that we have had in addition to that time hopefully will turn out to be appropriate; and certainly as we have worked together this week to get the stimulus package off the floor, this is a critical item that I hope we can all work together next week to try to find a permanent solution on.

Mr. HOYER. I appreciate your bringing to my attention, and we discussed the second sentence, which you just read regarding the more restrictive. When he refers to the more restrictive, he simply refers to the fact that they would have to go to the FISA Court for approval of such intercept as they want, and that would be within the, of course, authority within 72 hours to act and then get approval after the fact, which is why I indicated that Admiral McConnell had said that the backlog had been eliminated.

You recall previous testimony, or comments, that one of the officials who dealt with these in the administration indicated that, and the court could, frankly, within minutes, give approval

in many situations, and now that the backlog has been eliminated, it is correct, it would be more restrictive, it would have to go to the court, but that, of course, is what was contemplated in 1978. We do not believe that that would in any substantial way slow down the process and, therefore, not in any way put us at risk.

Having said all of that, we still agree with you that if we can get this done in a timely fashion that would be good.

I want to tell my friend, though, very candidly, I think there is some sentiment that if we don't get it done that that is going to put this side of the aisle that wants to look at this bill, after the Senate passes it back to us, with whatever provisions they include in it, carefully, we understand that we are going to be portrayed as somehow undermining the security of America. We think that argument is bogus, but we do think it may well be made.

Mr. BLUNT. Well, if I determine to make that argument, I will tell my friend, I will make it in good faith, and we do have a difference of opinion on this. Hopefully, the Senate will get its work done in a way that we will have a maximum amount of time in the relatively short time available here to look at this, and we won't have to have the argument about how critical that change is.

I personally believe that the 1978 law was written in a way where it was not anticipated that we would have to go to the FISA Court to listen to people in a foreign country who were making calls or communicating, and because of the way the law was written, it had come to mean that by now.

□ 2000

Mr. HOYER. I do want to make the point that I don't think we have much difference on that issue because we agree that technology has changed. As we all know, there is a switch here in the United States now that the 1978 law did not anticipate. Frankly, I don't think there is a great deal of contention. I think in a bipartisan fashion we believe that needs to be addressed. We addressed it in our bill and the Senate addressed it in their bill. Frankly, I don't think that is one of the items in contention.

In fact, I would suggest to my friend we could deal with the immunity issue, which looks back not at present capacity nor future capacity, and resolve that issue in a separate bill if that was the concern about going forward. I think that could be done relatively quickly.

My only point to the gentleman is I agree with you, technology has changed. I think there is bipartisan agreement we need to address that and facilitate the foreign-to-foreign intercept with a blanket approval simply related to process, and I think we could do that relatively easily because I don't think that is particularly contentious between us.

Mr. BLUNT. I appreciate that, and we will see where we are next week, and I look forward to the review that you and I will both have a chance to make of those documents.

You didn't mention it, but I heard there is a possibility we may take up an energy-related tax bill next week, something similar to the energy-related tax provisions that we had in the first year of this Congress in December of last year. I wonder if there is any information you can give me on that topic.

Mr. HOYER. There is a possibility we will be considering an energy bill much like some of the provisions that were included in H.R. 6 in the 6 for '06 package that we passed in the first 100 hours, and other portions of which were included in the energy bill that did not make it through.

I don't have specifics on that at this point in time, but that is being discussed and that is a possibility and he is correct.

Mr. BLUNT. So the schedule for next week is Tuesday through Friday, and we are looking at the items we discussed plus the possibility of other work that might come from the Senate.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

Obviously Friday is on the schedule. I expect we will be here on Friday. We have some other legislation on the suspension calendar. I don't know how extensive that will be.

Clearly we have been talking about FISA. FISA authorization ends on Friday. Again, we have a difference in perception of the consequences of that; but nevertheless, we have scheduled Friday so we are available depending on what the Senate does and depending on whether we can get to some agreement to ensure our presence to act on that, if possible.

Mr. BLUNT. I thank the gentleman for that information.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. SESTAK). Is there objection to the request of the gentleman from Maryland?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, February 12, for morning-hour debate.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SPACE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2008, at 9:35 a.m.:

That the Senate passed S. 2457.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 1:00 p.m.:

That the Senate passed with an amendment; requests a conference with the House and appoints conferees H.R. 2419.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

HONORING OFFICER CHRISTOPHER RIDLEY

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

Mr. ENGEL. Mr. Speaker, nearly 2 weeks ago Officer Christopher Ridley, age 23, of the Mount Vernon New York Police Department saw a street scuffle outside a county social services building in White Plains, New York. While off duty and in plain clothes, he drew his service weapon and attempted to break up the fight.

Unfortunately, officers from the Westchester County police also came upon the scuffle and tragically and mistakenly fired on Officer Ridley, who was killed.

Last week I attended the wake and funeral of Officer Ridley in the City of Mount Vernon, which is in my congressional district. Hundreds of local residents, police, and others from throughout the area turned out to pay their final respects. My heart goes out to Officer Ridley and his family by this terrible tragedy. One of our finest was

struck down at a very young age, which is around the age of two of my children.

The investigation into the shooting has begun, but the life of a brave 23-year-old is already taken. I ask my colleagues to remember Officer Ridley, who was posthumously promoted to detective, and also remember so many others for the brave sacrifice they make each and every day protecting us and our communities.

We must always remember those in law enforcement for the difficult job they are called to do each and every day.

May Detective Ridley always be remembered for his brave commitment to maintaining the peace and keeping us safe.

RECOGNIZING PERIANESTHESIA NURSE AWARENESS WEEK

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to praise and recognize the efforts of the Nation's more than 57,000 perianesthesia nurses. This week is PeriAnesthesia Nurse Awareness Week, a week that is dedicated each year to celebrating the important work that perianesthesia nurses do.

America's perianesthesia nurses practice in all phases of preanesthesia and postanesthesia care, ambulatory surgery, pain management, and special procedure areas.

The theme of this year's awareness week is ''Advocacy.'' The American Society of PeriAnesthesia Nurses has designated advocacy as this year's theme in recognition of how the depth and breadth of perianesthesia nursing meets the varied health care needs of the American population in a broad range of nursing environments.

The American Society of PeriAnesthesia Nurses, which represents the perianesthesia nurses of this country, strives to advance nursing practice through education, research, and standards. The important work of perianesthesia nurses is best exemplified by their commitment to quality health care and the safety of patients in both hospital and ambulatory surgery settings.

Our Nation's demand for perianesthesia nurses will increase in the coming years as the American population ages, as we make new advances in medicine that prolong life, and as we continue to witness the meteoric expansion of home health care services. Perianesthesia nurses play a vital role in the operation and success of our Nation's health care system.

I ask my colleagues and my fellow Americans to join me in honoring the perianesthesia nurses who care so unselfishly and professionally for us all. The work they do happens every day all year round, and I hope they receive our appreciation on more than just this special week in their honor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUSH BUDGET ZEROES SCAAP FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Arizona (Ms. GIFFORDS) is recognized for 5 minutes.

Ms. GIFFORDS. Mr. Speaker, tonight I would like to take a few minutes for folks here in Washington to focus on southern Arizona. There, along 114 miles of border in my district, Federal, State, county, and local law enforcement are on the front lines defending our border.

Arizona faces unimaginable immigration and border security challenges. Last year, over 387,000 illegal immigrants were apprehended in Arizona, and an average of 1,000 illegal immigrants per day were arrested and deported from Tucson.

The Tucson sector, which includes my district, is the most porous section along the 2,000-mile U.S.-Mexico border. More than 48 percent of the Nation's drug traffic enters our country through southern Arizona.

This Monday, the President released his fiscal year 2009 budget proposal, and once again his budget failed to include any funding for the State Criminal Alien Assistance Program, also known as SCAAP.

The President refuses to recognize the importance of SCAAP funds. Without this funding, States and localities will be financially overwhelmed by costs that are the Federal Government's sole responsibility.

Securing our Nation's borders is this government's priority, in my opinion. However, communities through southern Arizona and the Nation face extraordinary costs that are unfortunately being carried by them for incarcerating undocumented immigrants.

Because of limited Federal contributions, the bulk of these costs are being borne by some very small counties. Some of these counties are also some of the poorest in the Nation. They are currently already operating under very slim budgets and staffing. This is why it is so important and so appropriate that the Federal funding be included.

SCAAP was created by the Violent Crime Control and Law Enforcement Act of 1994. It is designed to reimburse States and local municipalities for the arrest, incarceration, and transportation costs associated with illegal immigrants who commit crimes in our communities.

Under Federal law, the Federal Government has two options. It can either take undocumented criminals into Federal custody or it can compensate State and local jurisdictions.

We are facing an immigration crisis here in Arizona. We are underfunding SCAAP, and the President is continuing to overburden our State and local governments. He is hampering the State's ability to protect our communities and uphold our laws.

SCAAP funding is particularly important to communities like Bisbee and Douglas and Sierra Vista, those communities along the 2,000 miles of our southern borders, those States and local governments that incur greater costs than other jurisdictions.

Over the past several years, these communities have exceeded SCAAP reimbursement funding by hundreds of millions of dollars. In fact, most counties along the U.S.-Mexico border are currently being reimbursed less than 9 percent of their cost.

Just today, Mr. Speaker, in our Western Hemisphere Subcommittee of the House Foreign Affairs Committee, I heard from a number of Federal agencies about the President's Merida Initiative.

I believe it is unacceptable that the President would refuse to reimburse our local law enforcement agencies, while asking Congress to spend $1.44 billion in assistance to Mexico and Central America. We need to invest our dollars in local law enforcement before we spend billions of dollars across the border. We have to prioritize the safety of our American communities first. We have to take the appropriate steps to ensure that SCAAP funding is in place, especially to border States like Arizona, and that it remains a Federal priority.

I urge my colleagues, on both sides of the aisle to reject the President's cuts to SCAAP funding. Arizona, like many States, is currently facing a budget shortfall. Every dollar reduction in SCAAP reimbursement means a dollar less in Arizona or another State that they can spend on essential public safety services. So please join me in supporting our State and local law enforcement agencies by adequately funding the SCAAP program in the House fiscal year 2009 budget.

□ 2015

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, it is February 7, 2008, in the land of the free and the home of the brave; and before the sun set today in America, almost 4,000 more defenseless, unborn children were killed by abortion on demand, and that's just today. That is more than the number of innocent American lives that we lost on September 11, only it happens every day.

It has now been exactly 12,799 days since the tragic judicial fiat called Roe v. Wade was handed down. Since then the very foundation of this Nation has

been stained by the blood of almost 50 million of our own children. And all of them, Mr. Speaker, had at least four things in common.

First, they were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts these children might have brought to this humanity are now lost forever.

Yet, even in the full glare of such tragedy, Mr. Speaker, this generation clings to blindness and invincible ignorance while history repeats itself, and our own silent genocide mercilessly annihilates the most helpless of all victims to date, those yet unborn.

Mr. Speaker, perhaps it's important for us in this Chamber to remind ourselves again of why we are really all here. Thomas Jefferson said: ''The care of human life and its happiness and not its destruction is the only object of good government.''

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all still here. It is our sworn oath. The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.''

The bedrock foundation of this Republic is the declaration, not the casual notion, but the declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty, and the pursuit of happiness. Every conflict or battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. It is who we are.

And yet, Mr. Speaker, another day has passed, and we, in this body, have failed again to honor that commitment. We've failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died without the protection that we should have given them.

But perhaps tonight, Mr. Speaker, maybe someone new who's heard this sunset memorial will finally realize that abortion really does kill a baby, that it hurts mothers in ways that we can never express, and that 12,799 days spent killing nearly 50 million unborn children in America is enough, and that this Nation is great enough to find a better way than abortion on demand.

So, tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are numbered, and that all too soon, each of us will walk from these Chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the unborn children in this country. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

Mr. Speaker, it is February 7, 2008, 12,799 days since Roe v. Wade first stained the very foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

HONORING THE LIFE OF CHIEF PETTY OFFICER NATHAN H. HARDY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) is recognized for 5 minutes.

Ms. SHEA-PORTER. Mr. Speaker, I rise today to honor the life and sacrifice of a patriot, Chief Petty Officer Nathan H. Hardy of Durham, New Hampshire, who was killed in action on Monday, February 4, while serving with the Navy SEALs in Iraq. Nate died doing what he loved. He loved our great country, and his life serves as an example to my State of New Hampshire and to our country.

We also honor the bravery and sacrifice of Chief Petty Officer Michael E. Koch of State College, Pennsylvania, who was killed alongside Nate in Iraq on Monday. They were brothers in arms and will not be forgotten.

After graduating from Oyster River High School in Durham, New Hampshire, Nate enlisted in the Navy on November 4, 1997, with the ambition to become a Navy SEAL. He graduated from boot camp at Recruit Training Command in Great Lakes, Illinois, in January 1998 and in the same month entered Basic Underwater Demolition SEAL training in Coronado, California, Class 221.

Nate was a stellar SEAL, and he lived the life of a SEAL each day. His military awards and decorations include the Bronze Star, two Navy and Marine Corps Achievement Medals, three Good Conduct Medals, two National Defense Medals, Armed Forces Expeditionary Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Kosovo Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, three Sea Service Deployment Awards, NATO Medal, the Expert Rifle Medal, and the Sharpshooter Pistol Medal.

Beyond being a remarkable SEAL, Nate was a loving husband, a happy new father, a dedicated son, a loyal friend, and a role model to many in New Hampshire and across the country. Nate embodied the ethic of Cincinnatus who, when called upon to serve and defend Rome, gave all of his effort and determination; but when conflict ended, he returned home to enjoy his family and friends. He did not glorify himself as a hero, because true heroes do no such thing. He was as humble as he was brave.

Like Nate, I graduated from Oyster River High School in Durham. Ours is a close-knit community and Nate and his family have played an integral role in its unique camaraderie. I've spoken to many of his friends, and it's clear they will always miss him, but each will carry a piece of him forever. Because he had a passion for so many varied interests, including sports, art, books and music, Nate touched people in different ways. Each one of his circles of friends has a unique perspective on Nate that they call their own because of his eclectic interests. All of them, though, will always feel his love, celebrate his life, and remember his great passion for living.

In addition to his friends, Nate leaves behind his brother, Ben; his mother, Donna, an administrative assistant at the University of New Hampshire; his father, Steve, a professor at UNH; his wife, Mindi; and 7-month-old son, Parker. The community was called upon to support the Hardy family when their eldest son, Josh, died after waging a long battle against cancer in 1993. The Hardys showed courage at that time, and Durham rallied to their support. The community is ready to support them again at this time, united by the memories of this remarkable young man.

Mindi and Parker are especially in our hearts at this time and will always be, even after the immediate pain recedes.

Down the street from this hallowed floor is the Department of Veterans Affairs. On its side stand President Lincoln's words: ''To care for him who shall have borne the battle, and for his widow and his orphan.''

Our patriot, Nate, bore the battle and the people who cared so deeply about Nate will now care for Mindi and Parker. Friends and family will share stories with his wife and son, stories that they will carry in their hearts forever. Parker will know not only that his father was brave, but that his father was a good man, a man of character and conviction.

Nate Hardy enriched our New Hampshire and our country. We were blessed to have him, even for such a short while. May he rest in peace, and may his family find comfort in knowing that he was loved and respected by all.

The SPEAKER pro tempore (Mr. WALZ of Minnesota). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

(Mr. YARMUTH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 60 minutes as the designee of the majority leader.

Ms. WASSERMAN SCHULTZ. Mr. Speaker and Members, colleagues, I am pleased to open this hour for the 30-Something Working Group, look forward to my fellow colleagues joining me as we progress through the hour.

We come to the floor tonight to talk about a variety of important issues. We are proud and pleased that we sent an economic stimulus package that was developed in a bipartisan fashion, in a bipartisan spirit, this evening to the President of the United States. It was a process that was long negotiated and hard fought, but we were able to make sure that we focused on the priorities of the American people during a difficult time economically.

The focus of this economic stimulus package was threefold, and they all begin with ''t.'' First, an economic stimulus package that we passed had to be ''temporary.'' We have to make sure that we can get a temporary infusion of cash into the hands of the middle class and people who will spend that money, and make sure that we can stimulate the economy.

It has to be ''targeted.'' It has to make sure that we were getting it into the hands of people who were actually going to spend that money, not people that were going to invest it, not people that necessarily were going to just pay off bills or sit on the money, but people who were going to use it to spend on items that they needed and get that infusion of cash into the economy so that we can have a short-term stimulus.

And, finally, the third ''t'' in the three-legged stool is that it had to be ''timely.'' We had to do it soon and quickly because in order to either stave off a recession, or address the one that we're in, depending on which side of the debate you're on, on whether we're in a recession or headed towards one, we needed to make sure that we did this in a timely fashion and made sure that we can get that cash into people's hands over the next couple of months. And now we look forward to that happening.

Let me walk Members and others through the process that we went through. This was truly a bipartisan effort. It continued the bipartisan spirit that Speaker PELOSI and our majority leadership have been making an effort at extending our hand across the aisle since taking over the majority a little over 1 year ago.

In December of last year, the House, under the leadership of Speaker PELOSI, held a House Democratic Economic Forum to talk about the dire straits that the economy was facing to really hear about what issues Americans were struggling with and to begin to figure out what we could do on a short-term as well as a long-term basis.

□ 2030

After the beginning of December, we had ongoing discussions between the House leaders and the administration through Treasury Secretary Paulson. There were intense and heavy discussions because everyone knew that something needed to be done. The devil is always obviously in the details.

But we came together, the administration as well as the Republican and Democratic leadership of the House of Representatives, we came together and came up with a bipartisan solution.

There was a Democratic leadership letter to President Bush that was sent on January 11 urging the President to work with us and make sure that we could pass an economic stimulus package that was timely and targeted and that we made sure that it got money into the hands of people who would spend it.

We saw that PELOSI had a meeting with the Federal Reserve Chairman Ben Bernanke, and he testified in the House of Representatives on January 14 and thereafter, and the message that he sent was that an economic stimulus package was essential and would be helpful in order to deal with the issues that the economy is struggling with.

After that, we had a meeting between Speaker PELOSI and Leader BOEHNER, and they were able to reach an agreement and move in the direction until we finally reached today where we are able to pass the economic stimulus package, send it to the President, and over the next couple of months, I believe the timing is around May of this year, we will see that those funds get into the hands of people who need it the most.

One of the most exciting things about this package is that it is not going to go to the wealthiest few. It is not going to go to people who are just going to put it into the stock market or sit on it or just pay off bills or use it to pad fat bank accounts. We were able to successfully negotiate that the people who received this economic stimulus, these economic stimulus funds, we were able to stretch it all the way down to people who earn only $3,000. I mean, that is a category of person who truly fits the definition of needing the economic assistance. People who will be able to use those funds to make sure that they can address their everyday needs and spend those dollars so that we can put it an injection of cash into the economy and begin to revitalize it.

We made sure that we also provided some assistance for people who are struggling with housing issues and with mortgage issues by making sure that the FHA has a wider ceiling of mortgages in which they can provide loans to people. We have raised the cap to up over $700,000, recognizing that the range of the cost of housing is wide across the country.

It's good to see Mr. ALTMIRE, and I'm glad you have joined us tonight. I know that the average price of a house in my district, in my community right now is over $300,000, which, obviously, without an economic stimulus package raising that cap would make it difficult for someone to qualify under the FHA's criteria. But we were able to make sure that we raised that cap for 1 year so that we could address in a short-term way the third T, which was ''temporary,'' in a short-term way address the economic problems that people are struggling with right now.

And we have continued the bipartisan tradition through the economic stimulus package because last year, when we began and took over the majority, we adopted the 6 in '06 agenda.

In the first 100 hours of our taking over the majority of the House of Representatives, the Democratic Congress

acted on issues important to Americans, and the Republicans on the other side of the aisle joined with us in a bipartisan fashion.

Mr. MURPHY has joined us as well.

Let's walk through some of the bipartisan cooperation that we've had over the last years because there is a lot of words thrown around about how this is an institution that is being run by Democrats and that there is not bipartisan cooperation. Let us just show where the proof is in the pudding here.

We implemented the 9/11 Commission's recommendations which, in previous years, this was a report that was sitting on the shelf gathering dust with the Republicans refusing to put that on the floor and adopt up that legislation. We put it on the floor. It passed 299–128 with 68 Republican votes.

We had an average of over 60 votes for every one of these bills. Raising the minimum wage, H.R. 2. It passed 315–116 with 82 Republican votes.

The funding for enhanced stem cell research, which unfortunately President Bush saw fit to veto. That was H.R. 3. it passed 253–174 with 37 Republican votes.

We passed legislation to make prescription drugs more affordable, so that we could allow the Federal Government to negotiate for lower drug prices with the pharmaceutical industry which, by the way, is currently prohibited in Federal law. We passed that legislation with 255–170 with 24 Republican votes. And the list goes on.

Cutting student loans in half. That was H.R. 5. Passed 356–71 with 124 Republican votes.

And, lastly, we passed the energy package, which was the effort that we are making to recognize that global warming, yes, global warming, truly is a problem and we are committed to ending our addiction to foreign oil. Adopted the CAFE standards, the first time that we adopted some improved CAFE standard in 30 years.

H.R. 6 passed 264–163 with 36 Republican votes. In that legislation, the CAFE standards was legislation that was passed a few months later. And in this bill we said that we were not going to allow $14 billion in subsidies to be returned to the oil industry so we could make sure that we start to address the high cost of fuel.

So we are very proud of our record, our bipartisan spirit of cooperation, which culminated this evening and will continue, we hope, through the rest of this election year by passing that economic stimulus package.

I'm happy to yield to the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, I thank the gentlewoman from Florida, and I'm glad the chart is up today and our colleagues are able to look at that.

Those are the six items that we identified as our top six legislative priorities for the 110th session of Congress and starting with the very first day, January 4, 2007. So, going back more than a year, we began work on these projects. And as the gentlewoman pointed out, four of the six have become law. They've been signed into law by President Bush. All four of them passed with strong bipartisan support. The other two that did not become law, both passed the House. In the case of stem cell research, it passed the House twice and it passed the Senate twice and was vetoed by the President twice. Unfortunately, we were unable to override the veto. The Medicare prescription drugs, that failed in the Senate. But all six of these passed the House with strong bipartisan support. Four of them have been enacted into law.

I'm glad to hear about the stimulus package, too. That was the vote that we cast today. And I'm very excited with the quick response that this House and the Senate gave to the American people. We worked together in a bipartisan way to address the problems with the economy. Just about any economist that you talk to, bipartisan, across the spectrum, will say that we are in great danger of slipping into a recession if we are not already in a recession.

So coming back at the very beginning of the year, working together, the first week back, we put together the stimulus package. We passed it out of the House. We sent it to the Senate. They took a little bit longer, but they got their work done, and I congratulate them for that. They passed it today, sent it over to us. We immediately passed it out of the House, and now we are going to send it on to the President.

And this is a stimulus package that is directly going to impact people's lives. This is a tax rebate that is going to put money in the hands of consumers who are going to spend it. And I know we are going to talk in some more detail about that. I will leave that discussion for after Mr. MURPHY speaks.

But I did want to point out the issue that we are talking about is bipartisanship. We came back from the holidays, saw the need, heard from the economists, and immediately sprung into action, put together a package in a bipartisan way. Got it done. Both sides of this Capitol. Now we are sending it to the President.

The reason this is so important is because of some of the issues that Ms. WASSERMAN SCHULTZ was talking about. The subprime mortgage issue that we all have heard so much about. One of the issues that people need to think about among our colleagues is that when you think about mortgages that are unable to be paid and foreclosures taking place with the subprime mortgages, in many cases this is not a case of somebody buying too much house, buying a house they can't afford, being unable to pay their mortgage. Certainly that does happen.

The bulk of these mortgages that go bad in the foreclosures that take place are second mortgages. There are people who are unable to pay their bills because of rising gas prices, because of rising health care prices, because of higher education costs. They're simply unable to make ends meet. They take out a second mortgage to pay their daily expenses and unfortunately get in over their heads and lose their homes as a result.

So this stimulus package, by putting money into the hands of people who are going to be able to use it to pay bills and stimulate the economy and buy merchandise and hopefully get the economy kick-started again and prevent a recession, or at least lessen the impact of a recession if we are already in one, this is a very important piece of legislation that both the House and the Senate passed today.

Mr. MURPHY of Connecticut. Mr. Speaker, I want to underscore how important it is that you have seen a remarkable degree of coordination and bipartisan cooperation in the House on the second stimulus package. Because you and I both know as acutely as anybody in this Chamber, because we were out there campaigning for change here in Washington, that folks were sort of sick and tired of everything being a fight here, everything being lined up as Republicans against Democrats, conservatives against liberals, X against Y, A against B. That was kind of the order of the day here during the last 12 years before the election of 2006. Everything was going to be a partisan fight, and there really wasn't going to be any real effort to reach across the aisle. That's changed. You and I weren't here, but we know what the perception was from the outside. And the perception, and I think Ms. WASSERMAN SCHULTZ will testify, that was backed up by reality.

Now, cooperation that you see on the economic stimulus package doesn't mean that you still don't fight for what you believe in when you have an honest-to-goodness disagreement, and we are going to talk a little bit tonight about some fights that are about to come, some lines in the sand that we, as Democrats, are prepared to draw with the President and his Republican followers here in the House. But there are so many other things that you don't need to fight about, there is honest-to-goodness agreement on, whether it be jump-starting this economy with an economic stimulus package, whether it be passing reasonable restraints on the mortgage market, opening up access to liquidity for people who want to refinance their homes, have a means to do it but can't find anybody to give them the money and the access to capital. Those are issues that don't have right and left divides. The economic downturn doesn't discriminate against you whether you're a Republican or a Democrat.

So we are passing bills here to deal with this economic slowdown with Republicans and Democrats behind it, and that's what people want us to do.

Now, that doesn't mean they want this Chamber to be Kumbaya on every

single issue. They sent us here to fight for what we believe and what the American people believe in. But you don't have to default to one position all the time or the other position all the time. You don't have to be cooperating on everything or fighting on everything. You can pick and choose. That's what a parent does every day. I mean, you choose the battles that you are going to fight with your kids. As a kid, you choose the battles you are going to fight with your parents. There are things that you get along with them on and things you disagree on.

This place, for a very long time, resorted to the fault of fight about everything, never bother to reaching across the aisle, never try to pass a package with the Republicans and Democrats. I mean, why would you have to? If you have a majority of Republicans here, you can just pass it with Republicans. So why reach out to Democrats? The majority rules in the House.

That's not what the American people want. They want to see that bipartisan partnership. They want to see bills not passing 51 percent to 49 percent. They want to see some bills passing by a real majority. That's what you saw with the 100 hours agenda, and that's what Ms. WASSERMAN SCHULTZ pointed out. That's what you saw with the economic stimulus. You might not see it every time, but you are going to see it a lot more times in this Congress.

Ms. WASSERMAN SCHULTZ. And that's the direction we are going to continue to go in, because that line in the sand that you referred to, we have got to draw one. And the place that we draw it is a real commitment to making sure that we move back into a surplus situation like we were in before this administration took us to hell in a handbasket. I mean, let's take a look at the deterioration that our budget has gone through over the last number of years.

We had a situation where the budget has deteriorated by $8.8 trillion under Republican policies. In the 2001 fiscal year, we had a $5.6 trillion surplus. Literally leading into President Bush taking office, we were in a $5.6 trillion surplus.

Now, over the time of this administration, which is approaching 7½, almost 8 years, we have gone from a $5.6 trillion surplus to a $3.2 trillion deficit.

□ 2045

Now, if there is anyplace that I think that this Democratic majority will draw a line in the sand, it's here, so that we can make sure we take our established policies and adopt a budget and a plan and a blueprint to get us back to a surplus situation.

Mr. MURPHY of Connecticut. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I would be happy to yield.

Mr. MURPHY of Connecticut. I think it serves us to point out that this belies conventional wisdom that Democrats are the ones to draw the line in the sand when it comes to fiscal responsibility. I mean, the image out there, for whatever reason, for a long time was that if you cared about deficit reduction, if you cared about drawing the line on spending, you might vote Republican. Well, that hasn't been backed up by facts for 12 years now. It was the Clinton administration that had record surpluses. It was a Republican President and a Republican Congress that racked up those enormous deficits. So now, we, as Democrats, are the ones coming down here and saying, listen, if you care about fiscal responsibility, this is the party that you want in charge of your Congress. This is the line that we're going to draw in the sand.

And it bears pointing out the sort of strange irony of that because for a long time the conventional wisdom was the opposite. But the facts back up the reality, which is that if you care about spending, it's the Democrats that are going to offer to draw that line in the sand.

Ms. WASSERMAN SCHULTZ. Exactly. And let's detail some of those facts, because the mythology that you just laid out, which is that it's Republicans that are fiscally responsible and that it's Democrats that cause debt, let's take the reality of the Bush administration's responsibility and stewardship of our fiscal house over the last several years.

This administration, under President Bush's leadership, is responsible for the five biggest deficits in American history. Now, there was a whole lot of talk, Mr. ALTMIRE, as you recall over the last year or so, from this administration about how they were going to get us out of debt over the next 4 or 5 years. Right? Well, the third highest deficit that exists is proposed in the budget document that President Bush submitted to the Congress on Monday at $407 billion. The only two higher deficits that were projected were last fiscal year and in fiscal year 2004, when it was $413 billion. We're going in the wrong direction.

Mr. ALTMIRE. I would say, Ms. WASSERMAN SCHULTZ, not to interrupt, but the President did tell us last year that he was going to reduce the deficit, and I see here that last year we had a $410 billion deficit. And he did, in fact, reduce it. Let's give credit where credit is due. The deficit this year is only going to be $407 billion.

Mr. MURPHY of Connecticut. That is backing up words with actions, Mr. ALTMIRE.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, will you yield?

Mr. ALTMIRE. I certainly will.

Ms. WASSERMAN SCHULTZ. Thank you. Because we backed out $3 billion in deficit in a $3 trillion budget. The budget this year that he proposed was over $3 trillion.

Mr. ALTMIRE. I'm being facetious, obviously. A $407 billion deficit for 1 year is a very significant deficit, third highest ever submitted behind only the budget he submitted last year and the budget from 2004.

But I really appreciate the gentlewoman giving us a little walk down memory lane because we're in a Presidential election year this year, so people are thinking about Presidential politics. And I like to remind my colleagues to think back to the 2000 Presidential election, and let's remember what the discussion was at that time. The Clinton administration was wrapping up. We're in our fourth consecutive year of budget surplus at that time. And as the gentlewoman pointed out with the previous chart, those surpluses were forecast as far as the eye could see, $5.6 trillion forecasted deficit over 10 years. So the discussion during the Presidential election in the year 2000 between Vice President Gore and then-Governor Bush was, what are we going to do with all this money? This is an incredible surplus. We're awash in money. Are we going to shore up the Social Security trust fund? Are we going to pay down the debt? What are we going to do with this money?

Well, now it's 8 years later, and unfortunately we are not having that discussion anymore, because instead of having had a $5.6 trillion surplus, as the gentlewoman pointed out, we have had a $3.5 trillion deficit over just the past 7 years. So that $5.5 trillion surplus was a 10-year projection, $3.5 trillion over 7 years. And as the gentlewoman points out, that's almost a $9 trillion swing.

And I often ask, when we discuss the budget, if you had said to an economist or any group of economists after the new administration took over and they were facing this $5.5 trillion surplus, if you had said, well, what would it take to have a $9 trillion swing to the negative in the surplus to a deficit, just about any economist you talk to would have said, well, that's impossible. You can't possibly mismanage the economy to such an extent that you would have a $9 trillion swing over just 7 years. Well, unfortunately, this current administration has done the impossible; they have added $3.5 trillion to the national debt, which now stands at $9.2 trillion.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, we're talking about giant numbers here, but let me give you another point of comparison. I mean, there are so many different ways to make this point to the American people that we have allowed spending in this budget to spiral out of control under Republican leadership and to hammer home the point that the problem that the Democratic majority has inherited is one that is going to take a long time to fix, but it is only going to be fixed by having a truly fiscally responsible leadership here in the House in charge.

Here is another way of putting it. I mean, this is remarkable, Mr. ALTMIRE. And this is a chart that Ms. WASSERMAN SCHULTZ and Mr. MEEK and Mr. RYAN have shared several times,

but it bears putting out here one more time. Forty-two Presidents took 224 years to rack up about $1 trillion in foreign-owned debt, debt owned by China, European countries, OPEC nations. 42 Presidents, 224 years, over two centuries they took to get $1 trillion in debt held by foreign countries. This President, one President, has now, this number isn't even accurate anymore, has now racked up $1.33 trillion in foreign-held debt. One President in about 7 years has racked up more debt than 42 Presidents in 224 years.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield for a second?

Mr. MURPHY of Connecticut. Absolutely.

Ms. WASSERMAN SCHULTZ. Put the chart back up because I think it's important to note that when we began using this chart, it was actually at $1.03 trillion and the bar was a little bit lower. Now, here on this chart it's 1.19, and it's really $1.33 trillion in foreign debt. The bar is up to the President's chin. It's actually, the 1.33 I think is up to his lips. He's about to drown in the debt right here on this chart. So we really need to make sure, I mean, there are deficits and there is debt, both are significant, both are important, and both really hamper our long-term security.

When we talk about the need for homeland security, economic security for Americans is equally as important. If we can't rely on our government and our leadership in the government to make sure that we make responsible fiscal decisions like we did when we reinstituted the PAYGO rules, when we made sure that the bills that we pass here are paid for and that we, going forward, aren't going to cause more debt and more deficits and saddle that burden of debt on future generations, that's what fiscal responsibility is all about; that's what financial security is about.

Every single day Americans have to make sure that they don't spend more money than they take in, and we have families across the country who make sacrifices in order to be able to do that. They know they're in trouble if they go in the opposite direction. This administration has spent like drunken sailors and really, to be honest with you, treated the resources that we have like it's Monopoly money, like it's not real, like it grows on trees. I mean, I guess once you get into the trillions, Mr. MURPHY, that's a hard concept to grasp, $3 trillion.

Mr. MURPHY of Connecticut. Well, it's not that hard, Ms. WASSERMAN SCHULTZ, maybe to grasp over 224 years, but it's hard to grasp how you do $1.3 trillion in foreign borrowing in just 6 years. And I'll be honest, I can't name every guy here, but I bet you there are some pretty wild spenders in that group, and I bet you there were some real deficit lovers somewhere buried in that group of Presidents. And still, all of them together, $1.01 trillion, this one President.

Remember, a President alone can't do this, Ms. WASSERMAN SCHULTZ; you have to have a Congress that's willing to back you up on this kind of deficit spending. And he had it, but he only had it for 6 of his 8 years. I mean, that's the difference. He had a Congress that's willing to spend that kind of money, that's willing to rack up those kinds of deficits for 6 of his 8 years. For the last two, he doesn't get that deal. For the last 2 years of his Presidency, he gets a fiscally responsible Democratic Congress that for the first time in 8 years is going to push back. It might not be successful every time, but we're going to push back for the first time in a long time.

Mr. ALTMIRE. Mr. MURPHY, I would like to direct a question to our colleague from Florida (Ms. WASSERMAN SCHULTZ). She has been here for two terms now, we've been here for one, so I'm going to ask her a question. Maybe she can enlighten us and anyone else that may be listening.

What are the nations that we're talking about here when we're talking about foreign-held debt? What are some of the countries that we are lending this money to?

Ms. WASSERMAN SCHULTZ. I'm glad you asked that question, Mr. ALTMIRE, because some of these concepts are hard to grasp. I know they're hard for me to get my mind around sometimes. Like I said, $3 trillion, which is the budget that this President proposed this year, and $407 billion in deficit. On top of that, a $1.33 billion foreign debt; that is money that we owe to foreign governments.

Let's look at just who it is that we owe this money to: $644.3 billion of that is owed to Japan. China, almost $250 billion, China, through 11/05. And then China now, $350 billion. Great Britain and the U.K., $240 billion. The Caribbean, right nearby, our neighbors very close by, we owe $68 billion to them; $63 billion to Taiwan. The OPEC nations, where we're trying to move in the direction of weaning ourselves off our dependence on foreign oil, the nice words that the President put in his State of the Union a couple of years ago that we all heard, well, $100 billion of our debt is owed to the OPEC nations. $70 billion to Korea, $53.9 billion to Hong Kong, and $52.5 billion to Germany.

So we have a lot of our debt spread all over the world. And we're supposed to be the strongest and most vibrant Nation in the entire world, and we have a lot of hands all over us world-wide. And it is not a good situation to be in. It's a tenuous situation to be in, and it's fiscally irresponsible. And we've got to make sure, and we're committed as Democrats under the leadership of Speaker PELOSI, to move us in the right direction and get us out of that debt.

Mr. MURPHY of Connecticut. And Ms. WASSERMAN SCHULTZ, we're also committed as 30-somethings. I mean, the reason why this group for 3 years, and before that, before you were here, when Mr. MEEK and Mr. RYAN were down here, talk about this debt that we owe to foreign countries, talk about the deficit night after night, I mean, people may wonder, why are these guys and why is Ms. WASSERMAN SCHULTZ down here talking night after night about the debt? Well, we're the 30-something Working Group. We're here, in part, to represent the concerns of some of the younger voters in this country. And we need people to understand, we need our 30-something brethren and our 20-something brethren and even kids in high school to understand——

Ms. WASSERMAN SCHULTZ. And sisterhood.

Mr. MURPHY of Connecticut. That's right, that this is going to be their problem, that these loans that we've taken out from China and from the Caribbean and from OPEC nations, they're going to want that money back. And they're going to want that money back 10 years from now, 20 years from now when folks who are now in their teens and their 20s and 30s are in their prime earning years. Just when they need to be mustering the money to send their kids to college, they are going to be paying exorbitant taxes to the Federal Government because we're going to have to start paying back that debt.

So this is an issue that the 30-something Working Group talks about a lot because the problem is today, but even more gravely, the problem is in 20 or 30 years. And it's our obligation to be making policy not just for next week, but for the next decade.

Mr. ALTMIRE. And I know that the gentlewoman is going to talk about this next issue, and Mr. MURPHY and I talked last night at great length about the fact that the second largest line item on the budget that the President submitted to us on Monday, the second largest line item in a $3.1 trillion budget that is literally a foot thick page by page is interest on the national debt. The Pentagon budget is first, and interest on the debt is second. I believe the gentlewoman has a chart showing it's approximately $240 billion, just interest, on the national debt.

So when you think about that $407 billion deficit for 1 year that the President submitted to us, more than half of that is due solely to interest on the debt that he has accumulated over the last 7 years.

Ms. WASSERMAN SCHULTZ. That's exactly right. And it's important to show this debt and the impact of it in different ways because different people think and look at things through a different prism.

So the second highest line item in the budget that he submitted was the interest on the debt. And as you can see, like Mr. ALTMIRE pointed out, we're at about $240 billion, which is the net interest that we're paying on that debt.

□ 2100

Now, expressed comparatively to the other things that we believe are incredibly important in terms of improving the quality of life of people in America and moving this country in a new direction, which is what we were committed to doing when we took over the majority and that we promised the American people that we would do, so we are at $240 billion in net interest on the debt. That is as compared to what we spend on education, what the President proposes to spend on education, which is at about, let's say, a little less than $50 billion, a little bit less than that for spending on veterans health care, and then a little bit less than that on homeland security.

Now, what's mind-boggling is, if you listen to this administration and to this President and to our colleagues on the other side of the aisle, you would think that the most important thing on the planet to them is homeland security and making sure that we provide adequate funding for homeland security. Well, if you take education, veterans health care, and homeland security combined, combined those items don't equal the payment of interest on the national debt.

I mean who is for homeland security and who just talks? I mean you have to back up words with action. We do all this right out in the open. People can see where the priorities are because, as the Speaker always talks about, Mr. MURPHY and Mr. ALTMIRE, the Speaker always talks about how the budget is an expression of our values. And we are going to show the American people the difference in our values as Democratic Members of Congress, who are the leaders of this coequal branch of government, versus the expression of values that President Bush put forward on Monday, which clearly are dramatically different than the priorities of the American people.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, I know we want to talk about that budget and how clear, once again, the President has made it, that his priority is going to be to turn the Federal Government's back on regular working folks out there who need a little bit of help getting their parents into a nursing home, who need a little bit of help getting quality education for their kid, who want to make sure their streets are safe. We're going to talk about that.

But I think it's worth noting that we've gone through one budget cycle already here with Democrats in charge of the House, and we have shown this place, Washington, D.C., that we have shown everybody out there in America that you can have a responsible budget that sets you on a path towards balancing that budget within 5 years, and you can do it in a way that is still compassionate about the people out there who need a little bit of help from their government. You can do both.

Mr. ALTMIRE, Ms. WASSERMAN SCHULTZ, and I all come from pretty fiscally conservative districts. We have people who want to see the Federal Government spending their money right. But we also come from districts full of people who do want to help their neighbors, who do want to reach out and give a helping hand when it's needed and when it can be done on a reasonable and efficient basis. And the budget we passed last year, it has a very modest growth in spending, but it invests in the right programs. It gives increases to programs like health care, research. It gives investments in community policing. It gives increases for elementary education. And it does it all while setting a course to balance the budget in 5 years.

So you can do both. You can get fiscal responsibility, and you can make sure that you're covering your bases in the programs that help regular, average Americans. And we did it as a Congress. The President, once again, has submitted a budget to us that isn't going to do that.

Mr. ALTMIRE. Mr. Speaker, I wanted to talk a little bit about the chart that Ms. WASSERMAN SCHULTZ was referencing and still has up. It shows the interest on the national debt and how that account dwarfs spending on education, veterans, and homeland security. But the truly sad part of that chart is that the red bar that shows net interest on the national debt is growing exponentially while the President, in the budget he submitted to us, slashes funding for education, for veterans, and for homeland security. And Mr. MURPHY and I went over this a little bit last night in our talk on that 30-Something Group. But I just wanted to talk about those three accounts, education, veterans, and homeland security, and talk about what the President has decided to do.

Instead of investing in innovation in the classroom, his budget eliminates the $260 million program providing grants to States for classroom technology and freezes the $179 million mathematics and science partnerships. Now, that's a program that's targeted at improving achievement in math and science. And instead of making college more affordable, something that this House took a giant step towards doing just today, the President's budget inexplicably eliminates supplemental education opportunity grants. And the Perkins loan program, one of the staples of higher education assistance in this country, the President eliminates it in his budget. He also eliminates the Leveraging Educational Assistance Partnership program, the LEAP program that we know about. And they all provide necessary funding for needy students. His budget also eliminates funding for vocational education. This is completely unjustified.

We talked about homeland security, something that's very important to every Member of this House. Well, the President's budget slashes funding for State Homeland Security Grant Programs. And I would repeat that. I'm speaking correctly. It slashes funding for State Homeland Security Grant Programs at a time when we're at war.

Ms. WASSERMAN SCHULTZ. If I could just reclaim my time for one second because different people would have different definitions of ''slash.'' So since we know actually by what percentage he slashed it, let's underscore. The Department of Homeland Security State responder grants that he slashed, he slashed by 78 percent. So we're not talking about just a little nick here. We're talking about cutting the legs out from under a program that provides assistance for homeland security efforts locally, not just for New York and Los Angeles and the places with big tall buildings, but places all over this country which have vulnerable sites that any wise, smart-minded terrorist would love to catch a community sleeping that doesn't have a coordinated effort and a plan to make sure that they can take care of their community and ward off a potential terrorist attack, which could happen anywhere.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, let me just get this right. So we have spent billions upon billions of dollars, another 170 this year, on the war in Iraq, which is feeding the international terrorist movement, and this isn't our saying it, that's the 22 most important national intelligence organizations through the National Intelligence Estimate, that is feeding the frenzy of international terrorism and is growing the ranks of the people who want to do harm to us. So we're spending money in Iraq to increase the ranks of people who might do harm to us, and then we are cutting the money here at home that would make sure that none of them lands on our soil and does harm to us. That is a very odd thing for the President or the Republicans or anyone who supports that policy to have to explain to somebody.

Ms. WASSERMAN SCHULTZ. All the while with the President's continuing to insist that we make the tax cuts permanent, that we extend permanent tax cuts to the wealthiest Americans, to cut more of our ability to make sure that we can fund first responder grants for communities across this country, and all the while having a $407 billion deficit and a $1.33 trillion debt. I don't know. In my dictionary, fiscal responsibility, that doesn't meet any of the definitions in the dictionary that I use. Maybe the dictionary in bizarro world. Maybe there's some opposite universe. I remember when I watched Star Trek, there was a bizarro world, opposite universe episode, and everything that was one way in one universe was the opposite way in the opposite universe. Maybe that's what it is. Maybe that aisle right there, maybe that side of the Chamber is actually a parallel universe, and so everything we believe is the opposite on that side. That's what it is. I figured it out.

Mr. MURPHY of Connecticut. If the gentlewoman would yield, it's a wonderful world to live in, though, Ms. WASSERMAN SCHULTZ. I mean this world in which you can spend money on all of these things that you want to spend money on, that you can have no one pay for it, that you can kind of convince yourself that all of the people that are lending you the money aren't going to really ever ask for it back, that you can additionally convince yourself that the fact that you owe money to all of your enemies isn't going to have any consequences when you want to fight them or negotiate with them. I mean, that's a great place to live in. A world full of no consequences. A world full of postponing all bad things until a moment in which no one is here to answer for them anymore. It's a wonderful place to live.

But I've got to believe that that's why Mr. ALTMIRE and I got sent here as part of the new class last November, that the American people kind of figured out that it was a myth. I mean, they figured out that it was an alternative universe. Now, they might not be as big a science fiction fan as you are, Ms. WASSERMAN SCHULTZ, but they figured out that something was up. I mean, I come from a district that was Republican for 24 years that has these Rockefeller Republicans that are sort of socially moderate but fiscally conservative, and they came out and voted for Democrats in droves this year because they figured out what you knew all along, that this was just a made-up world here where you could just spend wildly on a war in Iraq, that you could borrow in order to pay for it, that you could rip the guts out of social services, and everything would be all right. So the American people, I think, have figured it out and they sent us here to fix it.

Mr. ALTMIRE. And, Mr. MURPHY, you're leaving out one of the key facts, that they live in a world where you can charge everything to the national credit card. Everything that you do, every expense of the Federal Government, just charge it to the credit card, and that bill is never going to come due.

Well, guess what? That bill has come due. And the reason we're facing a recession right now is because we have been living through that fiscally irresponsible time.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, can I ask you a question? Because you were going through the details of the cuts that the President has proposed in his budget that he submitted for fiscal year 2009 on Monday.

There was a program that was first implemented and proposed and funded by Congress but proposed by President Clinton called the COPS program, which put 100,000 police officers on the street and made sure that we had first responders, police officers, on the streets, patrolling our communities, making sure that the streets of America were safe. And how much did President Bush propose for the COPS program in his fiscal year 2009 budget?

Mr. ALTMIRE. The gentlewoman may have a different chart than I have.

Ms. WASSERMAN SCHULTZ. I have zero, because the number that I have is that he cut the entire program, 100 percent cut to the COPS program, zeros it out, so that there would be no COPS program, no funding to put police officers on the streets in our local communities.

It's just unbelievable. We continue to hear the rhetoric come from this administration. I mean, it's nice, happy talk. It's nice, happy talk that you can stand behind the podium and say whatever you want and live in bizarro world across the other side of the aisle and just ignore reality and squeeze your eyes shut and hope that people don't notice that what you're saying is not true.

Mr. ALTMIRE. And it's particularly frustrating to Mr. MURPHY and I, who are in our first term and we had our second State of the Union address just last week, a week ago, and the President of the United States stood right behind where I am standing right now and said to the Congress you need to be more fiscally responsible. And he lectured us on how he perceived this Congress to have been fiscally irresponsible. And literally a week later, 1 week later to the day, he drops on all of our desks a budget that is out of balance by $407 billion. So when you talk about living in a world where you can say one thing and do another, I would suggest you look no further than that budget that was submitted to us.

And the gentlewoman asked about the COPS program, and I appreciate her bringing that to our attention. I had in front of me funding for something that's near and dear to my heart, and that's for veterans, which was the third category on the chart that she showed several minutes ago when we talked about education funding and other accounts that pale in comparison to interest on the national debt. I just wanted to talk about what the President's budget does for veterans. It cuts health care for veterans by $20 billion over 5 years and cuts funds for constructing, renovating, and rehabilitating medical care facilities in the year 2009.

And I would remind everybody what happened at Walter Reed, which is a defense health care facility, last year, at about this time last year, when we heard reports of substandard living conditions and paint peeling and rodents. And we are then going to look at the VA, according to the President's budget, and actually cut funds for constructing, renovating, and rehabilitating medical care facilities at a time when we've had a national scandal at one of those facilities? I think that's disgraceful.

And for the 6th year in a row, the President's budget raises health care costs on 1½ million veterans by imposing $5.2 billion in increased co-payments on prescription drugs and new enrollment fees for veterans.

□ 2115

Mr. ALTMIRE. I can't think of a group that we should be helping more than our Nation's veterans. And to have a budget submitted to us at a time when all of us can agree that there is nothing more important than taking care of the people who are putting their lives on the line for us, wearing the uniform of the United States every single day, making every possible sacrifice, and to have a budget submitted to us that slashes funding for veterans programs is an offense. It literally is an offense.

Ms. WASSERMAN SCHULTZ. Mr. ALTMIRE, I have to compliment you because the people of western Pennsylvania, when they made a decision to elect you, sent a champion for our Nation's veterans to this institution. Since day one, I don't remember a day that has gone by that I have not heard you talk about the plight of our veterans and the importance of not forgetting them, and making sure that we are going to appropriately fund and adequately fund their health care needs, provide for their needs when they come back from their service to our country and continue to take care of them in the variety of ways that we should instead of forgetting them like so much dirty laundry and make sure that they don't get left behind. It is another example of the new direction that the people of America wanted. And when they elected you, that is exactly what you have delivered to them. And I know your constituents really appreciate it.

You mentioned the lecture, which is a good description for what the State of the Union was last week that we got from President Bush, and Mr. MURPHY, I would like to say our caucus chairman, RAHM EMANUEL, did a good comparison, or timeline, of where we were at the start of the administration almost 8 years ago and where we are now. He did a press conference and talked about, gave a speech, a really good speech on the floor and just showed where we were at the start and where we are now.

So, Mr. MURPHY, I know you have some of the information in front of you, as well, just to walk people through where we were then, at the beginning of this administration. At the beginning of this administration, we started with a record $5.6 trillion surplus when President Clinton left office. And President Bush will be leaving behind, Mr. MURPHY?

Mr. MURPHY of Connecticut. Annualized $400 billion operating deficits, the three largest operating deficits in the history of the Republic under the Bush administration, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. And at the beginning of the Bush administration, Mr. ALTMIRE, we were on track to pay down all of our publicly held debt. All of it. I am not sure if you have the chart in front of you right there; but, Mr. MURPHY, we were

on track to pay down all of our publicly held debt. And what is the Bush administration leaving behind?

Mr. MURPHY of Connecticut. Curiously, as we talked about here, a $9 trillion debt owed mostly to foreign nations, a President that has racked up more publicly held foreign debt and privately held foreign debt than any other Presidents combined in the history of the Republic.

Ms. WASSERMAN SCHULTZ. It is really astonishing, the dramatic difference and the swings we have gone through in the last 8 years. Who would have thought that we could go through that type of rapid deterioration?

How about the economy? We are certainly not facing a strong economy right now. At the beginning of this administration, as President Clinton was leaving office, Mr. MURPHY, we had the strongest economy in three decades. We had 22 million jobs that had been created. We had a record surplus. We had a thriving economy by any definition. And now that we are wrapping up the Bush administration, what is this President leaving behind?

Mr. MURPHY of Connecticut. Well, we know he is leaving behind one of the weakest and one of the most fragile economies that we have seen in a very long time. Today we get reports from the Nation's largest retailers telling us that they still have not unburied themselves from the holiday malaise. We had a report recently from the service sector showing the service economy starting to bottom out. We have news yesterday from the Labor Department telling us that worker productivity continues to slow. We have an economy after 6, 7 years of the Bush administration's policy left over from 12 years of neglect by the Republican majority that is as weak as it has been in a very long time.

Mr. ALTMIRE. I want to talk about a few things that the President is leaving behind as he leaves office going into next year, and we look forward to working with him certainly throughout this year, $400 billion in annual deficits, deficits as far as the eye can see, as Mr. MURPHY talked about, an exploding debt burden, a slowing economy; and this is something that I think really needs to be talked about because we had in January a net loss of 17,000 lost jobs. And there was a lot of talk in the administration about how, well, this was the first loss in 4 years in job growth in a month, which is true.

Now, any economist will tell you, anyone who studies these issues will tell you that because of the population growth in the country that works, we are experiencing in any given month, it takes between 100 and 150,000 new jobs being created just to keep pace with the increase in population growth in the country. So just to maintain, you have to have at minimum 100,000 new jobs. Well, many of the months that we are talking about going back 4 years, we have had much fewer jobs created per month than 100,000. And in fact, this administration, if you look at the job growth that has taken place over the 7-plus years of this administration and pro rate it, this is the weakest record of job growth in any administration since the Hoover administration.

Mr. MURPHY of Connecticut. Did they have good job growth in the Hoover administration?

Mr. ALTMIRE. Right. And Mr. MURPHY held up his chart with all the Presidents on it and talked about big spenders and fiscally irresponsible people, and I think Mr. Hoover may not be remembered in those categories, but he is certainly not going to be remembered as a job creator, let's put it that way. So for this administration to have the worst record of job creation since the Hoover administration, I think really spells out the failure of these economic policies.

Ms. WASSERMAN SCHULTZ. Absolutely. And as we begin to wrap up, getting back to the lecture that you referred to earlier, Mr. ALTMIRE, that we received from President Bush last week, the matter of transparency is incredibly important. This is a President who talked about how we need to make sure that we disclose earmarks, which we took the lead on when we became the majority and made sure that we put our names next to the earmarks that we get in the appropriations act, and we are the ones that made sure that there was full disclosure and adopted the ethics package that was the most comprehensive in American history.

And with this President's proposed budget this week, let's outline, and we are going to have some of these charts next week that are blown up so that people watching can see, but let's talk about what was left out of the budget, because he talked very nicely about transparency, and make sure that people really understand clearly what we are doing here. He left out of his budget any war costs, any costs for the war in Iraq and Afghanistan beyond the first half of this year. He also left out AMT reform beyond 2008. So all of the millions and millions of taxpayers that we helped avoid be subject to that AMT tax when we passed that legislation at the end of last year, there is no fix for them. And President Bush doesn't even count them as that going forward, which we know we are obviously going to have to do.

It is fake. It is just, again, bizarro world. We can just make stuff up in the budget and hope that people believe that it is true. This was a fairy tale document that he gave us on Monday. The good news is that the Congress actually writes the budget when push comes to shove.

Then in terms of any spending policy details beyond fiscal year 2009, there was nothing detailed in this President's budget. Let's just give you, as I wrap up and then turn it over to the two of you to bring us home, let's just go through last year. In fiscal year 2008, President Bush requested $193 billion, Mr. MURPHY, for the war in Iraq. And in the fiscal year 2009 budget he just proposed to us on Monday, he asked for $70 billion. Good news. We are only going to spend $70 billion on the war in Iraq and Afghanistan this year.

Mr. MURPHY of Connecticut. We get some discounts this year.

Ms. WASSERMAN SCHULTZ. Wow, that is so exciting. Again, we have to make sure that we are honest, transparent, and forthcoming with the American people. We can't fake it. We can't gloss it over. We have to make sure that we give them the straightforward facts and be honest with them in the budget document and in everything that we do.

Mr. MURPHY, why don't you bring us home. It is a privilege to be here again with you and Mr. ALTMIRE, and we miss our colleagues, Mr. RYAN and Mr. MEEK, tonight; but the 30–Something Working Group is always here to talk about the issues that are important to the American people, but particularly to our generation of Americans who are going to inherit the results of the decisions that we make here.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, just to leave on some good news, I think the passage with the Republican and Democratic votes of the economic stimulus package shows that this Democratic Congress has the potential to reach across the aisle and push back on a lot of these policies that we have been talking about today. This is bad news, the President's budget he submitted to us. It is not a good budget for people, for families, or for fiscal discipline.

But the good news is that we have shown a record here of being able to work together, Republicans and Democrats, to be able to push back.

Ms. WASSERMAN SCHULTZ, if you want to get in touch with us, you can e-mail us at 30somethingdems@mail.house.gov or go to www.speaker.gov to visit our Web site.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MURPHY.

Mr. Speaker, we appreciate the opportunity that has been given to us by the Speaker.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, our government has paid for four studies looking at the world energy situation, particularly at oil. Two of those studies were reported in 2005, and two of them were reported in 2007. The two in 2005 were the SAIC report known as the ''Hirsch Report,'' and then later in the year there was a report by the Army Corps of Engineers,

and then in 2007 there were two reports, one of them by the Government Accountability Office and the second one by the National Petroleum Council.

They all said essentially the same thing in different words. I have here some quotes from the first one of these, and the largest one. Remember, this is now in 2005, and this is from the Hirsch Report. ''Peaking of World Oil Production: Impacts, Mitigation, & Risk Management'' was the title of their work.

World oil peaking is going to happen. By peaking, we mean that time at which the world reaches its maximum capacity for producing oil. After that time, regardless of the demand for oil and regardless of the desire to produce more oil, the world will not have the ability to ramp up in oil production to produce more oil.

World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. A number of confident forecasters project peaking within a decade. Others contend it will occur later. Prediction of the peaking is extremely difficult because of geological complexities, measurement problems, pricing variations, demand elasticity and political influences. Peaking will happen, but the timing is uncertain. Oil peaking presents a unique challenge.

And then they make this statement: the world has never faced a problem like this. There is no precedent in history that we can use to judge what the impact of this peaking will be. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions, wood to coal and coal to oil, were gradual and evolutionary. Oil peaking will be abrupt and revolutionary.

The second chart has some additional quotes from this same report. The peaking of world oil production presents the U.S. and the world with an unprecedented risk-management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically. A couple of weeks ago, oil was $100 a barrel. And without timely mitigation, and there has been essentially none, without timely mitigation, the economic, social, and political costs will be unprecedented, unprecedented, meaning nothing in the past can we use as a guide to what the consequences will be.

Viable mitigation options exist on both the supply and demand sides. But to have substantial impact, they must be initiated more than a decade in advance of peaking.

Now, as we will see in a chart or two, it is very probable that peaking has already occurred. So, obviously, we can't prepare for it a decade ahead. Dealing with world oil production, peaking will be extremely complex, involve literally trillions of dollars and require many years of intense effort. This is from the SAIC, a very prestigious organization, a report paid for by our government.

□ 2130

The next chart is a graph of oil production in the United States. To see the impact of this we have to go back more than half a century to 1956, the 8th day of March, in San Antonio, Texas, when M. King Hubbert gave a speech to a group of oil engineers and executives which I think will shortly be recognized as the most important speech given in the last century.

What M. King Hubbert told that group was that in just 14 years from 1956, that is, 1970, the United States would reach its maximum oil production, and after that, no matter what it did, the United States would not be able to increase its oil production.

At that time, the United States, that means in 1956, the United States was king of oil, I believe producing more oil, using more oil and shipping more oil than any other country in the world. Nobody believed M. King Hubbert. He was derided. But when in 1970, right on schedule, we peaked in oil production, he became a legend in his own day. He died just a few years ago.

What he predicted was oil production in the Lower 48, that is, Texas and the rest of the United States, that is the gray and blue part of the graph here, we found a lot of oil in Alaska and we are able to get some natural gas liquids, and when you add those two together, you see there was a little blip in the slide down the other side of Hubbert's Peak. But in spite of feverishly drilling, we have drilled more oil wells in our country than all the rest of the world put together. We have about four times as many oil wells in the Gulf of Mexico, about 4,000, about four times as many in the Gulf of Mexico as in all of Saudi Arabia, for instance. In spite of finding oil in Alaska and in spite of finding oil in the Gulf of Mexico, the yellow wedge there, we are now producing about half the oil we did in 1970.

The next chart shows a quote, a very recent quote from the Shell Oil Company, January 22. ''By the end of 2100, the world's energy system will be radically different from today's.''

It will indeed.

''The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand.'' China and India and the Third World are coming on line to industrialize.

Shell estimates that after 2015, that is just around the corner, ''after 2015, supplies of easy-to-access oil and gas will no longer keep up with demand.'' A very significant statement. ''As a result, society has no choice but to add other sources of energy.''

The next chart is also some very recent data. Now, remember, M. King Hubbert made his prediction in 1956. Remember that it was in 2005 that SAIC, the Hirsch Report, made their predictions.

There are two agencies in the country that do a very good job of tracking the production and consumption of oil, and, of course, since we use all we produce, those lines are the same. We are not storing it up in large quantities anywhere, significant quantities. One of these two agencies is the International Energy Agency, the IEA. You see them referenced in the news relative to Iran. They are the international group that is watching the development of nuclear energy activity in Iran.

Then there is our own EIA, Energy Information Agency, an arm of our Department of Energy. They do a very good job of tracking the use of oil. Here are their curves. The red curve is the IEA and the green curve is the EIA. You notice they are very similar. They should be, because they are looking at the same data. Notice for about the last 30 months, both of those have oil production essentially plateauing.

The same gentleman that predicted that the United States would reach its maximum oil production in 1970, that was M. King Hubbert, predicted that the world would be reaching its maximum production about now. It would appear, it would appear from Shell's statement and would appear from the graph here from these two organizations that are tracking the production and consumption of oil, that indeed it looks like we are plateauing, which would mean that we very probably have reached a peak.

Notice what has happened with price. There is a lot of volatility, which was predicted by the Hirsch Report. And notice what has happened in the last few months; up, up, up. It at one time touched $100 a barrel. It now is down just under $90 a barrel. When I first came to the floor about 2½ years ago to talk about oil, it was about $40 a barrel. Look what has happened to the price of oil since then.

There are three groups that have common cause in a rational solution to this problem and two other problems. The first of these three groups are those that are concerned about global warming and climate change. What they would do to ameliorate this problem is to shift from the use of fossil fuels, which are releasing CO_2 which was sequestered a very long time ago, now present in oil and gas and coal, they would replace that with renewable sources where you are simply recycling the CO_2. The trees grow and they use CO_2 to grow, and then when they are mature, you cut them and you burn them and oxygen is consumed in burning them and the CO_2 is released, so there is no net CO_2 increase when you do that.

A second group that has common cause in wanting to replace our fossil fuels with renewables are those who are concerned about our national security. The President noted that we were far too dependant on foreign oil. We have only 2 percent of the known reserves of oil in the world. We use about 25 percent of the world's oil. We import almost two-thirds of what we use. The

obvious solution to that problem is to get our energy from somewhere else so that we don't have to import this oil, and the rational place to get that is from renewables.

Then there is the group of people that I am kind of representing tonight when I talk about this aspect of energy, and those are the people who believe that there is a finite amount of oil in the world and that at some point in time the world will reach that maximum capacity to produce oil. That happened in the United States, as that chart showed, in 1970. After that, no matter what we do, reasonably, no matter what we do, the production of oil will fall steadily off.

Now, we aren't running out of oil. We are not falling off a cliff. What we are running out of is our ability to produce oil as fast as we would like to use it. That point is called peak oil. What the peak oil concerned people would like to do is to move to some alternative which is a substitute for oil.

So we have these three groups with very different agendas, very different premises, but all three of them have exactly the same solution to their problem; climate change and global warming. What you want to do is stop releasing this sequestered CO_2 in the fossil fuels and use renewables.

What you want to do if you are concerned about our national security and the fact we are so dependent on foreign oil is to find a substitute for oil so we don't have to buy that foreign oil.

If you are concerned about peak oil, that it just isn't going to be there in the quantities you would like to use it in the future, obviously you have got to find another source of energy. So these three groups have common cause.

I am joined this evening by one of my colleagues that is a real expert in the first one of these I mentioned, WAYNE GILCHREST, WAYNE, thank you very much for joining us. WAYNE is perhaps the best authority in the Congress on climate change or global warming, and different people talk about this problem in different ways.

WAYNE, thanks for joining us.

Mr. GILCHREST. Thank you very much, Mr. BARTLETT, for letting me share your hour here this evening. I think you are doing an extraordinary service, not only to we Members of Congress, but to the public at large, to understand the nature of the energy crisis and how it is inextricably linked with global warming.

If we take a look at both of these issues, especially the issues that Mr. BARTLETT raises about energy security and what is in the future for our energy needs, which is the basis for a prosperous economy, there are many changes coming based pretty much on these two issues: Energy and climate change. As far as energy security and the economic viability of this country, environmental issues and ethical issues for future generations, these two issues are inextricably linked. They are issues for the most part that are still misunderstood by the public, and they are issues that are not in the headlines every day for the news media and elected officials to do their own research, like Mr. BARTLETT has done, and voice this issue to the public so that they become much more educated as a result of it.

If these issues are handled appropriately, and that means if we the government and the public at large become informed about these issues, they can then become much more competent in dealing with these issues and there will be a bright future. If these issues of energy and climate change are not handled appropriately, if the focus is on the wrong priority, then energy security and climate security for this country will be severely jeopardized.

Mr. BARTLETT talks about peak oil. The United States peaked in 1970 and the world at large is about ready to peak. We looked at in just the last couple of years more than a doubling of the cost for a barrel of oil.

The issue is similar in global warming, which is called today climate change. Why is there a difference in the verbiage on discussing global warming? The difference in verbiage is that global warming will cause the climate to change, disruptions in the climate.

Is there global warming? Well, there is a 90 percent certainty among the American scientists and international scientists that global warming is linked to human activity. That means the burning of fossil fuel.

Let's take a quick look at one example as to why we link global warming to human activity. We can go scientifically back 20,000 years at the height of the last ice age and we can test through a number of different means, especially ice cores, 20,000 years ago.

I want to make one other comment also. If you look over the past 20,000 years, you will see a fluctuation, a variation in climate change, and you will also see a fluctuation in variation of temperature. The temperature corresponds to the amount of greenhouse gasses in the atmosphere. The more greenhouse gasses over the eons of time, the warmer the climate.

If we go back 20,000 years to the height of the last ice age, carbon dioxide, which is the chief greenhouse gas, one of the chief greenhouse gasses, there was 180 parts per million of CO_2 in the atmosphere. As a result of that small amount of CO_2, we were in an ice age. It was very cold.

As climate variability changes over the course of time, we come to 1890 when we could evaluate how much CO_2 was in the atmosphere. 1890, a little over 100 years ago, there was 280 parts per million of CO_2 in the atmosphere. It took basically nearly 20,000 years to go from 180 parts per million of CO_2 to 280 parts per million, an increase of 100 parts per million over 20,000 years.

Well, what were we really involved in in 1890? The industrial revolution, the burning of coal, the early stages of the age of oil.

It is 2008. There are 380 parts per million of CO_2 in the atmosphere. What does that mean? That means the natural cycle took 20,000 years to increase CO_2 by 100 parts per million, and during the industrial age, it took just 100 years to increase CO_2 by 100 parts per million. The correspondence to warming is linked to the amount of greenhouse gasses. So we are warming.

There are many, many other examples of this; receding glaciers worldwide, shrinking ice sheets on Greenland, temperature of the air and temperature of the water.

□ 2145

Another problem is the acidification of the oceans. The point here is that we are facing enormous changes in a very short period of time. Will we be ready? We are facing peak oil.

In some sense, in maybe less than 100 years, we will be at the end of the Asian oil, and what will we replace this enormous source of energy with? We are facing enormous changes in the next few decades with the climate changing as a result of human activity.

Let's take just a brief look at some of the issues of a changing climate. What will it do to agriculture in the United States with the drought and rain cycles changing, and we are already beginning to see that. What will it do to our national forests and forests globally with the infiltration of pests that weren't there before? We see that now in the northern regions of Alaska and wild fires; fresh water, quantity and quality with changing rain cycles; coastal zones, flooding areas, more hurricanes. We have already seen more tornadoes.

What about sea level rise? This is an important aspect of global warming. If sea level rose just a couple of feet, and there is a good chance it will rise more, what will happen to New York City or Miami or New Orleans or a town close to me called Chestertown? How will the eco-systems change? What will diseases be like in areas that are a lot warmer?

We only need now to look at some of the areas of central Africa or Central America or South America. Ocean acidification is an issue with the kinds of marine life that will be in the world's oceans. Ocean acidification has a direct impact on the spawning activities of all the sea mammals and the other marine creatures in the ocean.

Global warming, 90 percent assurance from the world's scientists that human activity is causing it to change. It is changing the face of our planet, the link with the other issue of energy. The lack of it will change dramatically the face of our planet if we don't select the right priorities as soon as we can.

What are some of the questions we ask about this scene, this relatively confusing scene of an energy crisis with nothing right now to replace it, and a global warming climate-change crisis, some of the confusing issues. Are we in just another cycle of high energy costs and different climate? We

know that climate cycles change, and we know that energy costs change over a period of time.

Are we not just in another cycle? Well, this time we are not just in another cycle. But if you want to say we are in a cycle, this cycle is being dramatically affected by human activity.

In the energy crisis arena, we are burning more oil than we have in reserves. In the climate crisis arena, we are burning fossil fuel, infusing greenhouse gasses in the atmosphere in the last few decades that it took millions of years for the natural processes to lock up.

Now, one last comment, and then I want to go back to my good friend from Maryland (Mr. BARTLETT) who will go over some of the issues that can ameliorate the problem with the climate crisis, the problem with the energy crisis. Both these issues, energy crisis and climate change, are going to take something in the order of magnitude that we dealt with in the Manhattan Project and sending a man on the Moon.

This is an economy-wide issue. The economy issue and the global warming issue are economy-wide, and they are international in scope. One of the suggestions for the global warming issue is an economy-wide cap and trade program, similar to what we dealt with from sulfur dioxide and acid rain from power companies a little more than 10 years ago, which has been very successful, a cap and trade program, economy-wide, where you actually trade carbon in a similar way that you would trade stock on the stock market.

You place a cap on the emission of CO_2 and other greenhouse gasses. You incrementally implement this over a period of 40 years and gradually, by the year 2050, you can reduce greenhouse gas emissions by 70 percent below 1990 levels by finding alternatives to fossil fuel.

What is at the bottom of the bottomless pit? We used to think it was oil, that we could burn it forever and it wouldn't hurt the environment.

But we now know it's not oil. What needs to be at the bottom of the bottomless pit is ingenuity, good old-fashioned American ingenuity.

I want to thank the gentleman from Maryland, my good friend Mr. BARTLETT for recognizing me for this time.

Mr. BARTLETT of Maryland. Thank you very much for joining us in this discussion of energy. You know, Congressman GILCHREST, some might say, gee, won't the global warming problem be solved if, in fact, we were at peak oil? It would be nice if that would solve the problem, but it won't.

You see, we have now used about 1 trillion barrels of oil. That's about half of the oil that we ultimately will use. There is about another 1 trillion barrels of oil to use. So as we go through this last half of the age of oil, we will release as much CO_2 from burning that oil and gas and coal as we have released now in the first half of the age of oil.

So the CO_2 contributed during this industrial age and burning the fossil fuels will double. It will be twice as big at the end of this time.

I have here an interesting graph, a little cartoon here. There is a huge SUV there and it's labeled ''demand,'' and there is a gas pump there and it's labeled ''supply,'' and it's little, and the motor is saying, Gee, just why is gas so expensive? Well, that's the reason, of course: There is a big demand and a little supply. When you have that, that makes prices go up.

The next chart is a quote from the second of these studies, which your government paid for and has pretty much been ignoring. This is the Corps of Engineers: ''Oil is the most important form of energy in the world today.'' The President recognized that in his State of the Union a year or so ago.

''Historically, no other energy source equals oil's intrinsic quality of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as a front-line energy source for the industrialized world in the middle of the 20th century are just as relevant today as they were then.''

Oil is, indeed, an incredible energy source. One barrel of oil, and when I first heard this statistic, I said, gee, that can't be true, one barrel of oil has the equivalent of 25,000 man-hours of labor, that's 12 people working all year. I thought, gee, can that be true, just 1 barrel of oil, 42 gallons of oil.

Then I thought how far that gallon of gasoline, still at $3, by the way, cheaper than water in the grocery store, how far that gallon of gasoline carries my Prius. I drive a Prius and we get just a little under 50 miles per gallon with it. I could pull my Prius 50 miles, but how long would it take me to pull my Prius 50 miles?

When I looked at that and I figured, gee, maybe it's true that a barrel of oil has the energy equivalent of 12 men working all year.

The incredibly high quality of life that almost all the world enjoys today is the result of our ability to tap into the stored energy in fossil fuels.

The next chart is a quote from Admiral Hyman Rickover. He gave a speech, it will be 51 years ago the 14th day of this May, to a group of physicians in St. Paul, Minnesota. These are some excerpts from his speech. He really was prophetic. He is the father, of course, of our nuclear submarine.

''There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy'' he says, 500 million years ago ''and took aeons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite,'' and they are, ''the exact length these reserves will last is important in one respect. The longer they last, the more time we have to invent ways to live off renewable or substitute energy resource and to adjust our economy to the vast changes which we can expect from such a shift.''

Fifty-one years ago we were only then about 100 years into the age of oil. He had no idea how long the age of oil will last. Now we know pretty much how long the age of oil will last.

He said that how long it lasted was important in only one respect, that the longer it lasted, the more time did we have to plan for the transition to renewables, which ultimately we will do. Geology will ensure that eventually we transition to renewable fuels.

''Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance.''

I thought often of that very sage counsel. You know, it doesn't even come close to our attitude towards oil. With no more responsibility than the kids who found the cookie jar or the hog who found the feed room door open, we have just been pigging out. We have been pumping oil as fast as we could all over the world eager to find new places from which to pump oil.

We just found some more oil in the Gulf of Mexico under 7,000 feet of water, 30,000 feet of rock. We aren't starting to exploit that yet because oil at $100 a barrel or $88 a barrel apparently is not high enough.

''A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.''

Boy, that is quite precisely what we have done with this incredible wealth under the ground. When we found that wealth 150 years ago, we should have stopped and said, gee, what can we do with this to do the most good for the most people for the longest time? Rather than doing that, what we did was to act as if oil were forever, that there would never be an end of oil, just keep drilling, just keep pumping, and it will always be there.

The next chart shows the industrial age and the transition from wood, the brown line here to coal, and then to gas and oil. Boy, look what happened. Look at the slope of that line.

Now, if I put world population on this, it would be hardly indistinguishable from that energy curve, because the world's population just shot up. It was less than 1 billion people for a very long time. Now it's approaching 7 billion people, and that increase in population follows exactly this dramatic increase in the release of energy from the use of gas and oil.

A couple of interesting things about this chart, notice where that line would be if it kept on going up, way off the top of the chart by this time. That dip there, as you notice from the abscissa, occurred in the 1970s, was the Arab oil spike price spots and the worldwide recession that resulted from that. There was demand destruction. We didn't need as much oil because we were in a recession, a depression in many places.

The production went down and, boy, did the price go down. It dropped, do you remember, about $10 a barrel. All of those activities, which were looking at producing substitutes, they just all died because you can't compete with oil at $10 a barrel.

We now are very much more efficient than we were at this time. The slope of this curve, by the way, is really interesting. That's during the Carter years. During the Carter years, every decade we used as much oil as had been used in all of previous history. That's a stunning statistic.

What that means is that when you have used half of your oil, how much will remain, 10 years. We are now very much more efficient than we were then. We are able to live better than we were then, using less energy because your air conditioner is probably three times as efficient; so is your refrigerator. Your car is more efficient. If they would keep them small, they would get better mileage even.

The next chart is really an interesting one, and looking at this chart causes you to do a lot of reflection. This is ''The World According to Oil,'' and it depicts two things. One is who has the oil. And the other one is who uses the oil. The yellow and the green there are the people who are using the oil, and the blues and the grays are the people who have the oil.

□ 2200

You notice this is what the world's map would look like if the size of the country was relative to the amount of oil it had in reserve. Saudi Arabia is huge. It represents about 22 percent, almost a fourth of all of the oil reserves in all of the world.

Little Kuwait here, a tiny country, Saddam Hussein thought it looked like an errant province of Iraq and he went to reclaim it a decade or so ago, but little Kuwait has as much oil as Iraq. There is Iran. United Arab Emirates, you can hardly see them on the map. Look at Venezuela. It dwarfs us.

Here we are with 2 percent of the reserves. We are yellow because we use 25 percent of all of the world's oil. Notice that Venezuela is several times larger than we are.

Russia is pretty big, what three, four times bigger than we are, but they aren't using anywhere near as much oil as we are per capita so they are a big exporter and they have lots of money.

What is striking on this map is the size of China and India. Notice them here. Together they don't have as much oil as the United States, but together they have 2.3 billion people. With booming economies, China growing 11.4 percent, that was the statistic I saw for the last quarter.

Mentioning China, the next chart looks at what China is doing around the world. China is going around the world and buying oil wherever they can. And they are not just buying oil; they are buying goodwill. Would you like a soccer stadium, maybe a hospital, or roads is what you need in your country. This symbol here is for Unocal. They almost bought an oil company in our country a few years ago.

Why is China doing that? In today's world it doesn't make one bit of difference who owns the oil. From that previous chart when you saw those huge reserves of oil in north Africa and the Middle East, those people are using very little oil. He who comes with the dollars, let's hope it stays dollars and not your euros or we'll be in a world of hurt, he who comes with the dollars gets the oil. It doesn't make any difference in today's world who owns the oil, so why is China buying oil?

China has 900 million people in what they call rural areas. They may be in rural areas, but many of them have television and they are seeing the results of industrialization and they are demanding for themselves the increased quality of life that comes from the industrialization that they see in other countries in the world. So China has a problem in providing adequate industrialization to meet the emotional needs of these people so, and this is a judgment call on my part, so they don't become a problem and revolt.

I think the day may come when China may tell the rest of the world, Gee, guy, we're sorry, this is our oil and we have 2.3 billion people and we can't share it with you. To make that a reality, they will need a big navy. They will need a big navy to hold open the sea lanes and get that oil to their country. They are growing a navy very rapidly. This is open source literature. You can do a Google search for ''China'' and ''navy'' and you can see how aggressively they are growing their navy.

What China is doing here resulted in a statement in 2006 by Condoleezza Rice which is in our next chart here. ''We do have to do something about the energy problem. I can tell you that nothing has taken me aback more as Secretary of State than the way that the politics of energy is, I will use the word warping diplomacy around the world. We have simply got to do something about the warping now of the diplomatic effort by the all-out rush for energy supply.''

The next chart presents some numbers that I went through a bit ago. These numbers, by the way, prompted about 3 years ago now, 30 of our prominent Americans, Boyden Gray, and McFarland and Jim Woolsey and 27 others, among them retired four star admirals and generals, they wrote a letter to the President saying: Mr. President, the fact that we have only 2 percent of the world's oil reserve and we use 25 percent and we import almost two-thirds of what we use is a totally unacceptable national security risk. We need to do something about it. You may remember the President mentioned this in one of his State of the Union speeches. Indeed we do have to do something about that.

We represent a bit less than 5 percent of the world's population. We are one person in 22 in the world, and we use a fourth of the world's oil. That statistic is not lost on the rest of the world, by the way. They are noting that.

With only 2 percent of the world's oil reserves, we are pumping 8 percent of the world's oil. What does that mean? Very simply, it means we are pumping our oil four times faster than the rest of the world, which means that our supplies are going to run down faster than the rest of the world.

We have 630,000 producing oil wells in our country. That is more than all of the rest of the world put together, so we are really good at pumping oil.

The next chart is really a very important chart. If you were going to talk about energy, oil, and the world's future, and you had only one chart, this would be the one that you would use. This comes from the oil chart. You can do a Google search for ''oil charts'' and you can find this and a lot more information.

Peak oil, the growing gap. The bars here represent when we discovered oil. Boy, it started way back in World War II, back in the 1940s. Then we discovered a whole lot in the 1950s, a whole bunch, and a lot of oil in the seventies. Oil in the eighties, and look at what has happened. Down, down, down, down. And that is in spite of ever-better techniques for discovering oil, computer modeling and 3D seismic, and it is in spite of an ever-greater effort in going out and drilling new wells.

The solid black line here represents the amount of oil which we are producing and using. We use everything we produce, so it is the same line. Notice again up to the 1970s what has happened. If that line kept going up at that rate, we would be off the top of the chart here. But the Arab price oil spikes, at this point produced a worldwide recession that reduced the demand for oil, and then we became very much more efficient. Notice the low slope of this line compared to this one. Maybe that was a wake-up call that we needed, because if we hadn't had that, we would be in even more trouble today because we wouldn't have invested in those efficiencies.

But notice that since about 1980, we have been using more oil than we produce by this amount. So we have been dipping in reserves we had.

What will the future look like? One thing is certain: You cannot pump oil you have not found. So you can make your own judgment as to how much more oil we will find. Most of the world's experts believe we have probably found 95 percent of all of the conventionally recovered oil that we will ever find.

The light shaded area here represents the future, and they are showing peaking at about 2010 and downhill after that.

This area tails out until it comes down to zero, which will be another 150 years from now, because that is about how long we have been in the age of oil.

The difference between the amount you discover and the amount you are using has to be filled in by the reserves you have here. Now, you can make that future look a little different by enhanced oil recovery and going out and pumping live steam and pushing CO_2 down there to push the oil out, but if you do that, you will simply move this peak out a little, and then you will kind of fall off the cliff because, again, you can't pump what you haven't found.

The next chart is an interesting one. We show again here Hubbert's peak and the production of oil in our country. The yellow symbols here are what M. King Hubbert predicted for the lower 48. The green is what actually happened. This is a really interesting chart. It was produced by CERA, Cambridge Energy Research Associates. They produced this chart in an effort to convince you that you shouldn't have any confidence in M. King Hubbert's predictions because he really got it wrong. Maybe to a statistician they might reach a conclusion that he got it wrong, but I think to the average layman this green curve and those yellow triangles are not all that different. He seemed to get it pretty right to me.

The red here is the additional oil that we found in the Gulf of Mexico and in Alaska. M. King Hubbert's prediction was just for the lower 48. And by the way, we are pumping 25 percent of our oil through that four-foot pipeline. I have been up to Deadhorse where it begins. Even with that, we had just a blip on the slide down the other side of Hubbert's peak.

The next chart is interesting. It is another one from the Cambridge Energy Research Associates, CERA. There are only two major entities that I know of in the world today that will claim that peaking of oil is not either present or imminent. One of those is ExxonMobil. The other oil company, I started with a quote from Shell saying we are probably there, are on board with the peak oil concept, and CERA, Cambridge Energy Research Associates.

I mentioned that we have discovered about 2 trillion barrels of oil. Here they have 1.9 trillion. That is pretty close to 2. If that is the amount of oil available, which is what we showed on the previous chart, if you add up all on the bars on the previous chart, they will come to about 2 trillion, and we have now pumped about half of that. We have the other half to pump. If that is all of the oil we have, they now show peaking here at about now, right? About 2010, roughly now they show peaking.

They are presuming that we are going to find another trillion barrels of oil, that we are going to find as much oil as all of the oil that we used in the 150 years since we started using oil. If you believe we are going to find that much more oil, then you push the peak out to about 2035. That's just the take after tomorrow really, isn't it?

They are also projecting that we may find some unconventional oil, like we will be able to exploit a lot of oil from the tar sands and the oil shales. There are incredible amounts of potential oil there. The problem is can we really get it out in any timely fashion. We use 21 million barrels of oil a day in our country. The world uses 84 million barrels of oil a day. Try to get your mind around that, 21 million barrels of oil a day, each one of them with the energy equivalent of 12 people working all year. Wow, no wonder we live such great, high-quality lives.

The next chart shows a schematic. By the way, you can make this peak look sharp by compressing the abscissa and expanding the ordinate. But this is 2 percent growth. And 2 percent growth is small. Our stock market doesn't like 2 percent. If it is only 2 percent, they think that the sky is going to fall and stocks drop.

But 2 percent growth doubles in 35 years. It is 4 times bigger in 70 years. It is 8 times bigger in 105 years. It is 16 times bigger in 140 years.

Albert Einstein said that the most powerful force in the universe was the power of compound interest when he was asked: Gee, Dr. Einstein, after the discovery of nuclear energy, what is the next big force in the universe? That was his answer: It is the power of compound interest.

I believe we are about here, just about at peaking. This is where we would like to be in 35 years, two times higher than we are now, and we have a huge gap to fill. Most people are looking at how can you fill that gap.

□ 2215

I don't think that there's even a prayer that we can come close to filling that gap. I think we'll be more than lucky if we can produce enough energy from alternative sources to fill in this area, if we simply have a plateau in production of oil.

The next chart is the one from our Energy Information Agency, and it's an interesting chart. The USGS has estimated the amount of reserves by doing a lot of computer modeling. And of course, as you know, in computer modeling, the quality of what you get out is dependent on the quality of information you put into your model.

And they take the mean of what they get from this modeling, and they say that that's the 50 percent average, ''F'' for frequency. Somehow that got translated to ''P'' when it went from the USGS report until it appears now in the Energy Information Agency report. And so now they're dealing with probabilities. And they make the bizarre statement that something which is 50 percent probable is more probable than something which is 95 percent probable.

And I'm going to spend just a moment on this. They have here, they did this projection back here, what, about 1995 or so. And they have four different curves there. One is the 95 percent probability; that's the yellow one. The green one is the mean, which they say is the most probable, 50 percent probability; and the blue is the 5 percent probability.

Well, these probabilities are kind of like the picture on the weather channel of where the hurricane is going. Tomorrow you know pretty precisely where it's going to be. A week from now you have some uncertainty, so they have a big funnel out there.

So if they are going to do this, there should be another green line down here and another blue line down here. You don't have the foggiest notion hardly what it's going to be if you have only a 5 percent probability.

But notice the actual data points, which are in red here. By the way, these are discoveries, and this is that big peak back, you know, in the 1950s, and this is the big peak up here. This is kind of rounding out those bar graphs that we had in the previous chart. Notice the actual data points have been following what you would expect them to follow, the 95 percent of probability.

The next chart is one from the Corps of Engineers study again, and they quote Jean Laherrare, who is a French expert in this area. And he says the USGS estimate implies a fivefold increase in discovery rate and reserve addition, for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible, given the great technological achievements over the industry over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects. Indeed, I think it is most implausible that that's going to happen.

And the next chart, again, this is from the ''Hirsch Report.'' And then even if that did happen, the real question is, so what? What if we found as much more oil as all the oil that yet remains to be pumped? And that's what they're assuming here. This is about 2 trillion barrels. They're assuming we're going to find another trillion barrels, and that's what this red curve is. And you see, it peaks in about 2016. So it pushes that peak out only about a decade. That's the power of compound growth. So even if we found as much more oil as all the oil that yet remains to be pumped in the world, according to this chart it would push it out only to 2016.

Now, you can push it out even further if you use enhanced oil recovery, but you can't pump what you don't have, so then you fall off a cliff. That's not what you want for your children and your grandchildren, I think.

The next chart shows a number of experts and when they have predicted it would peak, and you see most of them, some of them thought it would be from here way out to 2100. But most of them have it, it could start or would start fairly quickly.

I have one more chart, and then I've got to close very quickly because time is running out. This chart shows quality of life and how good you feel about

your station in life compared to how much energy you use. How good you feel about life, how much energy you use: the United States out here using more energy than anybody else; 24 countries use less energy than we and feel better about their quality of life than we.

Now, my wife tells me I shouldn't be talking about these things because don't I remember that in ancient Greece they killed the messenger that brought bad news. I tell her this is a good-news story. The sooner we start, the easier the trip will be. I'm really exhilarated by this. There's no exhilaration like the exhilaration of meeting and overcoming a big challenge. This is a huge challenge. We have the most innovative, creative society in the world. Properly informed and properly motivated, I think we're equal to the challenge. I see this as a very challenging fun future, where we really have something we can all pull together to accomplish.

I hope we'll be back here next week, and at that time I want to spend most of the time talking about what are the potential replacements for oil, what are the potentials, and which are the most promising, and what do we need to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. BOEHNER) for today on account of official business.

Mr. PETRI (at the request of Mr. BOEHNER) for today until noon on account of traveling delays.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today until 12:05 p.m. on account of traveling delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. GIFFORDS) to revise and extend their remarks and include extraneous material:)

Ms. GIFFORDS, for 5 minutes, today.

Ms. SHEA-PORTER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, February 14.

Mr. JONES of North Carolina, for 5 minutes, February 14.

Mr. FLAKE, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe; to the Committee on Natural Resources.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, February 8, 2008, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5257. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a comprehensive review of the C-5 Reliability Enhancement and Re-Engining Program (RERP), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5258. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a letter regarding the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

5259. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Supply functions at Robins Air Force Base (AFB), Georgia, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5260. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting a letter regarding a report to be submitted pursuant to Section 813 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-360; to the Committee on Armed Services.

5261. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5262. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Captain David W. Titley to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5263. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Leonard A. Patrick to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5264. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on space-available transportation as required by Section 359 of the National Defense Authorization Act of FY 2006, Pub. L. 109-163; to the Committee on Armed Services.

5265. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

5266. A letter from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting the Joint Report to Congress on the Economic Growth and Regulatory Paperwork Reduction Act; to the Committee on Financial Services.

5267. A letter from the Secretary, Department of Commerce, transmitting the Department's 2008 Report on Foreign Policy-Based Export Controls; to the Committee on Financial Services.

5268. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5269. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Interstate Shipment of Etiologic Agents (RIN: 0920-AA19) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5270. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transparency Provisions of Section 23 of the Natural Gas Act [Docket No. RM07-10-000; Order No. 704] received December 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5271. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Retirement Systems Modernization (RIN: 3206-AL34) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5272. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains [FWS-R6-ES-2008-009 92220-1113-0000; ABC Code: C3] (RIN: 1018-AV39) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5273. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Tidewater Goby (Eucyclogobius newberryi) [FWS-R8-ES-2008-0010 92210-1117-0000-B4] (RIN: 1018-AU81) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5274. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on

a petition on behalf of a class of workers from the Y-12 Plant in Oak Ridge, Tennessee to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5275. A letter from the Acting Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's National Drug Threat Assessment 2008; to the Committee on the Judiciary.

5276. A letter from the Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's National Methamphetamine Threat Assessment 2008; to the Committee on the Judiciary.

5277. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Loan Servicing and Claims Procedures Modifications (RIN: 2900-AL65) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5278. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of the Census [TD 9373] (RIN: 1545-BH30) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5279. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of the Census [TD 9372] (RIN: 1545-BE08) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5280. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effective Date Relief for Unified Rule for Loss on Subsidiary Stock [Notice 2008-9] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5281. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Funding Schedule [Announcement 2008-2] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5282. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Nuclear Decommissioning Funds [TD 9374] (RIN: 1545-BF09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MALONEY of New York (for herself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. GUTIERREZ, Mr. LYNCH, Mr. ELLISON, Mr. COHEN, Mr. FATTAH, Mr. HINCHEY, Mr. LANGEVIN, Mr. NADLER, Ms. SHEA-PORTER, Ms. SOLIS, Mr. WELCH of Vermont, Mr. WYNN, Mr. GONZALEZ, Mr. DEFAZIO, Mr. TAYLOR, Mr. OBEY, Ms. HIRONO, Mrs. BOYDA of Kansas, Ms. WASSERMAN SCHULTZ, Mr. UDALL of Colorado, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. ARCURI, Mr. ENGEL, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. WEINER, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SERRANO, Mr. DOGGETT, and Mr. LINCOLN DAVIS of Tennessee):

H.R. 5244. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Financial Services.

By Mr. WATT:

H.R. 5245. A bill to suspend temporarily the duty on acid black 107; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5246. A bill to suspend temporarily the duty on acid black 132; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5247. A bill to extend the temporary suspension of duty on Acid black 172; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5248. A bill to suspend temporarily the duty on acid blue 113; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5249. A bill to extend the temporary suspension of duty on 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro- 9,10-dioxo-2-anthracenesulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5250. A bill to suspend temporarily the duty on acid orange 116; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5251. A bill to suspend temporarily the duty on disperse blue 56; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5252. A bill to extend the temporary suspension of duty on Direct Black 22; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5253. A bill to suspend temporarily the duty on disperse blue 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5254. A bill to suspend temporarily the duty on disperse blue 79:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5255. A bill to suspend temporarily the duty on disperse orange 30; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5256. A bill to suspend temporarily the duty on disperse red 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5257. A bill to suspend temporarily the duty on disperse red 73; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5258. A bill to suspend temporarily the duty on disperse red 167:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5259. A bill to extend the temporary suspension of duty on 1/ 3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran- 2,6-dione; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5260. A bill to suspend temporarily the duty on disperse yellow 64; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5261. A bill to extend the temporary suspension of duty on Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5262. A bill to extend the temporary suspension of duty on Reactive Blue 250; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 5263. A bill to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes on Federal lands under the jurisdiction of the Bureau of Land Management and the Forest Service through a joint Collaborative Forest Landscape Restoration Program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 5264. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. BURGESS):

H.R. 5265. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies; to the Committee on Energy and Commerce.

By Mr. BECERRA (for himself, Mr. CONYERS, Mr. EMANUEL, Mrs. MCCARTHY of New York, and Mr. RANGEL):

H.R. 5266. A bill to require certain semi-automatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. DAVIS of Alabama, Mr. CHABOT, Ms. HERSETH SANDLIN, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. GALLEGLY, Mr. JOHNSON of Georgia, Mr. PENCE, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, and Mr. WEXLER):

H.R. 5267. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. KING of New York, Mr. DINGELL, and Mr. REYNOLDS):

H.R. 5268. A bill to provide for a temporary increase of the Federal medical assistance percentage under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself and Mr. HINOJOSA):

H.R. 5269. A bill to amend the Internal Revenue Code of 1986 to allow additional expenses for purposes of determining the Hope Scholarship Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 5270. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5271. A bill to extend the temporary suspension of duty on 2-(Isocyanatosulfonyl) benzoic acid, methyl ester; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5272. A bill to reduce temporarily the duty on Corvus herbicide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5273. A bill to reduce temporarily the duty on Evergol; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5274. A bill to reduce temporarily the duty on Imidacloprid Pesticides; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5275. A bill to suspend temporarily the duty on Liberty, Rely, and Ignite herbicides; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5276. A bill to suspend temporarily the duty on A5546 sulfonamide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5277. A bill to extend the temporary suspension of duty on Imidacloprid Technical; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5278. A bill to extend the temporary suspension of duty on Option and Revolver herbicides; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. WYNN):

H.R. 5279. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. LINCOLN DAVIS of Tennessee:

H.R. 5280. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. FERGUSON:

H.R. 5281. A bill to suspend temporarily the duty on Hexanedioic acid, polymer with 1,2-ethanediol, 2-ethyl-2- (hydroxymethyl)-1,3-propanediol and 1,3-isobenzofurandione, 2-propenoate; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5282. A bill to extend the suspension of duty on Lycopene 10%; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5283. A bill to extend the suspension of duty on Quinclorac; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5284. A bill to extend the suspension of duty on Vinclozolin; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5285. A bill to extend the suspension of duty on Ecoflex F BX7011; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5286. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5287. A bill to extend the temporary suspension of duty on iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5288. A bill to extend the temporary suspension of duty on Bis(4-fluorophenyl)methanone; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5289. A bill to extend the temporary suspension of duty on ammonium bifluoride; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5290. A bill to extend the temporary suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5291. A bill to extend the temporary suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 5292. A bill to permit the Secretary of Health and Human Services to directly administer Ryan White part A and B grants for eligible areas, States, or territories that failed to make appropriate use of previous Ryan White part A and B grants; to the Committee on Energy and Commerce.

By Mr. HELLER:

H.R. 5293. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. HERGER (for himself and Mr. WELLER):

H.R. 5294. A bill to amend the Internal Revenue Code of 1986 to repeal the additional 0.2 percent FUTA surtax; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5295. A bill to suspend temporarily the duty on certain hot feed extruding equipment used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5296. A bill to suspend temporarily the duty on certain mold curing devices used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5297. A bill to suspend temporarily the duty on certain tirebuilding machines used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 5298. A bill to deny a rebate of Federal income taxes to illegal immigrants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 5299. A bill to suspend temporarily the duty on 7-Hydroxy; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 5300. A bill to extend the temporary suspension of duty on certain cores used in remanufacture; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5301. A bill to extend the temporary suspension of duty on o-Acetylsalicylic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5302. A bill to extend the temporary suspension of duty on D-Mannose; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5303. A bill to suspend temporarily the duty on Sedran Technical; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5304. A bill to extend the temporary suspension of duty on Sorafenib tosylate; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5305. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5306. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5 percent; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5307. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5308. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at 0.5 percent or greater; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5309. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. WELDON of Florida):

H.R. 5310. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for investing in companies involved in space-related activities; to the Committee on Ways and Means.

By Mr. SALAZAR:

H.R. 5311. A bill to amend title 10, United States Code, to provide for the transfer certain receipts derived from leases involving Oil Shale Reserves Numbered 1 and 3 to the State of Colorado, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. DELAHUNT):

H.R. 5312. A bill to amend chapter 1 of title 9 of the United States Code with respect to arbitration of certain controversies; to the Committee on the Judiciary.

By Mr. SHAYS:

H.R. 5313. A bill to suspend temporarily the duty on a thermoplastic biodegradable polymer; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5314. A bill to suspend temporarily the duty on a thermoplastic biodegradable polymer blend; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 5315. A bill to grant the congressional Gold Medal to a group of soldiers from World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota:

H.R. 5316. A bill to amend the Internal Revenue Code of 1986 to provide recovery rebates to certain individuals receiving Social Security or certain veterans benefits; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 5317. A bill to amend part D of title XVIII of the Social Security Act to limit the increase in premium costs for beneficiaries under the Medicare prescription drug program to no more than the Social Security cost-of-living adjustment, and to direct the Secretary of Health and Human Services to negotiate lower prescription drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. SCOTT of Virginia, Mr.

McDERMOTT, Ms. LEE, Mr. MOORE of Kansas, Ms. McCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. SERRANO, Mr. VISCLOSKY, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. YOUNG of Alaska, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. ELLISON, Mr. RUPPERSBERGER, Mr. UDALL of Colorado, Mr. WYNN, Ms. MATSUI, Mr. COHEN, Ms. BORDALLO, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Ms. WOOLSEY, Mr. WILSON of South Carolina, Mr. KUCINICH, and Mr. WEXLER):

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. CROWLEY, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. PENCE, Mr. FORTUÑO, Ms. WATSON, Mr. CHABOT, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. ROYCE, Mr. PAYNE, Mr. CARNAHAN, and Mr. WEXLER):

H. Con. Res. 290. Concurrent resolution commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself and Mr. MILLER of Florida):

H. Res. 963. A resolution supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H. Res. 964. A resolution to promote the safe operation of 15 passenger vans; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. KING of New York, Mr. DOOLITTLE, Mr. GALLEGLY, Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, Mr. MILLER of Florida, Mr. WALBERG, Mr. BILBRAY, Ms. FALLIN, Mr. KINGSTON, Mr. BUYER, Mr. WILSON of South Carolina, Mr. KELLER, Mr. SALI, Mr. PITTS, Ms. FOXX, Mr. REHBERG, Mr. PEARCE, Mr. BROUN of Georgia, and Mr. CAMPBELL of California):

H. Res. 965. A resolution condemning the actions and statements of Venezuelan president Hugo Rafael Chavez Frias; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GORDON, Ms. KILPATRICK, Mr. CONYERS, Mr. RANGEL, Mr. ROHRABACHER, Mr. SCOTT of Virginia, Mr. FARR, Mr. EHLERS, Mrs. MALONEY of New York, Mr. KIND, Ms. LEE, Mr. REYES, Mr. LAMPSON, Mr. ROSS, Mr. HONDA, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. ELLISON, and Mr. SESTAK):

H. Res. 966. A resolution honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness; to the Committee on Science and Technology.

By Mr. KINGSTON (for himself, Mr. WAMP, and Mr. WOLF):

H. Res. 967. A resolution providing for consideration of the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. MORAN of Virginia (for himself, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. REYES, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. MILLER of Florida, Mr. SESTAK, Ms. BORDALLO, Mr. SCOTT of Virginia, Ms. ESHOO, Mr. DICKS, Mr. SAXTON, and Mr. CONAWAY):

H. Res. 968. A resolution recognizing the 50th anniversary of the Defense Advanced Research Projects Agency; to the Committee on Armed Services.

By Mr. SHAYS (for himself and Ms. HERSETH SANDLIN):

H. Res. 969. A resolution expressing the sense of the House of Representatives that all employers give veterans a holiday on Veteran's Day in honor of their service to our country; to the Committee on Education and Labor.

By Mr. SHIMKUS (for himself, Mr. KILDEE, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. BRADY of Pennsylvania, and Mr. McCAUL of Texas):

H. Res. 970. A resolution expressing support for designation of June 30 as ''National Corvette Day''; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. INGLIS of South Carolina:

H.R. 5318. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5319. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5320. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5321. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5322. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5323. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5324. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5325. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5326. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5327. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5328. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5329. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 5330. A bill to provide for the liquidation or reliquidation of certain entries of bulk aspirin; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5331. A bill for the liquidation or reliquidation of certain entries of top-of-the-stove stainless steel cooking ware from the Republic of Korea; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. BACHUS.

H.R. 197: Mr. WALZ of Minnesota.

H.R. 199: Mr. SARBANES.

H.R. 406: Mr. SESTAK.

H.R. 552: Mr. WU, Ms. LEE, and Mr. LATOURETTE.

H.R. 618: Mr. SHIMKUS and Mr. PENCE.

H.R. 685: Mrs. MALONEY of New York and Mr. SOUDER.

H.R. 728: Mr. MARIO DIAZ-BALART of Florida.

H.R. 758: Ms. CASTOR and Mr. SIRES.

H.R. 818: Mr. TOWNS, Mr. AL GREEN of Texas, Mr. GRIJALVA, and Mrs. JONES of Ohio.

H.R. 819: Mr. SESTAK.

H.R. 867: Mr. McCOTTER.

H.R. 871: Mr. CROWLEY.

H.R. 882: Mr. DAVIS of Kentucky and Ms. SCHWARTZ.

H.R. 901: Mr. SESTAK, Mr. STARK, Mr. FRANK of Massachusetts, Mr. TOWNS, and Ms. ESHOO.

H.R. 914: Mr. SOUDER.

H.R. 951: Mr. JOHNSON of Illinois.

H.R. 1000: Mr. COURTNEY, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. LINCOLN DAVIS of Tennessee, Mr. DOGGETT, Mr. DOYLE, Mr. EDWARDS, Ms. ESHOO, Ms. GIFFORDS, Mr. GORDON, Mr. MAHONEY of Florida, Mr. ROTHMAN, Ms. SCHWARTZ, and Mr. STARK.

H.R. 1076: Mr. McINTYRE.

H.R. 1078: Mr. GOODLATTE, Mr. CAPUANO, and Mr. McINTYRE.

H.R. 1084: Mr. FRANK of Massachusetts, Mr. ELLISON, and Mr. MILLER of North Carolina.

H.R. 1174: Mr. McCOTTER.

H.R. 1237: Mr. CALVERT, Ms. RICHARDSON, Mr. STEARNS, Mr. OLVER, Mr. WALSH of New York, and Mr. AL GREEN of Texas.

H.R. 1283: Mr. HINOJOSA, Mrs. NAPOLITANO, and Mr. CALVERT.

H.R. 1312: Mr. McCAUL of Texas and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1322: Mr. BOSWELL, Mr. BRALEY of Iowa, and Mr. LOEBSACK.

H.R. 1328: Ms. BALDWIN.

H.R. 1333: Mrs. McMORRIS RODGERS.

H.R. 1497: Mr. ROGERS of Kentucky.

H.R. 1552: Mr. JONES of North Carolina.

H.R. 1553: Mr. UDALL of Colorado.

H.R. 1584: Mr. GONZALEZ and Mr. THOMPSON of California.

H.R. 1610: Mr. CARDOZA.

H.R. 1726: Mr. SESTAK, Mr. VAN HOLLEN, Mr. SERRANO, and Mr. BERMAN.

H.R. 1742: Ms. Norton, Mr. McGOVERN, Mr. LEWIS of Georgia, Mr. WOLF, Mr. MILLER of Florida, Mr. KIND, Mr. MEEK of Florida, Mr. GORDON, Mrs. BONO MACK, and Mr. CUMMINGS.

H.R. 1746: Mr. SHAYS.

H.R. 1783: Mr. TOWNS, Ms. BERKLEY, and Mr. COHEN.

H.R. 1829: Mr. PORTER, Mr. KING of New York, and Mr. GRAVES.

H.R. 1843: Mr. MURTHA and Mr. LANGEVIN.

H.R. 1881: Mr. ANDREWS.

H.R. 1884: Mr. MARSHALL, Mr. PATRICK MURPHY of Pennsylvania, and Mr. HOLT.

H.R. 1992: Mr. HINOJOSA, Mr. WATT, Mr. ROTHMAN, and Mr. SIRES.
H.R. 2016: Mr. PORTER.
H.R. 2040: Mr. BOYD of Florida, Mr. BACA, Mr. CARDOZA, Mrs. Gillibrand, Mr. BOREN, Mr. THOMPSON of California, Mr. POMEROY, Mr. MELANCON, Mr. GORDON, Ms. HERSETH Sandlin, Mr. ELLSWORTH, Mr. MATHESON, Mr. TAYLOR, Mr. BERRY, Mr. COOPER, Mr. LAMPSON, Mr. LINCOLN DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. ETHERIDGE, Mr. MICHAUD, Mr. ARCURI, Mr. HILL, Mr. SHULER, Mr. PETERSON of Minnesota, Mr. CARNEY, Mr. CHANDLER, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. MAHONEY of Florida, Ms. BEAN, Mr. SALAZAR, Mr. SPACE, Ms. HARMAN, Mr. COSTA, and Mr. HARE.
H.R. 2045: Ms. RICHARDSON and Mr. RYAN of Ohio.
H.R. 2048: Mr. RANGEL.
H.R. 2049: Mrs. LOWEY.
H.R. 2054: Mrs. BOYDA of Kansas and Mr. BUTTERFIELD.
H.R. 2066: Mrs. MALONEY of New York.
H.R. 2221: Mr. BLUMENAUER.
H.R. 2265: Ms. SLAUGHTER.
H.R. 2303: Mr. SPRATT, Mr. HOLDEN, and Mr. SMITH of New Jersey.
H.R. 2312: Mr. RADANOVICH, Mr. JONES of North Carolina, Mr. BROUN OF Georgia, and Mrs. DRAKE.
H.R. 2327: Mr. LIPINSKI.
H.R. 2391: Mr. KNOLLENBERG.
H.R. 2405: Mr. BLUMENAUER and Mr. SCHIFF.
H.R. 2472: Mr. BARROW.
H.R. 2511: Mr. SHAYS.
H.R. 2539: Mr. GONZALEZ and Mr. BISHOP of New York.
H.R. 2564: Mr. ROGERS of Kentucky.
H.R. 2567: Mr. RUPPERSBERGER.
H.R. 2708: Mr. ELLISON, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. KUCINICH, Mr. MCINTYRE, and Mrs. TAUSCHER.
H.R. 2712: Mrs. BLACKBURN and Mr. TERRY.
H.R. 2734: Mr. MICA.
H.R. 2762: Mr. MCCOTTER, Ms. GIFFORDS, and Mr. JONES of North Carolina.
H.R. 2784: Mr. GERLACH.
H.R. 2802: Mr. MCDERMOTT and Mr. OLVER.
H.R. 2818: Mr. SPACE.
H.R. 2832: Mr. BURTON of Indiana.
H.R. 2840: Mrs. CHRISTENSEN.
H.R. 2909: Ms. BERKLEY.
H.R. 2922: Mr. POMEROY, Mr. OBERSTAR, Mr. DAVIS of Illinois, Mr. LATOURETTE, and Mr. PLATTS.
H.R. 2933: Mr. MCCOTTER and Mr. RUPPERSBERGER.
H.R. 2990: Mr. LATHAM and Mr. BOSWELL.
H.R. 2997: Mr. ROHRABACHER and Mr. COHEN.
H.R. 3057: Mr. GOODLATTE.
H.R. 3109: Mr. BURGESS.
H.R. 3114: Mr. WAXMAN and Mr. MCHUGH.
H.R. 3140: Mr. KIND.
H.R. 3189: Mr. MCDERMOTT.
H.R. 3210: Mr. RANGEL.
H.R. 3232: Mr. FOSSELLA.
H.R. 3286: Mr. LOBIONDO.
H.R. 3326: Mr. CUMMINGS, Mrs. NAPOLITANO, and Mr. BERMAN.
H.R. 3363: Mr. PETERSON of Pennsylvania.
H.R. 3368: Mr. BAIRD and Mr. SESTAK.
H.R. 3372: Mr. SESTAK.
H.R. 3458: Mr. MILLER of Florida.
H.R. 3487: Mr. DUNCAN.
H.R. 3533: Mr. SARBANES.
H.R. 3544: Mr. GRIJALVA.
H.R. 3563: Mr. TOWNS.
H.R. 3609: Mr. THOMPSON of Mississippi, Mr. MEEK of Florida, Mr. DINGELL, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ALLEN, and Ms. SOLIS.
H.R. 3622: Mr. WELDON of Florida, Mr. CARDOZA, Mr. SAM JOHNSON of Texas, Mr. PUTNAM, and Mr. STEARNS.
H.R. 3634: Mr. LIPINSKI.
H.R. 3700: Mr. STUPAK and Mr. GONZALEZ.
H.R. 3713: Mr. ISRAEL.
H.R. 3748: Mr. HILL, Mr. HONDA, and Ms. MATSUI.
H.R. 3819: Mr. BOSWELL, Mr. COHEN, and Mr. FRANK of Massachusetts.
H.R. 3834: Mr. OBERSTAR, Mr. VISCLOSKY, Mr. WELCH of Vermont, Mr. HOLT, Mr. TOWNS, Mr. LINCOLN DAVIS of Tennessee, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. BOSWELL, Mr. PAUL, Mr. WOLF, Mr. SCOTT of Virginia, Mr. FILNER, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, and Mr. ROSS.
H.R. 3842: Mr. TOWNS.
H.R. 3846: Ms. BERKLEY and Mr. LAHOOD.
H.R. 3865: Mr. STUPAK.
H.R. 3898: Mr. GOODLATTE.
H.R. 3916: Mr. SULLIVAN and Mr. REICHERT.
H.R. 3938: Mr. BOSWELL.
H.R. 3990: Mr. WAXMAN and Mr. DOGGETT.
H.R. 4002: Mr. HODES.
H.R. 4008: Mr. WEXLER, Mr. BOYD of Florida, Mr. TIM MURPHY of Pennsylvania, and Mr. WALBERG.
H.R. 4025: Mr. CLEAVER and Mr. BRALEY of Iowa.
H.R. 4055: Mr. CUMMINGS.
H.R. 4061: Ms. ZOE LOFGREN of California, Mr. SMITH of Washington, Mr. WOLF, Mr. FRANK of Massachusetts, and Mr. PRICE of Georgia.
H.R. 4088: Mr. SHAYS.
H.R. 4122: Mr. GONZALEZ and Mr. CARDOZA.
H.R. 4123: Mr. GONZALEZ and Mr. CARDOZA.
H.R. 4133: Mr. SHIMKUS.
H.R. 4139: Mr. BOUCHER.
H.R. 4157: Mr. ROGERS of Kentucky.
H.R. 4173: Mr. HASTINGS of Florida and Mr. COHEN.
H.R. 4201: Mr. KING of Iowa.
H.R. 4207: Ms. DELAURO.
H.R. 4209: Mr. MORAN of Kansas.
H.R. 4218: Mr. MCINTYRE.
H.R. 4243: Mr. FALEOMAVAEGA.
H.R. 4266: Ms. BALDWIN.
H.R. 4296: Mr. TERRY.
H.R. 4301: Mr. CUMMINGS.
H.R. 4460: Mr. KLINE of Minnesota, Mr. BISHOP of Utah, and Mr. KING of Iowa.
H.R. 4461: Mr. MCGOVERN.
H.R. 4497: Mr. ADERHOLT.
H.R. 4651: Mr. ELLISON and Mrs. MALONEY of New York.
H.R. 4688: Mr. PASTOR.
H.R. 4845: Mr. BARTLETT of Maryland.
H.R. 4884: Mr. MICHAUD.
H.R. 4889: Mr. BOSWELL.
H R. 4930: Mr. ROGERS of Kentucky, Mr. KUHL of New York, Mr. SAXTON, and Mr. CARNEY.
H.R. 5057: Mr. COHEN.
H.R. 5058: Mr. TIERNEY, Mr. COHEN, and Mr. BLUMENAUER.
H.R. 5069: Mr. MICHAUD.
H.R. 5087: Mr. MICHAUD.
H.R. 5101: Mr. DOOLITTLE, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. PITTS, Mr. WAMP, Ms. FALLIN, Mr. PRICE of Georgia, Mr. JONES of North Carolina, Mr. SOUDER, Mr. PAUL, and Mr. SENSENBRENNER.
H.R. 5128: Mrs. CHRISTENSEN, Mr. BOSWELL, and Mr. STARK.
H.R. 5129: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5132: Mr. WYNN and Mr. FRANK of Massachusetts.
H.R. 5139: Mrs. TAUSCHER.
H.R. 5143: Mr. BECERRA, Mr. EDWARDS, Mr. YARMUTH, Mr. FILNER, Mr. HARE, Mr. REICHERT, Mr. LOBIONDO, Mr. GORDON, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, and Mr. HONDA.
H.R. 5148: Mr. FORTUÑO, Mr. KAGEN, Ms. FALLIN, Mrs. BOYDA of Kansas, Mr. FLAKE, Mr. CARNEY, Mr. WOLF, Mrs. MYRICK, and Mr. SOUDER.
H.R. 5152: Mr. LANTOS, Mr. ISRAEL, and Mr. WYNN.
H.R. 5157: Mr. BLUMENAUER, Mr. GRIJALVA, Ms. WATERS, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Ms. ESHOO, and Ms. SOLIS.
H.R. 5160: Mr. ENGLISH of Pennsylvania.
H.R. 5169: Mr. HENSARLING.
H.R. 5171: Mr. HINCHEY and Mr. UDALL of Colorado.
H.R. 5172: Mr. HALL of New York.
H.R. 5173: Mr. SARBANES, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. ALLEN, Mr. WELCH of Vermont, Mr. FARR, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. MICHAUD, Ms. BERKLEY, Mr. HONDA, Mr. LEWIS of Georgia, Mr. GOODE, Mr. KENNEDY, Mr. WYNN, Mr. RUPPERSBERGER, and Ms. HERSETH SANDLIN.
H.R. 5180: Mr. JOHNSON of Georgia, Mr. YARMUTH, Mr. WALZ of Minnesota, and Mr. SOUDER.
H.R. 5222: Mr. WAMP, Mr. MCCARTHY of California, Mr. YOUNG of Alaska, Mr. MCCAUL of Texas, Mr. BACHUS, Mr. FLAKE, Mr. GOODLATTE, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. REHBERG, Mr. SOUDER, Mr. BONNER, Mr. SHUSTER, and Mrs. CUBIN.
H.J. Res. 54: Mr. JEFFERSON.
H.J. Res. 76: Mr. WOLF.
H. Con. Res. 32: Mr. JONES of North Carolina, Mr. SNYDER, Mr. BERRY, and Mr. SPRATT.
H. Con. Res. 106: Mr. WILSON of Ohio.
H. Con. Res. 137: Mr. HALL of Texas.
H. Con. Res. 154: Mr. CROWLEY.
H. Con. Res. 249: Ms. SCHAKOWSKY and Mr. DAVIS of Illinois.
H. Con. Res. 255: Mr. DONNELLY.
H. Con. Res. 263: Mr. GERLACH, Mr. HOEKSTRA, Mr. CANNON, Mr. BURGESS, Mrs. CUBIN, Mr. ALEXANDER, Mr. GRAVES, Mr. SHIMKUS, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. ROGERS of Alabama, and Mr. LOBIONDO.
H. Con. Res. 267: Mr. SESSIONS.
H. Con. Res. 278: Mr. HINCHEY, Mr. DOOLITTLE, Mr. MARCHANT, Mr. BERMAN, Mr. ISRAEL, Mr. LUCAS, Mr. GARRETT of New Jersey, and Ms. CLARKE.
H. Con. Res. 280: Mr. CONYERS, Mr. ENGEL, Mrs. MALONEY of New York, and Mr. SESTAK.
H. Con. Res. 281: Mr. CHANDLER, Mr. COHEN, Mr. RYAN of Ohio, Ms. WATSON, Mr. BERMAN, Mr. WHITFIELD of Kentucky, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. WELDON of Florida, Mrs. BONO MACK, Mr. PITTS, Mr. KNOLLENBERG, Mrs. WILSON of New Mexico, Mr. RENZI, Mr. REGULA, Mr. SAM JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. AKIN, Mr. HULSHOF, Mr. TIAHRT, Mr. SMITH of Texas, Mrs. DRAKE, Mr. WALBERG, Mrs. MCMORRIS RODGERS, Mr. REICHERT, Mr. BISHOP of Utah, Mr. PEARCE, Mr. CANNON, Mr. SULLIVAN, Mr. BOOZMAN, Mr. REYNOLDS, Mr. WALSH of New York, Mr. LEWIS of California, Mrs. CAPITO, Mr. BILIRAKIS, Ms. PRYCE of Ohio, Mr. DEAL of Georgia, Mr. GINGREY, and Mr. CULBERSON.
H. Con. Res. 283: Ms. WATSON and Mr. CLAY.
H. Con. Res. 285: Mr. ROGERS of Kentucky.
H. Con. Res. 286: Mr. SESTAK.
H. Res. 111: Mr. BONNER, Mr. REHBERG, and Mr. WELLER.
H. Res. 447: Mr. MICHAUD.
H. Res. 578: Mr. MILLER of North Carolina, Mr. WILSON of South Carolina, Mr. JONES of North Carolina, and Mr. GRIJALVA.
H. Res. 679: Mrs. MYRICK, Mrs. TAUSCHER, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of Georgia.
H. Res. 735: Mr. WEINER.
H. Res. 795: Mr. NEAL of Massachusetts.
H. Res. 820: Mr. BLUMENAUER.
H. Res. 821: Mr. RENZI.
H. Res. 829: Mr. GRAVES.

H. Res. 838: Mr. PUTNAM.

H. Res. 883: Mr. TOWNS.

H. Res. 889: Mr. PAYNE, Mr. HINOJOSA, Mr. ROGERS of Michigan, Mr. GONZALEZ, Ms. SLAUGHTER, Mr. KLEIN of Florida, Mr. SCOTT of Georgia, Mr. WEXLER, and Mr. CROWLEY.

H. Res. 897: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 934: Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. DOGGETT, Mr. GOHMERT, Mr. CRAMER, Mr. PASTOR, Mr. RAMSTAD, Ms. SOLIS, Mrs. CAPPS, Mr. CARDOZA, and Mr. SALAZAR.

H. Res. 944: Mr. Broun of Georgia, Mr. COHEN, Mr. SKELTON, Mr. SNYDER, Ms. GIFFORDS, Mr. TAYLOR, Mrs. TAUSCHER, Mr. SPRATT, Ms. CASTOR, Mr. REYES, Mr. ABERCROMBIE, Mr. BOREN, Mr. COOPER, Mrs. BOYDA of Kansas, Mr. JONES of North Carolina, Mr. PAUL, Mr. KLEIN of Florida, Mr. MCKEON, Mr. CARTER, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. MCHUGH, Mr. GINGREY, Mr. AKIN, Mr. FORBES, Mr. BOOZMAN, Mr. SHUSTER, Mrs. CAPITO, Mr. MARSHALL, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. CONAWAY, and Mr. SAXTON.

H. Res. 945: Mr. CHANDLER.

H. Res. 951: Mr. ANDREWS, Mr. CHABOT, Mr. COHEN, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. KING of New York, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LANTOS, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHUGH, Mr. MCNULTY, Mr. MITCHELL, Mrs. MYRICK, Mr. PASTOR, Mr. PLATTS, Mr. RENZI, Mr. REYNOLDS, Mr. ROTHMAN, Mr. SENSENBRENNER, Mr. TERRY, and Mr. WAMP.

H. Res. 952; Mr. MARIO DIAZ-BALART of Florida, Mr. BLUMENAUER, Mr. BECERRA, and Mr. BARROW.

H. Res. 958: Mr. CALVERT, Mr. MCCARTHY of California, Mr. NEUGEBAUER, Mr. BACHUS, Mrs. DRAKE, Mr. MCKEON, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. SAXTON, Mr. GERLACH, Mr. SHUSTER, Mr. MCHUGH, Mr. KINGSTON, Mr. WALBERG, Mr. PLATTS, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. THORNBERRY, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 960: Mr. HINCHEY, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. SHERMAN, Mr. WEXLER, Mr. RYAN of Ohio, Mr. EMANUEL, Mr. MURPHY of Connecticut, Mr. CLYBURN, Mr. DOGGETT, Ms. HOOLEY, Mr. BOSWELL, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. CAMPBELL of California, Mr. LEWIS of Georgia, Mr. KIND, Mr. KILDEE, Mr. HILL, Mr. BLUMENAUER, Mr. KING of New York, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. SAXTON, Mr. CONYERS, Mr. CAPUANO, Mr. LYNCH, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. HOYER, Mr. OBERSTAR, Mr. BERRY, Mr. SNYDER, Mr. WILSON of Ohio, Mr. ELLSWORTH, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. SPACE, Mr. ARCURI, and Mr. ALTMIRE.

H. Res. 962: Ms. ZOE LOFGREN of California, Mrs. TAUSCHER, Ms. RICHARDSON, Ms. HARMAN, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Ms. WATSON, and Mr. FILNER.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, FEBRUARY 7, 2008 No. 20

Senate

(Legislative day of Wednesday, February 6, 2008)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Cheryl Jacobs of the Jewish Healing Center, Plantation, FL.

The guest Chaplain offered the following prayer:

Dear God, what do I desire for my country? How do I vision the land I love? Let it be a land where knowledge is free, where the mind is without fear and men and women hold their heads high, where words come out from the depths of truth, where our leaders have the courage and the permission to lead, where Americans have faith in our land, in our leaders, and in themselves.

Let it be a land where we live free of fear, a land safe for our children and for the generations that have yet to be, where our Nation has not been broken up into fragments by narrow domestic walls, where the brave men and women who fight for our country are revered and honored for the heroes they are.

And let it be a land where tireless striving stretches its arms toward perfection and where there are limitless opportunities for all people. Into that heaven of freedom, let my country awake.

May the Lord bless us and keep us. May the Lord cause His face to shine upon us. May the Lord bless our country with peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be a period of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, on the stimulus package, I have had a number of conversations with the Republican leader this morning. I have a way forward, but we don't have a way forward yet. We are going to see if we can continue working so that we have a way forward. We are having some discussions. He is indisposed for an hour. When he gets back, we will meet again.

All Senators should know that we have to finish FISA this week. Hopefully, we can finish it today and, if not, tomorrow. We have to finish it this week. As for the stimulus package, it would be good to finish it today, but we may not be able to. Procedurally, we may have to wait until tomorrow or maybe even Tuesday. But we are working on that.

Like I said, I have a way forward, but we don't have a way forward. I will try to see if we can have a situation where it is ''we'' rather than ''I.'' I hope that works out well.

As I indicated last night, we had a good bipartisan vote. It would have been better if we had one more bipartisan vote, but it was still something we should all feel good about. We are trying to move this country forward. The economy is in real trouble now, as indicated in today's press. Now the Fed is worried about inflation, and in addition to that, we have other countries worried about inflation—European countries. It is really a time of trouble. That is why we have to continue to work on the stimulus package to see if we can come up with something.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be 1 hour of morning business, with Senators permitted to speak therein for 10 minutes each.

The Senator from Florida is recognized.

THANKING THE VISITING CHAPLAIN

Mr. MARTINEZ. Mr. President, I was running in late. I am devastated that I missed the prayer by Rabbi Cheryl Jacobs, from Broward County, FL. I am

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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honored to have her here. I was at a Banking Committee hearing and could not make it on time.

Rabbi Jacobs does an amazing amount of work in the Broward County area, helping people in need in all walks of life. She is always there to help. I am tremendously honored to have her here today. We are pleased that she was able to honor us with her prayer. We thank her for coming.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STIMULUS PACKAGE

Mr. CORKER. Mr. President, as you know, I very seldom come to the floor. Last week, I came to the floor to talk a little bit about the stimulus package that is before us now. Last night, we had a vote that blocked the Senate Finance Committee package. I know that probably sometime during the course of this day—or very soon—we will be voting on the House version of the stimulus package. I have to say that I realize I am a voice in the wilderness—actually more of a voice in the wilderness this week than last—but I continue to be almost shocked at the lack of debate regarding this stimulus package and its nature and effect on our economy.

This is a roughly $150 billion package. Most of this package is oriented toward sprinkling, if you will, checks around our country. I know there are many people in our country in need, and there have been attempts to add various groups that ''have been left out'' of the package. I really feel for people around our country who are in tremendous economic distress. But I have to say that, to me—and this is just one opinion, and I have tremendous respect for this body and the various opinions that exist here—this has to be, in my humble opinion, one of the most irresponsible things we have done since I have been in the Senate.

I think about all the debate we have had here, for instance, regarding earmarks, the wasteful spending that can sometimes take place over congressional earmarks. I know the public has been focused on that particular item now for over a year, as that issue has been debated on the floor and as people have tried to weed out, if you will, wasteful earmarks.

In one fell swoop today—or tomorrow—we are going to be taking $150 billion and, from the standpoint of having an effect on our economy for the long term, in essence, wadding it up and throwing it, for lack of a better expression, into a mud bowl. I have heard no serious economists—and I have not read every economist—speak to the virtues of this stimulus package.

I think you know the President just put forth a budget that shows a $410 billion budget deficit next year. All of us know that is not even close to the real number because operations in Afghanistan and Iraq are not fully funded by that budget.

We are talking about in 2009 a half-a-trillion-dollar budget deficit, money that none of us will ever, of course, pay for. Mr. President, you and I will never have anything to do with paying back this money. Our grandchildren and their children will pay this back.

As I mentioned last week on the floor, $150 billion becomes in a generation, 20 years, $322 billion. We, in essence, are borrowing this money. All of us know much of this money will be lent to us from countries such as China and other places. Most of us know that between the fiscal policy we are talking about today and the monetary policy that has been followed recently by the Fed, the U.S. dollar has devalued. Companies in our country are becoming greater bargains for people in other countries. There has been tremendous investment by other countries buying up companies in our country.

Many of the products people will spend this money on, if they spend it on items other than electricity bills and those kinds of items, will be products that are made in other countries.

All of us—and, Mr. President, I know you are new to this body as I am—came here recognizing the tremendous recklessness that has occurred as it relates to our country's fiscal and financial matters. I think all of us came here wanting to rectify that situation. I find it truly hard to believe there is such a rush in this Congress to take $150 billion and sprinkle it around America as if we feel that is going to do something to stimulate our economy.

I know that much of this—again, I am not saying by any measure this relates to every Senator, but I know much of this is politically motivated, to make sure people in our country think we are doing something, even if it is wrong. I know this is an election year. In some ways, to some constituent groups, this might build political favor. I certainly have not had private conversations with every Senator, so that should be noted. But I have to tell my colleagues, in private, I have not found one Senator—not one—who believes what we are getting ready to do is going to do anything to stimulate this economy. Again, economists around the country are mentioning the fact daily that this will have little or no effect.

Recently a well-respected person I know, whom I will not quote, said: Look, this is an awful lot of money. It probably will not do any harm. I think about what $150 billion would do invested in ways that actually created jobs for the long haul, whether it is in research, whether it is in promotion of energy security, maybe doing something to solve some of the health issues we have in our country. Certainly, there are other ways for us to spend $150 billion.

I have listened to some of the debates on the floor that go on for days, if you will, over spending $1 billion or over spending $10 billion maybe at a university or something such as that. I realized that in the very near future, this body, without any real debate, is getting ready to spend $150 billion we will never pay back.

I will close with this, and I said this the last time I spoke. There are children all over America today in classrooms. We have some who got up this morning who are in front of us—our pages—at 5 in the morning and went to class at 6. They come here every day and work with us. They are looking to their parents, their teachers, their coaches, their Sunday school teachers to help teach them life principles and to help make decisions that hopefully will cause their lives to be more whole and more full, and hopefully from time to time they look to those of us in Washington to do the same—their elected officials.

I hope, and I say this with all due respect to the Members in this body who have a different opinion—this is solely my opinion, and I have deep respect for the other 99 Members of this body, but from my own personal vantage point, I hope they are not looking at us this week. I do not think there are many Members in this body who believe this $150 billion these young people and their children will pay back is being spent in a meaningful way. I think many Members of this body realize this is an election-year stunt, if you will, to make it look as if we are addressing a problem when, in my humble opinion, we are not.

I do hope that sometime, in a bipartisan way, all of us can work together and address the fundamental fiscal problems which our country has to deal with. I know there is a bill that is going to be debated on the floor, hopefully in the near future, the Conrad-Gregg bill, to get us together and focus on Social Security and Medicare. Again, we have not even begun to see the stresses those programs are going to create for our country. Yet in this next fiscal year, we are looking at half a trillion dollars in a 1-year annual budget deficit.

We have been fiscally reckless as a country. As they say back in my home State, the chickens are going to come home to roost. I am tremendously discouraged that we in this body are getting ready to spend $150 billion the way that we are and to ask these young pages and the young people across our country and the young people coming after them to pay the tap on that money so that in this election year, we can act like we have actually done something to solve a problem, when I think there are many in this body who know that is not what we are doing.

Obviously, it has been made clear, I am going to vote against the House package, the Senate package, and any other package that focuses on sprinkling money around America in a way we know is not going to affect our economy in any meaningful way.

Mr. President, as you know, it is a tremendous pleasure for me to serve with you in the Senate.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I wish to proceed for 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

ECONOMIC STIMULUS

Ms. MIKULSKI. Mr. President, I wish to talk about the stimulus package and I wish to talk about our economy and I wish to talk about the Senate.

I am very frustrated with the Senate. We spent a week maneuvering and twisting over parliamentary procedure. Our processes are slowing us down in meeting the day-to-day needs of the American people and the long-range needs of our country.

Our country is at risk. We are fighting a global war against terrorism. Our dollar is worth a box of Kleenex. We need an economic stimulus and an economic recovery package, and we are fooling around on motions to proceed and clotures and backward and forward, and so on. The American people wonder what are we doing. They believe that when all is said and done, more gets said than does get done. And guess what. Put me in the column with the American people.

I am very frustrated with this institution. The rules were designed to make sure the minority party could always be able to express their view. That should happen. But it was not to bottle up progress. It was not to stifle the opportunity to get our economy back on track. It was not to tie up the Senate so we could not help 250,000 vets, 20 million senior citizens, and actually get money in the pocketbooks of people so we can start getting our economy back on the track.

Everyone agrees we need to jump-start our economy, everyone agrees we need to do it now—everybody but the other side of the aisle who is sitting on their hands and sitting on parliamentary procedure and sitting on you know what. I think it is time they get up, and I call out to the people: Flood our phones, get them off this, and get this economy going.

We know we are being very hard hit. Last month, we lost 17,000 jobs in the service sector. That was supposed to be job-loss proof. Families all over the country are losing their homes to the subprime crisis. The price of food, gas, and health care is going up.

We voted last night on a parliamentary procedure that would have moved this legislation on the economic stimulus forward. It lost. It lost by one vote. But did it lose on a majority? No. Under the rules of the Senate, we need 60 votes to win a majority or we need 67 votes to win a majority. I thought a majority used to be a majority. Now we find that one vote—one vote—is standing in the way of moving the economic stimulus package.

I say to America: You watch cable TV, you listen to the chattering class, you read the newspapers. You know where that one vote lies. You see those empty chairs over there? One vote lies there. Flood our phones with calls, flood our Internet, flood our fax machines so we can get moving.

Last night what we had was a plan to move the economy forward. It was a well-thought-out plan of tax rebates to help families. We included not only that but 250,000 disabled veterans and 20 million seniors. At the same time, we extended unemployment insurance for an extra 13 weeks because for people who lost their job, it is now taking a longer time to find another job. And we help small business.

Last night, we Democrats voted to stand up for those disabled vets, for those senior citizens, for those people who have lost their jobs to make sure they will have the opportunity to benefit from the stimulus, and as they benefit from the stimulus, because they have such modest incomes, the money they get will go right into the economy. It will not go into paying the bar bill for somebody who has a fifth home in the Hamptons. It will go into the economy.

This bill helps 250,000 disabled vets. They say they did not qualify; they did not have earned income. My God, my God. I have a veterans advisory board. I meet with the disabled vets. Some of them belong to the Purple Heart Association, some come in wheelchairs, some come with canes because they bear the permanent wounds of war.

We always say a grateful nation never forgets, but we forgot them in the stimulus package. We forgot 250,000 of them. If a grateful nation never forgets, let's say we think you earned that. We think you earned that at Iwo Jima. We think you earned it at Normandy and Porkchop Hill and the Mekong Delta. If you have worn the uniform, you have earned it.

Now we want to help 20 million seniors who are left out because they said those Social Security benefits are not earned income. You pay your Social Security based on your wages. I think that is earned income. Every day there are people out there working, or who have worked every day. They have spent their whole lives building our economy, building our Nation, and they are ready to do it again. All they need right now is to qualify for what they should be entitled to.

People say: Well, there she goes again. You know, BARB has a master's degree in social work. Well, you bet I do. And that social work took me into the neighborhoods and families of our constituents, and as a Senator I often try to think that way. While everybody here likes to talk about the macroeconomics and they take codels to Davos to hang out with the rich and famous, who want to be even more rich and more famous, I worry about the macaroni and cheese issues. And the macaroni and cheese issues that we have to focus on are what is happening in our economy.

But I just don't want to be a bleeding heart—though I am happy to be a bleeding heart. I am happy to be a bleeding heart, but I know that something called Moody's Economy.com—Moody's Economy.com—tells us where we get the most stimulus from the techniques used to do the stimulus, and what do they tell us? They tell us to give it to the people who need it the most—to extend unemployment benefits and to extend other benefits, such as LIHEAP, which helps people with their energy costs.

Now, 41 Republicans blocked this bill. They called it a Christmas tree. They said it was loaded with pet projects. Well, yes, disabled vets are a pet project with me. I stand guilty. Disabled veterans are a pet project with me. Clean up the mess at Walter Reed, clean up the compensation system, and include them in the stimulus package. You bet. But I also resent that. Disabled veterans are not ornaments or decorations, they are heroes, and they are the backbone of our country. So one vote stands between the American people and some help during these tough times.

I thank the eight Republicans who voted with us last night to move the bill forward so we could vote up or down on amendments. We need one more Senator to join us, one more Senator who will stand up for the people, for families, for seniors, for wounded warriors, one more vote against politics as usual. I say over there to those empty chairs: Will one of you come forward and join this very important effort?

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I wanted to rise briefly to express my concerns at the process as it presently stands here in the Senate. I am tempted to say: Wherefore art thou the stimulus package, because there is no reason there should not be action on it now.

I had some very serious reservations about this whole effort on the stimulus package. I believe very strongly that we need some sort of stimulus to this economy, that the economy is beginning to slow fairly dramatically, but that the present framework of the stimulus packages, as they were agreed to in the House and certainly the Senate Finance Committee, have very distinct flaws. But that does not mean we should not bring the packages up and vote on them. Last night we voted on the Finance package. It did not pass. It did not pass because it added $44 billion of additional money to an agreement which had already been reached between Speaker PELOSI, Republican Leader BOEHNER, and the administration, a bipartisan agreement which was reached with the tacit approval of the leadership of the Senate, as I understand it.

Although I was not intimately involved in the negotiations, my understanding is the way this proceeded was that the Senate basically said to the House—the Senate leadership in the sense of Senator REID and Senator MCCONNELL said to the administration and the House: You see if you can reach an agreement on this stimulus initiative. And the administration, in good faith, under the leadership of the Secretary of Treasury, negotiated with Speaker of the House PELOSI and with Congressman BOEHNER, and they reached an agreement. It was an agreement that involved very distinct compromises, compromises which basically reflected a classic political process where you basically put on the table your ideas, the other side puts on the table their ideas, then you work to the middle and come up with a concept that both sides can at least be comfortable with, even if they do not accept all of the details.

This package, as we all know, is a $150 billion package, the majority of which is a rebate, to people who pay taxes, of $600 to $1,200, and the balance of which is an incentive, especially to small businesses to go out and invest and as a result create hopefully more jobs and a more efficient economy.

When it got to the Senate, for reasons which I still do not understand, the Senate decided it wanted to assert some prerogative here, even though the Senate leadership had said: Let the House leadership and the administration do the basic negotiations. We got a package out of the Finance Committee which took a $450 billion package and increased it by $44 billion.

A lot of that package was basically baggage being thrown on a train leaving the station. It had clearly nothing to do with stimulating the economy over the short run. There were tax benefits for the coal industry, tax benefits for the wind industry; there were a whole variety of things that had nothing at all to do with stimulus. They simply were there due to the fact that certain groups around here had enough influence to be able to put their baggage on this train.

What we have to remember is every dollar that is being spent on the stimulus package is being borrowed from our children and our children's children, because we do not have a surplus now. We do not have money to rebate. I mean ''rebate'' is the wrong term. This is basically money being borrowed from our children being paid to us, people who are working today or people who are paying taxes today under the House package.

Then on the Senate package, it is another $44 billion of money being borrowed from our children and our children's children to be sent out the door today, for the purposes of different interest groups who have put their points forward.

The majority leader said we would take the Senate package or we take no package, which makes no sense at all. The House package was a bipartisan, negotiated package, which had the Speaker of the House, who nobody can accuse of being a conservative—she comes from San Francisco. I do not think she is a conservative—the Speaker of the House, and the majority leader, the Republican leader of the House, Mr. BOEHNER, whom nobody can accuse of being a liberal, comes from someplace in Ohio, but he has quite a track record around here, Mr. BOEHNER, of being a conservative of note.

They reached an agreement. It was not as though it was the Republicans saying, ''This is the package,'' or Democrats saying, ''This is the package.'' It was an agreement.

So when it came over here, yes, there might have been adjustments that needed to be made, but to add $44 billion to it and say: Take that $44 billion addition or leave it, makes no sense at all in the context of reaching some agreement quickly and moving it out the door.

In fact, Senator MCCONNELL, I think, had the best idea. He said: Let's take the House package and add three things to it, three things that there seems to be consensus on around here: One was to make sure that seniors got a rebate so they could also participate in the stimulus initiative; two was to make sure that disabled veterans got a rebate so they could participate; and, three, to correct the technical error in the bill relative to illegal immigrants.

So Senator MCCONNELL said: Let's do those three things; add them to the House package, send it to back to the House, the House has agreed to approve that, we will send it to the President, and we will be done quickly, which is the whole purpose here.

I am not arguing for the stimulus package. We know a stimulus of this nature, which is pure Keynesian economics, where you take money and you throw it at the economy without any sort of discretion on how the money is going to be used in order to produce long-term productive forces in the economy, which is simply saying to consumers: Here is the money, go out and spend it, hopefully that will raise the economy—we know under classic Keynesian approaches, which is what this stimulus package is, that the essence of that is to get it out the door, get those dollars into the consumers' hands quickly. So every day, every week of delay only aggravates the relative effectiveness of this stimulus exercise.

We also know that because of the way our Internal Revenue Service is structured, the earliest they are going to be able to get these rebate checks out the door, if we were to act today, this week, would probably be May, middle of May; more likely that they are going to get out in June and, according to the economists who testify around here and give us our counsel—for example, Dr. Orszag, head of the CBO, said that the impact of those dollars going out the door, those $600 or $1,200 rebates under the House bill will not be felt probably until the late third quarter of this year.

That is the fast track. Who knows what the late third quarter of this year will bring. I hope it will bring some turnaround in the economy. And certainly with monetary policy being changed in this country, where you are seeing significant reductions in the interest rates by the Fed, it is very likely we will see some uptick in our economy as we head into the third and fourth quarter of this year. I certainly hope that will occur; that the housing industry which has created this problem, as a result of having a housing bubble, will have begun to work its way through.

But in any event, we know that to delay this further, so we push these stimulus events, such as giving people $600 to go out and spend, farther and farther into the year, potentially into the Christmas season or into next year, is not going to address the underlying problem, which is the next two to three quarters, which look as if they are going to be extremely soft, potentially extraordinarily soft relative to economic activity.

So action should be taken now. What has been suggested here to accomplish action—it is a very reasonable suggestion—is to take the House package, which was negotiated between the Speaker of the House, the Republican leader in the House, and Secretary Paulson, add to it the two or three things which there is consensus on over here, which is the payment to seniors, payment to veterans, and correcting the illegal immigration language, and passing it, and then move forward.

If you accept this concept that we should do this sort of Keynesian stimulus event, that is what we should do. I must, as a matter of disclosure, say I have serious reservations about not only—I think the Senate package is terribly irresponsible, because it adds $44 billion to an agreed-to bipartisan agreement, but I also have problems with the underlying package. Because, for me, I believe we do need to stimulate the economy, but I think we need

to focus the dollars on the problem, and the problem is the credit lockdown that is occurring generally in the economy but that is specifically being driven by the housing market problems. We know that for the last few years there has been an expansion in lending in the housing arena which was not supported by the underlying collateral or by the ability of people who were getting these loans to pay those loans under the terms of those loans. These were called subprime loans.

What happened was people were attracted into buying a house, which had been built on speculation, and they were attracted in on an interest rate on the mortgage on that house which was very low, with the understanding that 2 or 3 years later that mortgage rate would jump fairly considerably.

Well, unfortunately in many instances what happened here was, we built a lot of housing stock that could not be purchased, or if it was purchased, it was being purchased at costs which were below the real value of production, and on top of that, we were saying to people who did not have the incomes necessary to support the higher interest rate which was going to hit them in 2 or 3 years, the 2 or 3 years being now: You take the loan, we will worry about that later.

Well, the ''later'' is today. The bubble is bursting. People are being put under extreme stress because many people who bought these homes cannot afford the increase on what is known as their ARM, their adjustable rate mortgage.

It is severe. In parts of this country it is extremely severe—in Florida, Arizona, California. What is happening is you see a classic bubble where as the housing market starts to contract, lending generally starts to contract. Lenders who have these housing loans on their books, or who have sold these housing loans and cannot figure out how to get out of their contracts, are now trying to figure out how to get their books in order, to rebuild their capital and restructure themselves.

As a result, good loans in other areas that are being repaid are starting to be chilled, as is new lending. Consequently, the entire economy starts to lock up because it is hard to get loans for anything, especially in distressed housing areas. The people who have these loans and live in these homes are finding themselves under the pressure of foreclosure. In many instances, these people are hard-working Americans who can pay a reasonable rate, but because the adjustment is not reasonable—it is very high under ARM agreements—they are not able to meet the obligations of the mortgage. So we should be focusing our efforts on that part of the economy.

I congratulate the Secretary of the Treasury because he has tried to do that both through jawboning, the lending community, and by setting up the new HOPE proposal which has put a big chunk of money out there, over $100 billion, the purpose of which is to help people restructure those loans so that people who can make their payments under the original loan agreement or something near to the original loan agreement, because they have good jobs and they can make their interest payments, aren't forced out of their homes as a result of a jump in their mortgage rate. Progress is being made there. Over 370,000 people have been helped.

But the problem is so large that that is not necessarily going to stabilize the market and free up the lending machines in America. So additional things should be done. For example, Senator ISAKSON of Georgia has suggested we have a one-time focused tax credit given to people who buy one of these homes in the inventory within the next year and that the home has been produced during this period of excess production and allow that to incentivize people to go back in the market and start to get this market going again. That is what we need to do.

There are other ideas. The expansion of the FHA is an idea which—I don't quite understand why we haven't seen that bill come back to the Senate. It is in conference. It should be done soon. Increasing the lending limits on Freddie Mac and Fannie Mae is a dangerous step unless it is coupled with reforms necessary to make sure Freddie Mac and Fannie Mae have the underlying capital to support an expansion, but it is certainly something that should be considered. There are initiatives that could be focused much more in a targeted way and would actually do something to correct the problem and would, in the long and short run, from my viewpoint, have a much better effect on the economy.

In addition, if we are going to try to stimulate the economy through classic Keynesian activity, I am not too excited about that, but we ought to put it on the productive side so we actually create a more efficient economy that is more productive and, therefore, capable of producing more jobs as we move into the future. Our problem may be that we don't have enough jobs as we move into the future. The way you get around that is to create an attitude in the marketplace so people are willing to go out and invest, take risks, be entrepreneurs, and create more jobs. There are ways to do that other than just giving people $600 to go out and spend arbitrarily, which they may spend on a product that is not even manufactured in the United States, in which case there has been no stimulus to the economy. If somebody buys a TV made in China with their $600, that has no stimulus effect on our economy because the dollars end up in China.

It is important to understand that all this money comes from our children. We don't have a surplus to fund this stimulus package. Therefore, when we do stimulate, we need to do it in a much more focused way which is going to strengthen our economy and is going to address the underlying problem of the credit lockup which has been fed by the housing bubble. I hope we will take that up first. But, obviously, we will not take that approach. There is a significant majority that is going to support a stimulus package which is Keynesian based. So be it. But if we are going to do it, let's do it in the way which causes the least harm. The way to do that is to get it out the door quickly, have it be the package which essentially left the House, and not have the Senate throw in another $44 billion which we have to borrow from our children on top.

Those are my concerns. I appreciate the courtesy of the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I understand morning business has ended.

The PRESIDING OFFICER. It is about to close.

EXTENSION OF MORNING BUSINESS

Mr. MENENDEZ. I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. MENENDEZ. I further ask unanimous consent that the Senate stand in recess from 12:30 to 1:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

STIMULUS PACKAGE

Mr. MENENDEZ. Mr. President, our Nation needs to take a critical step to move our economy forward. We had a chance last night to make that happen. We had a chance in the Senate to make that happen. We had a chance to pass a package that would provide relief to more Americans, would put rebates in the hands of more taxpayers, would give checks to more than 20 million seniors who were not in the House bill, would have taken the opportunity to put money in the hands of 250,000 disabled veterans, would extend unemployment benefits for those who are looking to find work but cannot in this economy and who are on the verge of finding themselves without unemployment compensation benefits, and would provide important relief for businesses suffering and help those most in need with the cost of heating their homes this winter.

Enough to stop the process, many of our Republican colleagues bucked that opportunity. They said they wanted to deliver relief as quickly as possible, but when they had the chance to provide that relief to the most Americans, far more than the House bill, they said no.

I listen to our colleagues and I ask myself: What is it that says so many in our country—seniors on fixed incomes with increasing demands in their fuel and heating costs, those who still own their homes or those who pay utility bills, rising prescription costs, so many different elements of their lives, and they have fixed incomes, they have worked a lifetime and find themselves with challenges they cannot meet economically—why do those 20 million not deserve to be part of a stimulus package, especially when they will put that money right back into the economy quickly, which is the whole purpose of a stimulus in the first place? If we can have a stimulus that also helps a broad section of our universe, those who have worked hard, played by the rules, helped build families and communities and now find themselves struggling, why wouldn't we do that?

Why wouldn't we take care of disabled veterans and have them be part of helping meet their challenges? They have served their Nation with honor and dignity and now find themselves challenged. Why wouldn't we have them be part of a solution that also helps to stimulate the economy?

For all this talk about quickness, it is also quickness in the ability to make this happen in a way that will have a real impact on our economy but a real impact, also, in the lives of Americans who are struggling. Far too many Americans have already suffered at the hands of an economy that is sliding backward. Far too many have seen their homes taken away from them on the brink of foreclosure. Far too many have been in search of work or have been waiting in vain for their paychecks to increase.

For those who have not yet felt the effects of an economy that is sputtering, they fear and worry, wondering when they will feel the squeeze. That worry is understandable. The signs are less than good.

Last Friday, we learned that 17,000 jobs were lost in January alone—the first monthly loss of jobs in more than 4 years. Growth slowed to a near halt at the end of last year, coming in under 1 percent. We saw the biggest increase in unemployment rates since after September 11.

We all overwhelmingly agree on the need to take action to stimulate our economy, and fast. It is wonderful to have come to that type of consensus on the need. What we need is a genuine spirit of bipartisanship in the Senate to bring us forward to conclusion. We had that opportunity yesterday.

Certainly, what the House did is a solid start. It would largely achieve what we would hope to see in a stimulus plan. But, as with many first attempts, there are clearly some significant holes. The House plan would get us almost but not quite where we should be. This was our chance—hopefully, we will revisit it—to get it right. We are not talking about adding a load of new provisions, as some are implying. We are talking about making sensible changes to make sure we will have the most benefit for those most in need, and at the same time, because we are providing a benefit for those who are most in need, we are helping achieve the goal we want: stimulating the economy in a way that we will either avoid a recession—although certainly Wall Street is telling us they are convinced there is a recession—or at least narrow the time, the scope, and the impact of a recession.

The value of any plan we consider should be based on one simple benchmark: the number of people we can reach and how effectively we can put needed dollars into the economy. Based on that benchmark, the Senate clearly has a better plan. The economic stimulus package we have before us is a plan the Senate and the country can get behind. It will get money into the hands of people who have basic needs to cover, people who will spend it immediately. That is the first goal of a stimulus.

Our plan puts rebates in the hands of 20 million seniors. It may not have been intentional, but the fact is, the House plan leaves out millions of seniors who are low income, whose primary source of income is Social Security. In my State of New Jersey, more than 1 million seniors are eligible for a rebate under the Senate plan. Under the House bill, they would not receive a dime. If we think there is no economic link to including seniors, the fact is, seniors spend much more of their income than any other age group. People over the age of 65 are responsible for a full 14 percent of all consumer spending.

The bottom line is, a true stimulus package would help those who spend the most and are most in need. The Senate plan does just that.

The Senate plan also reaches another group that is excluded from the House bill—disabled veterans. Under our plan, we ensure that a quarter million disabled veterans who would not otherwise receive a rebate will get a check. When those veterans went to war, they never forgot whom they were fighting for, and we cannot forget them now.

In several ways, the Senate plan puts resources toward where economists agree they are most effective—extending unemployment benefits. It isn't just common sense, because it helps those who are suffering most. That is, of course, common sense, but it also gets the best bang for the buck in economic terms. For every dollar we invest in extending unemployment benefits, we generate $1.64 in economic activity.

This universe is known. They are out there. They are facing an immediate challenge. They will have the resources in their hands much quicker than formulating a rebate check. It is another reason—timeliness. Despite broad consensus that such a stimulus plan must include additional benefits for those who have been out of work for an extended period of time, such benefits are absent from the House bill.

There is no question unemployed workers are facing tough times. Long-term unemployment is far higher than usual and nearly twice what it was when we were facing our last recession in the year 2001.

In New Jersey, more than 66,000 workers will be exhausting their unemployment benefits by June of this year, joining more than a million workers nationwide facing long-term unemployment.

Last week, almost 70,000 new workers filed for unemployment benefits—the highest level since Hurricane Katrina.

The need to address the economic hardships facing unemployed workers is real. We have seen in the past that unemployment benefits have stimulated the economy in times of hardship, and they should be part of this plan this time around.

The Senate plan also includes important extensions of tax credits for energy efficiency and the production of alternative energy, including solar energy. Credits such as these help consumers purchase new appliances and greener sources of energy for their home. We also extend the solar energy credit, which helps drive the purchase of solar panels. In New Jersey, which is only second to California in the number of solar installations, this has an enormous impact. This provision could save more than 40,000 jobs, at a time when we see increasing job losses, and it can do something to help stimulate the economy by the purchase of these products immediately—so save jobs, purchase products, make the investments and, at the same time, stem the tide of the movement toward greater unemployment that we see in the country.

Finally, our plan provides needed relief to industries that are hurting and may have to lay off employees in the coming months. I am pleased this package takes into account the unique challenges facing the housing industry right now. We all know this is a sector of our economy that is under incredible strains right now. The Senate plan would ensure they are able to spread out their losses so hopefully we can stop some of the bleeding in the housing sector and, in the process, prevent thousands from losing their jobs.

This stimulus package we have before us is not perfect. Some of us would have liked to have included increased Medicaid payments to States, which would have provided a needed boost to States struggling to provide health care. But the fact is, if we only pass the House version, we would be falling far short.

All of what I have talked about—20 million seniors, a quarter million disabled veterans, the essence of how the provisions on the housing components were included, the whole question of the universe of the unemployed seeking to get a job, not being able to find it, and not having the resources to sustain

themselves and their families—all of that would not be in the plan. All of that would not be in the plan.

We can do this. Of course, that is in addition to the rebates for both single people and married couples and married couples who have children who are already a part of our package as well, building upon the House proposals.

So let's pass a package that has the widest possible impact. Let's pass a package that does not leave out 20 million seniors, that takes care of a quarter million disabled veterans, and provides rebates to as many Americans as possible.

That is acting wisely, and it can be done quickly. We need our colleagues to join with us in the sense of urgency that exists, and to say to those 20 million seniors, those quarter of a million veterans, the millions who are unemployed: We stand with you as fellow Americans in this time of need in turning our economy around for all of us.

That was the choice we had yesterday. I hope we will have that choice again. I hope the hearts of some will be softened in this process and that they will cast a vote to move in a much different direction.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

WIRED FOR HEALTH CARE QUALITY ACT

Mr. WHITEHOUSE. Mr. President, today I rise to speak for a few moments about health care and to recognize the extraordinary work four Members of this body have done to promote an integrated, interoperable health information technology infrastructure in this country. Senators KENNEDY and ENZI on the HELP Committee, Senator HILLARY CLINTON, and Senator HATCH, along with their talented staffs, have balanced a tremendous number of interests to put forward a very promising first step in our long journey toward reforming our ailing health care system. I commend their tremendous effort in drafting the Wired Act. I look forward to working to see strong health information technology legislation passed in the Senate, in the House, and signed into law by the President.

Adoption of health information technology is a vital part of saving lives and lowering costs in our health care system. The RAND Corporation estimates, in its most conservative estimation, that a national, interoperable HIT system could save $81 billion per year. As Senators KENNEDY, ENZI, CLINTON, and HATCH are so aware, America's health care information infrastructure is decades behind where it should be. We are losing billions and billions of dollars—I sound like Carl Sagan: billions and billions of stars—billions and billions of dollars to waste, inefficiency, and poor quality care as a result of that failure. Ultimately, and most tragically, lives are lost to preventable medical errors because health care providers do not have adequate decision support for their determinations on medical treatment, medication, and so forth.

I am an enthusiastic supporter of health IT as one mechanism of fixing our broken health care system. In fact, one of the first bills I introduced as a Senator was the National Health Information Technology and Privacy Advancement Act, in which I proposed a national not-for-profit entity with Presidential appointment subject to advice and consent of the Senate, possessing rulemaking power to set national standards under the Administrative Procedures Act, and with the ability to set licensing and access fees to raise capital for necessary investments outside the Federal budget process.

I still believe that is the best and most effective kind of authority. I also recognize there are many good ideas out there. But time is short. We cannot snap our fingers and be an IT-enabled health care environment. Development, testing, buildout, and adoption will all take time. We do not have much time. A tsunami of health care costs is sweeping down on us, inevitably, as baby boomers age and costs increase.

The Comptroller General of the United States has warned us of what he called ''unprecedented stormy seas ahead that threaten to swamp the ship of state.'' He testified that ''we've never seen anything like what we're headed into''—never in our history. Our present Federal health care liability, if nothing changes, is $34 trillion. That is a ''34'' with 12 zeros behind it. It comprises the bulk of the $53 trillion in Federal liabilities we are presently obliged to pay in coming years. Now—now—is the time to get started in humane ways to avert this fiscal crisis. Health IT is a baseline platform necessary to even try to respond humanely to the looming crisis.

Unfortunately, in moving toward our ultimate objective, we must realize that health IT adoption alone will not stop the tidal wave of health care costs. As I think we all know, our health care system is broken in more ways than one. Look at the signs of its failure.

The number of uninsured Americans is climbing and will soon hit 50 million. Despite the best doctors, the best nurses, the best equipment and procedures, and the best medical education in the world, as many as 100,000 Americans are killed every year by unnecessary and avoidable medical errors. Life expectancy, obesity rates, and infant mortality rates are a cause for national embarrassment compared to other industrialized nations. The annual cost of the system exceeds $2 trillion, and is expected soon to double.

We spend more of our country's GDP on health care than any other industrialized country: 16 percent—double the average of the European Union. More American families are bankrupted by health care costs than any other cause. There is more health care than steel in Ford cars. There is more health care than coffee beans in Starbucks coffee.

Hospitals are broke. Doctors are furious. Paperwork is choking the system. This system is crying out for reform.

I believe that comprehensive restructuring of our health care system must rapidly address three critical issues. As I have already said, the first is the development of a national, interoperable, secure health information technology infrastructure. But there are two other equally important issues: One, the American health care system must invest properly in quality and prevention, promising areas where better care actually lowers cost; and, two, the way we pay for all this, the way we pay for health care, sends perverse price signals that drive market behavior away from the public interest, that drive behavior away from what we want.

So these are the three critical issues at the core of the health care crisis in this country—inadequate health information technology, inadequate attention to quality and prevention, and a perverse price signal system.

Let us look first at how improved quality of care can lower cost. That intersection of where improved quality of care and lower cost intersect should be our national holy grail in health care. The Keystone Project in Michigan shows how effective this can be. It went into a significant number of Michigan ICUs—not all of them but a significant number—to improve quality and reduce, for instance, line infections and respiratory complications. Between March 2004 and June 2005, the project saved 1,578 lives—in just that year and 2 months. It saved 81,000-plus patient days that otherwise would have been spent in the hospital, saving over $156 million. It is a win-win.

The Rhode Island Quality Institute in my State took this model statewide, with every hospital participating, and we are already seeing the number of hospital-acquired infections declining, and the costs declining as well. The same principles can be applied to prevention, as well as to quality improvement.

Local efforts around the country, such as the Rhode Island Quality Institute, Washington State's Puget Sound Health Care Alliance, and Utah's Health Information Network, are leading the way. We need, as a nation, to get behind these State and local efforts. As many Members of the Chamber know, any good business needs to do research and development and these local efforts are the R&D on which we can base reform of our broken health care system.

All across America, in local communities, where people know and trust each other, the reforms of our system are being dreamed, negotiated, tested, and implemented. We need to nourish this effort, and I thank my 15 bipartisan cosponsors for supporting a small grant program I proposed to do just that.

Now, consider why this quality reform is not happening spontaneously all over the country if those big savings are there waiting to be tapped. Think of Michigan: In 15 months, in one State, with not even all of the intensive care units participating, $156 million was saved. A report out of Pennsylvania showed they spent over $2 billion a year on hospital-acquired infections.

Why is quality reform not happening everywhere? Well, primarily because the economics of health care punish you if you try. For example, a group of hospitals in Utah began following guidelines of the American Thoracic Society for treating community-acquired pneumonia. Significant complications fell from 15.3 percent to 11.6 percent. Inpatient mortality—a nice way of saying fewer people died—fell from 7.2 percent to 5.3 percent, and the resulting cost savings exceeded $500,000 per year.

Sounds like another success story. But the net operating income of the facilities participating dropped by over $200,000 a year because the treatment that resulted in the healthier patients was reimbursed at $12,000 per case less.

In Rhode Island, we saw the same thing. When we started the ICU reform, I talked to the Hospital Association of Rhode Island, and they estimated a $400,000 cost per intensive care unit, but as much as $8 million in savings—a 20-to-1 payback. I said: Why not go for this? They said: You don't understand. All the savings go to the insurers. For us, this is $400,000 cash out of our pockets, and potentially $8 million out of our top line in revenues.

Name a business that will sensibly invest $400,000 out of its cash to lose $8 million in revenues. With reimbursement incentives like those, it is no wonder reform is such an uphill struggle.

We are at such a primitive stage in developing cost-saving, quality measures, and the economics work against us, so we have to tackle this now. An idea that will get us started: In my Improved Medical Incentive Act, I propose that State medical societies and specialty groups be allowed to present ''best practices'' to their local State health departments. If they do, and a Health Department determines this is a best practice that will save money and save lives, then two consequences follow. CMS would be obliged to create a pricing differential favoring those best practices, and private insurers would be forbidden to deny claims for services consistent with the approved best practices. If people want to object, fine. Go to the hearing. Let's do this in a regular fashion.

The determination of what gets paid for in our health care system right now is made in back rooms of the claims denial operations of insurance companies in scattered fashion, largely without oversight or review and laboring under heavy conflict of interest. If we move that determination toward proper formal hearings, we can expand statewide best practices in a way that the economics will support.

Our health care problem is serious, it is vast, and it is looming. Health care IT is a crucial instrument in the health care reform toolbox, but it is not an end in itself. To fully realize its benefits, it must be coupled with a focus on quality improvement and a realignment of payment incentives. These three elements must move forward together.

Let me emphasize in conclusion as energetically as I can: The time is now. Time is wasting now. The need is urgent. It may not feel like it, but solving this problem with system reforms such as this will take several years. If we don't start now, when the fiscal tsunami hits, we will be left with only fiscal solutions to the problem. It is immediate ones but unpleasant ones, including massive tax hikes or massive benefit cuts. If we are standing here, and if I am standing here 5 or 10 years from now having that tragic choice in front of me, well, shame on us if in our folly, in our improvidence, we were too intellectually lazy and too bereft of basic foresight to have taken the steps now that could have averted that sickening choice.

As my colleagues know, we are seeing the beginnings of this debate now. The Bush administration has squandered its opportunity for meaningful health information technology reform, has squandered its opportunity for meaningful quality reform, and has squandered its opportunity for meaningful reimbursement design reform. Now, in the 2009 budget the President presented, he is proposing deep cuts in Medicare. We have to get ahead of this problem. This is a wake-up call. The time is now.

I look forward to working with my colleagues on both sides of the aisle to get this important work done.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 1:17 p.m., when called to order by the Presiding Officer (Mrs. McCASKILL).

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING BOY SCOUT DAY

Mr. BROWN. Madam President, 98 years ago today, William Dickson Boyce created one of this country's longest standing and most important community organizations—the Boy Scouts of America. Today, we join Scouting groups across the country and Ohio—Toledo and Cincinnati, Chillicothe and Lakewood—in celebrating Boy Scout Day.

The Boy Scouts of America has a rich tradition of teaching valuable skills to the young men of this country. The values which Scouting instills—fairness, honor, courage, and respect for others—prepare young men to serve their families and their Nation.

There are more than 3 million boys in the Scouting program, and in the past year alone Scouts have earned nearly 2 million merit badges and completed more than 33 million hours of community service.

As an Eagle Scout, I recognize the hard work involved in Scouting and commend the dedication and commitment of Boy Scouts and the Scouting movement across our country. The journey to Eagle is sometimes difficult, often fun, occasionally disappointing, and always rewarding. My time as a Boy Scout, in the end, provided me with opportunities to develop leadership and organizational skills, helped me to clarify and articulate my guiding principles, and instilled a commitment to public service.

The emphasis on community service I learned with Troop 110 in Mansfield, OH, has strongly influenced my lifelong commitment to public service. The memories and lessons of Camp Avery Hand and Philmont Scout Ranch, of success and failure in earning merit badges, will always remain with me.

The Scout Law is a framework that continues to inspire my work to this day:

> A Scout is Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent.

I am a proud supporter of the Boy Scouts of America. I hope my colleagues will join me in celebrating Boy Scout Day.

TRADE POLICY

Mr. BROWN. Madam President, the United States should not be playing

Russian roulette with our Nation's economy and our Nation's future. We need to craft trade policies that deliver the long-term results we need, not just the short-term profits which a few multinational corporations want and which those multinational corporations incessantly lobby this institution to get.

In his State of the Union Address, the President advocated signing more free-trade deals. Given where past trade deals have led this country, the President's dogged pursuit of outdated trade deals would be perplexing if it weren't simply more of the same and par for the course. When it comes to trade, it is often the case that ideology trumps outcomes, and it is always the case that special interests trump American interests. Looking at where our Nation is headed, advocating common sense is a luxury we can no longer afford. We need to confront the problems our lax trade policies have engendered, and we need to do it now.

We are running a huge trade deficit. When I was elected to the House of Representatives in 1992, our trade deficit was $38 billion. In 2007, it exceeded $800 billion. The first President Bush said that a billion-dollar trade deficit translated into 13,000 jobs. Do the math and see what damage these trade deficits—from $38 billion a decade and a half ago to over $800 billion today—have caused us. We are bleeding jobs, and we are letting dangerous products cross our borders and land in the hands of our families and children.

When we write trade deals that favor gains for multinational corporations over evenhanded competition for both trading partners, we shouldn't be surprised when U.S.-based companies are crippled. Our current trade policy betrays our Nation's middle class, it cripples America's small business—especially manufacturing—and it destroys communities across the country.

I was recently in Tiffin, OH—a community of about 20,000 people about an hour from Toledo in northwest Ohio—talking with workers from American Standard. American Standard is a company that makes plumbing fixtures and that most Americans are familiar with. These workers' jobs have recently gone to Mexico and China. A venture capitalist—in this case, Bain Capital out of Boston, MA—came in and bought the company, shut it down, and moved the production overseas. Many workers lost much of their pension and their health care that they had worked for decade after decade. Many of these workers are in their fifties and won't be able to find jobs in Tiffin that pay anything close to the money they had earned. Many of them lost their pensions, their health care, while enriching Bain Capital to the tune of tens of millions of dollars.

These are not trivial matters. These are workers in Ohio and across the country, workers who are often in small towns and don't have the option of finding comparable jobs anyplace nearby to support their families and ultimately to benefit from the pension and the health care they have earned—they have earned.

Free trade is a dangerous myth—a false idol. Trade has never been free. Even the most basic of barter systems have been guided by rules. Today's free-trade agreements are ripe with rules, rules that are clearly producing the wrong results for our Nation—deficits, job loss, dangerous imports, and compromised manufacturing capabilities.

Again, there are rules. The North American Free Trade Agreement was sold to us a decade and a half ago simply by saying this will reduce tariffs and open markets in Mexico and in Canada for U.S. goods. But it was 2,000 pages. So it wasn't simply a free-trade agreement; it was a trade agreement replete with rules that supported and helped those special interests—special interest investors and companies that wanted to privatize, that wanted to outsource, that wanted to use these rules to make more money for the companies at the expense of workers in Mexico, in Canada, and in Gallipolis, Portsmouth, and Cleveland, OH.

I am proud to join with Senator DORGAN of North Dakota, who has been a leader on trade policy. He even wrote a book called ''Take This Job and Ship It'' about trade and is proposing that we take a far more pragmatic approach to U.S. trade policy, one based on achieving positive results and on accountability. Thanks to his leadership, we have legislation that would focus trade policy away from the blind adherence to outdated trade agreements and toward policies that increase U.S. trade, that bolster U.S. jobs, that lift our communities, and that will reinforce U.S. manufacturing in the days and years ahead, and toward a trade policy that builds our Nation's middle class.

His bill establishes concrete benchmarks for trade bills. It is a commonsense idea, a prescription for U.S. success in a global trade arena that will help us bring back the manufacturing base in this country. We should pass this bill and also take immediate steps to address the dysfunction that has infiltrated virtually every aspect of our trade relationship with China.

China is manipulating its currency, it is low-balling the price of its exports through Government subsidies, it is sending our Nation dangerous toys and contaminated food, it is generating unheard of levels of pollution, and the list goes on and on.

Last month, New Page, a paper manufacturing company based in Miamisburg, a town in southwest Ohio, announced it was shutting down plants in Wisconsin, in Maine, and in my State of Ohio, in the city of Chillicothe, once the State capital.

Heavily Government-subsidized Chinese paper producers account for 50 percent of the world's market. Fifty percent of the world's paper producing is in China and is heavily Government subsidized in China. It has meant the loss of jobs in places such as Chillicothe and Dayton and all over my State and this country. It is not free trade. The Chinese have benefited. And when I say the Chinese, I don't mean Chinese workers, I mean the Communist Party of China, the Government, the People's Liberation Army, and too often U.S. investors who are so often complicit with the Communist Party and the People's Liberation Army and the Chinese Government. Think about that. It is not free trade with China; it is a wreck.

These factors, in addition to low wages, in addition to unsafe working conditions, and the absence of worker rights have contributed to the loss of millions of manufacturing jobs and our country's reliance on imports.

What does that mean for the future? When I look around this Chamber, I see seven young pages, high school students who work here—and several on the other side, too, whom I can't see; I apologize—and I think about what their world is going to look like in 20 years. Are we going to look back and say: Why did we give away our country? Why did we sacrifice our national security and our economic security and outsource all these jobs and outsource all this wealth and watch a middle class decline? Is that what we are going to look back on in 20 years and say? Why did we let this happen? How did we let this happen?

Madam President, restoring sanity to our trade relationship with China should be an immediate, No. 1 domestic and international priority for this Nation.

Last week I was joined by seven freshmen colleagues affirming that our trade policy should focus on China; that is, our trade priority. We need to imagine 20 years from now, as I said, what is manufacturing in our country going to look like? This country's wealth—much of it—has been dependent on manufacturing, on making everything from newsprint to airplanes, being able to manufacture and create wealth in small towns and large cities alike.

Instead of littering our Nation's path with more flawed trade agreements, we should say: Time out. No more trade agreements. Look back, establish this commission we have discussed that will look at both parties, both houses, look back at what our trade policy—what NAFTA, what CAFTA, PNTR with China, what our other bilateral smaller trade agreements have done, what they have done to our country, what have they done for our country, make that analysis and then fix those trade agreements and move forward.

It is not in the Nation's best interests to rely on other nations for our defense infrastructure, for our transportation infrastructure, for our industrial infrastructure, for creating the wealth in our communities that manufacturing does. In this country, we do

the best research and development in the world. Yet multinational corporations often take that research and development and do the production in other countries.

Sure, there are great jobs in research and development. It is good for our country. We should continue to give tax incentives for that research and development, but it is more than that. It is also what do you do afterwards, in commercializing, in producing and manufacturing those products the research and development has generated? That is the larger number of jobs, that is the greater part of the wealth creation, that is what is essential to providing the goods and services in our communities for police and fire and education and all of what that means.

We cannot simply continue to do the R&D and then farm out the production to exploit low-wage workers, exploit the consumer product and food safety net. Because that is what happens. When this research and development is done in the United States, and the production is moved to China, it is moved there to exploit low-wage labor, and it is moved there as a way, frankly, in many cases, or at least it becomes that, that we end up with inferior, less safe, less high-quality products back into our country.

We need to take responsibility for the consequences of our inaction when it comes to trade policy and take responsibility for the mistake we have made in formulating trade policy. We need to do it now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

Mr. REID. Madam President, I ask unanimous consent that the Senate now resume consideration of H.R. 5140 and that the pending motion and all amendments be withdrawn; that the amendment, which is at the desk, be the only amendment in order; that there be 20 minutes of debate with respect to the amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, the Senate proceed to vote on the amendment; that upon disposition of the amendment, the bill, as amended, if amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, let me mention, it is a bipartisan amendment—Reid-Baucus-Grassley-McConnell-Stevens.

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 5140, which the clerk will report.

The bill clerk read as follows:

A bill (S. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

AMENDMENT NO. 4010

(Purpose: To revise the eligibility criteria for the 2008 recovery rebates for individuals.)

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, and Mr. STEVENS, proposes an amendment numbered 4010.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Madam President, I ask that the vote occur at a time to be determined. We will decide what time the vote will occur because there are people who are not ready to vote right now. They are wandering around town.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that in addition to myself, Senator REID, Senator BAUCUS, and Senator GRASSLEY, Senator STEVENS be added as an original sponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. REID. Madam President, a key provision in the Senate Finance Committee package was an extension of unemployment benefits. This is one of the most effective ways to stimulate the company. These benefits can be distributed quickly, and they are likely to be spent.

This is not a matter of ideology; it is matter of economics. And a broad range of economists agrees with this. Even Alan Greenspan, hardly a liberal Democrat, has testified in favor of expanding unemployment benefits during periods of economic slowdown. Expanding unemployment benefits works, and this is a matter of basic compassion.

The long-term unemployed are among those Americans with the most pressing needs. Unfortunately, there are well over a million Americans who are expected to exhaust their regular unemployment benefits between January and June of this year. They need our help. If we extend the same assistance to them that we have to the long-term unemployed in the past, our entire economy will benefit.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the unemployment insurance provision of the Senate Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I simply note that when unemployment exceeds a certain level, there is reason to extend it, but this Nation's unemployment now is under 5 percent which is deemed to be full employment. There is no trigger attached to this proposal.

In a State such as New Hampshire where unemployment is at 3.6 percent, an extension might have an opposite effect. Rather than stimulating the economy, it might undermine the ability to create more productivity. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, the State of Nevada is 5 percent, as is Michigan and a number of other States. It would not apply to every State but some States. I am disappointed my friend objected to the request, but I understand.

The stimulus package I introduced earlier this week included a $1 billion increase for the Low-Income Home Energy Assistance Program, or LIHEAP. I commend my colleagues, my friend JACK REED, BERNIE SANDERS, SUSAN COLLINS, and a number of others, for their strong advocacy for LIHEAP and for the broad support that they have helped build for the program. They know LIHEAP is critical for many Americans who otherwise will be forced to choose between heating their homes, putting food on the table, or buying medicine or gas for their car. These are people who will spend any additional assistance and help stimulate the economy.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the LIHEAP provision in the previously withdrawn first-degree amendment be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I note that I strongly supported LIHEAP and have supported it on numerous occasions and continue to support its expansion. I happen to believe it should be paid for. I don't think we should pass on to our children and our grandchildren the cost of the oil bills today. We should expand LIHEAP, but as part of expanding LIHEAP, we should offset that with an offsetting savings somewhere else. So at this time I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I am on my best behavior today, so I am not going to dwell on the fact that the war has cost us about $800 billion, all borrowed money. But I understand the objection to this LIHEAP amendment.

Mr. GREGG. Madam President, if the Senator will yield, I also am on my best behavior today, I can assure the majority leader. I have other unanimous consent requests I wish to make, but I am reserving my energy.

Mr. REID. Madam President, the Senate Finance Committee package contained tax incentives to encourage the development of alternative and renewable sources of energy, as well as investments in energy efficiency.

Senator CANTWELL has been a champion of these provisions. There is not enough I can say to commend her for her good work. It is outstanding.

These tax incentives make sense from the standpoint of our economy and our Nation. They would create jobs for Americans and, in the process, they would reduce our dependence on foreign sources of energy.

I have seen the importance of developing alternative renewable sources of energy in Nevada. The geothermal industry has taken off in my State, providing hundreds of jobs for Nevadans and increasing Nevada's energy independence.

So I ask unanimous consent that, notwithstanding the previous unanimous consent agreement, the energy tax provisions in the Senate Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I am very sympathetic to the work of the Senator from Washington. She does exceptional work. As a practical matter, I am always interested in areas where we can develop energy and alternative energy, but that is not part of a stimulus package.

These tax credits would essentially not kick in for literally years, in many instances, and are not going to do a great deal of stimulating and should not be added to the package. So on behalf of the leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, the Finance Committee, rightfully so, by an overwhelming bipartisan vote, agreed to include a provision in this legislation that is designed to help homeowners avoid foreclosures by allowing them to refinance. The President of the United States proposed this in his State of the Union Address, and this proposal has been championed by my friend, the distinguished junior Senator from Massachusetts, Mr. KERRY. It also would add $10 million in bonds that States could use to help address the serious housing crisis facing our country. They can sell homes that are in foreclosure or refinance loans.

I commend Senator KERRY for getting this proposal added in the Finance Committee. It makes tremendous sense. I suggest it would be the right thing to do. The President supports it—or said he did in the Finance Committee—and I hope we can get agreement on it.

I therefore ask, Madam President, that, notwithstanding the previous unanimous consent agreement, the mortgage revenue bond provision in the Finance Committee package be added as an amendment to the bill currently before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Madam President, reserving the right to object, I think this proposal makes a great deal of sense, but in the name of the Speaker of the House, I would have to object. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I don't know if there is an economist who disagrees—there could be; I don't know who it would be—that the best way to stimulate the economy is to get money into the hands of those who will spend it immediately and the people who need it the most. That is why, according to more than one economic study, the absolutely best way to stimulate the economy is to increase food stamp benefits. According to that study, for every $1 allocated to food stamps, economic activity is increased by $1.84. That is the best thing we could do. It is the best bang for the buck.

I therefore ask unanimous consent that notwithstanding the previous unanimous consent agreement, the underlying bill be modified by adding a provision that would appropriate $5 billion to increase nutritional assistance for the rest of the calendar year.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Again, this package was worked out between the House Republican leadership, the House Democratic leadership, and the administration, and basically the purpose here is to move the package quickly. That was not part of the package. Therefore, on behalf of the leadership, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, it is my understanding that there is now 20 minutes allocated, 10 minutes for me and 10 minutes for Senator MCCONNELL; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, 2 weeks ago, the majority of Senate Republicans was quick to endorse the House stimulus bill with no revisions, even though they knew it was inadequate and that the Senate had an obligation to improve the bill and to deliver a timely, temporary, and targeted bill by Presidents Day weekend. We have done that. Senate Democrats, and with the help of a number of Republicans in the Senate, joined to move forward. It is our responsibility to pass the strongest bill we can, and we have done that.

If we had listened to the advice of the House, we would have 21½ million seniors with nothing out of this package. If we had listened to the advice of the House, 250,000 disabled veterans and their widows would have been left behind. We have been able to make the House bill better, and I am pleased with that result.

There is much more to do, and that is why we focused today, as we did for a few minutes, on what is not being done. But I think we all have to acknowledge that the House bill has been improved significantly. We have gotten the President to agree the House bill was not perfect. I have said before that I wish there had been another vote. There wasn't, and I accept that. But I think we have to look at the good work that has been done.

I can't leave this floor without expressing my appreciation to the Finance Committee, led by Senator BAUCUS and Senator GRASSLEY. They have been champions of the American people. The American people have witnessed the last couple of weeks a lot of disagreements here on the Senate floor. We have had two difficult issues, the Senate stimulus package and the Foreign Intelligence Surveillance Act. We are basically about ready to finish the stimulus package, but we will be back and do more to help stimulate the economy.

Today, though, I think we should feel good about what we have done. Fifty-nine of us believe the country needs an economic stimulus, and we voted that way yesterday. Everybody in the Senate, I believe—and I am confident, with rare exception, that it is true—we cannot have an economic stimulus package and leave behind senior citizens and our wounded veterans, and we haven't done that. We have picked them up. I am confident we will do better.

I extend my appreciation to the distinguished Republican leader. It has been difficult to work through all this. And while it didn't work through the way I wanted it, it worked through a lot better than if we had accepted the House bill. I feel better today. The American people are going to be better off as a result of the work done in the Finance Committee by Senators BAUCUS, GRASSLEY, and the entire Finance Committee.

Madam President, I reserve my time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, let me say to my good friend, the majority leader, we are on the verge here of an important bipartisan accomplishment. The American people looked with incredulity to a press conference a couple of weeks ago among the Speaker of the House, the House Republican leader, and the Secretary of the Treasury indicating they had reached an agreement for a stimulus package that would be timely, targeted and, as the Speaker said, temporary. We have now, after going through the legislative process here in the Senate, been able to reach an important bipartisan agreement that will be supported by the majority leader, myself, Senator BAUCUS,

Senator GRASSLEY, and Senator STEVENS, who was the principal cosponsor of an amendment I had indicated a couple of days ago we would offer.

This is the Senate at its finest, recognizing that this was an opportunity to demonstrate to the public that we could come together, do something important for the country, and do it quickly. The legislative process is frequently time consuming, complicated, laborious, and slow, and I think we have demonstrated today, or will demonstrate shortly, when we cast this vote, that we were able to put aside our differences, not only here in the Senate but with our colleagues in the House, as well, and the administration, to make an important statement that we are concerned about the slowing of our economy and we want to do something significant about it very quickly. So I think this is a fine day, a great day for the Senate, and something we can all feel good about.

I again commend the majority leader for his spirit in working this out, and congratulate the Senate and both parties for what I think will be perceived by the American people as a significant accomplishment for our country.

Mr. MCCAIN. Madam President, I want the record to be clear that I fully support swift enactment of an economic stimulus measure. Having spent the past weeks and months traveling across America, I have heard first-hand of the difficulties facing so many hard-working families. I am pleased that the majority and the minority have finally reached an agreement to allow us to improve the underlying bill to address the needs of seniors and disabled veterans, and to close a loophole in the bill concerning the distribution of rebates. Now, we will be able to pass this measure today.

The bill pending before the Senate—a compromise product between the House and the President—is not perfect. Certainly we can all agree on the important yet limited improvements I mentioned such as ensuring our senior citizens and disabled veterans are not left out of this stimulus package. While perhaps none of us will be fully satisfied with the final measure, we simply cannot afford to include every member's wish list in this package. I believe the measure we will send to the President is one that almost all of us can and will support.

Beyond the short-term economic fix being debated, we must also consider the best long-term economic approach and to take action accordingly. In my judgement, there is no question that Congress must reign in wasteful porkbarrel spending. We need to make permanent the 2001 and 2003 tax cuts at our soonest opportunity and avoid a crippling tax increase for millions of Americans. We should eliminate the AMT, the poster child for the notion of unintended consequences, which threatens to affect millions of middle class families. These are steps we should take now to end the uncertainty facing American families and businesses.

America has the second highest corporate tax rate in the world. Cutting corporate taxes will spur economic growth immediately and over the long run. We need to allow first year expensing of technology and equipment investment for businesses, which would further simplify our code and provide incentives for capital expenditure. We must also work to reform and make permanent the research and development tax credit so that our businesses can do what they do best—create jobs and expand innovation—without the continued uncertainty of the whims of Congress. These are important and necessary steps toward reforming our tax code to make it simpler, flatter, and fairer for all Americans.

Clearly, we have much ahead of us to do and the American public is counting on us to fulfill the jobs that they sent us here to do. I, for one, have heard the voters. They want us to work together to stimulate and strengthen our economy and promote our Nation's long-term economic growth. Let's finally pass the economic stimulus plan and send it to the President. After all, time is of the essence if this effort is to be successful. The American public is waiting.

Mr. FEINGOLD. Madam President, I will support the bipartisan stimulus package today. It is better than doing nothing at all but not as good as we might have made it.

I commend the Finance Committee chair and ranking member, as well as our majority leader, Senator REID, for their untiring efforts to make improvements to the House-passed stimulus package. In the last few weeks, there has been a broad consensus that a properly crafted fiscal stimulus package could help ease the economic downturn we are experiencing. The measure passed by the House was a step in the right direction, and the amendment we will adopt today will improve on the House bill. Notably, the bipartisan amendment will ensure that 20 million lower income seniors who rely primarily on Social Security will be included in the tax rebate program, and it will do the same for a quarter of a million wounded veterans with lower incomes.

I regret that a particularly effective and desperately needed provision from the Finance Committee proposal was dropped from this agreement; namely, an extension of unemployment insurance benefits for the long-term unemployed. Not only was that provision the right thing to do to cushion the impact of this economic downturn on those who have been out of work for half a year or more, but we know from past experience that such a provision was one of the most effective ways to stimulate the economy. Another provision we should have included in this package, expansion of food stamps benefits, also shares those attributes. I very much hope that soon Congress will act on those two ideas.

Finally, I was disappointed that little or no effort was made to ensure the cost of this stimulus package would not add to our already mountainous public debt that will be borne by our children and grandchildren. Make no mistake; there is no free lunch here. Even though no offsetting savings were included in this package to defray its cost, the bill will be paid—if not by this generation, then certainly by coming generations. Our children and grandchildren will pay for our stimulus package.

Congress owes those future generations some consideration. We should return to the fiscally responsible budgeting of the 1990s, when we actually balanced the Federal books and began to pay down the Federal debt. We need not do so in a way that hurts the present economy, but paying for this stimulus package over the next 5 years or so would not undermine current economic growth, and Congress should consider such an approach.

Mr. LEVIN. Madam President, for too long the Federal Government has stood idle as Michigan's unemployment rate has soared, 3 million manufacturing jobs have been lost, and working families have felt the squeeze of the rising costs of energy, health care and food. I am glad that we are moving today on these short-term measures to stimulate our lagging economy—heaven knows we can't afford not to. But there is more we must do to fight for American jobs, and I am disappointed that the Republican Leadership blocked our attempt to significantly improve this package. I look forward to addressing the shortcomings of this bill with additional legislation in the near future.

At a minimum, we need to pass the provisions that were in the amendment offered yesterday that was based on the work done by the Senate Finance Committee. Unfortunately, that amendment with bipartisan support fell only 1 vote shy of the 60 it needed to overcome the Republican filibuster. I am hopeful that under new circumstances we can get those provisions done.

The Finance Committee amendment would have made this a much better package for stimulating the economy. Extending unemployment insurance, raising the cap on mortgage revenue bonds to help keep people in their homes, and funding the LIHEAP program to help people heat their homes are all timely provisions that offer temporary assistance that precisely targets the people who need this help the most. Putting money into their hands is the most effective way to kick-start our economy in the shortest time possible.

There are a number of reasons it is important that we ultimately approve the extension of much-needed unemployment insurance, which most economists agree is one of the most effective ways to stimulate the economy, dollar for dollar. Workers who receive these unemployment benefits—which could

reach them in as few as 2 weeks from enactment of the stimulus—are likely to spend them quickly, making this one of the fastest ways to infuse money into our economy in the shortterm. In my own State of Michigan, about 145,000 residents have exhausted their unemployment benefits and can't find jobs. Between now and June, 72,000 more people will face the same difficult situation. Extending unemployment insurance during times of recession is nothing new. In the past 30 years, the Congress has acted three times to establish temporary extended unemployment benefits, each time during a recession. Studies indicate that extending unemployment insurance during tough times provides the best return of economic benefits compared to other stimulus options, and this money can be distributed within weeks. Extending unemployment insurance is essential to provide much-needed support to those who have lost their jobs and are struggling to reenter the job market.

To achieve success, the second economic stimulus package now being formulated must also help families stand up against the intensifying wave of housing foreclosures. More than 89,000 Michigan home loans are currently in foreclosure and over 40,000 subprime loans have scheduled rate increases this year. Across the Nation, too many families are at risk of losing their homes, with devastating consequences. Beyond the personal impact, rampant foreclosures can decimate communities. Home ownership is a central tenet of the American dream, but with the number of home foreclosures increasing at an alarming rate, that dream is slipping away from Americans across the country.

I am pleased that the bill we will pass today will increase the loan limits for the Federal Housing Administration, Freddie Mac and Fannie Mae. These are modest moves in the midst of a full-blown crisis, but it is better than nothing.

I am hopeful that soon we can also pass the measure included in the Finance Committee amendment that would have raised the volume cap on State-issued tax-exempt mortgage-revenue bonds by $10 billion. The proceeds from these bonds would allow State and local agencies to provide additional mortgage refinancing options to homeowners so that they could keep their homes. It is critical that we help prevent the further deepening of the foreclosure crisis, keep families in their homes, and protect neighborhoods from the blight which results from large numbers of vacant houses.

On a positive note, I am glad that we have adopted the Senate's improvements to what we are calling a ''tax rebate'' program. This bill will give a tax credit to be sent out as quickly as possible to provide fast cash for many struggling families, thereby ameliorating their hardship at the same time as giving a boost to spending. Today's bill is a package of inclusion, one that recognizes the importance of giving our Nation's aging citizens and disabled veterans their share of stimulus support. These tax rebates will give $600 to individual taxpayers with at least $3,000 of qualifying income, or $1,200 for married couples filing jointly, and an additional $300 for each qualifying child. A prudent stimulus package should not neglect the elderly and disabled veterans, and the tax rebate program we have adopted includes social security and disabled veterans' benefits as qualifying income for the purpose of determining eligibility for the rebate, thereby putting money directly into the hands of some of our nation's neediest some 20 million seniors and 250,000 veterans. Not only will this help these folks attend to their families' most basic needs, but it will further stimulate the economy for the betterment of the whole Nation.

I am also pleased this package includes tax provisions to stimulate small businesses, which are the heart of America's economic strength. It allows small businesses to double the amount they can expense, meaning immediately write off, their taxes for certain capital investments made in 2008 from $125,000 to $250,000. It also provides immediate tax relief for all businesses to invest in new machinery and equipment by speeding up depreciation provisions, so that firms can write off an additional 50 percent depreciation in the first year.

However, given the importance of small businesses' contribution to the economy and to job creation, much more needs to be done to help small businesses find access to credit in this slowing economy. For instance, as a member of the Senate Small Business Committee, I have joined some of my colleagues in calling for a temporary reduction of fees on small business loans to help reverse the recent decline in SBA guaranteed lending to small businesses. I think a temporary reduction in the fees charged to borrowers will put more money in the pockets of small businesses by lowering their monthly loan payments. Equally important is reducing the fees SBA charges lenders because we need to take steps to make lending to small businesses more profitable and thus more appealing so that banks will continue to be willing to make these important loans.

We should also make a one-time enhancement of $10 million to the SBA microloan program's revolving fund to increase credit availability for very small business concerns, especially those who face additional barriers to economic opportunity. The SBA's microloan program provides funding for small-scale business loans, which banks are typically reluctant to service.

When the economy is slowing, the Federal Government should be doing all it can to keep America's small businesses viable so that they can continue to be the economic engine of our economy that they have been in the past. I hope some of these ideas will be included in the longer term stimulus package.

I am also disappointed that this stimulus package does not include the 1-year extension of the production tax credit for renewable energy, which was included in the Senate Finance package. Current law provides a 1.8 cent per kilowatt tax credit for electricity produced from renewable sources including wind, solar, and biomass, but this provision will expire at the end of 2008. An effort was made to extend it for 2 years in the energy bill last year, but that effort also failed. This tax credit is critical to many developers of renewable energy projects—without an extension, many projects will be put on hold because they will be less financially viable. With the tax credit, these projects can go forward, and provide both investment in the economy and creation of new jobs.

Failure to approve yesterday's amendment also means that the stimulus package will not include an additional $1 billion for the LIHEAP program, which provides energy assistance to many low-income families. This program has been seriously underfunded for the current fiscal year, and this additional infusion of LIHEAP funding would have put money quickly and directly into the hands of individuals who need it. LIHEAP funds would be spent quickly and immediately, thus stimulating the economy and providing a vital safety net to families and seniors so they do not need to choose between eating and paying their energy bill. In addition to being targeted to those most in need, LIHEAP funding would provide benefits to the economy. Studies have shown that every LIHEAP dollar distributed generates up to five $5 of economic activity. By helping to offset home heating costs, these low-income households will be able to spend money on other vital essentials that will in turn help to stimulate the economy.

Beyond needing to ultimately pass the provisions in the Finance Committee package, it is also important that we take up legislation in the near future to target Federal spending on infrastructure, advanced technology and redevelopment projects that will create jobs. Our long-term economic growth requires investments by the Federal Government to create jobs and help our businesses grow and compete. Infrastructure and advanced technology should be our top priorities. Businesses that are successful are more inclined to hire new workers and expand. In Michigan, we know that success for many of our industries requires good roads, safe bridges, and harbors that are dredged to promote dependable shipping. Immediate Federal spending on infrastructure and dredging projects can put people to work and lay the foundation for future economic growth.

Investments in advanced technology can have similar long-term benefits.

For example, developing the next-generation advanced batteries for hybrid cars could lead to enormous growth of our auto industry. I have proposed public-private partnerships for research and development of a host of technologies that offer much potential for job creation.

No State is struggling more than Michigan in this tough economy, and, unfortunately, evidence is growing by the day to indicate that families and workers all across the Nation are facing tougher economic challenges. I will support this short-term stimulus package as a start, but I will also continue to push for further, stronger efforts to address the problems on a broader level.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that any votes regarding H.R. 5140—and there will be either one or two votes, whatever is determined—we could get by with one vote, but there may be someone who wants two votes, and if that is in fact the case, we will have two—that we not start voting until 4:10 this afternoon. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I also ask unanimous consent that the time between now and then be divided between the majority and the minority, and I would ask the chairman how much time he needs out of the half hour.

Mr. BAUCUS. Six or seven minutes.

Mr. REID. With 5 minutes to Senator DURBIN, 5 minutes to Senator MURRAY, 3 minutes to Senator BOXER, and 4 minutes to Senator SALAZAR.

Mr. GRASSLEY. Mr. Leader, I don't know, but we might want to have time.

Mr. REID. You have it. I gave it to you.

Mr. MCCONNELL. The time is divided.

Mr. REID. And that Senator SCHUMER have 5 minutes. Does that add up to more than my half hour?

The PRESIDING OFFICER (Ms. KLOBUCHAR). We are calculating it.

Mr. REID. I don't think it does, but if it does, let's trim it a little bit.

Mr. MCCONNELL. Madam President, parliamentary inquiry: How much time is on this side?

Mr. REID. A half hour.

The PRESIDING OFFICER. A half hour.

The majority leader has allocated 29 minutes.

Mr. REID. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I think in the spirit of bipartisanship today, we will alternate back and forth, Democrat and Republican. The first will be Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a big one. The victory before us is a victory for 20 million seniors who came of age during the Great Depression and World War II. They have been called the Greatest Generation. They fought for their country. They gave a lifetime of labor. They gave a lifetime of service. They paid a lifetime of taxes. They contribute to our economy today. And now they will get stimulus checks, too, like other Americans. Today is another victory for the Greatest Generation.

Today's agreement is a victory for a quarter million disabled veterans. No one can question their sacrifice. No one can question their contribution. They have fought for America. Today is a victory for disabled veterans.

Today's agreement is a victory for the rule of law. That is because the agreement ensures that the stimulus checks will go to Americans. It guards against sending checks to people who have violated our Nation's immigration laws.

Today's agreement is a victory for the Founding Fathers, who created the Senate and who created the Finance Committee. There were those who said we should take what the House of Representatives told us to take. There were those who said we should take what the White House told us to take. But our Founding Fathers created a legislature with two Chambers. The Founding Fathers created a government with checks and balances. Today is a victory for those of us who want the Congress to work as the Founding Fathers intended it.

Today's agreement is a victory for open government. The elements of this agreement came out of the open process of the Senate Finance Committee. Americans need not settle for the products of back-room deals. Legislation gets better when people meet in the open and debate it in the open this way. That is what we did in the Senate Finance Committee, and today's agreement is a victory for open government.

Today's agreement is a victory for moderates. Today's agreement is a victory for men and women of good will, such as CHUCK GRASSLEY, BLANCHE LINCOLN, and OLYMPIA SNOWE. Today's agreement is a victory for people who are willing to reach across the aisle and work with other people of good will, even if they belong to another political party.

Today's agreement is a victory for people of courage, who were willing to buck their party's leadership, to buck the administration, for a better America. Today's agreement is a victory for people willing to stand up for what they think is right. Senator GRASSLEY and I will remember who stood with us.

Today's agreement is a victory for a better, more effective economic stimulus. Economists agree that consumer spending, fueled by tax rebates, can boost America's economy. Americans over age 65 spend 92 percent of their incomes in any given year. They will spend their rebate checks quickly, and that will boost the economy quickly.

Most of all, today's agreement is a victory for the American people. Today's agreement will speed rebate checks to the overwhelming majority of Americans, giving them needed tax relief. Today is a victory for the American people.

I thank my colleagues who have supported this package. I thank my colleagues for their help in crafting it along the way, and I urge the Senate to adopt it right away.

Madam President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Finally, Madam President, I say again how proud I am to work with my colleague from Iowa, Senator GRASSLEY. He, more than any other Senator I can think of, always does what is right for his home State of Iowa and for the country. I know of no Senator with greater courage than the Senator from Iowa, and I say to everyone, anyone listening, that we are here today in large part because this is a bipartisan agreement. We stood together. We did not want to buckle down, we did not want to cave in to the House and the White House, because we wanted something a little better—something a little bit better—and we stood together, worked hard on this Finance Committee package, with our hearings and amendments we adopted, and we did it very quickly. So we are going to finally have an agreement by both bodies and by the White House, and I am quite certain very quickly, so Americans can get those rebate checks they expected and they deserve to receive.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. First, Madam President, following on where Senator BAUCUS left off, I thank him for his remarks, and I would be glad to associate myself with them and put his words in my mouth so that I would say the same thing about him. It is a pleasure to work with him but, more importantly, a pleasure to have this opportunity to say that a product we have worked on, that was an expression of 59 Members of the Senate, is finally going to go to the President of the United States.

So I say that about Senator BAUCUS personally, but I also say, for those people who are listening, and who think that nothing in this city ever gets done in a bipartisan way, we are proving to the rest of the Nation that everything in Washington is not partisan and we eventually get things worked out in a bipartisan way. I will add to that: Nothing gets done in the Senate unless it is bipartisan.

I would add a second point, and that second point is that a week before the House of Representatives passed their product, the House of Representatives, Republican and Democratic leaders, reached an agreement with the White House of a so-called perfect package that was going to stimulate the economy. They wanted to get it to the

President immediately, and it was something that the Senate ought to go along with, without question. Then in a speech a week ago, I spoke here about the functions of the Senate—to distill and cool and observe and put in a laboratory the legislation that comes from the other body—and that it wasn't the function of the Senate to rubberstamp the House of Representatives.

I mean, we are not, I guess you would say, like the Senate of France, as an example, or the House of Lords of London, we are the United States Senate representing our constituents and are not a rubberstamp body.

And the Constitution was written with the Senate to give greater deliberation to legislation than what the House of Representatives does. This action right now is a perfect example of what we are set up to do as the Senate, and that perfect piece of legislation that we were told was so perfect, after it went through the process of 21 members of the Senate Finance Committee looking at it, came to the conclusion there were about three things wrong with it: 20 million seniors citizens left out. If you want to stimulate the economy, including low-income seniors as consumers in America who need to spend money as one of the chief stimulants; and then the House of Representatives did not honor the disabled veterans of America the way they should have—I should say the low-income disabled veterans of America the way they should. And then the second one was the possibility, very real possibility, of people who are here illegally maybe being able to qualify for a rebate check. So all of those are shortcomings in that perfect piece of legislation worked out between the White House and the Democratic leadership of the House of Representatives.

As intelligent as those people are, and they are intelligent, it was not so perfect. So the Senate did its work. Here we are. I am pleased we are prepared to finish the job on the economic stimulus package this very day—in fact, within a few minutes.

One week ago today, I spoke at length about the improvement the Finance Committee made in the House bill. The key improvements were on the structure of the rebate. The Finance Committee members added 20 million low-income seniors, and several hundred thousand disabled veterans are now about to be able to participate in the rebate checks.

Illegal immigrants will not benefit from the rebate checks, and they should not. I know that is a no-brainer, but it is something you have to make certain is in law because it will happen.

All these changes are a result of the work, under the leadership of Senator BAUCUS, of 21 members coming together to do what needed to be done to correct the House bill. Now, this took a while. But my leaders saw the light of the Finance Committee improvements.

My understanding is the House and the White House agree with us as well. Through the process, we will approve a truly bipartisan, bicameral bill. The American people will witness, in this process, a deliberative body, deliberating as we should but doing it in an expeditious way.

The best bill would be the full Finance Committee bill. That bill would have provided more business tax relief, more incentive for investment with probably longer—the certainty of the creation of more jobs. And, of course, we had an energy investment package in it.

Well, those will come up another time. My colleagues who favor those issues are not going to be left out in the cold. The House and the White House did not want these provisions in this bill. So in the interests of compromise, those provisions are dropped but not dropped out of sight.

I wish to thank our leaders for accepting, after some reluctance, the Finance Committee changes. We have a better product because the chairman and the committee process has worked. The committee members made this a better deal, and I thank Chairman BAUCUS for his leadership.

Madam President, I ask unanimous consent when we come back to this side, Senator ALEXANDER would have 5 minutes.

Mrs. BOXER. Reserving the right to object, I will not object, If we are doing it this way, I would ask unanimous consent to follow Senator ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that Senator SNOWE be added as an original cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be added as an original cosponsor of the amendment as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, this is a fine moment for the Senate because it is a group of Senators coming together and saying we need to jump-start the economy, we cannot delay, we need to move forward very quickly.

Because of the action this Chamber will take later today, we will see 100 million Americans receive tax rebate checks in the mail that then will help us jump-start the economy. But as Senator BAUCUS and Senator GRASSLEY have pointed out, we have taken a package from the House and have significantly improved it, significantly improved it in two major ways.

First, the 21 million seniors who receive Social Security who were left out of the House package will now be receiving those tax rebates in the mail. So it is important to note this is a very important step in us standing up for the elders of America, for whom we have so much respect.

The second major improvement in this legislation is we also have honored our disabled veterans, 250,000 disabled veterans, who were left out of the House package, out of the package negotiated by the White House. We have included those in this legislation.

So in that way, this legislation represents a very significant improvement upon the package that came over from the House. Let me also say this is a business-friendly package because the product of the Finance Committee will put money in the pockets of small businessmen and women, as well as large businesses so they can invest in equipment, so they can create jobs and they can help start getting our economy from going further into the ditch and back on solid track.

Having said that, I also think it is incumbent upon all of us to understand this is a short-term fix and that there are longer term economic and fiscal problems that face this country that need to be grappled with. It would be my hope, as one Senator, in the days ahead, we move forward and embrace a phase two of economic recovery for this Nation.

I believe No. 1 on that agenda of this recovery program should be a focus on housing legislation that will help us address the major issues that are being faced across the country, including so poignantly in the State of California, where my good friend, Senator BOXER, was describing to us what is happening with the foreclosure rate, which is going to be six times higher than it was last year.

In my State of Colorado, 1 in 375,000 homes is in foreclosure. In my State of Colorado, there is a significant decline in real estate values. Across the country it is projected that everyone's home is going to decline on average by 14 percent.

So housing, I hope, is immediately on our agenda; that we move from there and get a good farm bill passed for our food and fuel security for our country; and, thirdly, that we embrace the Finance Committee package on energy legislation that will help us get to that new frontier of a clean energy economy for the 21st century.

So while I applaud this package and support it 100 percent, our work has just begun. This is simply a first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, there is one message we hear consistently from the people we represent in this country. It is: They would like for us to change the way we do business in Washington, DC. They would like for us to come and focus our attention on big problems that affect everyday Americans—whether it is helping each American have health care insurance, whether it is keeping our jobs from going overseas, whether it is the $3 price of gasoline—and work together in a principled way to solve it.

They do not mind our having big debates on big issues, about big principles

such as liberty versus security or terrorism. What they do not like is the ''playpen'' politics, when we bring out the charts and hire the campaign strategists and degenerate into what ought to be in a kindergarten or in a political campaign.

I am pleased to say this is a good way to begin the year the way that this has worked out, because the President and the House of Representatives deserve great credit for agreeing quickly on a timely, targeted proposal to help our economy be stimulated and move along.

They made it temporary, so it was not anymore of an infringement on the budget, and they sent it to us. I am very proud of the Senate. But I do not think it is such a bad idea, every now and then, to concede that even President Bush and the House of Representatives are not wrong all the time. They actually sent us an excellent package and gave us a good start. What we have done is essentially accept the House package that Speaker PELOSI, Mr. BOEHNER, and the President negotiated, and we have improved on it in a couple ways involving seniors and disabled veterans.

All of us agreed about that, almost all of us. The Republican leader suggested we do that a couple days ago. So I think there is plenty of credit to go around. I would start by giving it to the President and the House of Representatives. Of course we should thank the Finance Committee for the work it did, the Republican leader for his suggestion, with Senator STEVENS, that we add the disabled veterans and seniors, which he made a couple days ago. And we should feel good that, by the end of this week, as Senator MCCONNELL said earlier this week, we will have sent to the House and hopefully to the President a piece of legislation that will help taxpayers keep more of their own money, help small businesses keep more of their own money, and in doing that, help create jobs and help create additional spending that will stimulate our economy.

We had a disagreement, in actually a very good way. The Finance Committee recommendations included a number of proposals that many of us felt amounted to an excuse to spend, rather than economic stimulus. We voted on that yesterday, and we took most of those off. But that does not mean the Finance Committee was wrong to make the suggestion; it meant we did not agree with them. So we put those things aside for now. We will debate them later, and we will go forward with this bill.

A number of us on this side of the aisle, the Republican side, have some things we would like to add to any bill that has to do with economic stimulus. And Senator HUTCHINSON of Texas and Senator VITTER of Louisiana and Senator ISAKSON today talked about a number of those such as including long-term lower tax rates whether it is marginal rates or dividends or capital gains.

Those include Senator ISAKSON's proposal to give a tax credit to those who would buy foreclosed homes, $5,000 for 3 years so we can get the consumer back into the housing market. It would include the proposals, as Senators HUTCHINSON and ENSIGN and others have made in the America Competes Act, which we passed together, Democrats and Republicans. Now we need to implement it so we can give more incentives to outstanding teachers, help low-income students take more advanced placement courses, bring in more talented people from other countries who get graduate degrees in science and technology, and allow them to have a green card and stay here and create jobs in the United States instead of going overseas.

We have some work to do on controlling runaway litigation. All of that has to do with job creation in America. We could have said: Yes, we would like to have that on this. But we agree, we will set that aside for now. But those are the long-term objections we have. We look forward to the debate on those issues and those steps.

I wish to congratulate the majority leader and the Republican leader, the Finance Committee, and the others who worked hard on this. I wish to thank the House and the President for sending us a good piece of legislation. I would ask my colleagues to consider this: We may want to send the House something sometime we hope they pass. So why not give them some credit for sending us something that substantially we agree with, and with a couple of improvements, we believe is better for the people of this country.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I had asked for 3 minutes. I ask unanimous consent for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, yesterday we were all very saddened when we failed to get the Senate Finance Committee stimulus package passed. We lost by one vote because Republicans filibustered, and they forced us to get 60. We got 59 votes for that package, but it was not good enough. So now today our Republican friends happily are joining us on two elements of that package, and we are adding it to the House proposal.

I am pleased that 20 million senior citizens will get a check as part of the stimulus package, our stimulus package, the Senate's. I thank the senior citizens and their organizations for calling all Senators and telling them it is outrageous to leave out the seniors. I am beyond pleased as well that 250,000 disabled veterans will get a check as part of the Senate's stimulus package. I thank the veterans and their organizations for calling Senators constantly in their offices to say: Make us part of the package. To have left them out would have been outrageous on its face, just as it was outrageous that when the President suggested his package, he wanted to leave out more than 30 million Americans who didn't file tax returns, just paid payroll taxes, and acted as if those working Americans don't deserve to have a check. I thank Speaker PELOSI for fixing that problem. That was a huge problem. She did fix that problem, and now we fixed some more problems.

Democrats want to do more. We were stopped again today from doing more. Let me go into that because I stood here on the floor as the Republicans objected to request after request after request to add the rest of the Senate Finance package to the stimulus bill.

Senator REID said: We need to have low-income energy assistance. We know the cost of heating is high, and we know people are suffering under the burden of paying it. No, that was objected to. That was objected to. Then we said, there are some States that have very high unemployment rates, and we see a high unemployment rate beginning to hit many States. We want to extend unemployment insurance to the long-term unemployed. Those are the people who would go right out and spend those checks at the corner store, which is just what we wanted to do. No, our Republican friends said, no. Then we asked unanimous consent to help the homebuilders get a tax break. They are struggling under the horrendous situation we find ourselves in today in the housing market. No, there was objection from our Republican friends. Then we asked, through Senator REID, for green energy tax breaks so the folks who are out there who are trying to build this economy and get us off foreign oil can get those tax breaks. Republicans said no. Then we were asking if they would allow us to put in here a program President Bush himself endorses—housing revenue bonds to help with the housing crisis. The Republicans said no.

We are all very happy that seniors and the disabled veterans are going to have a smile on their face tonight, but we are far from done. We Democrats are going to fight.

I come from a State that has 25 percent of the defaults. When I go to towns in my State, we have five roundtable discussions about the terrible situation that our mayors are facing, that our States are facing, that our counties are facing. We need to do more, and we Democrats are not going to give up. This is phase 1.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I yield myself 2 minutes to say to my distinguished friend from California, who is chairman of one committee on which I serve: I am a little puzzled about why, when we come to a good conclusion and we stand up and compliment the Democratic members and the majority leader for a good job and adopt the provision, when we compliment the recommendations of

Speaker PELOSI, a great friend of the Senator from California and someone I admire greatly for her work on this stimulus package, why she feels it necessary to stand up and begin to make a political speech about Republicans saying no. Republicans have said yes. Democrats have said yes. We are saying it to the country.

Mrs. BOXER. Will the Senator yield for an answer since he mentioned me?

Mr. ALEXANDER. Yes, I am glad to yield.

Mrs. BOXER. Madam President, I speak the truth. I speak the truth. I stood next to Senator REID, and he made requests on all those issues I outlined—LIHEAP, extended unemployment benefits, tax breaks for solar, et cetera—and the Republican side objected. I speak the truth. I am happy we have joined together on two aspects of the proposal, but the truth is, there is more to the story. We have more work to do. The fact that I mentioned this is to sort of spur you on, to say: Come to the table with us again, and let's do more. That is the reason I said what I said.

Mr. ALEXANDER. Well, if I may say, the Senator is certainly entitled to say whatever she wishes to say, but if she wants to bring it up, we will begin with the fact that the Speaker of the House and the Republican leader and almost 400 Members of the House sent us this bill. It was not the intention of the Speaker of the House, I assume, to throw grandma from the train by sending us an economic stimulus package. It was her intention to send us a targeted, timely proposal that would be temporary and that the American people could look at and say: The Congress has come to a good result in a bipartisan way. They have many opinions, but they decided what to do. And they will discuss the other issues on down the road.

I would like to give the Speaker of the House credit for that, not criticize her for leaving out seniors, not criticize her for leaving out disabled veterans, not criticize our friends on the other side of the aisle on the Finance Committee for leaving out widows of disabled veterans, which would have happened in their first draft. I see no benefit to that. It is much better to do what my friend, the late Alex Haley, used to say: Find the good and praise it. I think there is a good deal to praise here.

I am certainly not objecting to the Senator's right to say whatever she wishes. She is eloquent, she is effective, and she works in her committee in a very good way. I would just like to see the tone of the debate on this Senate floor change so that it is possible from time to time, when we do accomplish something together, that we recognize we have different opinions but we can give credit to other people. When we do, we often succeed. I think the majority leader and the Republican leader, the Finance Committee, the Speaker of the House, the President, and the Republican leader in the House deserve a pat on the back for this. There are many other issues to discuss down the road. I can think of some things I would criticize the Democratic majority for spending on, but I see no need to do that. There is nothing constructive to be gained by it, and we will defer that for another time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, like all of our colleagues, I have gone home, I have listened to my constituents who are deeply concerned about the state of the economy today. We are concerned about the housing crisis, about the rising cost of fuel and gas, about the rising cost of health care. The economic crisis that is facing many people today was reflected in the economic numbers we have seen coming in over the last quarter. We came back here a month ago united to make sure we did what everyone agreed to—a temporary, targeted package to get money back into the economy quickly. Today, we are about to do that.

But I have to say—and I heard my colleague from California say it—the Speaker of the House did a good job in the limited amount of time with the agreement she had to do to get a package here. The Senate, in doing its job of looking at it carefully and asking, What do we need to do to improve this to make sure it works, was highly commendable.

The package we voted on last night had a number of very important provisions: extension of unemployment insurance; LIHEAP for millions of families who are very concerned about being able to heat their homes; the energy package that my colleague, Senator CANTWELL, worked hard to put in to stimulate jobs and bring jobs in critical regions of the Nation and deal with the energy crisis as well. We are all disappointed on this side that but for one vote those would be part of this package which would then go back to the House and, we would hope, be signed by the President. But because we were stymied by one vote, we are here today saying: What can we do?

We are delighted that our Republican colleagues have come with us to say we can do better, and we added money to make sure millions of seniors as well as thousands of disabled veterans would be part of this economic stimulus, families that are really struggling today.

We did agree with the Republicans, and I commend our leader, Senator HARRY REID, as well as MAX BAUCUS, the minority leader, as well as Senator GRASSLEY, who have worked hard over the morning hours to come to this. But I would say to the Senator from Tennessee, we can express our disappointment that but for one vote, we feel we could have had a better package. But we are pragmatic on this side. We believe we need to move forward. We know we cannot face days and days of delay. We know we need to get this done, and we have come together with Democrats and Republicans to move a package that I believe is in the best interest of the country at this time.

This is not the end of this debate. This is our answer to get quickly a short economic stimulus. But we are committed on this side—and with a number of Republican Senators who joined us last night in that vote—to continue to work to do a long-term economic stimulus.

This crisis started with a housing issue that became the face of this crisis as millions of homeowners were losing their homes across the country and facing foreclosure. We are committed to continue to move forward to address that housing crisis in a smart, pragmatic way to make sure we can do everything to help those families and to get this economy back on its feet. We are committed to work with our colleagues from Michigan and California and other States that are facing high unemployment to get extended unemployment insurance benefits for those families that are now facing a very real crisis in their homes and with their ability to put food on the table. We are committed to continue to try to get that one last vote for an energy package that will mean our jobs will be brought here to the United States to create new alternative energy that will help not only job creation but our energy crisis as well.

I commend all of us for coming together and, in a few short minutes, voting to pass quick, temporary relief that is well needed but also a commitment from all of us to continue to work to make sure we address the long-term economic stimulus as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I join my colleagues in saying this is a very fine day for the American people. It is a good day. I thank everybody who came together on this issue, particularly Senator REID and Senator BAUCUS, who were steadfast leaders as we began to put together a stimulus package. I also thank my colleagues in the House, led by Speaker PELOSI.

We do have a serious economic crisis. Most economists would say we are headed to recession. It is unfortunate; that recession could have been avoided because the housing crisis is at the bull's-eye of that recession. Unfortunately, this administration, with ideological handcuffs around its wrists, was unable to intervene. So the crisis spread. Housing prices declined, and then consumers stopped buying. We had a very weak Christmas season. Housing prices declined. Foreclosures increased. And there is a credit freeze, so many who wish to build and create commercial projects, factories, businesses that wish to borrow can't get the lending they need. As a result, we stand here at the precipice of a fairly severe economic downturn. We must do everything we can to make sure the severe effects of that downturn are mitigated. Today's package does that.

Early on, we enunciated on our side three goals—that a stimulus package be timely, targeted, and temporary.

The package today meets all three of those goals. Leader REID promised that we would get a package to the President's desk on February 15, that we would not let squabbles, dilatory effects get in the way. The package is on track to be signed by February 15 so that checks can be sent out to the American people as quickly as possible, and they, because they are—most of them—hard pressed, will spend those checks and get the economy revved up.

We added to the package. The House gave us a very good start. Make no mistake about it, the Senate package is based on the House's basic structure. But we fought hard to include 21 million senior citizens and 250,000 disabled veterans. They are now included in the package, and it is a better package than the one that passed the House.

The package in the House was good. The package that is passing the Senate is better. It could have been better still. It could have been best. But our colleagues on the other side of the aisle—again, in those ideological handcuffs—said: We cannot spend money. Tax cuts are OK, spending is not. Well, I know that is part of the old-time, hard-right philosophy. It is outdated now, but it is there.

Economists tell us, for instance, that spending on unemployment insurance is the quickest way to get the money into the economy. The checks will flow, hopefully, in the spring, but they cannot flow more quickly because the IRS needs to gear up its computers, and they are busy with tax returns and tax refunds. If we were to extend unemployment insurance, we would mainstream money into the economy much more quickly. Unemployment insurance gives the biggest bang for the buck: $1.74 for every $1 spent. Tax breaks are good, but they give about $1.19.

So if one were not ideological, did not care if the money went to the rich, the middle class, or the poor but just said, ''Let's get the economy going,'' unemployment insurance and nutrition assistance would be included in the package. But the ideological predispositions of the other side, not listening to economists—Martin Feldstein testified before our Finance Committee, a conservative economist who worked for Republican Presidents, and said unemployment insurance makes sense. They refused to do it. We made a valiant attempt. We tried. We were blocked by the other side by one vote.

We tried to bring in LIHEAP funds. Those of us from Northern States know how hard it is to heat your home with the price of oil and gas through the roof. They said no.

Housing, as I said, is at the bull's-eye of this crisis. We tried to bring in mortgage revenue bonds, which the President himself supported. But those on the other side said no.

So good, better, best. The House package: good; the Senate package: better. It could have been best, except our colleagues on the other side of the aisle decided to block it.

Let me say two other things in conclusion.

Madam President, I ask unanimous consent for 2 additional minutes, not to come out of Democratic time, just 2 minutes added on.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Madam President, if you want to delay the vote and add 2 minutes to the Republican time, that would be fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Madam President, two other points quickly.

We will come back. There are structural problems in this economy that rebate checks will not solve. There are problems with housing, and we are putting together a good housing package that will include not only mortgage revenue bonds but assistance for loan supervisors, loan counselors, who will help people restructure, and it will encourage Fannie and Freddie to get money so mortgages can be refinanced. There are the conforming loan limits, which should pass in this package. That will help our housing area.

We also will put together a package that deals with infrastructure—a time-honored way of getting the economy moving. Hopefully, there will be some local assistance to help States with their increased Medicaid burden and energy assistance—not just LIHEAP but also the kinds of things the Senator from Washington State, Ms. CANTWELL, has pioneered: tax breaks for green energy to create jobs and keep jobs here.

We will put together a package that will do all of that. We expect there will be resistance from the other side. The only thing that will probably stop that is if the economy hurdles south even further.

The second thing I want to say is this: Some asked me outside: Well, did you do this for politics? Absolutely not. We tried to craft—and I know it because I am on the Finance Committee and worked closely with Senator BAUCUS—we tried to craft the package that would give the economy bang for the buck. But if today Members on the other side of the aisle are squirming because they voted no, that is what democracy is all about. There were real choices here—real choices. Some said yes; some said no. We each should be held accountable by our constituents for that. That is what democracy is all about. So while it was substance—totally substance; I can tell you that, having been there—that motivated our package, the political chips will fall where they may.

This is a great day for the American people, a day to try to improve our economy. I am proud of what we have done and will work hard to make it better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, in response to the comments of the Senator from New York, I simply would say that it is reassuring to see the chairman of the Democratic Senatorial Campaign Committee come to the floor and hear him say: Let the political chips fall where they may, while denying he had any political motives in his comments.

I tried to begin the remarks here, after the majority leader made an excellent talk and the Republican leader made an excellent talk, by complimenting Speaker PELOSI, by complimenting Mr. BOEHNER, by complimenting the President, by saying Senator BAUCUS and Senator CHUCK GRASSLEY deserve a lot of credit for bringing to our attention some things that needed to been done. Then, by complimenting Senator STEVENS and Senator MCCONNELL—who a few days ago offered an amendment to add seniors and disabled veterans and to fix a problem that apparently needed fixing by leaving out widows of disabled veterans. They offered that, and we all agreed that was a good result.

I guess the Senate floor is always appropriate for whatever any individual Senator may wish to say. But sometimes I wish it were more about substance and less about politics.

This is an opportunity when we can talk more about substance. We have our principled differences of opinion on where we go from here, but we have agreed on the temporary. As the Senator from New York said: Good from the House; better from the Senate. I agree with that. Now, when we get to ''best'' we will have a different kind of debate.

Mr. SCHUMER. Madam President, will my colleague yield?

Mr. ALEXANDER. Madam President, I will be glad to complete my remarks and turn the floor over to the Senator in just a moment.

But when we get to the question about ''best,'' I assume we are going to be arguing from principles, and we are going to say: To make this economy better for the long term, we need to limit runaway lawsuits. And he may say we do not. I do not mean that will make him politically squirm. I assume he actually believes that.

We may say we want to continue tax cuts, and he may want to raise taxes. Should he say that, I do not intend to try to make him politically squirm. I assume he just believes that.

Perhaps we can agree that we ought to implement the America COMPETES law which we worked together to pass last year. Perhaps we can agree that we ought to increase the number of HB–2 visas so talented foreign people can come do research and work and then stay here and create jobs here instead of creating them overseas in India.

When it comes to an energy package, I may say more nuclear power, and

someone on the other side may say less. But I do not say that to make them squirm politically.

So I like the fact that we can come here and compete. I like his characterization, if I may say so, of ''good,'' ''better,'' ''best'' because I think if we have an economic stimulus package, the right kind of competition is to say they have an even better one, and then we will have to go to work and come up with an even better one than that. But I reject the notion that what has been done here is to cause Republican Senators to squirm. We feel pretty good about avoiding turning this bill into an excuse to spend more money. But we respect the fact that those on the other side have a genuine belief that spending more money is the way they would prefer to go over the long term.

So I guess I am expressing a little bit of disappointment in the tone of the debate here at the end. That is all I am expressing. But I thought I ought to express it instead of letting this go on and on in the same tone.

The PRESIDING OFFICER. Just so everyone knows, the Republican side has 11 minutes 17 seconds remaining; the Democratic side has 8 minute 6 seconds.

The Senator from Michigan.

Ms. STABENOW. Madam President, I ask unanimous consent for 1 minute from the majority's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Thank you very much.

Madam President, certainly we come here today supportive of what has been done to this point, congratulating the House for beginning this process, on which we can build. But I think it is very important we make it clear what has happened.

We had the majority of the Senate that supported something that would have gone further, something that would have been better, in my judgment, and it was stopped by a filibuster and our inability to get one vote—one Republican vote—to join with us to stop the filibuster. So what does that mean? It means millions of unemployed middle-class Americans are left out. Unemployment benefits—one of the top two areas that economists have agreed upon to stimulate the economy—were left out because of one vote from our Republican colleagues. We just needed one more vote to include that.

Jobs from alternative energy production—we literally have businesses saying they will bring jobs back from overseas to this country—we lost that by one vote. Those jobs will stay away. Plants, we are told, will not improve and may, in fact, close certain projects because of the lack of one Republican vote. Help for homebuilders and homeowners—at the heart of this crisis—help for other employers struggling to invest and keep Americans employed, we lost this by one vote. That is what is so unfortunate here today.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, how much time is remaining on our side?

The PRESIDING OFFICER. Six minutes 17 seconds.

Mr. DURBIN. Madam President, under the agreement, I have 5 minutes. I will just take 4 minutes, and if the Chair will notify me when I have used that time so the Senator from Arkansas can have her 2 minutes-plus.

It is interesting here that the American economy is suffering from some ailment that leads us to believe it is headed to recession. So how are we going to treat this ailment, this fever? Well, we are trying to come up with some medicine in a hurry before it gets worse.

The Federal Reserve lowered the interest rates, and then we understood we could do our part in Congress on a bipartisan basis: Let's try to do something now before something worse happens. We know how bad it is: all of the people who are unemployed, the stock market in trouble, housing in shambles across America, the housing industry flat on its back. So we tried to come up with something quick, temporary, and targeted to get this economy back on its feet.

I give credit to both the House Republicans and Democrats for reaching agreement and sending us a bill. Then we sat down in the Senate and said: Can we improve it? Is there a way to put a little more medicine in this package so it will work?

Senator MAX BAUCUS and Senator CHUCK GRASSLEY—Democrat and Republican—on a bipartisan basis came up with a really good package. We tried to pass that last night. We missed it by one vote. We needed one more Republican vote. We had all the Democrats and eight Republicans. We needed one more. We could not get it done. So today we decided we had to take the best parts of it that we could on a bipartisan basis and pass it. I am glad we are going to do that.

As I go around this country, people say the same thing over and over: Will you stop squabbling on Capitol Hill and get down to work? Will you try to work together? Today, we will. What the Senate Finance Committee did was improve the House bill and give us a chance to help this ailing economy get back on its feet.

What if this is not enough medicine? What if it is the wrong medicine? I think we are going to go back to some of the things that were rejected last night.

Unemployment insurance—boy, read the list. Madam President, 1.2 million Americans are going to see their unemployment insurance benefits end this month. We want to extend their protection. There are some who came to the floor on the other side who argued against that. Oh, they say if somebody is unemployed, you have to punish them, you have to pressure them to go back to work. Ever try to live on an unemployment check? I have run into people who do it, and it is not a rosy life. I think people are looking for jobs and finding them very difficult to locate.

I think we are going to return, and many of the things rejected last night by the Republican side will be part of the second dose of medicine for this economy. This economy needs to get well. We need to give the right medicine in the right amounts for it to happen. This is a good start. With one more Republican vote last night, I think we could have given that full spectrum of medicine to put this economy on the right track.

If our efforts fail now with this stimulus package, we need to come back and put back into the law the things that were defeated last night by the Republicans, and more. We need an economic recovery package for America. I am sick and tired of sending billions of dollars to Iraq to rebuild hospitals and schools and highways and not do the same thing in America.

We have to focus on putting Americans to work with good-paying jobs, with decent benefits, so they will be spending again and this economy starts chugging forward again. For too long, we have ignored working families, and any economic recovery plan has to focus on those working families first. That is why I hope we pass this soon, monitor it carefully, and if we do more, let us respond as quickly as we can.

I reserve the remainder of my time for the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I say to those who have discussed this before me that we received a package, the Pelosi-Bush package that started in the House, and it was done very quickly. They bypassed their committees and they bypassed the consideration of the Senate until we got the package. So what we tried to do was to do our very best to improve upon that package in ways that we felt would not only stimulate the economy but do justice to the American people.

To the conversation that happened before me from the Senator from Tennessee and the Senator from New York, I don't think what we are talking about here is whether we are going to take up whatever we can do; we owe it to the American people to do our very best, to do the very best we can to stimulate the economy and make sure we are including every American in a part of that stimulus package.

I think that is what we tried to do in the Senate Finance Committee under the tremendous and thoughtful leadership of Chairman BAUCUS and Senator GRASSLEY. We came up with a plan that, yes, not only looked at what we could do with those rebate checks and making sure we equitably distributed

those dollars—not only to those included in the Pelosi-Bush plan, but also to include seniors. The chairman and ranking member found a way to include seniors, qualifying their Social Security income for the rebate income threshold, but they also looked at the crisis epicenter: the home mortgage issue. They looked at the unemployed who are getting ready to fall off the rolls and who are working families trying to take care of their kids and their aging parents. They looked at new job creation, the renewable energy sources. What an incredible way for us to begin to reinvigorate the economy, to make a quick hit on jobs that were already in existence that were probably going to leave if we didn't do something about it.

I joined my colleague Senator SNOWE, and I was very proud to join Senator SNOWE, as I regularly am, to offer an amendment to add veterans' disability income as well. We wanted to add veterans' disability income to make sure our disabled veterans would also get a rebate check, because I know, looking out there, they need it as well.

The PRESIDING OFFICER (Mr. WEBB). The Senator's time has expired.

Who yields time?

Mr. ALEXANDER. How much time remains on the Republican side?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mrs. MURRAY. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. No time remains on the Democratic side.

Mr. ALEXANDER. Mr. President, I am glad to yield 1 minute of our time to the Senator from Arkansas if she wishes to finish her remarks.

Mrs. MURRAY. Mr. President, if the Senator would be so gracious, that would be very much appreciated on our side, so that the Senator could finish her remarks. We thank the Senator from Tennessee for that.

Mr. ALEXANDER. Of course. Is 2 minutes enough?

Mrs. LINCOLN. That is unbelievably gracious from my neighbor in Tennessee.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mrs. LINCOLN. Mr. President, as always, my neighbor from Tennessee is gracious and a gentleman.

Here in Washington, we often get into the business of debating specific policies and we lose sight of what it is all about. Before we finish this debate, I want to remind people what it is about.

There is a gentleman named James Free who lives in West Memphis, right across the border from the Senator from Tennessee. He served in the U.S. Army from 1972 to 1977. His service led him around the world two or three times, he said. But James' disability makes it hard for him to work and to get by day to day. He gets $314 in a disability check that he receives from the VA each month, which is his primary source of income. Now, because of the modifications we have made here in the Senate, James and other folks like him will qualify for the rebate. How could any of us argue that James Free, who has served our Nation very courageously and proudly, should not be included in this package today, that he would not appreciate the opportunity to receive a stimulus check, and that he would not put it back, right back, into the economy.

This is a good package. We had hoped we would do our very best, but it is a good package, and we want to make sure that as we take this step to stimulate the economy in this great Nation, we will prepare ourselves for the next piece of recovery we can offer, a recovery piece that will be more long term, more substantial in making sure that we deal with job creation and some of the other crises that exist. It is going to be good for our economy now. It is going to be good for our working families and good for seniors, good for our veterans, and due to some additions I think from the other side, also good for the widows of veterans. I appreciate the fact we are moving forward on behalf of the American people.

I want to say thanks to my colleague from Tennessee for yielding time so I could finish my comments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I believe all the Democratic time is used and most of ours is used and the vote is scheduled for 4:10, if I am not mistaken.

Let's start from the beginning, once again. The first order of business when Congress convened and the President made his State of the Union Address was to say to the American people: We see that the economy is slowing down, and we want to do whatever we can from Washington. Even though we realize this is a huge economy—15 trillion or so dollars a year—we want to see if there is something we can do quickly that will stimulate the economy.

The President, the Democratic Speaker of the House, and the Republican leader of the House, with the agreement of the majority and minority leader of the Senate, took the first stab at it. In very short order, they reported, and the House passed with only 35 or so dissenting votes, provisions that would give about $150 billion—two-thirds of it straight to individual taxpayers, middle and low income, so they could keep more of their own money, spend it, and stimulate the economy; and about a third of it to small businesses in America so they could keep more of their own money and create new jobs. That package was sent to us. The Senate Finance Committee worked hard on that and came up with some additional recommendations. One of those recommendations was to add seniors. Another was to add disabled veterans. That recommendation was an idea that Senator STEVENS of Alaska and Senator MCCONNELL of Kentucky thought was a good idea, and in their own amendment offered that on the floor.

We then had a vote yesterday which represented a philosophical difference of opinion. Most on the other side wanted to spend another $40 billion. Most on this side thought that was an excuse to spend, so we resolved that, as the Senate always does: Unless you can get 60 votes or a consensus, we can't go ahead. So the ones who wanted to spend more didn't win for now, and we kept the package at about the same spending level that it was, adding, as virtually all wanted to do, seniors and disabled veterans and their widows. So in a very short order, we have a result.

I wish to end my remarks as we come toward the vote about where I started earlier, which is that this is a conclusion that deserves—and I hope will earn—the respect of the people of the United States. It was fashioned in the House, and the Senate has largely respected the work they have done. We believe we have improved it. We are sending it back. We are doing this with a provision that is timely and targeted in a temporary way, and then we will move on, both sides will, to offer our long-term solutions for how we can continue to make this economy stronger.

There will be differences of opinion. There may be more spending there and there may be more tax cuts here. There may be more reservation of runaway lawsuits here and less there. But we can have those arguments. They will be principled arguments. Hopefully, it will show that the Senate and the House, when they set their minds to it, can work with the President on big issues and get results.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I believe all time has expired on this side.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, unless there are other Republican Senators who wish to speak, we yield back our time.

The PRESIDING OFFICER. All time has expired.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4010.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—91

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Pryor
Bennett	Graham	Reed
Biden	Grassley	Reid
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Salazar
Brown	Inhofe	Sanders
Brownback	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Johnson	Shelby
Byrd	Kennedy	Smith
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Stevens
Chambliss	Landrieu	Sununu
Cochran	Lautenberg	Tester
Coleman	Leahy	Thune
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dole	McCaskill	Wyden
Domenici	McConnell	
Dorgan	Menendez	

NAYS—6

Allard	Corker	Gregg
Coburn	Craig	Hagel

NOT VOTING—3

Clinton	Nelson (NE)	Obama

The amendment (No. 4010) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announced that, if present and voting, the Senator from Nebraska (Mr. NELSON) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—81

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Salazar
Brownback	Isakson	Sanders
Bunning	Johnson	Schumer
Burr	Kennedy	Smith
Byrd	Kerry	Snowe
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Stevens
Casey	Lautenberg	Sununu
Chambliss	Leahy	Tester
Cochran	Levin	Thune
Coleman	Lieberman	Vitter
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Cornyn	Martinez	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wicker
Domenici	McConnell	Wyden

NAYS—16

Allard	DeMint	Kyl
Barrasso	Ensign	Murkowski
Coburn	Enzi	Sessions
Corker	Gregg	Shelby
Craig	Hagel	
Crapo	Inhofe	

NOT VOTING—3

Clinton	Nelson (NE)	Obama

The bill (H.R. 5140), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MODIFICATION TO AMENDMENT NO. 4010

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the passage of H.R. 5140, the Reid-McConnell amendment No. 4010 be modified with the technical change at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

tion. Such term shall not include a TIN issued by the Internal Revenue Service.''.

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 53(e)'' and inserting ''53(e), and 6428''.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking ''or 32'' and inserting ''32, or 6428''.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSION.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not

ORDER OF PROCEDURE

Mr. REID. Mr. President, my mind was on FISA. What we have done is, the staffs are working out a consent agreement where we are going to have three recorded votes. We are going to be able to dispose of two other votes by voice. Then we are working toward—and it is not done yet—we are working toward where that may be all the votes we will have tonight.

Then what we will try to do—not try, it is the only way we can get from here to there to get it done—is tomorrow we still have a lot of debate left in this matter because of the time we have spent dealing on the stimulus package. So today we will do all the votes we can. We are going to have, as I have indicated, at least five amendments we will get rid of. I think that will leave about five. We will then have debate—there are a number of amendments where I think there is still like 6 hours of debate left on those, and they would complete that debate, hopefully get rid of a lot tomorrow, and what we can't, on Monday, and Tuesday morning we will start final votes.

We will have a cloture vote involved in this also, but I think we can work out the time factor on the cloture vote and have final passage on this sometime on Tuesday. I have asked Senator ROCKEFELLER to have a pretty good idea of what will be in the final package as it comes out here. So I think it would be to everyone's benefit that he and Senator LEAHY, Senator BOND, and Senator SPECTER work with their House counterparts to see if they can work on a package to bring back to us.

What we are facing with this, because of the constraint of time, is that the House has to work with the Senate to come up with something. If that doesn't work out, then the legislation expires. There will be no law on the 15th, and I don't think there is anyone who wants that. No one, with all that has gone on, even though I have complained a few times—well, I think there is no need to point fingers now. We are where we are, and we have to move as quickly as we can and try to finish this bill, including the conference report, next week. We have to do that.

The unanimous consent is not ready yet, so I ask unanimous consent that my friend from Illinois, Senator DURBIN, be allowed to speak for 10 minutes as in morning business; and if one of my colleagues on the other side wants to speak before the vote starts, that is appropriate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, if I can say so, it sounds like a good game plan to me. My understanding is we are going to get started voting here very shortly. Is my understanding correct?

Mr. REID. Well, now, Mr. President, we lost one of them, so we are now down to two rollcall votes and two that can be accepted by voice. So we are two steps forward and one back. So the answer is: Yes, we will have two votes that will be recorded. We should be able to start those in a few minutes.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. REID. I would be happy to yield.

Mr. DORGAN. Mr. President, I think most Senators will feel good about the significant progress on FISA, and hopefully we will get that completed.

Senator THUNE and I were speaking a moment ago about the other piece of legislation we hope we might finish, when FISA is completed next Tuesday or Wednesday, and that is the Indian Health Care Improvement Act, which we started on the floor of the Senate.

I would ask the Senator: Might we expect to be able to bring that up for a day? We believe we can finish that in a day next week.

Mr. REID. I say to my friend: Is there anything that can be done on that tomorrow or Monday? Has the debate on all the amendments been completed?

Mr. DORGAN. Mr. President, I believe we have worked through most all areas of controversy, where we are waiting on some amendments that I believe Senator COBURN wishes some votes on. But I think we have made a lot of progress on both sides of the aisle to resolve items of controversy. I think if we could get it on the floor for 1 day, we can finish it. And, frankly, there is some urgency to Indian health care issues. As I said, Senators Murkowski, Thune, and others join me in hoping we can include that next week to be completed on the floor of the Senate.

Mr. REID. I ask my friend, the Senator from North Dakota: Is there a way we could have a consent agreement that would give us specific time for any amendments and votes on amendments, and after they are all done, final passage?

Mr. DORGAN. Mr. President, I have been working with Senator KYL and others to try to see if we can reach an agreement on any amendments. I believe there will be very few votes required. I think Senator COBURN has some that may require a couple of votes, but by and large I think we have worked through most of the issues. Senator KYL and Senator THUNE, on that side of the aisle, have been working with me.

But I would very much like to get whatever list or whatever time agreements we need so that we can bring that up. We really do need to finish that next week, following the disposition of FISA, if it is possible.

Mr. REID. I ask my good friend, during those two votes we are going to have in a short time, if we can go to work to see if we could have a specific numbers of amendments, how much time is left on them, we will complete it to final passage.

Mr. KYL. Mr. President, I have been working with the Senator from North Dakota. While we have not surveyed all of the Members on this side, I believe the issues are well known to us; they have surfaced. The three key issues have mostly been worked through, as I understand, and I believe Senator COBURN is willing to put a time agreement on the amendments he has. All of which is to say that I believe, unless there are some votes on our side that have not come forward—and we will certainly inquire—it should be possible to get a time agreement with specific amendments that is not very long and that would result in the bill being concluded in a relatively short time. But we do need to survey the rest of our Members.

Mr. THUNE. Mr. President, I would just echo what my colleague from North Dakota said and would agree that now we will have dealt with FISA and the economic stimulus bill, which I know are matters of great importance and urgency—this is a matter of great urgency to the people we represent. It is long overdue that we get this done. So I will do everything I can on our side to make it possible for us to limit any further amendments or anything that might further delay moving to a final vote.

I appreciate the leader's indulgence, along with my colleague from North Dakota, and would simply ask that when we complete action on this, we move to this bill.

Mr. REID. If I can respond to my three colleagues, originally we thought this bill would take 1 day, and we know it has been bifurcated because of other issues. But I would really think that before we spend another few days on this, we have to do everything we can to see if we can come up with a time agreement to give us a way to get to the end so we can have final passage.

We do not need to speak, as I have, about the drastic needs in Indian territory. We need to do this. So I hope that—my friends, this is certainly a bipartisan piece of legislation—we can work out some time agreements, and part of that will be final passage.

Mr. KYL. I do not know of any reason that cannot be done. There is certainly no intention on our side to take a long time or slow it down. I think the Senator from North Dakota would verify that I have worked to try to resolve issues that are outstanding. It is my belief that this can be done within a time period that is acceptable to the majority.

The PRESIDING OFFICER (Mr. PRYOR.) The majority leader has a unanimous consent request pending. Is there objection? Without objection, it is so ordered.

DOJ STAFF MEMO ON THE FUTURES MARKETS

Mr. DURBIN. Mr. President, I thank the majority leader for requesting 10 minutes for me in morning business.

The State of Illinois is home to some of the most dynamic and innovative financial services firms in the world. For the futures markets, Chicago is a global leader. I pay particularly close attention to the vitality of these markets. It is an important part not only of the economy of my home State but of the economy of our Nation. The work in the futures markets has a direct impact on everything from pork bellies to currencies to the price of oil.

I am deeply disturbed with what has taken place this week within the Department of Justice relative to those futures markets. As we have been told, the staff at the Justice Department recently wrote a memo to the Department of Treasury questioning the structure of clearing and settlement services in the U.S. futures industry. The staff has referred to concerns about restraint on competition and other issues.

What is troubling about this disclosure is that the Department of Justice staffers apparently are claiming that they were simply commenting on a Treasury proposal regarding the overall competitiveness of America's financial markets. But the comment period on the Treasury proposal ended 2 months ago, 2 months before the Department of Justice released this memo, and it is been more than 6 months since that same Department of Justice approved the merger of the Chicago Mercantile Exchange and the Chicago Board of Trade.

Well, people say: So what? Bureaucrats release memos. Who pays any attention to those? Well, let me tell you what happened yesterday. When this memo became public, the price of the Chicago Mercantile Exchange stock declined by over $100 in 1 day. That reduced shareholders' market capitalization by almost $6 billion. A memo from the Department of Justice to the Department of Treasury leaked to the Dow Jones Press Service, which became public, cost the Chicago Mercantile Exchange, in 1 day, market capitalization of almost $6 billion. There was no justification for this memo. The comment period was closed, the Department of Justice had acted on the merger, and there was no reason to release it.

I have joined with my colleague, Congressman RAHM EMANUEL, in sending a letter to Attorney General Mukasey and Secretary Paulson calling on them to not only look at the substance of this memo but also the circumstances. By what right was this staff memo issued in the first place or released to the press?

I want to quote one of the Commissioners of the Commodity Futures Trading Commission. That is the Government agency responsible for regulating these markets. This is what the Commissioner said:

> The Department of Justice staffer letter has unfortunately roiled the markets, and this is precisely the kind of behavior that Government regulators are supposed to take ordinary care and attention to avoid.

He is right. I think that letter was entirely inappropriate, and the fact that it was the leaked to the press—and I do not know whether it was leaked at Justice or at Treasury—is something that should be investigated. I do not want to read too much into this, but someone who understood the impact of the market and decided to short the stock could have made a lot of money yesterday. I am not saying that occurred, but that is how serious it is, that the stock would go down $100 in 1 day because of this action. Today, the stock has started to recover. I am glad. But still we have to answer, at the Federal level, why this ever occurred.

These markets are ready to be regulated and examined, and they should be. We want transparency and public trust at every single level. And we know that competition in this market goes far beyond the United States. These are now international and global markets, and the Chicago Mercantile Exchange is the one of the leaders in these markets. They should be closely regulated, closely watched, and should be subject to all of the laws and regulations concerning transparency. But when some staffer at the Department of Justice can take a potshot at this global market and cost them almost $6 billion in market capitalization in 1 day, I think we have a right to demand accountability.

I am joining with my colleagues in the Senate and in the House in calling on this administration to look into this matter as quickly as possible. I hope to find out why this comment letter was filed 2 months after the Treasury Department deadline if the memo was meant to be related to that effort. I hope to find out if the Department of Justice considered its influence on the markets prior to drafting this letter or leaking this letter, whatever was done.

I hope there is not more to this story than the Justice Department staffers are claiming, but I wonder. That is the reason I have written to these two leaders in the administration asking for a timely response.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I understand that the bill is to be called back up, the FISA bill; is that correct?

The PRESIDING OFFICER. That would be the regular order.

Mr. BOND. If the proponent of the amendment is ready, I would suggest that we begin the final lap on these amendments.

FISA AMENDMENTS ACT OF 2007—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 2248) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Pending:

Rockefeller-Bond amendment No. 3911, in the nature of a substitute.

Whitehouse amendment No. 3920 (to amendment No. 3911), to provide procedures for compliance reviews.

Feingold amendment No. 3979 (to amendment No. 3911), to provide safeguards for communications involving persons inside the United States.

Feingold-Dodd amendment No. 3915 (to amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures.

Feingold amendment No. 3913 (to amendment No. 3911), to prohibit reverse targeting and protect the rights of Americans who are communicating with people abroad.

Feingold-Dodd amendment No. 3912 (to amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions.

Dodd amendment No. 3907 (to amendment No. 3911), to strike the provisions providing immunity from civil liability to electronic communication service providers for certain assistance provided to the Government.

Bond-Rockefeller modified amendment No. 3938 (to amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978.

Bond-Rockefeller modified amendment No. 3941 (to amendment No. 3911), to expedite the review of challenges to directives under the Foreign Intelligence Surveillance Act of 1978.

Feinstein amendment No. 3910 (to amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted.

Feinstein amendment No. 3919 (to amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court.

Specter-Whitehouse amendment No. 3927 (to amendment No. 3911), to provide for the substitution of the United States in certain civil actions.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 3915

Mr. FEINGOLD. Mr. President, this is the amendment we call Use Limits Amendment, amendment No. 3915.

This amendment gives the FISA Court the option of preventing the Government from using information on U.S. persons that it has collected using targeting or minimization procedures that are later found to be illegal.

As the legislation now stands, if the Government uses procedures that are later declared unlawful, there is nothing to stop it from using the information it collected illegally. This does not make any sense, and it takes away any incentive for the Government to develop lawful procedures the first time around. It is also not consistent with the approach FISA takes with other illegally collected information.

If the Government conducts emergency surveillance that is later found to be improper, FISA already prohibits the Government from using that information. Importantly, under my amendment, information about foreigners or information that indicates a threat of death or bodily harm could always be used by the Government, even if it were collected under illegal procedures. The FISA Court also has the discretion to allow the Government to use illegally collected information about U.S. persons.

So it is an extremely modest safeguard, a very reasonable amendment. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I strongly urge my colleagues to defeat amendment 3915. It creates a superexclusionary rule on the intelligence community. The Attorney General and the DNI have advised they will recommend a veto.

It says: By requiring analysts to go back through relevant databases and exact certain information as well as to determine what other information is derived, this requirement places a tremendous burden, an unsurmountable operational burden on the intelligence community. I agree and yield the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would say to the Presiding Officer that this amendment would prevent disclosure or dissemination of any collected information by U.S. persons if the FISA Court finds there are deficiencies in the Government's targeting or minimization procedures under the new authority.

There is no need to add another penalty to ensure compliance with the requirement of the statute. The amendment gives the court very little discretion to determine whether nondisclosure is the appropriate remedy. Nondisclosure could be required even if the information is particularly significant foreign intelligence information, or if there is only a minor deficiency in the procedure that cannot be corrected within 30 days.

It is a very short way of saying that I oppose this amendment strongly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the Senate now resume consideration of the following Feingold amendments, Nos. 3915 and 3913, and that the time until 5:25 p.m. be for debate with respect to these amendments en bloc;

that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order listed above; that there be 2 minutes of debate prior to the second vote, with all time equally divided and controlled in the usual form, and the second vote 10 minutes in duration; that when the Senate resumes S. 2248 on Friday, February 8, and on Monday, February 11, all remaining amendments be debated and all time used; that on Tuesday, February 12, at a time to be determined, the Senate then proceed to vote in relation to the amendments in an order specified later, with 2 minutes of debate prior to the votes, equally divided and controlled in the usual form, and any succeeding votes in the sequence be limited to 10 minutes; that no further amendments be in order Tuesday; and that upon disposition of all amendments, the Senate vote on the motion to invoke cloture on S. 2248; and that if cloture is invoked on the bill, Senator DODD be recognized to speak for up to 4 hours, Senator FEINGOLD for up to 15 minutes; that upon the conclusion of these remarks and the recognition of the managers for up to 10 minutes each, the Senate then proceed to vote on passage of the bill, and any other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, if I could ask the majority leader, I had talked with Senator FEINGOLD and suggested we have 4 minutes equally divided on the next vote so he can have 2 minutes and the chairman and I may each have a minute.

Mr. REID. I accept the modification.

The PRESIDING OFFICER. Is there objection to the request as so modified?

Without objection, it is so ordered.

AMENDMENT NO. 3915

Mr. FEINGOLD. How much time do I have?

The PRESIDING OFFICER. The Senator from Wisconsin has 2 minutes.

Mr. FEINGOLD. Mr. President, I wish to respond to the argument of the Senator from West Virginia that this amendment would somehow impose a burden because it would require the Government to identify information about U.S. persons. I wish to be clear, these use limits kick in only if the Government proposes to disseminate and use the information, in which case the bill's minimization procedures already require the Government to identify information about U.S. persons. So I can't for the life of me figure out what the Senator is referring to when he refers to new burdens. My amendment imposes no additional burden at all.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. ROCKEFELLER. I have already spoken on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we have made our point that it makes no sense to exclude the use of information simply because there is a deficiency, any deficiency in the certification and procedures used to target foreign terrorists overseas.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 3915.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent. The Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—40

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Biden	Harkin	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Casey	Levin	Webb
Conrad	Lincoln	Whitehouse
Dodd	McCaskill	Wyden
Dorgan	Menendez	
Durbin	Mikulski	

NAYS—56

Alexander	DeMint	Martinez
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bayh	Ensign	Pryor
Bennett	Enzi	Roberts
Bond	Graham	Rockefeller
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hagel	Smith
Carper	Hatch	Snowe
Chambliss	Hutchison	Specter
Coburn	Inhofe	Stevens
Cochran	Inouye	Sununu
Coleman	Isakson	Thune
Collins	Johnson	Vitter
Corker	Kyl	Voinovich
Cornyn	Landrieu	Warner
Craig	Lieberman	Wicker
Crapo	Lugar	

NOT VOTING—4

Clinton	Nelson (NE)
McCain	Obama

The amendment (No. 3915) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senators LEAHY and SPECTER, managers on the part of the Judiciary Committee, be recognized for up to 20 minutes on Tuesday, February 12, postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

There is now 4 minutes equally divided before the next vote.

Who yields time?

The Senator from Wisconsin is recognized.

AMENDMENT NO. 3913

Mr. FEINGOLD. Mr. President, the reverse targeting amendment No. 3913 was approved by the Senate Judiciary Committee and is cosponsored by several of my colleagues. It simply ensures that the new authorities contained in this bill are not used to engage in what is known as reverse targeting of Americans here at home. FISA requires the Government to get a court order when it is wiretapping Americans on American soil. Reverse targeting refers to the possibility that the Government will try to get around this requirement by using these new authorities to wiretap someone overseas, when what the Government is trying to do and is interested in is the American with whom that foreign person is communicating.

The bill pretends to ban reverse targeting, but this ban is so weak as to be meaningless. It would allow reverse targeting as long as the Government can claim it has some interest, however minor, in the foreigner it is wiretapping. The amendment says the Government needs an individualized court order when a significant purpose of the surveillance is to acquire communications of a person inside the United States.

The Director of National Intelligence has testified that this practice, reverse targeting, is a violation of the fourth amendment. That is what the DNI says. This amendment merely codifies that constitutional principle.

I strongly urge my colleagues to support this important amendment.

Mr. BOND. Mr. President, I yield 1 minute on our side to the chairman of the committee.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, this turns the bill on its head. This says if we are targeting folks overseas, that in effect we have to get a FISA Court approval for each and every time that happens.

Let me say the amendment causes enormous operational problems for intelligence professionals. They are very serious about it. The DNI and the Attorney General say it will hamper U.S. intelligence authorizations currently authorized because every single person would have to have a court order, and

when you are collecting overseas, that becomes kind of a burden.

While the technical details concerning such intelligence operations are classified, the concern is that the restriction would prevent the Government from doing intelligence collection against a foreign city, or a neighborhood in a foreign city, in advance of a military operation or perhaps in pursuit of a terrorist cell.

The amendment is unnecessary, and I urge its defeat.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, there is an explicit bright-line prohibition against reverse targeting in the current bill. As the DNI said, it would be in violation of the fourth amendment. But Senator FEINGOLD wants to replace this test with one that would make analysts engage in mental gymnastics, trying to figure out if ''a significant purpose'' is to target someone inside the United States. This significant purpose throws in an additional concern: The analysts who gather and examine intelligence need clear rules, not an ambiguous significant purpose standard.

The adoption of this amendment is seriously detrimental to the operation of our analysts and the DNI and the Attorney General would recommend a veto if it is adopted.

We worked hard, and we have a good bipartisan bill that significantly adds to the protections of civil liberties. We need to pass this bill. I join with my colleague from West Virginia, the chairman of the committee, in urging our colleagues to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have made progress on FISA. We have more progress to make. It appears to me that this will be the last recorded vote. We have a number of other measures we are going to try to dispose of on this bill. I know we have at least one of Senator BOND's amendments that will be disposed of by voice vote. We have an agreement that we will move this bill forward for passage on Tuesday.

On Tuesday, everyone, there will be no morning business. We will come in at 10 o'clock on Tuesday and start right on FISA, and hope by that time to have all of the debate completed on this legislation.

Again, this will be the last vote today. I appreciate everyone's good, hard work this week and look forward to next week.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from North Dakota (Mr. DORGAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent. The Senator from Arizona, (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—38

Akaka	Dodd	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Harkin	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Byrd	Kohl	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Webb
Carper	Levin	Whitehouse
Casey	McCaskill	Wyden
Conrad	Menendez	

NAYS—57

Alexander	Domenici	Martinez
Allard	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Feinstein	Pryor
Bond	Graham	Roberts
Brownback	Grassley	Rockefeller
Bunning	Gregg	Salazar
Burr	Hagel	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Isakson	Stevens
Corker	Johnson	Sununu
Cornyn	Kyl	Thune
Craig	Landrieu	Vitter
Crapo	Lieberman	Voinovich
DeMint	Lincoln	Warner
Dole	Lugar	Wicker

NOT VOTING—5

Clinton	McCain	Obama
Dorgan	Nelson (NE)	

The amendment (No. 3913) was rejected.

Mr. BENNETT. I move to reconsider the vote.

Mr. SALAZAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3941, AS MODIFIED

Mr. BOND. Mr. President, I call up amendment No. 3941, as modified, the Rockefeller-Bond amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. BOND. Mr. President, this amendment modifies a provision of the Protect America Act. I think, along with my colleague, the chairman of the committee, it makes a lot of sense. It lays out a process for the FISA Court to conduct a review of a petition from an electronic communication service provider challenging a directive from the Government in review of a petition by the Government to enforce compliance with its directive. Having the court conduct expedited reviews of these petitions, whether from the provider or from the Government, is in everyone's best interest.

These questions are essential to be resolved one way or the other for the protection of the private partners, as well as the protection of our national security. As long as challenges of enforcement proceedings remain pending before the court, the intelligence community cannot intercept terrorist communications through that provider. Those are not unreasonable requirements. Rather, it reflects the judgment of this body and the other in the area of national security that important decisions that go to the heart of our intelligence production should be made on an expedited basis.

The DNI and the Attorney General advised us they strongly support this amendment because it would ''ensure challenges to directives and petitions to compel compliance with directives are adjudicated in a manner that avoids undue delays in critical intelligence collection.'' We could not agree more.

I hope we will be able to accept this amendment.

I yield the floor to my distinguished chairman.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, my remarks are only to indicate strong support for this amendment. It is a wise modification. As far as I know, there are none who are in dissent. I hope it will be accepted.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 3941, as modified.

The amendment (No. 3941), as modified, was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we have made some progress today. We have laid out, through the good work of the leadership of this body, with Senator REID and Senator MCCONNELL, a means of going forward on Tuesday. We have now had over 2 weeks of debate on FISA. I think not only the fact that everything that could be said pro and con of all the amendments has been said, but I believe we have given everybody a chance to say it.

The good news is that when Tuesday comes around, we will have short time agreements and proceed to vote on these critically important amendments, and then we hope cloture and, if cloture is invoked, final passage, with everybody having an opportunity to express themselves.

Again, I personally express my thanks to the leadership, to the members of the committee who stood with

us and our staff, and I thank our colleagues for letting us come to this position where we see the end in sight.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, in every respect, I second the words of the vice chairman of the Senate Intelligence Committee. Speaking for this Senator, in the course of last year, this Senator has spent 6 months working on the children's health insurance bill with staff who do so much work that they sleep 2 or 3 hours a night, including the weekends, and achieved nothing. We have had, in a sense, the same process on the FISA bill. It is very complicated because it is a very delicate subject and requires this very difficult balance between intelligence collection for the security of the Nation and civil liberties of the people.

I am extremely proud of the way the vice chairman and others, particularly the majority leader and the minority leader, have conducted this affair. It took quite some time to get it going. I do believe I also see light at the end of the tunnel. I think if we do our work on Tuesday, we will have time to conference this bill with the House and send a bill to the President. In any event, I am grateful, particularly to the staff whose work is never mentioned enough.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO SENATOR JOHN MCCAIN AND GOVERNOR MITT ROMNEY

Mr. BENNETT. Mr. President, this afternoon, I and a number of others who have been supporting Gov. Mitt Romney for the Presidency of the United States met with the Governor and his good wife Ann to have a postmortem following his announcement that he was suspending his campaign.

I was perhaps the first Member of this Chamber to announce my public endorsement of Governor Romney, so I wish to be among the first to extend my congratulations to Senator MCCAIN, who has now, by virtue of Governor Romney's suspension of his campaign, locked up the Republican nomination.

We all have our understanding of Senator MCCAIN's persistence and his determination to go forward in what he considers to be a good cause. There has never been a demonstration of the importance of that persistence quite as dramatic as his comeback from this campaign.

We can remember the time when all of the pundits and, frankly, all the rest of us, myself very much included, wrote off the McCain campaign, assuming that Senator MCCAIN was lying dead in the gutter by the side of the road. I remember talking with some of his supporters in this Chamber at that time who said the McCain campaign is reeling and we don't know whether it is going to ever come back. I remember the rumors that flowed around this town, where people said: We cannot raise any money for the McCain campaign. No one wants to contribute to a lost cause.

JOHN MCCAIN, perhaps alone—maybe he had the support of his wife; I assume he did—said: No, I am going to go forward. He picked himself off, took himself off to New Hampshire, and did the same kind of thing he did 8 years ago when he ran against President Bush. In this case, he not only won New Hampshire, but he was able to expand that to wins elsewhere, to the point where we have the result today. So he deserves our congratulations as we recognize this truly extraordinary political accomplishment on his part.

I share with my colleagues this comment from Governor Romney. As those of us were supporting him from both the House and the Senate were gathered around him and talking about this, he shared with us this particular insight. He looked at what has happened. He sat down with his supporters. He looked for all the reasons why he should feel good. They pointed out he had won 4 million votes in the various primaries and caucuses and Senator MCCAIN had won 4.7 million. So in terms of the voters who supported him, he was not that far behind. He had won 11 States. Senator MCCAIN had won 13. So on that basis, he was not that far behind.

But the cold calculating reality of it was he was very far behind as far as the delegates were concerned. So he said to his advisers and his political consultants: What would it take for me to win the nomination? And they said to him very bluntly: You must destroy JOHN MCCAIN. That was not his word. I don't remember his exact word, but you must go negative, to use the vocabulary of the political consultant, in such a way as to make it impossible for JOHN MCCAIN to proceed with the confidence of the American people. Governor Romney said: I am not going to try that. Even if it might work, I don't want to try that. I don't want to do that. And he made the decision that was announced today.

Along with my congratulations to Senator MCCAIN on his extraordinary achievement and his assuming the position now as the obvious Republican nominee, I also congratulate my friend, Mitt Romney, on the graciousness with which he recognized what was happening and his willingness to withdraw now rather than drag the party on into a protracted fight that would make it very difficult for Senator MCCAIN to take control of the levers of power in the party and organize himself for the fight in the fall.

These are two good men, each one of different views, each one of very different background, each one of which would bring a different set of talents to the Presidency, each one of which has now exposed himself to the fire of the primary process. One has emerged victorious; the other has recognized that and stepped aside. I think it is a demonstration that the American political system, however messy, works.

Again, I extend my congratulations to Senator MCCAIN.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICE OF PAGE SAM WOHNS

Mr. LEVIN. Mr. President, the Senate Page Program has been an intregral part of the functioning of the Senate since its inception in 1829. Senate pages are always on the Senate floor when the Senate is in session, helping to ensure that the proceedings in the Chamber run smoothly and efficiently. Pages also are asked to complete a variety of other tasks when the Senate is not in session. We ask a lot of our Senate pages, and they always respond. A page is not only expected to serve the needs of the Senate, which is an important and time-consuming task, but also is expected to attend school and complete the necessary requirements of a high school junior.

Senator Daniel Webster selected the first Senate page. In those days, as is the case today, a page was chosen and sponsored by a Senator. There is a long and fine tradition of pages chosen by Michigan Senators, and I am proud to have sponsored many pages that have ably and responsibly served the Senate.

Sam Wohns, Michigan's most recent Senate page, completed his service as a Senate page last month with dedication and enthusiasm. Sam is a part of a fine tradition and a select group that has had the privilege to serve as a Senate page. He has proven through his hard work in the Senate and through his many successes in the past that he, like many of his peers, are some of our ation's best and brightest. This experience has prepared him well to meet future challenges, as it has for the many that have preceded him.

Each semester the Senate Page School conducts an essay competition. Every page is given the opportunity to

submit an essay that reflects their thoughts about their experience as a page. The winner earns the right to deliver that essay at the closing ceremony for his or her page class. Sam Wohn's essay was selected as the winning essay last month, and it is clear from his essay that this past semester has had a positive and inspirational impact on him and his fellow pages.

It is a distinct honor to be chosen as a Senate page, and the work that this page class has done is valued by all of us in the Senate. I know my colleagues join me in thanking each Senate page for a job well done. I look forward to hearing about their many successes in the future.

I ask unanimous consent to have the text of Sam Wohn's speech at the closing ceremony of his page class last month printed in the CONGRESSIONAL RECORD.

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

Good morning. It's hard for me to believe that today is our last day of Paging. Part of me feels like I just arrived. I still have so much to learn about our political process and there is still so much more that I want to do in DC. On the other hand, part of me feels like I've been here for years. I'm fully adjusted to dorm life, shortened class periods, and the demands of working at the Senate.

While I had dreamt of nearly every aspect of being a Page before I first stepped foot in Webster Hall, I hadn't imagined having to leave. Knowing that I'll never again have the opportunity to bring a senator a glass of water or to rush back early from dinner to open doors during a rollcall vote is disheartening, but knowing that I'll have the friendship of my fellow Pages for years to come is encouraging.

The other Pages from all around the country have enriched my experience more than anything else. And while I did learn the particulars of parliamentary procedure, the proper way to set up an easel, and how to operate on five hours of sleep a night, the most important lesson of this semester has been the value of teamwork. The bond between all of the Pages made no challenge insurmountable and made no hardship unbearable. Without that support network, I think my experience as a Page would have been very different.

As I was preparing this speech, I came across an email that I sent to my parents in the summer after my freshman year. I described the Page Program as a ''flawless utopia'' in that email. After taking Advanced Composition this semester I know that my word choice, ''flawless utopia,'' was a little redundant, but I think you get the idea—I had high expectations. I expected nothing short of an amazing experience, and my experience was nothing short of amazing.

Yet, it wouldn't have been as rewarding if it wasn't as challenging as it was. The weeks when I didn't get done with work until ten o'clock at night were the most memorable. I'll never forget the last night of rollcall votes when the senate was in session until after midnight or the last day of legislative business when Senator Levin showed all of the Pages his favorite signatures inside the desks on the floor. I worked long hours, but it certainly didn't seem like work.

I consider this semester a gift. I feel so fortunate to have been a student in each of my teacher's classrooms, to have made so many great friends, and to have played a role in the functioning of the world's most powerful legislative body. This semester has been a gift of knowledge from my teachers, a gift of friendship from all of the other pages, and a gift of new awareness and perspective that I gained from the many responsibilities all of us Pages shared at the Senate and at Webster Hall.

Like most gifts in Washington, this one has strings attached. As former Pages, we'll have obligations that we didn't have before. Our firsthand knowledge of the legislative process obligates us to stay informed of current events, our new awareness of some of the deep injustices in the world obligates us to do what we can to address them, and our work experiences obligate us to share our many stories with friends and family.

Many people have told me that a semester of Paging is similar to the first semester of college. I can only hope that my college experience is as memorable as the last four and a half months. It has been an honor and privilege to serve with you all. I will miss you and yet I know that we are inexorably connected for a lifetime.

TRIBUTE TO ROBERT BALL

Mr. KENNEDY. Mr. President, all of us who knew Robert Ball are saddened by his death last week. For many of us in Congress and for tens of millions of Americans in recent decades, Bob Ball was Mr. Social Security. He deserves immense credit not only for his indispensable leadership in making it the most successful and most beloved social program in the nation's history, but also for doing so much over the years to keep it that way when some in high places sought to undermine it.

President Kennedy named Bob as Commissioner of Social Security in 1962, the same year I came to the Senate, and I know my brother would regard him as one of his finest appointments. Bob's leadership was indispensable in maintaining the strength of Social Security in the 1960s and dramatically expanding it to include Medicare and disability benefits. Countless times over the years, I have benefited from Bob's extraordinary wisdom, experience and friendship.

Bob stepped down as Commissioner in 1973, but he never really retired. He was a key member of the Greenspan Commission on Social Security reform in the early 1980s, and in 1986 he founded the National Academy of Social Insurance, whose studies and publications have been an invaluable policy resource for all of us in Congress on Social Security, Medicare, and other important social programs such as workers' compensation and unemployment insurance. Through its awards and internships, the Academy has inspired many young people in government, the private sector and universities to devote themselves to these issues as he did.

As recently as last fall, at the age of 93, Bob was sending out to his extensive mailing list his ideas for protecting and financing Social Security, backed up, as they always were, by sound cost estimates provided by loyal Social Security employees who are still deeply inspired by Bob.

I will miss Bob very much, and I extend my deepest condolences to his wife Doris and all his children, grandchildren, and great-grandchildren. Bob Ball was one of a kind. Few if any in the long history of our country have done so much for so many for so long.

Mr. President, I ask unanimous consent that last Friday's obituary in the New York Times on Bob Ball be printed in the RECORD.

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

[From the New York Times, Feb. 1, 2008]

ROBERT M. BALL IS DEAD AT 93; LED SOCIAL SECURITY

(By Dennis Hevesi)

Robert M. Ball, the commissioner of Social Security in the Kennedy, Johnson and Nixon administrations, an architect of Medicare and an influential opponent of privatizing Social Security, died Wednesday at his home in Bowie, Md. He was 93.

The cause was congestive heart failure, his son, Jonathan, said.

''Bob Ball left an indelible mark on the Social Security program and the agency in that he played a critical role in the establishment of Medicare,'' the current commissioner, Michael J. Astrue, said Wednesday in a statement. ''His commitment to Social Security was unequaled.''

Mr. Ball was commissioner from 1962 to 1973, but his advocacy for preserving the program went well beyond his retirement from public service.

In 1981, he represented the speaker of the House, Thomas P. O'Neill Jr., Democrat of Massachusetts, on the National Commission on Social Security Reform.

Called the Greenspan Commission, for its chairman, Alan Greenspan, who later became chairman of the Federal Reserve, it was created by President Ronald Reagan at a time when Social Security faced financial problems. High inflation and high unemployment were significantly decreasing revenues.

Mr. Reagan wanted a report by the end of 1982, but the commission was deadlocked along partisan lines. Behind the scenes, Mr. Ball negotiated with James A. Baker III, Mr. Reagan's chief of staff, and Richard G. Darman, a deputy Treasury secretary.

Weeks before the deadline, they came up with a compromise, a complex balance of tax increases and benefit cuts that was acceptable to the president and to Mr. O'Neill. Those 1983 amendments remain the most recent substantial changes to the system.

In 1996, Mr. Ball was a member of a Social Security advisory council that was considering partial privatization of the system, a precursor to the broader plan that President Bush would propose eight years later. The council chairman, Edward M. Gramlich, a Federal Reserve board member, favored the plan. But Mr. Ball managed to place so many other issues before the council that privatization was kept off the table.

Still, privatization became a centerpiece of Mr. Bush's re-election campaign in 2004. The president wanted to allow workers to divert part of their Social Security payroll taxes into private accounts. Opponents, including Mr. Ball, said the Plan would leave the system under-financed.

''Bob Ball essentially set up a war room in his living room; a phone, a fax machine and his big Rolodex,'' Thomas N. Bethell, the editor of Mr. Ball's 2000 book, ''Insuring the Essentials: Bob Ball on Social Security'' (Century Foundation Press), said on Thursday. ''He wrote position papers, broadsides and papered Capitol Hill with them.''

Mr. Ball said the system was not facing financial disaster, as the president contended, and could be strengthened by, among other measures, raising the level of wages that could be taxed for Social Security, which is currently capped at $102,000. With Democrats in the majority since the elections of 2006, Congress has not addressed privatization.

Robert D. Reischauer, a former director of the Congressional Budget Office, said Mr. Ball's influence was potent. ''For years he has been one of the strongest defenders of the existing structure,'' Mr. Reischauer said Thursday. ''He provided the intellectual firepower to those who want to preserve it.''

Robert Myers Ball was born in Manhattan on March 28, 1914, the son of Archey and Laura Crump Ball. His father was a Methodist minister. Mr. Ball graduated from Wesleyan University with a degree in English in 1935, and a An official for three presidents and an architect of Medicare. year later earned a master's degree there in economics.

Besides his son, Jonathan, of Cazenovia, N.Y., Mr. Ball is survived by his wife of 71 years, the former Doris McCord; a daughter, Jacqueline Ball Smith of Meredith, N.H.; three grandchildren and four great-grandchildren.

Mr. Ball first worked as a Social Security field assistant in New Jersey in 1939. In 1947 and 1948, he was staff director of the Senate Finance Committee's advisory council on Social Security, playing a crucial role in shaping legislation that significantly expanded coverage and benefits. in 1949, he rejoined the Social Security Administration and began rising through the ranks. President John F. Kennedy appointed him commissioner in 1962.

As commissioner, he played significant roles in creating and winning enactment of Medicare, which provides health insurance to people 65 and over, and the Social Security disability program.

Recently, Mr. Ball had called on all presidential candidates to vow not to cut Social Security benefits. Last October, in an op-ed article in The Washington Post, he wrote: ''Social Security is the nation's most effective antipoverty program, But it's much more than that. For every worker it provides a solid base on which to try to build an adequate level of retirement income. To weaken that foundation would be grossly irresponsible.''

NATIONAL DEFENSE UNIVERSITY

Mr. WARNER. Mr. President, I rise today to recognize the importance of the National Defense University, NDU, and its contribution to our national security. Since 1976, the NDU has been the premier center for Joint Professional Military Education. Under the direction and leadership of the Chairman of the Joint Chiefs of Staff, NDU provides an educational and research environment to prepare future leaders of the armed services, the Department of State, other civilian agencies, and allied countries for high-level policy, command, and staff responsibilities. In addition, a limited number of students from private industry attend the university. Members of both Houses of Congress have benefitted from interactions with students and experts on the NDU campus. Students are selected for their leadership potential and many NDU alumni have gone on to senior leadership positions in their service, agency, or country.

NDU is a center for joint, multinational, and interagency education. It is comprised of the National War College, NWC; Industrial College of the Armed Forces, ICAF; Joint Forces Staff College, JFSC; Information Resources Management College, IRMC; School for National Security Executive Education, SNSEE; Institute for National Strategic Studies, INSS; Center for the Study of Weapons of Mass Destruction, CSWMD; Center for Technology and National Security Policy, CTNSP; Institute for National Security Ethics and Leadership; and five special programs: Capstone/Pinnacle/Keystone, Joint Reserve Affairs Center, JRAC; International Student Management Office, ISMO; Secretary of Defense Corporate Fellows Program, SDCFP; and the NATO Staff Officer Orientation Course, NSOOC.

With facilities located in Washington, DC, and Norfolk, VA, more than 1,000 people attend university courses and programs on any given day. NDU is an accredited graduate-level university awarding approximately 600 masters degrees each year. Through agreements with a number of universities, IRMC students can earn 15 graduate credits for work completed at NDU.

At NDU, students are taught how to think—not what to think. The curriculum combines information technology, classroom experience, and experiential learning. Through lecture programs, students gain important insights from top military, government, industry, and international leaders to include the President of the United States, Cabinet-level officials, the Joint Chiefs of Staff, commanders from major military commands, Members of Congress, civilian leaders, and foreign ministers of defense. Speakers talk frankly with students under the University's nonattribution policy allowing a free exchange of ideas.

Annually, NDU's outreach efforts include more than 500 conferences, symposia, and workshops; 20,000 visitors; 120 faculty and staff publications; and 350 conference presentations by university faculty and staff to both national and international audiences.

The award-winning NDU Press produces numerous publications, which address national security issues. The NDU Library with a collection of more than 500,000 bound items, audiovisual materials, classified documents, and on-line services is an extensive source for information about national security policy, military strategy, defense resource management, and industry studies.

The National Defense University is a significant and valuable institution for the development of leaders for America's national security needs.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

Mr. WARNER. Mr. President, I rise today to recognize the Defense Advanced Research Projects Agency on its 50th anniversary. Today, DARPA celebrates 50 years of innovation and dedication to America's security.

After the Soviet launch of Sputnik, President Dwight D. Eisenhower was determined to ensure this nation was never again surprised by the technological accomplishments of an adversary. On this day in 1958, a central research and development organization, known then as the Advanced Research Projects Agency, or ARPA, and unlike any organization in the world, was created within the Department of Defense.

From the very beginning, its mission has been to ensure that the United States Armed Forces have access to the most advanced war fighting capabilities by developing ideas that many would consider too risky to implement. DARPA's mission is about making smart investments on high-payoff opportunities, and it has been very successful.

Over the past 50 years, DARPA has delivered to our country innovative technological achievements that have given American Forces never-before-seen capabilities. I also note that this achievement has not come without tremendous sacrifice by thousands of DARPA employees and their families as they worked long days to solve challenging scientific matters.

DARPA's notable achievements include early ballistic missile defense, stealth aircraft technology, unmanned aerial vehicles, and autonomous navigation. The benefits of DARPA's efforts have evolved in many ways, from the rocket engines that powered the first manned space flight to the smallest microelectronics in our cell phones today. DARPA also helped develop the Internet, and built the small receivers that made the global positioning system data easily accessible—both have changed the ways our forces operate, and have also changed the lives of all Americans for the better. Entire industries have developed from early DARPA-funded research in core technologies such as material sciences, microelectronics, photonics, and information technology.

I congratulate DARPA for its service to our Nation. The Agency's commitment and contributions over the past 50 years have made DARPA the crown jewel in our nation's national security and we look forward to the achievements they will continue to make for future generations.

As DARPA begins its work for the next 50 years, it is important that we do everything possible to help DARPA continue its tradition of excellence, and thus keep our Nation strong.

(At the request of Mr. REID, the following statement was ordered to be printe din the RECORD.)

VOTE EXPLANATION

• Mr. NELSON of Nebraska. Mr. President, I was unable to cast my cote on Thursday, February 7, 2008. As a result,

I would ask that the RECORD reflect the following:

On vote No. 9, if present and voting, I would have voted ''yea.''

On vote No. 10, if present and voting, I would have voted ''yea.''

On vote No. 11, if present and voting, I would have voted ''no.''

On vote No. 12, if present and voting, I would have voted ''no.''●

ADDITIONAL STATEMENTS

REMEMBERING VI STOIA

● Mr. JOHNSON. Mr. President, today I wish to honor the life of Viorel G. ''Vi'' Stoia, who dedicated his life to enhance the lives of the citizens of Aberdeen and the surrounding area. He will be sadly missed, but many of us will continue to benefit for decades from his legacy.

Vi's leadership qualities showcased themselves early in his life. Vi graduated from Aberdeen Central High School in 1942 as president of his senior class. He then served honorably in the U.S. Navy in both the North and South Pacific. He returned to the United States to attend the University of Minnesota and upon graduation headed for his hometown of Aberdeen, SD. Thus began his long role of public service, which several have described as unparalleled.

Vi began his career in Aberdeen as an agent and broker for Northwestern Mutual Life and continued to work tirelessly for over 50 years to improve the northeast South Dakota region. Some of the numerous projects he was instrumental in developing include Student Loan Finance Corporation, Education Assistance Corporation, Northeastern Mental Health, the Aberdeen Development Corporation, Northeast Regional Health and Fitness Center, the Northwest Highway 281 bypass, and the four-lane highway from Aberdeen to I–29. Vi was also a devoted family man, an active member of St. Mary's Catholic Church, and committed to furthering the work of the Presentation Sisters.

For his efforts over these many years, Vi was awarded the Medal of Distinguished Excellence, and the Community Volunteer, Excellence in Economic Development award. Vi was the all-around resource center for anything going on in Aberdeen. Many benefited from the newspaper clippings he sent or handed to people he thought could use them. I remember some he sent to me. Vi was a pioneer in regional development and he saw that as the future of Aberdeen.

Vi is survived by his wife Donna, four children, and five grandchildren. I would like to offer my condolences to the family, friends, and fellow advocates whom Vi touched with his efforts on behalf of the people of northeast South Dakota. They have much to be proud of, and it is my hope that their memories will be rich with the many great accomplishments and the lives that Vi touched during his life. Although we will all miss him, his memory will serve as a beacon to our young people to better the lives of others and their communities through the examples he has set.●

RECOGNIZING BILL STEWART

● Mr. ROCKEFELLER. Mr. President, today I recognize the achievements of someone who has inspired me personally, who has made West Virginians laugh when there is little to laugh about, and whose contribution to my home State cannot be underscored enough.

When New Martinsville native Bill Stewart led the West Virginia Mountaineers into the Fiesta Bowl, he did more than just defeat the Oklahoma Sooners 48–28. ''Coach Stew,'' as his fans reverently call him, lifted the spirits of our entire State.

Since that time, Bill's West Virginia charm has been infectious, his press conferences legendary, and his impact on our State's culture profound. Anyone who has played or worked with him loves him. His arrival on the scene was exactly what the State needed: a good-natured underdog with which people could identify.

For West Virginians, December 2007 had been abysmal. Not only did we lose a chance at the National Championship, but we lost our coach, endured endless ridicule in the media, were constantly told that Oklahoma would embarrass us—the negativity never seemed to stop.

But then Coach Stew stood up, stood proud, and said, with his trademark smile, ''When it gets too tough for everyone else—it's just about right for Billy Stewart.''

And he was absolutely right.

Now, every time I go home, West Virginians cannot emphasize enough the amount of pride they felt when this coach guided their team into the Fiesta Bowl. West Virginians will never forget Bill's optimism, when he promised to give the Sooners a good fight; his emotion, when he met quarterback Patrick White at the sideline, grabbed him by the helmet and seemed to say, ''I love you, kid''; his satisfaction, as he watched his team storm the field, victorious; or his own surprise, when WVU rewarded Bill with the Mountaineers' head coaching job—a position for which he was too humble to politic, but more than qualified to accept.

These were iconic moments in West Virginia history—and they pulled right on the heart strings.

The degree of humility in this coach was absolutely awe-inspiring; his faith jaw-dropping; and his devotion to his players and colleagues nothing short of extraordinary. Since those memorable days in Arizona, Coach Stew has assembled a top-notch staff, maintained an impressive recruiting class, and recaptured the heart—not just the attention—of Mountaineer Nation.

To me, Bill Stewart embodies all that is good about West Virginia. An unlikely but deserving hero, he is a man whose cheerful optimism, character and Appalachian charm have given us a reason to cheer again.

For that, I express my deepest gratitude and deepest admiration to New Martinsville's favorite son. I am glad that he is a fellow West Virginian, I am glad that he is a part of our culture, and I wish him the absolute best of luck.●

RECOGNIZING THE DESORMEAUX FOUNDATION

● Mr. VITTER. Mr. President, I wish to acknowledge the work of the Desormeaux Foundation and in particular to commend their annual Life Banquet, which helps support their efforts to assist women with unplanned pregnancies.

The Foundation runs the St. Marguerite d'Youville Home for pregnant women and mothers in crisis. The home welcomes them with a peaceful, secure setting that offers spiritual guidance and access to educational, medical, and professional resources.

Over the years, the Desormeaux Foundation has worked tirelessly on efforts like this to advance pro-life values, and I am greatly appreciative of the constant vigilance by the Desormeaux Foundation in helping advance these values.

I commend the foundation for their hard work to support agendas that protect human life, like banning partial-birth abortions, outlawing abortion drugs, and preventing taxpayer dollars from funding abortions, as well as strongly supporting adoption and crisis pregnancy centers.

The Desormeaux Foundation's work is helping promote the culture of life, and I would like to applaud the good people of the Desormeaux Foundation and wish them continued success in their mission.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a withdrawal of a nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:00 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 781. An act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal year 2007.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences.

H. Con. Res. 287. Concurrent resolution celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program.

The message further announced that pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 U.S.C. 1975 note), the order of the House of January 4, 2007, and upon the recommendation of the Minority Leader, the Speaker appoints the following member on the part of the House of Representatives to the Commission on Civil Rights to fill the existing vacancy thereon and, effective February 12, 2008, the Speaker's reappointment of the same member to a 6-year term expiring February 11, 2014:

Mr. Todd Gaziano of Falls Church, Virginia.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences; to the Committee on the Judiciary.

H. Con. Res. 287. Concurrent resolution celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4961. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2005–2007 Livestock Compensation and Catfish Grant Programs'' (RIN0560–AH72) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4962. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs; Correction'' (RIN0560–AF60) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4963. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emergency Agricultural Assistance, 2007; Crop Disaster and Livestock Indemnity Programs'' (RIN0560–AH76) received on January 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4964. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Payment Withholding—Deletion of Duplicative Text'' (DFARS Case 2007–D010) received on January 29, 2008; to the Committee on Armed Services.

EC–4965. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Combating Trafficking in Persons'' (DFARS Case 2004–D017) received on January 29, 2008; to the Committee on Armed Services.

EC–4966. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Closeout of Contract Files'' (DFARS Case 2006–D045) received on January 29, 2008; to the Committee on Armed Services.

EC–4967. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Commercial Item Determinations'' (DFARS Case 2007–D005) received on January 29, 2008; to the Committee on Armed Services.

EC–4968. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the needs of members of the National Guard and Reserve returning from deployment; to the Committee on Armed Services.

EC–4969. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's foreign policy-based controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–4970. A communication from the Legal Information Assistant, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003'' (RIN1550–AC04) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4971. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''FHA Appraiser Roster Requirements'' (RIN2502–AI53) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4972. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice and Procedure'' (RIN3064–AD22) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4973. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Community Reinvestment Act Regulations'' (RIN1157–AD05) received on January 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–4974. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Specifications for the 2008–2010 Surfclam and Ocean Quahog Fisheries'' (RIN0648–AV42) received on January 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–4975. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Facilities Design, Connections and Maintenance Reliability Standards'' (Docket No. RM07–3–000) received on January 29, 2008; to the Committee on Energy and Natural Resources.

EC–4976. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing efforts during fiscal year 2007; to the Committee on Environment and Public Works.

EC–4977. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Nebraska Municipal Solid Waste Landfill Program'' (FRL No. 8523–2) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4978. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule'' (FRL No. 8519–6) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4979. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Pesticide Tolerance'' (FRL No. 8346–9) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4980. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; Ohio; Revised Oxides of Nitrogen Regulation, Phase II, and Revised NOx Trading Rule'' (FRL No. 8519–1) received on January 28, 2008; to the Committee on Environment and Public Works.

EC–4981. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a hurricane and storm damage risk reduction system; to the Committee on Environment and Public Works.

EC–4982. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maine; Transportation Conformity'' (FRL No . 8524–9) received on February 4, 2008; to the Committee on Environment and Public Works.

EC–4983. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Kansas'' (FRL No. 8526–2) received on February 4, 2008; to the Committee on Environment and Public Works.

EC–4984. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''North Dakota: Final Authorization of State Hazardous Waste Management Program Revision and Incorporation by Reference of Approved Hazardous Waste Program'' (FRL No. 8524–7) received on February 4, 2008; to the Committee on Environment and Public Works.

EC–4985. A communication from the Program Manager, Administration for Children and Families, Department of Health and

Human Services, transmitting, pursuant to law, the report of a rule entitled ''Reauthorization of Temporary Assistance for Needy Families Program—Corrected Version'' (RIN0970–AC27) received on January 31, 2008; to the Committee on Finance.

EC–4986. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Methods for Conducting Personal Conferences When Waiver of a Recovery of a Title II or Title XVI Overpayment Cannot Be Approved'' (RIN0960–AG40) received on January 29, 2008; to the Committee on Finance.

EC–4987. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Private Printing of Prescribed Applications, Forms, and Other Publications'' (RIN0960–AG36) received on January 29, 2008; to the Committee on Finance.

EC–4988. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effect of the implementation of the Andean Trade Preference Act on labor in the United States; to the Committee on Finance.

EC–4989. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2005; to the Committee on Finance.

EC–4990. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nuclear Decommissioning Costs'' ((RIN1505–BF09)(TD 9374)) received on January 31, 2008; to the Committee on Finance.

EC–4991. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return'' (Rev. Proc. 2008–14) received on January 31, 2008; to the Committee on Finance.

EC–4992. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Uniform Effective Date of Certain Funding Regulations and 2008 Transitional Rule for Certain Small Plans'' (Notice 2008–21) received on February 4, 2008; to the Committee on Finance.

EC–4993. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rates of Accrual in Cash Balance Defined Benefit Pension Plans'' (Rev. Rul. 2008–7) received on February 4, 2008; to the Committee on Finance.

EC–4994. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Release of Lien or Discharge of Property'' ((RIN1545–BE35)(TD 9378)) received on February 4, 2008; to the Committee on Finance.

EC–4995. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines; Losses Claimed and Income to be Reported From Sale In/Lease Out Transactions'' (UIL: 9300.38–00) received on February 4, 2008; to the Committee on Finance.

EC–4996. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–4997. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC–4998. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Japan relative to the co-development of the Galaxy Express space launch vehicle upgrade program; to the Committee on Foreign Relations.

EC–4999. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Russia, Ukraine and Norway relative to the launch of all commercial and foreign non-commercial satellites from the Pacific Ocean; to the Committee on Foreign Relations.

EC–5000. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to Kazakhstan relative to the launch of satellites; to the Committee on Foreign Relations.

EC–5001. A communication from the Global AIDS Coordinator, President's Emergency Plan for AIDS Relief, transmitting, pursuant to law, a report entitled ''The Power of Partnerships''; to the Committee on Foreign Relations.

EC–5002. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on January 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5003. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Index of Legally Marketed Unapproved New Animal Drugs for Minor Species'' ((RIN0910–AF67) (Docket No. 2006N–0067)) received on January 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5004. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Disability Rehabilitation Research Projects, Rehabilitation Research and Training Centers, and Rehabilitation Engineering Research Centers—Notice of Final Priorities'' (72 FR 6132) received on February 4, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5005. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Assets for Independence Program; to the Committee on Health, Education, Labor, and Pensions.

EC–5006. A communication from the White House Liaison, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5007. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, budget justification for the Board for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–5008. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary for Planning and Evaluation, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5009. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of action on a nomination and discontinuation of service in an acting role for the position of Assistant Secretary for Public Affairs, received on January 31, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–5010. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2007 Annual Report to Congress on Implementation of Public Law 106–107''; to the Committee on Homeland Security and Governmental Affairs.

EC–5011. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''Performance and Accountability Report Highlights 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–5012. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the implementation of Public Law 106–107 during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5013. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5014. A communication from the Secretary, Mississippi River Commission, Department of the Army, transmitting, pursuant to law, a report relative to the Commission's compliance with the Sunshine Act during calendar year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–5015. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report for fiscal year 2007 relative to the Federal Equal Opportunity Recruitment Program; to the Committee on Homeland Security and Governmental Affairs .

EC–5016. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in an acting role for the position of U.S. Attorney, Eastern District of Texas, received on January 29, 2008; to the Committee on the Judiciary.

EC–5017. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of U.S. Attorney, District of Minnesota, received on January 29, 2008; to the Committee on the Judiciary.

EC–5018. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for

the position of U.S. Attorney, Eastern District of Kentucky, received on January 29, 2008; to the Committee on the Judiciary.

EC–5019. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted information and discontinuation of service in the acting role of U.S. Attorney, Eastern District of Arkansas, received on January 29, 2008; to the Committee on the Judiciary.

EC–5020. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Deputy Director for Supply Reduction, received on January 29, 2008; to the Committee on the Judiciary.

EC–5021. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as amended'' (22 CFR Part 42) received on January 31, 2008; to the Committee on the Judiciary.

EC–5022. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and discontinuation of service in the acting role of U.S. Attorney, District of Wyoming, received on January 29, 2008; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–284. A collection of petitions forwarded by the Benefit Security Coalition relative to establishing a more equitable method of computing cost of living adjustments for Social Security benefits; to the Committee on Finance.

POM–285. A resolution adopted by the Senate of the State of New Jersey urging Congress to enact the ''Clean Railroads Act of 2007''; to the Committee on Commerce, Science, and Transportation.

Whereas, the Interstate Commerce Commission Termination Act of 1995 (''ICCTA''), which established the Surface Transportation Board (''STB'') to assume regulatory jurisdiction over the operation of interstate rail service, is a broad federal railroad law that has been interpreted as forbidding state and local environmental regulatory agencies from overseeing the safe handling of trash or solid waste at solid waste management facilities that are located on railroad property; and

Whereas, Congress has eliminated state and local regulation of rail and rail-related operations so that railroads may operate across states and not have to comply with many sets of state and local regulations; yet some solid waste management companies have abused this federal preemption protection by building facilities on railroad property in order to avoid state and local regulations; and

Whereas, solid waste management facilities that operate on railroad property are subject to the exclusive jurisdiction of the STB, and therefore are exempt from state and local solid waste permits and regulations designed to promote public health, increase safety, and preserve the environment; yet due to uncertainty in the federal law that grants the STB such jurisdiction, the STB only passively regulates these facilities, so that these facilities are able to escape the regulations that apply to similar facilities located anywhere except railroad property; and

Whereas, companies that have taken advantage of this exemption from state and local laws by building solid waste management facilities next to railroad tracks have been able to ignore environmental concerns and the safety and welfare of nearby communities; and

Whereas, in 2004, New Jersey implemented regulations that governed operations at railhard solid waste management facilities, yet when the State attempted to fine the New York Susquehanna and Western (''NYS&W'') Railway Corporation for violating these regulations, the railroad immediately filed suit against the State, and the district court of New Jersey ruled that the ICCTA's exemption of railroads and their facilities from state and local oversight preempted New Jersey's regulations; and

Whereas, due to limited available disposal options, combined stringent state and local regulations, there has been a recent surge within the construction and operation of these unregulated solid waste management facilities along rail lines in New Jersey and throughout the Northeast; and

Whereas, in order to protect its residents from the environmental, safety, and health hazards associated with solid waste management facilities, the State needs the authority to regulate all of these sites, including those located on railroad property; and

Whereas, trade associations representing conventional solid waste processors, such as the National Solid Wastes Management Association (''NSWMA'') and the Solid Waste Association of North America (''SWANA''), do not support federal preemption of state and local regulation of rail-based processors and are working to stop allowing rail-based solid waste facilities to sidestep important regulations; and

Whereas, Senator Lautenberg and Congressman Pallone have introduced S. 719 and H.R. 1248, respectively, which are identical pieces of legislation that, if passed, would amend federal law to clarify that solid waste management facilities located on railroad property do not fall under the jurisdiction of the STB; and

Whereas, S. 719 and H.R. 1248, also known as the ''Clean Railroads Act of 2007,'' would close the federal loophole currently being exploited by solid waste management companies and provide New Jersey and every other state with the clear authority to regulate solid waste management facilities located on railroad property: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This Senate Resolution memorializes Congress to enact S. 719 or H.R. 1248, otherwise known as the ''Clean Railroads Act of 2007,'' which would remove the authority to regulate solid waste management facilities located on railroad property from the jurisdiction of the Surface Transportation Board, thus allowing state and local authorities to regulate such facilities.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of United States Senate and the United States House of Representatives, and each member of the New Jersey congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ (for himself, Mr. CORNYN, Mr. COLEMAN, Mr. ALEXANDER, Mr. VITTER, and Mr. DEMINT):

S. 2603. A bill to amend title XI and XVIII of the Social Security Act to provide increased civil and criminal penalties for acts involving fraud and abuse under the Medicare program and to increase the amount of the surety bond required for suppliers of durable medical equipment; to the Committee on Finance.

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

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

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

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. SALAZAR (for himself and Mr. MARTINEZ):

S. 2610. A bill to amend title 10, United States Code, to require the establishment of a searchable database containing the names and citations of members of the Armed Forces, members of the United States merchant marine, and civilians affiliated with the Armed Forces who have been awarded the medal of honor or any other medal authorized by Congress for the Armed Forces, the United States merchant marine, or affiliated civilians; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BIDEN (for himself, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN):

S. Res. 445. A resolution expressing the sense of the Senate on the assassination of

former Prime Minister of Pakistan Benazir Bhutto, and the political crisis in Pakistan; to the Committee on Foreign Relations.

By Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI):

S. Con. Res. 66. A concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2604. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes, to the Committee on Energy and Natural Resources.

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

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

S. 2604

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 ''Baltimore National Heritage Area Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The City of Baltimore contains 24 National Historic Landmarks, 53,000 buildings listed in 52 National Register Historic Districts, 8,000 buildings in 30 local historic districts, and 12 Chesapeake Bay Gateways, nestled in an unparalleled system of parks and waterways, and connected by 5 Maryland Scenic Byways and an All-American Road.

(2) The Battle of Baltimore represented the definitive end of the American Revolution, secured United States sovereignty, and gave the country 2 enduring symbols: the United States flag and the poem by Francis Scott Key that became our national anthem, ''The Star-Spangled Banner''.

(3) The proposed Baltimore National Heritage Area will tell 2 of the most significant national heritage stories at the locus of black history and the transformative effects of education, which are the following:

(A) Frederick Douglass, who while as a slave learned to read in Baltimore and credited his time in the city as the foundation for his accomplishments; and

(B) Thurgood Marshall, whose public school education in Baltimore led directly to his unparalleled contributions to civil rights as an attorney in Baltimore and as a United States Supreme Court Justice.

(4) Between the early 1800s and the mid 1900s, about 2,000,000 immigrants landed in Baltimore, second only to New York, as a major port of entry into the United States.

(5) In 1811, the Nation's first federally funded interstate transportation route, the National Road, begun its journey from Baltimore to the west.

(6) Baltimore is the farthest inland east coast port, closest to the Nation's interior. The Chesapeake Bay, the continent's largest estuary, is a magnificent, fertile, natural resource. This special mix gave rise to the largest city in the 6 States of the Chesapeake region, with a cultural landscape unique among world port cities.

(7) Although Baltimore is a largely urban environment, a number of important natural and recreational resources can be found within the proposed National Heritage Area boundaries. Beginning with the first city park in 1827, Patterson Park, the city's natural and recreational resources enjoy a noteworthy history. Most remarkable is the city's acquisition, beginning in 1860, of 7 large estates that created the base for the current park system, including Leakin Park that is one of the largest urban wilderness parks remaining on the East Coast.

(8) The Baltimore City Heritage Area is a State heritage area designated by the State of Maryland in 2001.

(9) The ''Feasibility Study for a Baltimore National Heritage Area'', dated December 2006, found that the proposed area met the National Park Service's interim criteria for national heritage area designation.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Baltimore National Heritage Area, established in section 4.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 4(d).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area specified in section 6.

(4) MAP.—The term ''map'' means the map titled ''Baltimore National Heritage Area'', numbered T10/80,000, and dated October 2007.

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

(6) STATE.—The term ''State'' means the State of Maryland.

SEC. 4. BALTIMORE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the following, as depicted on the map:

(1) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(2) The Mount Auburn Cemetery.

(3) The Cylburn Arboretum.

(4) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(A) the Cruise Maryland Terminal;

(B) new marina construction;

(C) the National Aquarium Aquatic Life Center;

(D) the Westport Redevelopment;

(E) the Gwynns Falls Trail;

(F) the Baltimore Rowing Club; and

(G) the Masonville Cove Environmental Center.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior, and the Baltimore Heritage Area Association.

(d) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

SEC. 5. DUTIES AND AUTHORITIES OF THE LOCAL COORDINATING ENTITY.

(a) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 6;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this Act, setting forth its accomplishments, expenses, and income, amounts and sources of matching funds, amounts leveraged with Federal funds and sources of such leveraging, and grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this Act, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this Act to—

(1) make grants to the State, its political subdivisions, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State, its subdivisions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this Act to acquire real property.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling

the story of the region's heritage and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(4) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(6) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the Heritage Area's natural, historical, cultural, educational, scenic, and recreational resources;

(7) describe a program of implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(8) include an analysis and recommendations for ways in which local, State, Tribal, and Federal programs may best be coordinated, including the role of the National Park Service and other Federal agencies associated with the Heritage Area, to further the purposes of this Act;

(9) include an interpretive plan for the Heritage Area; and

(10) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after the date on which any funds are made available for this purpose after designation as a Heritage Area.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this Act until the management plan is submitted to and approved by the Secretary.

SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, upon the request of the local coordinating entity, provide technical and financial assistance on a reimbursable or non-reimbursable basis (as determined by the Secretary) to the Heritage Area to develop and implement the management plan.

(2) PRIORITY ACTIONS.—In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(A) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—The Secretary shall approve or disapprove the management plan not later than 180 days after receiving the management plan.

(2) CONSULTATION.—The Secretary shall consult with the Governor of any State and Tribal government in which the Heritage Area is located prior to approving any management plan.

(3) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the local coordinating entity will be representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(B) the local coordinating entity has afforded adequate opportunity for public and governmental involvement, including workshops and public meetings, in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal or Tribal lands under applicable laws or pursuant to land use plans;

(E) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local aspects of the management plan; and

(F) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan.

(4) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons and may make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 180 days after it is resubmitted.

(5) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The local coordinating entity may not use Federal funds authorized by this Act to implement any amendments until the Secretary has approved the amendments.

(c) EVALUATION.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall conduct an evaluation of the accomplishments of the Heritage Area and prepare a report with recommendations for the National Park Service's future role, if any, with respect to the Heritage Area.

(2) EVALUATION COMPONENTS.—An evaluation prepared under paragraph (1) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) RECOMMENDATIONS.—Based upon the evaluation under paragraph (1), the Secretary shall prepare a report with recommendations for the National Park Service's future role, if any, with respect to the Heritage Area. If the report recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(4) SUBMISSION TO CONGRESS.—On completion of a report under paragraph (3), the Secretary shall submit the report to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—This Act shall not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 9. PROPERTY OWNERS AND REGULATORY PROTECTIONS.

Nothing in this Act shall be construed to—

(1) abridge the rights of any property owner, public or private, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) require any property owner to permit public access (including Federal, Tribal, State, or local government access) to such property or to modify any provisions of Federal, Tribal, State, or local law with regard to public access or use of private lands;

(3) alter any duly adopted land use regulations or approved land use plan or any other regulatory authority of any Federal, State, or local agency, or Tribal government or to convey any land use or other regulatory authority to any local coordinating entity;

(4) authorize or imply the reservation or appropriation of water or water rights;

(5) diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) create any liability, or affect any liability under any other law, of any private property owner with respect to any persons injured on such private property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(b) MATCHING FUNDS.—Federal funding provided under this Act may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act. Recipient matching funds—

(1) must be from non-Federal sources; and

(2) may be made in the form of in-kind contributions of goods and services fairly valued.

SEC. 11. SUNSET.

The authority of the Secretary to provide financial assistance under this Act shall terminate 15 years after the date of enactment of the Act.

By Mr. KENNEDY:

S. 2605. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today I am introducing the National Crime Gun Identification Act as an important step to reduce gun violence and support law enforcement. The bill requires semiautomatic handguns manufactured, imported or sold by federal firearms licensees to be equipped with microstamping technology. Congressman XAVIER BECERRA is introducing a companion measure in the House this week.

Nearly 70 percent of homicides in 2006 involved a firearm, and handguns were the weapons of choice for most offenders. Handguns are also the weapons most often used in murders of law enforcement officers. There is an urgent need for effective, high-tech gun-tracing capabilities such as microstamping, which can provide law enforcement with a much-needed investigation resource in solving gun crimes.

Microstamping uses lasers to make precise, microscopic engravings on the firing pin and chamber of a weapon, and this information is transferred onto the cartridge casing when the weapon is fired. The information includes the gun's make, model and serial number, and can yield important evidence to law enforcement officers investigating crimes. California has already enacted such legislation, and the technology has the support of many individuals and organizations, including Boston Mayor Thomas Menino, the Boston Police Department, Seattle Mayor Gregory Nickles, the U.S. Conference of Mayors, the Coalition to Stop Gun Violence, and the Brady Campaign to Prevent Gun Violence. Additionally, the National Black Caucus of State Legislators passed a resolution supporting the use of microstamping technology.

Microstamping is a significant new technology for ballistics identification. Congress should obviously support emerging technologies that enable law enforcement to make more effective use of evidence at crime scenes. Current ballistic analyses, conducted through the National Integrated Ballistic Information Network, depend on the transfer of accidental markings from a gun barrel to bullets and cartridge cases, which are then compared to a limited database with evidence from other crime scenes.

The current Ballistic Information Network has already been an invaluable resource for law enforcement. A remarkable number of crimes have been solved by using it, and it makes sense to invest in the next generation of ballistic technology. Microstamping in no way replaces any of the methods currently used by police to conduct ballistics tests, but it would clearly enhance the work currently done by law enforcement agencies.

FBI data indicate that handguns are used in most homicides, accounting for nearly 7,800 murders in 2006. In Massachusetts, violent crime rates are on the rise—growing 11 percent in Boston in 2006. In 2005, Boston police made a total of 754 gun arrests and 797 illegal firearm seizures. Nevertheless, from 1997 to 2005, shooting incidents have jumped a drastic 153 percent. We can help law enforcement solve more handgun crimes and reduce gun trafficking through the use of microstamping technology.

Bullet casings are often the only evidence left behind at crime scenes, particularly in gang crimes such as drive-by shootings. In Boston during 2006, bullet casings were recovered from nearly half of crime scenes involving shootings. In those cases, investigators could obviously have benefited from knowing the make, model and serial number of the guns involved in those crimes. Microstamp information can also be used to identify straw buyers and gun traffickers who supply the illegal flow of weapons to violent teens, gang members and other prohibited purchasers.

Critics of microstamping technology claim that perpetrators engaged in crime will be able to subvert the technology by filing the microstamped information off the weapons. In fact, however, microstamping is virtually tamperproof. The microstamped information is invisible to the naked eye, and most criminals would be unable to detect it. The microstamp is placed on the firing pin and in the chamber of the gun, so even if a perpetrator replaced the firing pin, the information would still be transferred to the casing from the chamber.

Others argue that criminals will plant cartridges at crime scenes to disrupt investigations. Realistically, however, we know that offenders rarely take even the simplest precautions, such as wearing gloves during a burglary, when engaging in criminal behavior.

Opponents also contend that microstamping will result in the creation of a new national database of gun owners. In fact, it will not result in any new database, because it will use information already available to law enforcement officers investigating gun crimes. In addition, microstamped information on bullet casings can be viewed with imaging equipment generally found at Federal, State and local forensics laboratories, making it unnecessary to create and maintain special equipment or facilities.

Finally, critics claim that the cost of adding microstamping technology is prohibitive. In fact, the technology will be available to manufacturers through a free licensing agreement from its inventor. Based on independent estimates, adding the technology to new semiautomatic handguns will cost only 50 cents to a dollar for each firearm produced by large volume manufacturers.

Handgun owners and prospective handgun purchasers will not be burdened by this legislation. There will be no changes in the procedures or requirements for purchasing handguns. Existing handguns and handgun owners will not be affected by this legislation since it applies only to new handguns.

The technology has been thoroughly tested. Independent examiners have fired thousands of rounds from guns with microstamping, and have consistently obtained readable marks on the casings.

Microstamping technology is urgently needed by law enforcement and can make a major difference in solving gun crimes. It is cost effective and will not impinge on the rights of any gun owners. I urge my colleagues to support law enforcement and reduce gun crimes by enacting this important legislation.

By Mr. DODD (for himself, Ms. COLLINS, Mr. BIDEN, and Mr. MCCAIN):

S. 2606. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DODD. Mr. President, I rise with my colleague, Senator COLLINS, along with Senators BIDEN and MCCAIN, to introduce legislation that reauthorizes the U.S. Fire Administration, USFA.

Established in 1974, the USFA provides critical support to 30,300 fire departments across our Nation through training, emergency incident data collection, fire awareness and prevention education, and research and development activities. Each year, the USFA trains approximately one million fire and emergency personnel both at the USFA campus in Emmitsburg, Maryland, and through distance learning programs. The USFA also offers vital assistance to Federal Emergency Management Agency and Department of Homeland Security in the development of Federal preparedness and response policies.

The legislation I am introducing today with my colleagues seeks to provide the USFA with proper resources so

the agency may effectively meet the growing responsibilities of the fire service in the 21st century. It contains the following provisions. The USFA Reauthorization Act of 2008 provides $70 million in fiscal year 2009 with 1.3 percent annual increases through fiscal year 2012. The bill expands National Fire Academy training curricula to include issues relevant to urban-wildland interface fires, fires involving hazardous materials, and fire-based emergency medical services. The bill also encourages the expansion of onsite fire training, authorizes up to $5,000,000 annually for necessary technology upgrades to the National Fire Incident Reporting System, authorizes the USFA to expand research activities in relevant topics to urban-wildland interface fires, encourages the USFA to adopt national voluntary consensus standards relevant to firefighter health and safety, and requires the USFA to provide greater coordination with other Federal, State and local agencies on fire prevention and fire-based emergency medical services programs. Finally, the legislation establishes a rotating position at the DHS National Operations Center for State or local fire service officials. This new position will bring the expertise of the fire service to the incident management and information sharing activities of the Center.

I am pleased to say this bipartisan legislation is supported by the Congressional Fire Services Institute, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the National Volunteer Fire Council.

The U.S. Fire Administration performs a critical array of duties that ensure the safety of Americans each day. It is important that we continue to pledge our support to the agency and our Nation's brave firefighters. I look forward to working with my colleagues on this important legislation.

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

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

S. 2606

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 ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and $10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) Members of the fire service community should continue to work together to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and non-governmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) The United States Fire Administration is one of the strongest voices representing the fire service of the United States within the Federal Government, and, as such, it should have a prominent place within the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8;

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8;

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8; and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8.''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) in subparagraph (H), by striking ''terrorist-caused national catastrophes'' and inserting ''all hazards, including acts of terrorism'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response tactics and'' and inserting ''response, tactics, and'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) response, tactics, and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) response, tactics, and strategies for fighting fires occurring at the wildland-urban interface;

''(K) response, tactics, and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) TRIENNIAL REPORTS.—Section 7 of such Act (15 U.S.C. 2206) is amended by adding at the end the following:

''(m) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

(c) AUTHORIZING THE ADMINISTRATOR TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—Section 7(f) of such Act (15 U.S.C. 2206) is amended to read as follows:

''(f) ASSISTANCE.—

''(1) IN GENERAL.—The Administrator may provide assistance to State and local fire service training programs through grants, contracts, or otherwise.

''(2) AUTHORIZATION TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(B) LIMITATION.—The Administrator may not enter into a contract with an organization described in subparagraph (A) unless such organization—

''(i) operates a fire service training program accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

''(ii) at the time the Administrator enters into the contract, provides training under such a program under a cooperative agreement with a Federal agency.

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 8 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17 of this Act.''.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out activities necessary to update the National Fire Incident Reporting system to an Internet-based, real-time incident reporting database, including capital investment, contractor engagement, and user education.''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, to sponsor and encourage research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) RESEARCH DISSEMINATION.—Beginning 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, the Administrator, in collaboration with the relevant departments and agencies of the Federal Government, shall make available to the public information about all ongoing and planned fire-related research funded by the Administration during fiscal year 2008 and each fiscal year thereafter, as well as the results generated from such research, through a regularly updated Internet-based database.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

''SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

''(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also known as the 'Homeland Security Operations Center') to represent the interests of State and local fire services.

''(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a)

''(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules and regulations as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES.

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control with private and other Federal organizations and offices so concerned.

''(3) COORDINATION OF FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with State and local government agencies, departments, bureaus, or offices concerned with programs related to emergency medical services provided by fire service-based systems with private and other Federal organizations and offices so concerned.''.

SEC. 10. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, who is the Assistant Administrator of the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and'';

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively;

(5) by inserting after paragraph (5) the following:

''(6) 'hazardous material' has the meaning given such term in section 5102 of title 49, United States Code;''; and

(6) by adding at the end the following:

''(10) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

Ms. COLLINS. Mr. President. I am pleased to join Senator DODD in introducing legislation to reauthorize the U.S. Fire Administration. The bill would provide additional resources to help the agency meet its growing responsibilities. We are pleased to be joined by our fellow cochairs of the Congressional Fire Services Caucus—Senators MCCAIN and BIDEN.

Since its creation in 1974, the Fire Administration and its Fire Academy have helped prevent fires, protect property, and save lives among firefighters and the public. Today, the Fire Administration is also integrated into our national, all-hazards preparations against natural disasters and terrorist attacks.

Last month marked the fifth anniversary of the Fire Administration's reorganization as part of the Federal Emergency Management Agency within the Department of Homeland Security. As both Ranking Member of the Senate Committee on Homeland Security and as a cochair of the Congressional Fire Services Caucus, I am pleased that the bill being introduced today does much more than reauthorize the Fire Administration.

For example, the bill designates $5 million annually to support necessary technology upgrades to the National Fire Incident Reporting System. This important system helps State and local governments report and analyze fires, and allows nationwide sharing of data in standard formats. This database—the world's largest collection of fire-incident information—helps all levels of government to probe the nature and causes of injuries, deaths, and property loss resulting from fires.

Another vital component of this bill establishes a rotating position at the DHS National Operations Center to be filled by a State or local fire-service official. In our comprehensive, all-hazards approach to major disasters, it is just as important to have the fire services represented at operations center as it is military liaisons.

The bill has other important provisions, including provision for a 1.3 percent annual increase in the initial $70 million authorization through fiscal year 2012. In addition, the bill expands National Fire Academy training programs to include topics like hazardous-material fires and fire-based emergency medical services. It authorizes expanded research on fires in the urban-wildland interface and in rural areas. It encourages the Fire Administration to adopt national voluntary standards on firefighter health and safety—an important topic, considering that about 100 brave firefighters lose their lives in the line of duty each year, with many more suffering serious injuries.

My home state of Maine is keenly aware of the dangers of fire and the importance of effective fire services. Maine is one of the most rural states in the nation and most of its housing stock is wood framed. Some households rely on woodstoves for primary or supplemental heat.

According to the Maine Department of Public Safety, nearly 50 Mainers died in fires every year through the 1950s, '60s, and '70s. The average so far for this decade is 18, and 2007 produced only 12 fire-related deaths, still too many but a considerable improvement.

Maine public-safety officials attribute the decline to factors like wider use of smoke detectors and improved building codes—and fire-prevention efforts. As our national resource and clearing house for fire research, education, and training, the U.S. Fire Administration certainly deserves a share of the credit for my state's progress in reducing the pain, devastation, and death wrought by fires.

I have no doubt the Fire Administration's beneficial effects will grow. Its new campaign for preventing smoking-related home fires is a worthy effort. Its growing curriculum of online courses on topics like incident command for nursing-home fires, emergency medical service at multi-casualty incidents, and emergency response to terrorism is a valuable resource for firefighters.

The U.S. Fire Administration is a fine example of the good that can come of federal, state, and local collaboration to counter an ancient threat and to address new ones. I urge my colleagues to join me in supporting the reauthorization and improvement of this valuable agency.

By Ms. SNOWE:

S. 2607. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would better facilitate the DTV transition for rural Americans by making funds for digital upgrades available sooner to low-power television stations and translators. The reason this is imperative is that we don't want to create another ''digital divide'' where rural and low-income areas are not able to reap the benefits of digital TV as quickly as their urban counterparts.

Under the current statute, the Assistant Secretary for Communications and Information at the Department of Commerce must make payments for the low-power TV and translator upgrade program during fiscal year 2009—October 1, 2008 to September 30, 2009—but may not actually disburse reimbursement payments until after October 1, 2010, which is 20 months past the DTV transition deadline of February 2009.

By having such a long delay for reimbursements, it will inevitably hold up the analog to digital upgrades of low-power TV stations and translators. This would adversely affect viewers since they will not be able to receive the benefits that digital signals offer and hence create this additional ''digital divide'' to these mostly rural and low-income areas where low-power TV and translators typically are situated.

This bill would correct this oversight and change the language to have the Assistant Secretary make payments during the fiscal years 2009 to 2012, and start providing reimbursements for the upgrade program on February 18, 2009, and in doing so will move up the date 20 months to bring the upgrade program more in line with the main deadline of the DTV transition. This will allow LPTV and translators to be reimbursed more quickly for analog to digital equipment upgrades, which can run in the tens of thousands of dollars.

As we all know, in less than 380 days, on February 17, 2009, television broadcasts will transition from analog TV signals to an all-digital system and in doing so begin a new chapter of innovation and viewing experience. The transition will free up scarce broadcast spectrum so that first responders and public safety services have much needed spectrum capacity. It will also provide space for advanced wireless technologies, which will bring us improved broadband and communications services. In addition, the new digital TV signals will provide higher quality video and sound, as well as the opportunity for broadcasters to offer new services such as interactive TV and multicasting, which allows the transmission of several program streams on one broadcast channel.

Consumer awareness of the DTV transition is improving and the Commerce Department announced earlier this month that it had already received requests from more than 2 million households for nearly 4 million converter box coupons—so demand is strong. More and more consumers are realizing the importance and benefits of the DTV transition. We must not unduly prohibit any American from not reaping the tremendous advantages of digital TV and other services that will quickly follow due to the transition. If we don't correct this critical oversight in the current law, we will do just that, once again disadvantaging the areas and people that have the most to gain from this new technology. That is why I sincerely hope that my colleagues join me in supporting the critical legislation.

Mr. President. I yield the floor.

S. 2607

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

SECTION 1. REIMBURSEMENTS FROM THE DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY FUND.

Section 3009(a) of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended—

(1) by striking ''fiscal year 2009'' and inserting ''fiscal years 2009 through 2012; and''

(2) by striking ''no earlier than October 1, 2010'' and inserting ''on or after February 18, 2009''.

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

S. 2608. A bill to make improvements to the Small Business Act; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today, along with Senator DOLE, to introduce the Small Business Women's Procurement Improvement Act, a measure that would enhance the Small Business Administration's women's procurement program, which was created back in 2000, to provide contracting opportunities to women-owned small businesses in Maine and across the Nation. As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, one of my top priorities is to champion our nation's women-owned small businesses and to promote their interests. In these uncertain economic times it is our financial strengths that we must rely upon most. Women-owned small businesses are one such strength. In recent years, the percent growth in the number of women-owned firms was nearly twice that of all U.S. firms. Thus, we need to create programs that will continue to grow this vital and crucial resource.

Regrettably, the Small Business Administration, SBA, has failed to implement the women's procurement program that was enacted into law back in 2000. In December, the SBA finally proposed a rule to implement the program. The SBA had the opportunity to hit a home run, but instead published a rule that is highly deficient and unlikely to have any practical effect in helping the Federal Government satisfy its 5 percent women's contracting goal. So far, there has been one law—enacted back in December 2000—three reports, numerous hearings, and two proposed rules, and, tragically, it appears that we are no closer today then we were 7 years ago to helping our nation's small women-owned businesses stimulate our economy. What an inconceivable missed opportunity for the SBA to help boost our economy by promoting women-owned businesses.

The SBA's proposed rule has two fundamental flaws which hinder it from functioning as Congress originally intended. First, the proposed rule identifies just four industries, out of more than one hundred, in which women-owned small businesses are under-represented and eligible for set-asides. According to the Central Contractor Registration, this gross disparity means a mere 1,238 businesses across the entire Nation—or 2 percent of all women-owned small business contractors—would be subject to the proposed rule. Regrettably, only two of these contractors are located in my home State of Maine.

Second, for SBA's proposed rule to go into effect, individual Federal agencies must first publicly admit to a history of gender discrimination. I find it difficult, if not impossible, to envision a scenario where a Federal agency would make such an admission. Furthermore, such an unworkable admission isn't required anywhere in the Small Business Act.

To help remedy this appalling circumstance, today we introduce legislation to amend the Small Business Act so that the women-owned small businesses can finally have a procurement program that makes a real difference, not a 2 percent difference. For example, our bill would substantially broaden the range of applicable business industries for women across this Nation and take down the unnecessary barriers it has recently proposed. Women-owned small businesses deserve more than 2 percent of available business industries. These four industries will do little to nothing to help Federal agencies reach its statutory government-wide goal. Sadly enough, one of the industries the SBA has selected does not

allow for any private business participation, let alone women business participation.

Our bill also would preclude the SBA from promulgating a final rule that requires individual agencies to admit to past discrimination as a prerequisite for participation in the set-aside program. We find it difficult to envision a circumstance in which any agency would make such an admission. Furthermore, this requirement is not mandated anywhere in the Small Business Act.

Our bill has gained the support of women-owned small businesses across the Nation including major women's organizations like the U.S. Women's Chamber of Commerce, Women Impacting Public Policy, the National Women Business Owners Corporation, the Women Presidents' Organization, the Women Presidents' Educational Organization, and the Women's Business Development Center.

It has been nearly 14 years since the women's 5 percent government-wide contracting goal was established in 1994, but since its enactment, the women's contracting goal has never been met. Shockingly, at the historical percentage rate of increase, it would take until 2019 for this goal to be met—25 years after enactment of the original statutory requirement.

According to recent figures, women-owned firms in the U.S. generate $1.1 trillion in annual sales and employ 7.2 million people nationwide. I take great pride that my own state of Maine is a forerunner for women-owned businesses with more than 63,000 women-owned firms, creating 75,000 jobs, and spurring more than $9 billion in sales.

The SBA must develop a functioning procurement program that will cultivate women business so that they in turn can help grow our Nation's economy. This is why women businesses need a workable procurement program that does not create impenetrable barriers and provide so few business opportunities. Our bill eliminates these barriers and gives women-owned small business a tool they can use that will help them continue to grow our suffering economy. If ever there were a time to secure new avenues to generate revenue and spur the economy, wouldn't that time be now?

I urge my colleagues in Congress to support this vital legislation, so that we in Congress can make sure that the SBA publishes a meaningful final rule that will assist the Federal Government to satisfy—if not exceed—its government-wide contracting goal, and to help women-owned small businesses to stimulate our Nation's economy.

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

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

S. 2608

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 ''Small Business Women's Procurement Program Improvement Act''.

SEC. 2. FINDINGS.

Congress finds—

(1) based on evidence presented by Congressional witnesses, testimony before Congress, and studies and reports, that women-owned small business concerns are under represented in certain identified industries with respect to Federal procurement contracting; and

(2) the women's small business government-wide statutory goal has never been achieved since the time of its enactment.

SEC. 3. SMALL BUSINESS ACT PROGRAM IMPROVEMENTS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)(C), by striking ''(3)'' and inserting ''(4)'';

(2) in paragraph (2), by striking subparagraph (D) and inserting the following:

''(D) the contract is consistent with the requirements set forth in subsection (a)(1)(D)(i);'';

(3) by striking paragraph (4) and inserting the following:

''(4) IDENTIFICATION OF INDUSTRIES.—

''(A) STUDY REQUIRED.—The Administrator shall conduct a study 5 years after the date on which the program under this section is implemented, to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

''(B) PRESUMPTION RELATING TO UNDERREPRESENTATION.—For purposes of this subsection, the industries identified by the 2007 North American Industry Classification System Code as industry codes 11 through 81 (as published by the Bureau of the Census) shall be presumed to be industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.''; and

(4) by adding at the end the following:

''(7) NO PAST FINDING OF DISCRIMINATION REQUIRED.—Notwithstanding any other provision of law, a contracting officer need not make a finding of past gender discrimination by a contracting agency in order to comply with or otherwise be subject to the requirements of this subsection.''.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. CASEY, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, and Mr. VOINOVICH):

S. 2609. A bill to establish a Global Service Fellowship Program, and for other purposes; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, today I am pleased to reintroduce the Global Service Fellowship Program Act. This important bipartisan bill would provide more Americans the opportunity to volunteer overseas and strengthen our existing Federal international education and exchange system. The U.S. Government needs to be taking a greater role in providing opportunities for U.S. citizens to volunteer overseas, and my bill will enhance U.S. efforts to be a global leader in people-to-people engagement.

People-to-people engagement is one of the United States' most effective public diplomacy tools and, today more than ever, we need to be investing in every opportunity to improve the perception of the U.S. overseas.

I often hear from constituents about their experiences volunteering overseas and how those experiences impacted their lives and the lives of those who they were helping. For example, I received an email from Eric Englund, from my hometown of Middleton, who wrote, ''[My wife Jane and I] have been privileged to participate in international volunteering experiences in 2006 and 2007. In 2006 we spent 4 weeks in China teaching English to Chinese primary and secondary English teachers in Xingping, China. * * * In 2007 we spent two weeks in Tanzania with Habitat for Humanity. . . . We return[ed] from both experiences humbled in the understanding of how lucky we have been and hungry to continue to share with others a cultural exchange that is hopefully symbiotic in helping us grow/learn/appreciate while at the same time sharing our knowledge, compassion and abilities with others.'' This email captures the life-changing effects that international volunteering often has on those who choose to commit their time and resources to volunteering across the globe.

Unfortunately, not enough of my constituents are able to volunteer overseas because of financial or time-related barriers. In an effort to reduce these barriers, I initially introduced, along with my colleague Senator COLEMAN, the Global Service Fellowship bill. Today, I am reintroducing a new and improved version of the bill.

This new bill builds on the original legislation but now ensures fellowships are not taxed, addresses the importance of geographical diversity in the selection process, and increases collaborative opportunities for the U.S. Agency for International Development and the Department of State in establishing and administering the program.

Additionally, congressional involvement has been changed from the original bill. The new version calls on participants to engage with Members of Congress prior to their departure and again upon their return by providing Members with a brief report of their experiences and impact abroad. The changes are intended to ensure that fellows are selected based on the merits while preserving for Members of Congress the opportunity, if they so wish, to engage directly with constituents who have volunteered for significant overseas work, whether by a personal exchange, a public event or correspondence that recognizes the value of their volunteer efforts.

Studies have shown that in areas where U.S. citizens have volunteered their time, money, and services, opinions of the U.S. have improved. Greater investment in volunteer opportunities has significant potential to improve the image of the U.S. overseas and while we have important programs already in place—the Peace Corps, programs administered through the Department of State's Bureau of Education and Cultural Affairs, and

USAID's Volunteers for Prosperity—we can and should be doing more.

My bill would cost $150 million, which is more than offset by a provision that would require the IRS to deposit all of its fee receipts in the Treasury as miscellaneous receipts. CBO has estimated that this offset will save $559 million over 5 years for net deficit reduction of just over $400 million.

I am pleased that my colleagues, Senators COLEMAN, CASEY, COCHRAN, KERRY, VOINOVICH, and WHITEHOUSE have joined me in re-introducing this bill. This program will be a valuable addition to our public diplomacy and our private humanitarian efforts overseas and I encourage my colleagues to support the bill.

By Mr. DORGAN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2611. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am introducing a piece of legislation aimed at changing the course of our international trade policy.

Part of the problem with our current trade agenda is that there is no mechanism to gauge whether the trade agreements we enter into are successful—and there is no mechanism to withdraw from agreements that have not been successful.

So I am joining with Senators BROWN and CASEY in introducing the Trade Agreement Benchmarks and Accountability Act, which aims to fix that.

This is how the bill would work.

The legislation would create a point of order in the Senate against any future bill implementing a new trade agreement unless it included benchmarks to gauge the success or failure of the agreement.

The benchmarks would include, at a minimum, the trade agreement's impact in four respects.

First, the number of U.S. jobs created and lost.

Second, the impact on U.S. wages.

Third, the extent to which U.S. exports gain foreign market access in key sectors.

Fourth, the extent to which labor and environmental laws are followed and enforced.

The U.S. Trade Representative's office could include additional benchmarks in the implementing legislation, at their discretion.

Every 5 years, the U.S. International Trade Commission, ITC, would assess whether the benchmarks in the implementing legislation had been met.

If the ITC determined that any of the benchmarks were not met, there would be an expedited process under which the House and the Senate would consider a privileged resolution to pull the United States out of the trade agreement.

The resolution would be considered under expedited rules. The resolution would first be referred to the Ways and Means and Finance committees. If those committees failed to report out the resolution within a set period of time, either favorably or unfavorably, the resolution would be automatically discharged to the full House and Senate.

The resolution would not be amendable, and a floor vote in the House and the Senate on whether to approve the resolution would be mandatory.

Let me explain why something like this is necessary.

When NAFTA was sent to Congress for a vote in 1993, its advocates said that there would be 200,000 new jobs created annually as a result.

The proponents relied on a study by economists Gary Clyde Hufbauer and Jeffrey Schott. Hufbauer and Schott actually predicted that NAFTA would create 170,000 new jobs by 1995. But proponents of the deal in the administration and the Senate rounded this number up to 200,000 jobs.

Well, we now know that NAFTA has resulted in hundreds of thousands of job losses. About 412,000 U.S. jobs have been certified as lost to NAFTA, under just one program at the U.S. Labor Department.

In 2003, 10 years after NAFTA had been approved, I commissioned a study from the Congressional Research Service, which identified the top 100 companies that laid off U.S. workers as a result of NAFTA, between 1994 and 2002.

To come up with its data, CRS turned to the Department of Labor, which has a ''Trade Adjustment Assistance'' program that gives temporary benefits to workers laid off due to NAFTA.

This program requires companies to certify that they intended to eliminate U.S. jobs specifically because of NAFTA. This means that we can directly attribute these job losses to NAFTA.

These 100 companies accounted for 201,414 U.S. jobs lost specifically due to NAFTA. In every instance, the companies doing the layoffs certified that the jobs were being cut directly because of NAFTA.

If you look at all U.S. companies that participated in the Department of Labor program, the total number of U.S. jobs lost due to NAFTA is 412,177—and that is just under this one program alone.

There are some very familiar products, which many people consider all-American, now being produced in Mexico.

Levi Strauss laid off 15,676 U.S. workers due to NAFTA, and now makes its jeans in Mexico.

In March 2003, Kraft Foods closed the Nabisco plant in Fair Lawn, NJ, that made Fig Newtons. About 240 jobs were lost right there. Those jobs are now in Monterrey, Mexico. Kraft Foods has cut about 955 jobs due to NAFTA.

Fruit of the Loom laid off 5,352 U.S. workers in Texas alone, and thousands more in Louisiana. I have often said that it is one thing to lose your shirt, quite another to lose your shorts.

In March 2001, Mattel closed its last factory in the U.S.—a western Kentucky plant that produced toys such as Barbie playhouses and battery-powered pickups for nearly 30 years. The company shifted production at the 980–employee Kentucky plant to factories in Mexico.

John Deere has laid off about 1,150 workers, who made lawn mowers and chainsaws, and moved the jobs to Mexico.

By the way, in addition to this CRS study, a separate study by the Economic Policy Institute found that the overall net effect of NAFTA had been the loss of nearly 800,000 American jobs.

Today, the administration and the U.S. Trade Representative are careful to avoid promising that new trade agreements will create more U.S. jobs than the agreements will destroy.

But the administration has no problem figuring out how great trade deals will be for other countries.

One month before the administration signed a trade agreement with Korea last year, our principal negotiator in Korea, Assistant U.S. Trade Representative Wendy Cutler, was already touting the benefits that the agreement would offer Korea:

> An FTA with the United States is predicted to produce significant economic benefits for the Korean economy, increasing Korea's real GDP by as much as 2%, establishing a foundation for Korea to achieve per capita income to as high as $30,000, boosting exports to the United States by 15%, and creating 100,000 new jobs.

Remarkably, Ms. Cutler had no difficulty predicting a specific level of job creation in Korea. But she made no similar projection with respect to the United States.

Well, we need accountability in trade agreements. And the best way to do that is with benchmarks.

This is a forward-looking strategy for a successful trade policy that is in America's national interest.

Our bill would apply only to future trade agreements. It would not apply retroactively to NAFTA.

I should say, however, that I think it is important that we gauge the impact of NAFTA on U.S. jobs. And I was able to include language in the omnibus conference report that will require the Department of Labor, by the end of 2008, to calculate the net impact of NAFTA on U.S. jobs, industry by industry.

In any event, we think that this piece of legislation should be embraced by the U.S. Congress, because the American people are beginning to demand accountability in trade.

On October 4, the Wall Street Journal provided fresh evidence that the American people don't believe that free trade deals are creating jobs.

The Wall Street Journal ran a story with the headline ''Republicans Grow Skeptical on Free Trade.''

The story described a poll, which found that by a two-to-one margin, Republican voters believe free trade deals have been bad for the U.S. economy.

It turns out that dissatisfaction with our current trade policy is a bipartisan sentiment.

The poll found that 59 percent of polled Republican voters agreed with the following statement:

Foreign trade has been bad for the U.S. economy, because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products.

Only 32 percent of polled Republican voters agreed with the following statement:

Foreign trade has been good for the US. economy, because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers.

This poll suggests a dramatic change in the way Americans view free trade agreements.

In December 1999, the Wall Street Journal did a poll that found that only 31 percent of Republican voters thought free trade agreements had hurt our country.

But in this month's poll, the Wall Street Journal found that the number of Republican voters opposing free trade agreements had risen from 31 percent to 59 percent.

Clearly, the American people have seen the results of free trade deals, and they don't like what they see. They demand accountability. And the Trade Agreement Benchmarks and Accountability Act would give them precisely that.

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

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

S. 2611

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 ''Trade Agreement Benchmarks and Accountability Act''.

SEC. 2. LIMITATIONS ON BILLS IMPLEMENTING TRADE AGREEMENTS.

(a) IN GENERAL.—Notwithstanding section 151 of the Trade Act of 1974 (19 U.S.C. 2191) or any other provision of law, any bill implementing a trade agreement between the United States and another country shall be subject to a point of order pursuant to subsection (c) unless the bill—

(1) is accompanied by a statement of the benchmarks described in subsection (b)(1) and that statement is approved as part of the implementing bill; and

(2) contains the reporting provisions described in subsection (b)(2).

(b) BENCHMARKS AND REPORTING PROVISIONS.—

(1) BENCHMARKS.—

(A) IN GENERAL.—Each bill implementing a trade agreement shall be accompanied by a statement that contains benchmarks described in subparagraph (B) and predictions made by the International Trade Commission, the United States Trade Representative, and other Federal agencies, of the impact the implementation of the agreement will have on the United States economy.

(B) DESCRIPTION OF BENCHMARKS.—The benchmarks described in this subparagraph are as follows:

(i) An estimate of the number of new jobs that will be created, the number of existing jobs that will be lost, and the expected net effect on job creation in the United States as a result of the agreement. The estimate shall include the number and type of the new jobs that will be created and lost.

(ii) An assessment and quantitative analysis of the extent to which the agreement will result in an improvement in wages for workers in the United States.

(iii) An assessment and quantitative analysis of how each country that is a party to the agreement is implementing and enforcing the labor and environmental standards that are part of the agreement.

(iv) A quantitative analysis of the extent to which the agreement will result in an increase in the access by United States businesses to the market of each country that is a party to the agreement, particularly those sectors identified by the United States Trade Representative as of special importance with respect to the agreement.

(2) REPORTING PROVISIONS.—The reporting provisions described in this subsection are that each bill implementing a trade agreement shall contain a requirement that not later than 5 years after the date the agreement enters into force with respect to the United States, and every 5 years thereafter, the International Trade Commission shall submit to Congress a report that provides an assessment and quantitative analysis of how the trade agreement has resulted in meeting the benchmarks described in paragraph (1).

(3) CONTENTS AND CONCLUSIONS OF REPORT.—The International Trade Commission shall determine in any report required by this section regarding an agreement whether the benchmarks and predictions described in paragraph (1)(B) (i) and (ii) have been met with respect to that agreement.

(c) POINT OF ORDER IN SENATE.—The Senate shall cease consideration of a bill to implement a trade agreement, if—

(1) a point of order is made by any Senator against any bill implementing a trade agreement that is not accompanied by statement regarding the benchmarks to be achieved by the agreement or does not contain the reporting provisions regarding the benchmarks described in subsection (b); and

(2) the point of order is sustained by the Presiding Officer.

(d) WITHDRAWAL OF APPROVAL.—

(1) IN GENERAL.—The approval of Congress, provided in a bill to implement a trade agreement, shall cease to be effective if, and only if, a report described in subsection (b) indicates that the benchmarks and predictions made in connection with the agreement are not being met and a joint resolution described in subsection (e) is enacted into law pursuant to the provisions of subsection (e) and paragraph (2).

(2) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted under subsection (e), and—

(i) Congress adopts and transmits the joint resolution to the President before the end of the 1-year period (excluding any day described in section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)), beginning on the date on which Congress receives a report described in subsection (b); and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 1-year period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(B) INTRODUCTION.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the International Trade Commission transmits to Congress a report described in subsection (b), and before the end of the 1-year period referred to in subparagraph (A)(i).

(e) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That Congress withdraws its approval, provided under section ___ of the _____, of the _____ Agreement.'', with the first blank space being filled with the section of the Act implementing and approving the applicable agreement, the second blank space being filled with the name of the Act implementing and approving the agreement, and the third blank space being filled with the title of the agreement.

(2) PROCEDURES.—

(A) INTRODUCTION AND REFERRAL.—

(i) HOUSE OF REPRESENTATIVES.—Joint Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(ii) SENATE.—Joint Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) CONSIDERATION BY COMMITTEES.—

(i) HOUSE OF REPRESENTATIVES.—It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(ii) SENATE.—It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(C) APPLICATION OF OTHER PROVISIONS.—The provisions of section 152 (c), (d), and (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c), (d), and (e)) (relating to discharge of committees and floor consideration of certain resolutions in the House and Senate) shall apply to joint resolutions under this section to the same extent as such provisions apply to resolutions under such section.

(3) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as any other rule of that House.

By Mr. KERRY:

S. 2612. A bill to provide economic stimulus for small business concerns; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, data from the Federal Reserve Bank and the

Small Business Administration show that the home mortgage crisis is spreading, making it harder and more expensive for small businesses to get loans. Specifically, according to the Federal Reserve's survey, more than 30 percent of domestic banks indicated that they have tightened their credit standards for commercial and industrial loans to small businesses over the past three months. That same survey also found that 80 percent of the domestic banks reported tighter lending standards for commercial real estate loans—the highest percentage recorded since the Fed began posing the question 18 years ago.

While that information is troubling, it is not a surprise. So far this fiscal year, the number of loans made through the SBA's largest lending program, the 7(a) loan guaranty program, dropped 14 percent compared with the same period last year, and dollar volume fell six percent. Lending in SBA's 504 loan program, after growing steadily over the last few years, and being up even three months ago, has gone flat. These figures are alarming because, historically, SBA loan activity has increased when the conventional credit market has tightened and their absence or smaller role in financing is a problem. Why? These two loan programs—the 7(a) Loan Guaranty program and the 504 Loan Guaranty program—are the largest source of long-term capital to small businesses in this country. They play an essential role in the continuum of financing to our small businesses.

As we talked to lenders and SBA to try and understand what was causing this trend, we identified several changes we could make to SBA's lending programs to try and stimulate the economy. What could we do to get lenders to start lending again, and how could we make it more affordable for small businesses? The bill I am introducing today—the Small Business Lending Stimulus Act of 2008—incorporates those findings. We made the changes temporary, targeted, and timely. We have evidence that these changes work, because we did something similar, in a bipartisan way, after the terrorist attacks of 9–11, and it stimulated the economy and mitigated job loss and business closures by pumping almost $3 billion into our local economies.

Unfortunately, there is no magic bullet to right the economy, but we need to use every tool at our disposal to mitigate further problems for our economy. The SBA's programs are one effective tool. I hope that my colleagues can get behind this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 445—EXPRESSING THE SENSE OF THE SENATE ON THE ASSASSINATION OF FORMER PRIME MINISTER OF PAKISTAN BENAZIR BHUTTO, AND THE POLITICAL CRISIS IN PAKISTAN

Mr. BIDEN (for himself, Mr. OBAMA, Mr. BAUCUS, Mr. DURBIN, Mr. HARKIN, Mr. CASEY, Mr. MENENDEZ, Mr. REID, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 445

Whereas, on October 18, 2007, former Prime Minister of Pakistan Benazir Bhutto returned to Pakistan after more than 8 years in exile, and was welcomed by supporters numbering in the hundreds of thousands;

Whereas hours after her return, a suicide bomb attack on her convoy in Karachi killed 145 people and narrowly missed killing Benazir Bhutto herself, in one of the most violent terrorist attacks in Pakistan's history;

Whereas Members of Congress and other friends of Pakistan wrote to President of Pakistan Pervez Musharraf weeks prior to the October 18, 2007, attack on Benazir Bhutto, urging support for the democratic process and the provision of adequate security for democratic leaders such as Benazir Bhutto;

Whereas Members of Congress and other friends of Pakistan wrote to President of Pakistan Pervez Musharraf immediately after the October 18, 2007, attack, urging that a specific set of security measures be taken to protect Benazir Bhutto, and that a full investigation into the October 18 attack be undertaken;

Whereas, on November 3, 2007, President Musharraf, in his role as Chief of Army Staff of Pakistan, declared a state of emergency, suspended the Constitution of Pakistan, dismissed Supreme Court Chief Justice Iftikhar Chaudhry and other justices of the Supreme Court and provincial High Courts, replacing them with candidates willing to take an oath to uphold his actions during the suspension of the Constitution, and initiated a nationwide crackdown on political opposition, the media, and the courts of Pakistan that resulted in the arrest of more than 1,000 political opponents;

Whereas, on December 15, 2007, President Musharraf lifted the State of Emergency, but did not reinstate the dismissed Supreme Court and High Court justices, allow full freedom of the press, or release all political prisoners arrested during the crackdown;

Whereas President Musharraf justified his actions in November 2007 on the grounds of more effective counterterrorism efforts, beginning his November 3 proclamation with the statement, ''Whereas there is visible ascendancy in the activities of extremists and incidents of terrorist attacks, including suicide bombings, IED explosions, rocket firing and bomb explosions and the banding together of some militant groups have taken such activities to an unprecedented level of violent intensity posing a grave threat to the life and property of the citizens of Pakistan'';

Whereas, on December 27, 2007, Benazir Bhutto was killed in the garrison town of Rawalpindi;

Whereas video footage, backed up by eyewitness testimony, shows at least 1 gunman firing shots at Benazir Bhutto instants before her death, and a second terrorist detonating a bomb near her vehicle shortly after the firing of the gunshots;

Whereas the precise circumstances surrounding both the October 18, 2007, attack and the December 27, 2007, assassination remain unclear, and those responsible for both terrorist attacks remain at large;

Whereas President Musharraf has accepted the assistance of Scotland Yard in his government's investigation of the assassination of Benazir Bhutto, but has rejected calls for an independent investigation under the auspices of the United Nations;

Whereas President Musharraf has used the turmoil following the assassination of Benazir Bhutto to delay elections from their scheduled date of January 8, 2008, to February 18, 2008;

Whereas Benazir Bhutto's political party and the other major opposition parties had opposed this delay, and have expressed concern that it was motivated by an intention to shape the outcome of the election through poll-rigging or other improper means;

Whereas the current political crisis in Pakistan has a grave impact on the national security of the United States, in that it seriously undermines the ability of the Government of Pakistan to devote adequate resources and attention to the fight against al Qaeda, the Taliban, and other extremist forces;

Whereas the political crisis in Pakistan cannot be resolved without a speedy return to the democratic path, including free and fair elections and restoration of an independent judiciary in accordance with the express wishes of the vast majority of the people of Pakistan;

Whereas the United States has provided Pakistan with approximately $10,000,000,000 in assistance over the past 6 years; and

Whereas, on December 26, 2007, President Bush signed H.R. 2764, an omnibus spending bill which limited United States military aid to Pakistan to counterterrorism and law enforcement activities directed against al Qaeda and the Taliban, and which withheld $50,000,000 in military aid until such time as the Secretary of State reports that Pakistan has restored democratic rights and an independent judiciary, and is making concerted efforts to fight al Qaeda and the Taliban: Now, therefore, be it

Resolved, That the Senate—

(1) conveys the deep condolences of the people of the United States to the people of Pakistan on the tragic loss of former Prime Minister Benazir Bhutto, and conveys special condolences to the families of Benazir Bhutto and the other victims of this terrorist attack;

(2) condemns, in the strongest possible terms, the murder of Benazir Bhutto on December 27, 2007, and the slaughter of at least 165 other Pakistani citizens in this attack and the prior attempt on Benazir Bhutto's life in Karachi on October 18, 2007;

(3) calls upon the Government of Pakistan to do everything in its power to bring the perpetrators of these crimes to justice, and to permit investigators to follow their inquiries in whatever direction they may lead;

(4) calls upon the Government of Pakistan to support and facilitate an independent inquiry into the assassination of Benazir Bhutto;

(5) strongly urges the Government of Pakistan to ensure that free and fair elections are held on February 18, 2008, as scheduled, and that independent election monitors are allowed to monitor the elections;

(6) calls upon the Election Commission of Pakistan to remove all of the restrictions it

recently placed on election observation activities, which included efforts to restrict observer movement and the conduct of exit polling on Election Day;

(7) urges President Pervez Musharraf of Pakistan to replace the partisan caretaker governments at the federal, provincial, and district levels with neutral administrations acceptable to all major political parties, and to reconstitute the Election Commission as a genuinely nonpartisan body;

(8) calls upon the Government of Pakistan to provide adequate security, including the provision of adequately armored vehicles and properly functioning jamming equipment to help prevent the detonation of explosive devices, to all senior opposition political leaders;

(9) calls upon the Government of Pakistan to release those individuals still being detained without charges and to end the ongoing harassment of judges, opposition party activists, and lawyers;

(10) calls for the restoration of Pakistan's independent judiciary and an end to all restrictions on the media and freedom of speech;

(11) calls upon the President to review all existing United States aid to Pakistan, to ensure that all assistance furthers the common goals shared by the people of Pakistan and the United States, with specific reference to combating violent radicalism and promoting a free and democratic Pakistan; and

(12) if the President's review concludes that the conditions described in paragraph (11) are not met, calls upon the President to suspend (until such time as such conditions can be met) the transfer to Pakistan of weapons systems primarily designed and manufactured for combat against a rival state rather than counterterrorism or counterinsurgency.

Mr. BIDEN. Mr. President, it has been a month—almost to the day—that former Pakistani prime minister Benazir Bhutto was assassinated.

She was murdered barely a mile from the site where her own father, also a prime minister, had been executed by a military strongman nearly two decades earlier.

She was killed by a terrorist attack in the very same park where, over half a century ago, Pakistan's very first prime minister was gunned down under circumstances that to this day remain clouded in mystery.

The death of Ms. Bhutto was not the first time a Pakistani leader met a violent end. But never has the loss been greater—for Pakistan, and for friends of democracy the world over.

Never has the danger posed by such a loss been more serious—for Pakistan, and for the U.S. as well.

For many Members of this body, the loss of Ms. Bhutto comes as a personal shock. Some of us knew Benazir during her tenure in office, others had met her during her years of exile.

Anyone who encountered the prime minister can understand the sadness experienced by Pakistanis of all political outlooks.

The murder of Ms. Bhutto was a human tragedy, but one with potentially dire political and national security repercussions. In the wake of this shocking act of terrorism, Pakistani democracy remains seriously threatened.

This is not merely a matter of concern to Pakistan, but to the U.S. as well. Until the political crisis in Pakistan is resolved, no government in Islamabad will have the focus, the will, or the military and intelligence resources necessary to combat the threat of al-Qaeda terrorism and Taliban insurgency effectively.

The resolution I offer expresses condolences on the murder of Ms. Bhutto and condemns the cowardly terrorists who cut short the life of a brave and brilliant woman.

It calls for a genuinely independent inquiry, to clear up the mysteries surrounding this crime—an attack not only on one leader, but on Pakistani democracy itself.

It calls upon the government of Pakistan to return to the democratic path by insuring free and fair elections without further delays; by releasing all political detainees; by revoking restrictions on the press and free speech; and by restoring a genuinely independent judiciary.

It also calls on the President of the review all U.S. aid to Pakistan—as he promised to do immediately after Pakistan's current leader suspended the constitution and declared a State of Emergency in November.

The White House review found—to nobody's surprise—that no significant change in policy was required. The resolution I offer calls for a more targeted and more open-eyed approach.

It calls on the President to ensure that all assistance furthers the common goals shared by the people of Pakistan and the U.S., with specific reference to combating violent radicalism and promoting a free and democratic Pakistan; and

It calls on the President, if he cannot make such a declaration, to suspend the transfer of weapons systems primarily designed and manufactured for combat against a rival state rather than counterterrorism or counterinsurgency.

What does this mean?

In simple language, it calls upon President Bush to match his words with deeds. For the good of the Pakistani people, and for the national security interests of the United States.

The President has often said that a democratic Pakistan will be our best partner in the battle against radical theocrats and bloodthirsty terrorists.

I wholeheartedly agree—and urge the President to demonstrate that his words are something more than empty rhetoric.

Specifically, I urge the President to let the Pakistani military establishment know that the $10 billion we have provided in assistance over the past 6 years—the vast bulk of it security assistance—is not a blank check.

The American people and the Pakistani people, have a right to insist that their money is being well spent.

At a time when Pakistani soldiers and paramilitary troop are sent to fight the Taliban without bulletproof vests, without sufficient ammunition, sometimes marching through the snow in sandals rather than combat boots.

At such a time, does it make sense to spend $500 million on high-tech, highcost, nuclear-capable fighter aircraft?

Does it make sense to spend hundreds of millions on P–3 naval surveillance aircraft specifically designed to hunt submarines?

So far as I know, al-Qaeda has not yet developed a submarine navy.

The White House claims that weapons systems like these are indeed counterterrorism tools, but such a claim is an insult to common sense.

Yes, it is possible to drop a bomb on a terrorist from a supersonic jet—and our pilots sometimes do so.

Yes, it is possible to use P–3s to track fishing boats rather than submarines—and our pilots may do that too. But let us get real here.

The primary use of these weapons has nothing to do with counterterrorism—using them for this purpose is like swatting flies with a sledgehammer.

Moreover, this resolution doesn't even mandate that such weapons transfers be terminated. It merely urges that they be suspended: temporarily put on hold, until the current political crisis has passed.

Why is this necessary? For starters, because the administration has consistently failed to apply a commonsense approach to its Pakistan policy—and shows no sign of starting to do so now. I'll give just one example, but I could select from dozens.

A few days after the assassination of Benazir Bhutto, just as Pakistani President Musharraf was deliberating over whether or not to postpone elections in which Bhutto's party was nearly certain to prevail, the Pentagon awarded a contract for fighter jets worth $498 million.

Despite a direct Congressional inquiry several weeks earlier, no member of the Foreign Relations Committee—or any other committee, so far as I know—was alerted to this sale.

The administration claims this was merely a coincidence, that the deal had been in the works for a long time, that no policy-maker had any say in the timing of the announcement.

Perhaps that is true. If so, all the more reason for Congress to lay down a marker.

I first suggested putting noncounterterrorism security aid on the table on November 4—the morning after President Musharraf effectively declared a coup d'etat against his own government.

I did so moments after speaking by phone with Benazir Bhutto, who had just returned to Pakistan from 8 years in exile, and who had narrowly escaped a bomb blast on her convoy that left 140 of her supporters dead.

I urged President Musharraf to step back from the brink of disaster, to revoke an order that could destroy his country's democracy.

I urged President Bush to use U.S. military aid as a carefully calibrated lever, in order to make sure our arms and our money helped make Pakistan more free, and the U.S more safe.

Later that week, I unveiled a comprehensive plan for long-term engagement with pakistan—or moving our strategy from a ''Musharraf policy'' to a ''Pakistan policy.'' In broad strokes, the basic elements of this plan are:

Triple non-security aid, to $1.5 billion annually. For at least a decade. This aid would be unconditional: it is our pledge to the Pakistani people.

Instead of funding military hardware, it would build schools, clinics, and roads.

Condition security aid on performance. We should base our security aid on clear results.

We are now spending well over $1 billion annually, and it is not clear we are getting our money's worth.

We should be willing to spend more if we get better returns—and less if we don't.

Help Pakistan enjoy a ''democracy dividend.'' The first year of genuine democratic rule should bring an additional $1 billion, above the $1.5 billion non-security aid baseline, with future non-security aid calibrated, again, above the guaranteed baseline, to Pakistan's institutionalization of democratic and good-governance norms.

We have got to help moderate, secular political leaders show the Pakistani people that they can deliver the goods.

Engage the Pakistani people, not just their rulers. We need a broad-based engagement, not just government to government.

This will involve everything from improved public diplomacy to reviewing visa procedures and textile quotas to reversing this administration's shameful torture policies and shutting the prison at Gitmo.

Today is not the day to delve into the specifics of long-term strategy; I will come to the floor at a later date and sketch out this comprehensive plan in greater detail.

Today is a time for all of us to come together in support of a resolution which, I would hope, expresses the sentiments of every Member here.

All of us, surely, send our condolences on the death of Benazir Bhutto, and condemn her bloodthirsty assassins.

All of us, surely, want to see her murderers—and those who arranged her murder—brought to justice.

All of us, surely, want to see Pakistan set firmly back on the democratic path.

All of us, surely, want to make certain that the billions of dollars we send to Pakistan in aid genuinely serve the purposes for which it is intended—that it bolsters a stable, moderate, democratic state, and that it supports the battle against the violent terrorist groups who have declared war on the U.S. and Pakistan alike.

SENATE CONCURRENT RESOLUTION 66—COMMEMORATING THE 175TH ANNIVERSARY OF THE COMMENCEMENT OF THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. WEBB (for himself, Mr. BIDEN, Mr. LUGAR, Mr. WARNER, Mr. DODD, Mr. HAGEL, Mrs. BOXER, and Ms. MURKOWSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Whereas 2008 marks the 175th anniversary of the signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand in 1833, during President Andrew Jackson's administration and the reign of King Rama III, and the commencement of the relationship between the 2 countries;

Whereas Thailand was the first treaty ally of the United States in the Asia-Pacific region and remains a steadfast friend with shared values of freedom, democracy, and liberty;

Whereas, in December 2003, the United States designated Thailand as a major ally outside the North Atlantic Treaty Organization, which improved the security of both countries, particularly by facilitating joint counterterrorism efforts;

Whereas, for more than a quarter century, Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise, designed to ensure regional peace and promote regional security cooperation;

Whereas, in the wake of the tragic 2004 tsunami, the United States and Thailand launched joint relief operations from Utapao, Thailand, strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations;

Whereas, on June 22, 2006, Congress agreed to House Concurrent Resolution 409, 109th Congress, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas, on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world's longest-serving monarch, who is loved and respected for his lifelong dedication to the social and economic development of the people of Thailand;

Whereas, on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that are paving the way for a successful return of democracy to Thailand;

Whereas approximately 500,000 people of Thai descent live in the United States, joining in the pursuit of the American Dream;

Whereas Thailand is the 20th largest trading partner of the United States, with bilateral trade totaling approximately $30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 175th anniversary of relations between the United States and the Kingdom of Thailand;

(2) offers sincere congratulations to the Kingdom of Thailand and the people of Thailand for the democratic, free, and fair elections held on December 23, 2007;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the peoples of Thailand and the United States.

Mr. WEBB. Madam President, today I wish to introduce a resolution to commemorate the 175th anniversary of diplomatic relations between the United States and Thailand and the 80th birthday anniversary of His Majesty King Bhumibol Adulyadej of Thailand, and also to express our recognition for the success of the recent parliamentary election in that country.

I am very pleased to be joined by Senator BIDEN and Senator LUGAR, the chairman and ranking member of the Senate Foreign Relations Committee, together with Senators WARNER, DODD, HAGEL, BOXER, and MURKOWSKI as cosponsors of this resolution.

Next month will mark 175 years of a special friendship between the United States and Thailand, which began with the signing of the Treaty of Amity and Commerce in 1833 during the administration of President Andrew Jackson, making Thailand our first treaty ally in Asia.

Throughout the years, Thailand has often been a close friend and strategic partner of the United States and has proven to be a dependable key ally in Southeast Asia, helpful to the United States' interests in that region.

Sharing our values of freedom and liberty, Thailand has partnered with the United States in fighting numerous military engagements throughout our history, including its current support in the global war on terror.

In 2003, President Bush declared Thailand a major non-NATO ally, a designation which represents a close and extensive relationship between our two countries.

The United States has enjoyed dynamic, vast, and varied cooperation and partnership with Thailand, which have not only strengthened our bilateral relations, but in many ways have also benefitted the Asian region as a whole.

For more than a quarter century, Thailand has been the host country of Cobra Gold—the United States annual multinational military training exercise—to promote regional stability and security cooperation. As another case in point, the United States and Thailand's joint relief operations in the wake of the tragic 2004 tsunami promoted the overall capacity of the international humanitarian forces in providing relief, setting a model for effective humanitarian operations in the region.

Madam President, I have visited Thailand many times over the past 25 years and have many friends in that country. I had the privilege of visiting

Thailand last year for the first time as a sitting Senator and was very pleased to see so much cooperation with the United States, particularly with our military. During our meetings, I was also gratified to see that so many Thai military leaders and Government leaders had been educated and trained in the United States—leading to the sense of lasting friendship and goodwill between our two countries toward our mutual interests.

On another important point, as was promised at the time of the political coup, which occurred in 2006, I am very pleased to be able to remind and reassure my colleagues that Thailand held democratic, free, and fair parliamentary elections in December of last year, marking a successful return to full-fledged democracy.

So I congratulate the new Thai Government. I look forward to the continuation of the long tradition of friendship and close cooperation between Thailand and the United States.

I urge quick passage of this resolution, which I now send to the desk.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4009. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; which was ordered to lie on the table.

SA 4010. Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, Mr. STEVENS, Mrs. LINCOLN, Ms. SNOWE, Mr. SALAZAR, Mr. BUNNING , Mr. ALEXANDER, Mr. SUNUNU, Mr. VITTER, Mr. WICKER, Mr. BURR, Mr. ROBERTS, Mr. BROWNBACK, Mr. ISAKSON, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5140, supra.

SA 4011. Mr. KERRY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5140, supra; which was ordered to lie on the table.

SA 4012. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table .

SA 4013. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4009. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the appropriate place, insert the following:

SEC. _____. ECONOMIC STIMULUS SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—For fiscal year 2008, and to the extent the cost of such reduction in fees are offset by appropriations, with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)), the Administrator of the Small Business Administration shall, in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee in an amount equal to a maximum of .25 percent of the outstanding balance of the deferred participation share of that loan, and in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect a guarantee fee in an amount equal to a maximum of 1 percent of the deferred participation share of a total loan amount that is not more than $150,000, 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, and not more than $700,000, and 3 percent of the deferred participation share of a total loan amount that is more than $700,000, and in lieu of the fee otherwise applicable under section 7(a)(18)(A)(iv) of the Small Business Act (15 U.S.C. 636(a)(18)(A)(iv)), collect no fee. In carrying out this subsection, the Administrator of the Small Business Administration shall reduce the fees for a loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) to the maximum extent possible, subject to the availability of appropriations.

(b) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, for the ''Business Loans Program Account'' of the Small Business Administration, $150,000,000 for loan subsidies and for loan modifications for loans to small business concerns authorized under subsection (a), and $2,000,000, to remain available until expended, for direct loans under the Microloan Program under section 7(m) of the Small Business Act (15 U.S.C. 636(m)), and for the ''Salaries and Expenses Account'' of the Small Business Administration, $10,000,000, to remain available until expended, for marketing, management, and technical assistance under section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the Microloan Program: *Provided*, That the amounts provided under this subsection are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

(c) APPLICATION OF FEE REDUCTIONS.—The Administrator of the Small Business Administration shall reduce the fees under subsection (a) for any loan guarantee subject to such subsection for which the application is pending approval on or after the date of enactment of this Act, until the amount provided for such purpose under subsection (b) is expended.

SA 4010. Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, Mr. GRASSLEY, Mr. STEVENS, Mrs. LINCOLN, Ms. SNOWE, Mr. SALAZAR, Mr. BUNNING, Mr. ALEXANDER, Mr. SUNUNU, Mr. VITTER, Mr. WICKER, Mr. BURR, Mr. ROBERTS, Mr. BROWNBACK, Mr. ISAKSON, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Stimulus Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

Sec. 101. 2008 recovery rebates for individuals.

Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.

Sec. 103. Special allowance for certain property acquired during 2008.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.

Sec. 202. Temporary loan limit increase for FHA.

TITLE III—EMERGENCY DESIGNATION

Sec. 301. Emergency designation.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—

''(1) net income tax liability, or

''(2) $600 ($1,200 in the case of a joint return).

''(b) SPECIAL RULES.—

''(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

''(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

''(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

''(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

''(A) has qualifying income of at least $3,000, or

''(B) has—

''(i) net income tax liability which is greater than zero, and

''(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

''(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

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

''(1) QUALIFYING INCOME.—The term 'qualifying income' means—

''(A) earned income,

''(B) social security benefits (within the meaning of section 86(d)), and

''(C) any compensation or pension received under chapter 11, chapter 13, or chapter 15 of title 38, United States Code.

''(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—

''(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

''(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

''(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

''(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(g) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(h) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number,

''(B) in the case of a joint return, the valid identification number of such individual's spouse, and

''(C) in the case of any qualifying child taken into account under subsection (b)(1)(B), the valid identification number of such qualifying child.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.''.

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 53(e)'' and inserting ''53(e), and 6428''.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking ''or 32'' and inserting ''32, or 6428''.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as amended by this section).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (c) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(e) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) DEPARTMENT OF TREASURY.—

(i) For an additional amount for ''Department of the Treasury—Financial Management Service—Salaries and Expenses'', $64,175,000, to remain available until September 30, 2009.

(ii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'', $50,720,000, to remain available until September 30, 2009.

(iii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Operations Support'', $151,415,000, to remain available until September 30, 2009.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for ''Social Security Administration—Limitation on Administrative Expenses'', $31,000,000, to remain available until September 30, 2008.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 6428'' after ''section 35''.

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

''Sec. 6428. 2008 recovery rebates for individuals.''.

SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—

''(A) the dollar limitation under paragraph (1) shall be $250,000,

''(B) the dollar limitation under paragraph (2) shall be $800,000, and

''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—

(1) by striking ''September 10, 2001'' each place it appears and inserting ''December 31, 2007'',

(2) by striking ''September 11, 2001'' each place it appears and inserting ''January 1, 2008'',

(3) by striking ''January 1, 2005'' each place it appears and inserting ''January 1, 2009'', and

(4) by striking ''January 1, 2006'' each place it appears and inserting ''January 1, 2010''.

(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking ''30 percent'' and inserting ''50 percent''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking ''and (iii)'' and inserting ''(iii), and (iv)''.

(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking ''clauses (ii) and (iii)'' and inserting ''clause (iii)''.

(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking ''and (iii)'' and inserting '', (iii), and (iv)''.

(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking ''$4,600'' and inserting ''$8,000''.

(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).

(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.

(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.''.

(7) Paragraph (5) of section 168(l) of such Code is amended—

(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and

(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.

(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2005'' and inserting ''January 1, 2010''.

(9) Paragraph (3) of section 1400N(d) of such Code is amended—

(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and

(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.

(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k).—The term 'specified Gulf Opportunity Zone extension property' shall not include any property to which section 168(k) applies.''.

(11) The heading for subsection (k) of section 168 of such Code is amended—

(A) by striking ''SEPTEMBER 10, 2001'' and inserting ''DECEMBER 31, 2007'', and

(B) by striking ''JANUARY 1, 2005'' and inserting ''JANUARY 1, 2009''.

(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2005'' and inserting ''PRE-JANUARY 1, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSES.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

TITLE III—EMERGENCY DESIGNATION

SEC. 301. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section

204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 4011. Mr. KERRY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; as follows:

At the end of title I, insert the following:

SEC. 104. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the population of such State (as reported in the most recent decennial census), and

''(ii) the denominator of which is the total population of all States (as reported in the most recent decennial census).

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

''(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

''(ii) to issue any bond after calendar year 2010.

''(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.''.

(c) ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''shall not include'' and all that follows and inserting ''shall not include—

''(I) any qualified 501(c)(3) bond (as defined in section 145), or

''(II) any qualified mortgage bond (as defined in section 143(a)) or qualified veterans' mortgage bond (as defined in section 143(b)) issued after the date of the enactment of this subclause and before January 1, 2011.''.

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) is amended by striking ''QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 4012. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

On page 298, after line 25, add the following:

''(e) SPEEDY NOTICE TO RAPE AND SEXUAL ASSAULT VICTIMS.—The Secretary shall withhold from a Service Area carrying out a program under this section an amount equal to 10 percent of the amount allocated for the program until the date on which the Secretary, in consultation with the Attorney General, determines that, with respect to the Service Area—

''(1)(A) there exists and is enforced a law or regulation that requires—

''(i) at the request of a victim, the administration to a defendant, against whom an information or indictment is presented for a crime in which, by force or threat of force, the defendant compels the victim to engage in sexual activity, of a test for the human immunodeficiency virus (HIV) and such other sexually transmitted diseases as are requested by the victim not later than 48 hours after the date on which the information or indictment is presented;

''(ii) a notification of the test results to be provided to the victim or the parent or guardian of the victim and the defendant as soon as practicable after the results are generated; and

''(iii) such follow-up tests for HIV and other sexually transmitted diseases as are medically appropriate, with the test results made available in accordance with clause (ii); or

''(B) a law or regulation described in subparagraph (A) will be established and enforced in the Service Area by not later than 1 year after the date of enactment of the Indian Health Care Improvement Act Amendments of 2008; and

''(2) pursuant to subsection (a), HIV and other sexually transmitted disease testing, treatment, and counseling is provided for victims of sexual abuse.

SA 4013. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the Indian

Health Care Improvement Act (as amended by section 101), insert the following:

''SEC. 8 . REQUIREMENT FOR MEDICAL EVIDENCE.

''Notwithstanding any other provision of this Act, no funding shall be provided pursuant to this Act for any treatment activity for a health care condition unless the treatment is supported by medical evidence.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 28, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the impact of increased minimum wages on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 a.m., in open session to receive testimony on the final report of the Commission on the National Guard and Reserves.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet

during the session of the Senate on February 7, 2008, at 10 a.m., in order to conduct a hearing entitled ''Reforming the Regulation of the Government Sponsored Enterprises.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 7, at 10 a.m., in room 253 of the Russell Senate Office Building, in order to conduct an executive hearing.

Agenda

Robert A. Sturgell, to be Administrator of the Federal Aviation Administration (PN 1005); Simon Charles Gros, to be Assistant Secretary of Transportation for Governmental Affairs, Department of Transportation (PN 977).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WEBB, Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 am. in room SD366 of the Dirksen Senate Office Building, for the purpose of conducting a hearing. At this hearing, the Committee will hear testimony regarding energy market effects of the recently-passed renewable fuel standard.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Selling to Seniors: The Need for Accountability and Oversight of Marketing and Sales by Medicare Private Plans.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 9:30 a.m. in order to hold a hearing on the Kenyan elections.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 2:30 p.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 7, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct a hearing on the nomination of Robert G. McSwain to be Director of the Indian Health Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct a hearing entitled ''The Founding Fathers' Papers: Ensuring Public Access to our National Treasures'' on Thursday, February 7, 2008 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness List

David G. McCullough, Presidential Historian and Author, Camden, ME.

Dr. Stanley N. Katz, Chairman, Papers of the Founding Fathers, Professor, Woodrow Wilson School of Princeton University Princeton, NJ.

Dr. Deanna B. Marcum, Associate Librarian of Library Services, Library of Congress, Washington, DC.

Rebecca W. Rimel, President and Chief Executive Officer, The Pew Charitable Trusts, Phiadelphia, PA.

Dr. Allen Weinstein, Archivist of the United States, U.S. National Archives & Records Administration, Washington, DC.

Dr. Ralph Ketcham, Professor of History Emeritus, Maxwell School of Syracuse University, Syracuse, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

READINESS AND MANAGEMENT SUPPORT SUBCOMMITTEE

Mr. WEBB. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 7, 2008, at 2:30 p.m., in open session to receive testimony on business transformation and financial management at the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 7, 2008, at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WEBB. Madam President, I ask unanimous consent that my legislative fellow, Jaithai Upakurnitikaset, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Executive Calendar Nos. 442 through 451, except 450; and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that upon confirmation, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Mark A. Ediger, 0000
Colonel Richard A. Hersack, 0000
Colonel Daniel O. Wyman, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Cecil R. Richardson, 0000

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert G. Kenny

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Daniel P. Gillen, 0000
Col. Michael J. Yaszemski, 0000

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Robert Benjamin Bartlett
Brigadier General Thomas R. Coon, 0000
Brigadier General James F. Jackson, 0000
Brigadier General Brian P. Meenan, 0000
Brigadier General Charles E. Reed, Jr., 0000
Brigadier General James T. Rubeor, 0000

The following named officers for appointment in the Reserve of the Air Force to the

grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Colonel Robert S. Arthur, 0000
Colonel Gary M. Batinich, 0000
Colonel Richard S. Haddad, 0000
Colonel Keith D. Kries, 0000
Colonel Muriel R. McCarthy, 0000
Colonel David S. Post, 0000
Colonel Patricia A. Quisenberry, 0000
Colonel Robert D. Rego, 0000
Colonel Paul L. Sampson, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Douglas M. Fraser, 0000

IN THE NAVY

The following named officer for appointment as Chief of Naval Personnel, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5141:

To be vice admiral

Rear Adm. Mark E. Ferguson, III, 0000

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph F. Fil, Jr., 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1207 AIR FORCE nomination of Chevalier P. Cleaves, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1208 AIR FORCE nomination of Jawn M. Sischo, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1209 AIR FORCE nomination of Joaquin Sariego, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1210 AIR FORCE nominations (4) beginning JOHN A. CALCATERRA JR., and ending MARIA D. RODRIGUEZRODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1211 AIR FORCE nominations (3) beginning JERRY ALAN ARENDS, and ending BILLY L. LITTLE JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1212 AIR FORCE nominations (5) beginning DONNIE W. BETHEL, and ending MITCHEL NEUROCK, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1213 AIR FORCE nominations (11) beginning PAUL A. ARSON, and ending PHILIP A SWEET, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1214 AIR FORCE nominations (14) beginning MARI L. ARCHER, and ending GILBERT W. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1215 AIR FORCE nominations (4) beginning WILLIAM A. BEYERS III, and ending ROSS A. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1216 AIR FORCE nominations (6) beginning ROBERT R. CANNON, and ending LYLE E. VON SEGGERN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1217 AIR FORCE nominations (176) beginning VITO EMIL ADDABBO, and ending JAMES A. ZIETLOW, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1218 AIR FORCE nominations (2) beginning AZAD Y. KEVAL, and ending TROY L. SULLIVAN III, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1219 AIR FORCE nomination of Lance A. Avery, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1220 AIR FORCE nominations (4) beginning BILLY R. MORGAN, and ending JOSEPH R. LOWE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1221 AIR FORCE nomination of Inaam A. Pedalino, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1222 AIR FORCE nominations (62) beginning DEMEA A. ALDERMAN, and ending PHILIP H. WANG which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1223 AIR FORCE nomination of Theresa D. Clark, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1224 AIR FORCE nominations (113) beginning LEE E. ACKLEY, and ending CLAYTON D. WILSON III, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1225 AIR FORCE nominations (129) beginning SAID R. ACOSTA, and ending CYNTHIA F. YAP, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1226 AIR FORCE nominations (2) beginning JASON E. MACDONALD, and ending DEREK P. MIMS, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

ARMY

PN968 ARMY nominations (16) beginning GERALD K. BEBBER, and ending PHILLIP F. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 2007.

PN1174 ARMY nominations (2) beginning MANUEL POZOALONSO, and ending RACHELLE A. RETOMA, which nominations were received by the Senate and appeared in the Congressional Record of December 19, 2007.

PN1227 ARMY nomination of Jeffrey P. Short, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1228 ARMY nomination of Saqib Ishteeaque, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1229 ARMY nominations (3) beginning WANDA L. HORTON, and ending RUTH SLAMEN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1230 ARMY nominations (5) beginning DAVID J. BARILLO, and ending IAN D. COLE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1231 ARMY nomination of Joseph B. Dore, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1232 ARMY nomination of William J. Hersh, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1233 ARMY nomination of James C. Cummings, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1234 ARMY nomination of Eugene W. Gavin, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1235–1 ARMY nominations (3) beginning BRUCE H. BAHR, and ending George R. GWALTNEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1236 ARMY nominations (7) beginning DAVID A. BRANT, and ending CORLISS GADSDEN, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1237 ARMY nominations (2) beginning HAROLD A. FELTON, and ending ARLAND O. HANEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1238 ARMY nominations (3) beginning ANNE M. BAUER, and ending JO A. MCELLIGOTT, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1239 ARMY nominations (4) beginning DEBORAH G. DAVIS, and ending DEBRA M. SIMPSON, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1240 ARMY nominations (37) beginning RUBEN ALVERO, and ending HAE S. YUO, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1241 ARMY nominations (9) beginning RONALD L. BONHEUR, and ending DAVID S. WERNER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1242 ARMY nominations (3) beginning GERARD P. CURRAN, and ending MARK TRANOVICH, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1243 ARMY nominations (2) beginning JEFFREY A. WEISS, and ending RICHARD E. WOLFERT, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1244 ARMY nominations (3) beginning CHARLES S. OLEARY, and ending GARY B. TOOLEY, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1245 ARMY nominations (10) beginning PATRICK S. ALLISON, and ending SHAOFAN K. XU, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1246 ARMY nominations (30) beginning EDWARD B. BROWNING, and ending BILLIE J. WISDOM JR., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1247 ARMY nominations (51) beginning SANDRA G. APOSTOLOS, and ending MARILYN YERGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1263 ARMY nomination of Orlando Salinas, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1264 ARMY nomination of Debra D. Rice, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1265 ARMY nomination of Robert J. Mouw, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1266 ARMY nomination of Rabi L. Singh, which was received by the Senate and

appeared in the Congressional Record of January 25, 2008.

MARINE CORPS

PN902 MARINE CORPS nomination of Lester W. Thompson, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN1248 MARINE CORPS nominations (2) beginning RUSSELL L. BERGEMAN, and ending JAMES K. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1104 NAVY nomination of Thomas J. Harvan, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1105 NAVY nomination of John G. Bruening, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1250 NAVY nomination of John M. Dorey, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1252 NAVY nominations (2) beginning THOMAS P. CARROLL, and ending GARY V. PASCUA, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1253 NAVY nominations (4) beginning DAVID J. ROBILLARD, and ending SHERRY W. WANGWHITE, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1267 NAVY nomination of Michael V. Misiewicz, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1268 NAVY nomination of John A. Bowman, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

PN1269 NAVY nomination of John A. Bowman, which was received by the Senate and appeared in the Congressional Record of January 25, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, FEBRUARY 8, 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow, February 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 2248, the Foreign Intelligence Surveillance Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, today we were able to achieve a milestone in the Senate session and reach an overall agreement to have all remaining amendments to FISA debated tomorrow and Monday. There will be no rollcall votes tomorrow or Monday; however, Senators should be prepared to vote when the Senate convenes at 10 a.m. on Tuesday.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:37 p.m., recessed until Friday, February 8, 2008, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, February 7, 2008:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL MARK A. EDIGER, 0000
COLONEL RICHARD A. HERSACK, 0000
COLONEL DANIEL O. WYMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CECIL R. RICHARDSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT G. KENNY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL P. GILLEN, 0000
COL. MICHAEL J. YASZEMSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT BENJAMIN BARTLETT, 0000
BRIGADIER GENERAL THOMAS R. COON, 0000
BRIGADIER GENERAL JAMES F. JACKSON, 0000
BRIGADIER GENERAL BRIAN P. MEENAN, 0000
BRIGADIER GENERAL CHARLES E. REED, JR., 0000
BRIGADIER GENERAL JAMES T. RUBEOR, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL ROBERT S. ARTHUR, 0000
COLONEL GARY M. BATINICH, 0000
COLONEL RICHARD S. HADDAD, 0000
COLONEL KEITH D. KRIES, 0000
COLONEL MURIEL R. MCCARTHY, 0000
COLONEL DAVID S. POST, 0000
COLONEL PATRICIA A. QUISENBERRY, 0000
COLONEL ROBERT D. REGO, 0000
COLONEL PAUL L. SAMPSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DOUGLAS M. FRASER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

To be vice admiral

REAR ADM. MARK E. FERGUSON III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH F. FIL, JR., 0000

IN THE AIR FORCE

AIR FORCE NOMINATION OF CHEVALIER P. CLEAVES, 0000, TO BE COLONEL.

AIR FORCE NOMINATION OF JAWN M. SISCHO, 0000, TO BE COLONEL.

AIR FORCE NOMINATION OF JOAQUIN SARIEGO, 0000, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN A. CALCATERRA, JR. AND ENDING WITH MARIA D. RODRIGUEZRODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JERRY ALAN ARENDS AND ENDING WITH BILLY L. LITTLE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DONNIE W. BETHEL AND ENDING WITH MITCHEL NEUROCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL A. ABSON AND ENDING WITH PHILIP A. SWEET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARI L. ARCHER AND ENDING WITH GILBERT W. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM A. BEYERS III AND ENDING WITH ROSS A. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT R. CANNON AND ENDING WITH LYLE E. VON SEGGERN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH VITO EMIL ADDABBO AND ENDING WITH JAMES A. ZIETLOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH AZAD Y. KEVAL AND ENDING WITH TROY L. SULLIVAN III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATION OF LANCE A. AVERY, 0000, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH BILLY R. MORGAN AND ENDING WITH JOSEPH R. LOWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATION OF INAAM A. PEDALINO, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH DEMEA A. ALDERMAN AND ENDING WITH PHILIP H. WANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATION OF THERESA D. CLARK, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH LEE E. ACKLEY AND ENDING WITH CLAYTON D. WILSON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH SAID R. ACOSTA AND ENDING WITH CYNTHIA F. YAP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JASON E. MACDONALD AND ENDING WITH DEREK P. MIMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH GERALD K. BEBBER AND ENDING WITH PHILLIP F. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 27, 2007.

ARMY NOMINATIONS BEGINNING WITH MANUEL POZOALONSO AND ENDING WITH RACHELLE A. RETOMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 19, 2007.

ARMY NOMINATION OF JEFFREY P. SHORT, 0000, TO BE MAJOR.

ARMY NOMINATION OF SAQIB ISHTEEAQUE, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH WANDA L. HORTON AND ENDING WITH RUTH SLAMEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH DAVID J. BARILLO AND ENDING WITH IAN D. COLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATION OF JOSEPH B. DORE, 0000, TO BE COLONEL.

ARMY NOMINATION OF WILLIAM J. HERSH, 0000, TO BE COLONEL.

ARMY NOMINATION OF JAMES C. CUMMINGS, 0000, TO BE COLONEL.

ARMY NOMINATION OF EUGENE W. GAVIN, 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRUCE H. BAHR AND ENDING WITH GEORGE R. GWALTNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH DAVID A. BRANT AND ENDING WITH CORLISS GADSDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH HAROLD A. FELTON AND ENDING WITH ARLAND O. HANEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH ANNE M. BAUER AND ENDING WITH JO A. MCELLIGOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH DEBORAH G. DAVIS AND ENDING WITH DEBRA M. SIMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH RUBEN ALVERO AND ENDING WITH HAE S.YUO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH RONALD L. BONHEUR AND ENDING WITH DAVID S. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH GERARD P. CURRAN AND ENDING WITH MARK TRANOVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH JEFFREY A. WEISS AND ENDING WITH RICHARD E. WOLFERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH CHARLES S. OLEARY AND ENDING WITH GARY B. TOOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH PATRICK S. ALLISON AND ENDING WITH SHAOFAN K. XU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH EDWARD B. BROWNING AND ENDING WITH BILLIE J. WISDOM, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATIONS BEGINNING WITH SANDRA G. APOSTOLOS AND ENDING WITH MARILYN YERGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

ARMY NOMINATION OF ORLANDO SALINAS, 0000, TO BE COLONEL.

ARMY NOMINATION OF DEBRA D. RICE, 0000, TO BE COLONEL.

ARMY NOMINATION OF ROBERT J. MOUW, 0000, TO BE COLONEL.

ARMY NOMINATION OF RABI L. SINGH, 0000, TO BE MAJOR.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF LESTER W. THOMPSON, 0000, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH RUSSELL L. BERGEMAN AND ENDING WITH JAMES K. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

IN THE NAVY

NAVY NOMINATION OF THOMAS J. HARVAN, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN G. BRUENING, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN M. DOREY, 0000, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH THOMAS P. CARROLL AND ENDING WITH GARY V. PASCUA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID J. ROBILLARD AND ENDING WITH SHERRY W. WANGWHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2008.

NAVY NOMINATION OF MICHAEL V. MISIEWICZ, 0000, TO BE COMMANDER.

NAVY NOMINATION OF JOHN A. BOWMAN, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOHN A. BOWMAN, 0000, TO BE LIEUTENANT COMMANDER.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on February 7, 2008 withdrawing from further Senate consideration the following nomination:

PAUL DECAMP, OF VIRGINIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE TAMMY DEE MCCUTCHEN, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

CONGRATULATING DALE FISSELER, THE NEW CITY MANAGER FOR THE CITY OF FORT WORTH, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Dale Fisseler on obtaining the position of City Manager for the City of Fort Worth. Mr. Fisseler was recently promoted from his previous position with the City of Fort Worth as Assistant City Manager and will now be taking over the reins as City Manager of the fifth largest city in Texas.

Mr. Fisseler has been working for the City of Fort Worth since 1990, where he started as a Water Superintendent. In 1999, he was named Director of the City of Fort Worth's Water Department, which provides water to almost 1 million people throughout Fort Worth and Tarrant County.

Many local officials agree that Mr. Fisseler is most deserving of this position. Fort Worth Mayor Mike Moncrief supported this notion by stating that "obviously Mr. Fisseler is familiar with our city's history, challenges and opportunities. We are very pleased that the best person for the job was already a member of our Fort Worth family."

It with great honor that I congratulate Dale Fisseler on this deserving opportunity and wish him the best in his future endeavors. The North Texas region is truly fortunate to have the type of dedicated public servant that Dale Fisseler personifies, and I wish him every success during his tenure as the City Manager of Fort Worth.

HONORING MARSHALL HENTHORNE, NICK NULL, JEFFERY SHOWALTER, AND MARK STRICKLAND FOR THEIR HEROIC EFFORTS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor Marshall Henthorne, Nick Null, Jeffery Showalter, and Mark Strickland for their heroic efforts in responding to a tractor-trailer accident.

On December 10, 2007 a tractor trailer flipped over the side of the Interstate 64 Bridge in Charleston, West Virginia and fell 80 feet into the Kanawha River. The two men in the tractor trailer were submerged in the cold waters of the Kanawha River and trapped in the cab for nearly 20 minutes.

Corporal Nick Null of the Charleston Police Department was the first on the scene to aid the rescue efforts. Lieutenant Mark Strickland of the Charleston Police Department and firefighters Jeffery Showalter and Marshall Henthorne of the Charleston Fire Department all worked to cut the top of the cab to get the two men, Huseen Awad, and Phillip Chaizoi, 57 of Columbus, Ohio to safety.

These four men demonstrated courage and selflessness and in diving into the cold, swift, current of the Kanawha River to save the lives of these two men. Both men were rushed to Charleston Area Medical Center and sent to the intensive care unit where Chaizoi was listed under evaluation and Awad later perished.

I am proud to honor Marshall Henthorne, Nick Null, Jeffery Showalter, and Mark Strickland as hometown heroes and I'm proud to call them fellow, West Virginians.

IN HONOR OF PEARL CAREY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. FARR. Madam Speaker, I rise today to honor a great American and community servant, Pearl Carey, for her lifetime of achievements and service above self. Pearl is a long time resident of the Monterey Peninsula. All of us who have had the good fortune over the years to befriend her, know that Pearl has been one of the busiest people on the Monterey Peninsula—a true divine spark who has helped to light the way for all.

Pearl grew up in Oklahoma, her girlhood ambition was to become a Christian missionary in Africa. She never realized that dream, but instead devoted much of her adult life to helping improve the lives of those around her, particularly children. She worked with the local YMCA, Salvation Army, Community Theater of Carmel, the National Council of Negro Women and the United Fund. Working with children has been one of her primary passions. "I just love kids," is her simple explanation. She was the employment interviewer in the Neighborhood Youth Corps and Job Corps, worked with Head Start, owned and operated a child care center, was the CETA coordinator in the Monterey Peninsula Unified School District, and is a life member of the PTA.

The list of Pearl's general community activities is also long. She was a member of the National Council of Negro Women, an advisory member of the Welfare Rights Organization, volunteered at Eskaton Hospital, a board member of Turning Point Prison Mother Program, and chaired the Seaside Community Heart Fund. Her political involvement included stints as the minority coordinator for California Governor Jerry Brown's 1968 campaign, screening co-chairperson for George McGovern's California primary campaign, co-chair of the Northern California Black Caucus and the State Affirmative Action Committee, and delegate to the 1972 Democratic convention.

On top of all of her public service activities, Pearl has also been a local, regional, and even national leader in the golf community. Golf has always held an attraction for Pearl, but as a youth, few if any opportunities to play were available for an African American woman. When her military husband was stationed on the Monterey Peninsula, Pearl decided to take lessons and realize her ambition. She quickly expanded her golf game beyond the occasional game. Over the years, she has served as president of the Pacific Women's Golf Association, president and treasurer of the Western States Golf Association, president of the Seaside Women's Golf Club, and founder and director of the Seaside Junior Golf Program. She received the Joe Dey Award from the USGA, California Golf Writers Award, and Northern California Golf Association Golden State Award, honoring her for her activities. Today, Carey is involved with the First Tee of Monterey County, along with her duties at the Seaside Junior Golf Program, board of directors for the AT&T Junior Golf Association, and as the treasurer of the Western States Golf Association.

Madam Speaker, the list goes on and on, and we cannot hope to list all of her many activities throughout her life. Most people would be happy with a fraction of her accomplishments. On February 9, 2008, Pearl will receive another honor in Monterey, the NAACP President's Award. No better choice could have been made than Pearl Morris Carey. I know my fellow members join me in congratulating her upon this well-deserved tribute.

CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for H. Con. Res. 283, the calling for a peaceful resolution to the current electoral crisis in Kenya.

I applaud the people of Kenya for pursuing their right to democracy. Democracy is a fundamental right to be shared by all. Voting is at the core of a democratic society and conveys the will of the people. I encourage the Kenyan government to work diligently and quickly to restore order to their nation. Violence should not be used as a means by which to achieve political objectives.

After the devastating bombing of the U.S. embassies in 1998, Kenya became a crucial ally in the global war against terrorism. Thus, the welfare and stability of the Kenyan people is of concern to the United States. I am hopeful the leadership and strength that prevailed during that crisis will rise and put an end to the current devastating violence.

I encourage the Kenyan leaders on all sides to welcome the U.N. human rights teams to investigate the violent acts that have destroyed

the confidence of the citizens of Kenya. In doing so, the government can slowly start to rebuild the trust of its citizens.

Therefore, I urge Kenyan officials to do everything humanly possible to end the unprecedented bloodshed and violence. It is unsettling to hear that over 1,000 people have lost their lives and more than 300,000 have been displaced.

Kenya was hailed as a great example of democracy for other African nations to emulate. I look forward to the day when Kenya returns to its pursuit of democracy.

I urge my colleagues to support this bill. I applaud the Kenyan people for standing up for democracy and their right to a democratic government.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. CONAWAY. Madam Speaker, on rollcall No. 29 H. Res. 867—Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, I was attending a funeral for a soldier killed in Iraq.

Had I been present, I would have voted "yea."

CALLING FOR A PEACEFUL RESOLUTION TO THE CURRENT ELECTORAL CRISIS IN KENYA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize House Concurrent Resolution 283, calling for a peaceful resolution to the current electoral crisis in Kenya.

As a result of the elections held on December 27, 2007 chaos has erupted in Kenya. It was suspected that the administration police were used to rig elections in favor of Part of National Unity aligned to President Kibaki. During the announcement of the results from different polling stations, it was discovered that there were serious inconsistencies between results released at the polling stations and those that were announced by Electoral Commission of Kenya.

Since then, Kenya has been experiencing civil war and people are suffering. As the people of Kenya face ongoing violence, they stay strong in proclaiming, through electoral process, their country deserves a fair democracy. I praise the courage and commitment of the Kenyan citizens towards democracy. We must support their efforts towards liberty and justice by persuading the international community.

With passage of this legislation, the international community, United Nations aid organizations, and all neighboring countries are called upon to assist those affected by violence and asked to use diplomatic means to persuade relevant political actors to commit to a peaceful resolution to the crisis.

On behalf of the 30th Congressional District of Texas, I am honored to support passage of House Concurrent Resolution 283.

TORNADOS THAT AFFECTED ARKANSAS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BERRY. Madam Speaker, I rise here today to offer our thoughts and prayers to the victims of the recent tornados that have devastated many parts of Arkansas and the surrounding region. On behalf of the Congress I especially extend our sympathies to the families who have lost a loved one in this terrible tragedy.

As we move to rebuild our State, I commend all those who have reached out to their neighbors to provide assistance in this time of need. As families and businesses begin the cleanup process, I am committed to helping these individuals get the resources they need to rebuild their lives and communities.

Arkansans are great people who exemplify Southern hospitality and I have great faith our communities will persevere and prevail through this difficult time.

PERSONAL EXPLANATION

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. CAMPBELL of California. Madam Speaker, on February 6, 2008, I missed rollcall votes 29–31. My flight from California to Washington, DC, did not get me back in time. Had I been here, I would have voted "yes" on all three votes.

Rollcall Vote 29: On Motion To Suspend the Rules and Agree to H. Res. 867, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup;

Rollcall Vote 30: On Motion To Suspend the Rules and Agree to H. Res. 942, Recognizing the significance of Black History Month; and

Rollcall Vote 31: On Motion To Suspend the Rules and Agree to H. Res. 943, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986.

CONGRATULATING LEE MYUNG-BAK ON ELECTION TO PRESIDENCY OF THE REPUBLIC OF KOREA

SPEECH OF

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 2008

Ms. WATSON. Madam Speaker, I want to commend Mr. ROYCE on sponsoring H. Res. 947, a resolution congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his transition and inauguration on February 25, 2008.

The United States and Korea share a longstanding and special relationship. Our strong alliance is rooted in the common principles of freedom and democracy. Today that relationship has blossomed into a strong economic partnership in which the Republic of Korea has become one of the United States' major trading partners. In my State of California, Korea is the State's fifth largest trading partner and the Los Angeles Custom District's third largest trading partner, with $18 billion in two-way trade annually.

In my congressional district in Los Angeles, Hollywood, and Culver City, ethnic Koreans have built a thriving business and cultural area known as Koreatown. Many maintain close cultural, business, and family ties to their homeland. Accordingly, it is my hope that the Republic of Korea will be fully admitted into the Visa Waiver Program in the very near future so that we may share even closer people-to-people exchanges between our two countries.

H. Res. 947 is also timely and important due to the ongoing Six-Party Talks and current attempts to dismantle North Korea's nuclear weapons program. President-elect Lee has pledged to make the denuclearization of the Korean Peninsula a priority of his administration. In order to achieve the goal of a nuclear free Korean Peninsula, the Republic of Korea will need the full support of the United States.

Madam Speaker, as co-chair of the Congressional Caucus of Korea and the U.S.-Korea Inter-Parliamentary Exchange and as a member of the House Subcommittee on Asia, the Pacific and Global Environment, I am committed to ensuring that the rock-solid U.S.-Korea alliance remains relevant, resilient, and enduring.

For these reasons, I again congratulate President-elect Lee on his electoral victory and am certain that I speak for all of my Congressional colleagues in wishing him the best.

IN MEMORY OF JUNE IMPSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to remember June Impson, longtime professor for Texas Women's University and beloved local artist to the citizens of North Texas.

Ms. Impson was on the faculty of the Texas Women's University Department of Family Sciences from 1976 until her retirement in 1998. During her career in academia, she continued to pursue art and was an active member of the Denton, Texas-based Visual Arts Society of Texas. She served as an officer in the society, and Ms. Impson also taught workshops and learned alongside her fellow members.

Ms. Impson was known for her paintings and collages of flowers, especially the wildflowers of Texas. "I love nature," Ms. Impson once said. "All of it. Rocks, and dirt."

Her work was described as "immediate, bold, and beautifully painted." She was thought by many to be inspirational, gentle, imaginative, encouraging, and inclusive and she will be greatly missed in the art community as well as the North Texas and Texas Women's University communities.

She was so loved by the art community around her that the Visual Arts Society of Texas established a scholarship fund in Ms. Impson's name before her death.

I extended my thoughts to her husband, Billy Roy Switzer, and her two sons, Loren and Keiller, as well as a long list of family members and friends. June Impson will be greatly missed by the many that are fortunate enough to have known her, and I am certain that her artwork will continue to inspire others for years to come.

HONORING THE COPPELL FIRE DEPARTMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. MARCHANT. Madam Speaker, a golden anniversary is indeed a special milestone, and today I am proud to recognize the Coppell Fire Department's 50th anniversary. This exemplary and dedicated group of firefighters continues a proud 50-year long tradition of excellence.

As emergency responders for the City of Coppell, Texas, the Coppell Fire Department prides themselves on building a safe community through exceptional services. The Coppell Fire Department provides fire prevention, fire suppression, transport emergency medical services, and technical rescue to the City of Coppell and the North Texas Region. The Department also offers special community services such as a Smoke Detector Program, Fire Extinguisher Training, Fire Safety Training, CPR Training, and Child Safety Seat Installation, just to name a few.

The Coppell Fire Department includes 92 highly trained members operating from four facilities strategically located throughout the city. Each member is fully committed to continuing the traditions of providing a level of public service that is second to none.

Chief Kevin Richardson and his department will be celebrating the 50th anniversary all year long. In honor of the occasion, a special commemorative helmet shield has been designed, restoration of the department's first fire engine is complete, and a commemorative album will be used to honor the department's 50 years of service to the community.

The Coppell Fire Department's 50 years of hard work and commitment to the citizens of Coppell is worthy of recognition. I offer my sincere congratulations on their golden anniversary, and I am most honored to represent this outstanding department in the 24th District of Texas.

CONGRATULATING THE 2007 WEST VIRGINIA BOYS SOCCER STATE CHAMPIONS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mrs. CAPITO. Madam Speaker, I rise today to congratulate the 2007 West Virginia Boys Soccer State Champions, the George Washington High School Patriots of Charleston, West Virginia.

The West Virginia State Tournament took place in Beckley on November 3, 2007. The Patriots played defending champions, Hurricane High School in the final game of the tournament.

Head Coach Tom Hopper, who was named 2007 WV Soccer Coach of the Year and assistant coaches; Dave Nelson, Kevin Cushing, Dan Thistlethwaite and Gordon Green led the young men to victory winning overall 18–4–3 season. The Patriots made George Washington High School history, as the first soccer team to win a state championship.

The players include captains; Connell Green, Sam McElwee, Yale Tiley, and Zack Claudio and Tyler Chiartas, Adam Boland, Jesse Dreyer, Christopher Power, Luca DiPiero, PJ Wolfe, Jake Stevens, Ian Thistlethwaite, Evan Loflin, Charlie McElwee, Andrew Robey, Kurt Suter, Thomas Edens, Blair Suter, Paul Stroebel, Shahir Amin, and Adeeb Derakhshan.

Madam Speaker, it gives me great pride to acknowledge the George Washington High School Patriots as the 2007 West Virginia Boys Soccer State Champions. Again, congratulations to these talented young men.

IN HONOR OF JOSEPH ST. CLAIR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. FARR. Madam Speaker, I rise today to honor the life of a man of action and principle, Mr. Joseph St. Clair. Joe and his wife, Maria, came to the United States from Hungary in 1939. When this country entered World War II he was required to take his family back to Hungary. As a civilian English and history teacher in German-occupied territory, he was assigned to monitor American prisoners of war. He refused to cooperate with the Germans and had to go into hiding. The 6-week long winter siege of Budapest by the U.S. was a particularly difficult time for his friends and family, living in a bomb shelter and coming out at night to butcher frozen horses to feed themselves. Living through these experiences shaped his character and priorities: devotion to family, service above self, and leadership.

After the war he was again in danger, this time from the Communist Party. As friends and colleagues disappeared, he realized that he needed to get his family out of Hungary. With the help of Americans, Joe was able to get them all to Switzerland, and eventually back to the United States. He changed his family name to St. Clair and moved to Monterey, where in 1948, he became the founding chairman of the Hungarian Department in the newly formed Army Language School, now known as the Defense Language Institute. In 1970 his department was given the Abraham Lincoln Award of the American Hungarian Studies Foundation because ". . . never before nor anywhere else in the world has the Hungarian language and culture been taught so effectively to so many students of non-Hungarian background as it has been by the Hungarian Department of DLIWC."

Joe and Maria met during their college days at the University of Budapest where he was the leader of the Catholic men's service organization, and she was the head of the Catholic women's organization. They had four sons, Joseph Jr., Akos, George, and Robert, three grandchildren and two great-grandchildren. Joe spent many years as a Boy Scout leader and won special awards and citations from that organization.

Joe's life was one of service to his community. In addition to being his sons' scoutmaster, he was active in Kiwanis and the Knights of Columbus. At one time he held the record for donating more blood than anyone else on the Monterey Peninsula. After retirement he moved to Scotts Valley in Santa Cruz County. He volunteered with the Red Cross and became chairman of the board of directors of the California Gray Bears, a pioneering self-help organization of senior citizens. With the Gray Bears he harvested vegetables, distributed the food to home-bound seniors, and operated the largest recycling center in Santa Cruz County. For one of his awards, it was estimated that he had clocked over 10,000 hours of community service.

When Joe retired after 30 years at the Language School, he was given the Department of the Army's second highest civilian award for meritorious service. The wording on the citation in part sums up the man who was Joe St. Clair: "Mr. St. Clair understood the responsibility of the manager as being primarily one of leadership in the highest sense of the word. In whatever position or assignment he received, Joe St. Clair was invariably an enlightened guide, a relentless, demanding, but inspiring leader both to his students and his faculty."

Madam Speaker, I know my colleagues will join me in honoring the life of this admirable man, and we are grateful that he chose to become a citizen of our country.

CELEBRATING THE BIRTHDAY OF SINGER, SONGWRITER, ACTIVIST, AND INSPIRER BOB MARLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RANGEL. Madam Speaker, I rise today in reverent celebration of the birthday of Robert Nesta Marley, a man whose musical genius provided the soundtrack to the politically awakening times of the '60s and '70s. Through song, he attempted to forge a new world order, infusing his calls for nonviolence, unity, and faith with an enthralling reggae beat that propelled the sound of Jamaica internationally.

On this day, the anniversary of his birth, the world rejoices in the myriad contributions his unique voice made to reggae music, to Rastafarian religion, to social justice and peace. He serves, still, as an ambassador for the Jamaican essence, personifying through his undying image and legacy the diverse people of that island and its rich culture.

His sound sprung from the slums of Kingston. But—surrounded by economic devastation, political violence, and the intolerance of his mixed-race heritage—he clung to optimism, instead. The sanguine anthems of "One Love" and "No Woman, No Cry" gave voice to the oppression of poverty and its effect on the human spirit, captivating a generation and spanning the globe in its power and scope.

For this, we honor him—stirred, touched, inspired by his cause.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. CONAWAY. Madam Speaker, on rollcall No. 30, H. Res. 942—Recognizing the significance of Black History Month, I was attending a funeral for a soldier killed in Iraq.

Had I been present, I would have voted "yea."

RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of Congressman AL GREEN's resolution to honor Black History Month.

As the brainchild of Carter G. Woodson, the celebration of the many contributions of African Americans to this Nation has evolved from its 1926 inception as Negro History Week, to what we now know as Black History Month. As apparent by the change in titles, the mentality of our nation towards race and race relations has made significant improvements with each generation.

Although African Americans were an integral part of the founding of this nation dating hack to at least to the colonial times, it was not until the 20th century that they gained a respectable presence in the history books. Prior to Woodson's vehement efforts to write African Americans into the history of the Nation, books largely ignored the African American population except to mention them in the context of slavery. That is why it is so important that the full history of African Americans continue to he preserved and taught so that future generations of all Americans will know our abundant heritage.

An ancient proverb states, "Who has no past. has no future." African Americans have made significant contributions to this nation's history, and we continue to build that rich legacy today. Because of the continued efforts of those who educate our schoolchildren, future generations will know about how a race of oppressed people overcame the social and political obstacles of slavery and Jim Crow to become great innovators, scientists, novelists. musicians, philosophers, and political leaders.

The inclusion of African Americans in academic curriculums ensures that children can continue to be inspired by Thurgood Marshall, Malcolm X, Mac Jamison, Benjamin Carson, Richard Wright, and Shirley Chisholm.

Black History Month has not only set a precedent by honoring the achievements of African Americans, but it has paved the way for other nationwide celebrations of the contributions of other races and cultures. Therefore, by supporting Congressman AL GREEN's Resolution to honor Black History Month. I also support the American idea of diversity and multiculturalism.

I commend Congressman GREEN for bringing this important resolution to the floor, and I strongly urge my colleagues' support.

HONORING THE LIFE AND SERVICE OF INDIANA REPRESENTATIVE RICHARD MANGUS OF LAKEVILLE, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. DONNELLY. Madam Speaker, today I rise to honor the life of distinguished former State Representative Richard Mangus. Mangus, age 77, suffered a heart attack Monday, February 4, 2008 and sadly passed away.

Mr. Mangus' career in public service began in 1972 upon his election to the Indiana General Assembly. After his initial term was complete, Mr. Mangus won 15 additional elections, serving a total of 32 years. A dairy farmer for 60 years, Mangus excelled in representing the agricultural community—he knew the farmers and the types of issues they faced, and he shared a great concern for the environment. During his time in office, Mangus served as Chairman of the House Election Committee, the House Environmental Committee, and the House Natural Resources Committee. Inside the Assembly, Mangus was known for his fiery spirit, his use of theatrics and drama to prove a point, and his no-nonsense wisdom. It has been said that Mangus did not speak often, but when he did, it deserved complete attention, for he was a true political genius.

Dick Mangus' illustrious career of service has been recognized by numerous honors and awards; in fact, he was a three-time winner of the Sagamore of the Wabash honor. He has been honored as both Police Legislator of the Year and Professional Firefighter Legislator of the Year; he received the District Soil and Water Conservation Special Recognition Award for Support of District Programming, as well as the 4–H Leadership 20 year Service Award, Izaak Walton League Environmental Achievement Award, and the award for the Junior Chamber of Commerce Outstanding Citizen of the Year. Mangus was also appointed as a member of the Department of Natural Resources Commission.

Outside of his career in the state legislature, Dick Mangus served his country in the United States Army as well as owned and operated a successful family dairy farm. In 1951, he married his sweetheart, Mary, and they were together for 56 years. During this time, they raised five children: Marcia, Russell, Richard, Ronald, and Ryan. Mangus was a grandfather of seven and great-grandfather of ten.

Despite his claim to be "just a dairy farmer from Lakeville," Mangus will be remembered as much more. His legacy as a public servant will be defined by his passionate advocacy, creative methods, and humble approach. He will be dearly missed by his family, his constituents, and all Hoosiers. It is with great pride and honor that I enter former State Representative Richard Mangus' name into the United States CONGRESSIONAL RECORD.

HONORING LESTER RAY WISEGERBER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. POE. Madam Speaker, I would like to recognize the fine work and outstanding public service of my friend, Lester Ray Wisegerber. In 2004, Lester Ray Wisegerber became president of the Dayton Chamber of Commerce. He drew upon his diverse background to lead and represent the city of Dayton. Being a true Texan and Dayton resident for 72 years, his happy spirit and love of the town made Lester Ray a natural promoter of the city.

Celebrating their 57th wedding anniversary last December, Lester Ray and his wife Betty Jo are the proud parents of four children, twelve grandchildren and eight great grandchildren. During his lifetime Lester Ray has worn many hats, working for instance as a rancher, and a rice farmer. He helped form the Seaberg Rice Company and is also an inventor. His inventions include the "Easy Start", Dr. Hennessey's Dental Flosser, and a fuel saving motor.

Lester Ray has a long career in public service. Throughout the years, he has assisted and been recognized by numerous boards and organizations. For two terms, he served on the Dayton City Council. He served on the board of the Liberty County Farm Bureau. He served on the Dayton ISD school board for fifteen years. His service to Dayton ISD has helped improve both the life and education for the children of our community. As a former bronco football player, Lester Ray's love for sports gave way to the organization of the Bronco Booster Club Oyster Supper. For twenty four years, Lester Ray served in the Dayton Volunteer Fire Department. The list of this model citizen's accomplishments will have lasting effects on our children and our community.

Actively involved in local politics, Lester Ray currently serves as the chairman of the Liberty County Republican Party. During this time, he has successfully promoted candidates for numerous elected positions. His hard work and love for Liberty County has earned him enduring respect throughout the community.

On behalf of the Second Congressional District of Texas, I commend this remarkable Texan for his exemplary service and dedication to the city of Dayton.

And that's just the way it is.

HONORING THOMAS O. MEFFERD

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ROSKAM. Madam Speaker, I rise today to honor Thomas Mefferd for his 22 years of dedication and service to DuPage County.

Tom began his career in emergency management in 1971 as the Civil Defense Director for the Village of Plainfield, IL, a position he held for 10 years.

In 1981, Tom left municipal government and became an instructor for the Federal Emergency Management Agency, FEMA. While

there, he was responsible for conducting training courses and disaster exercises in FEMA Region 5.

In 1988, Tom returned to local government service and became the Deputy Coordinator of the DuPage County Office of Emergency Management, where he oversaw disaster planning and training activities.

In recognition of his exemplary role as Deputy Coordinator, Tom was appointed Coordinator of the DuPage County Office of Emergency Management in 1995. While holding this position, he supervised the renovation of the county's Emergency Operations Center, designed the county's Mobile Operating Center and the installation of Illinois' first Emergency Alert System.

He also serves as a member on the Illinois Terrorism Task Force.

In 2003, Tom became the Director of the DuPage County Office of Homeland Security and Emergency Management, as DuPage became the first county in Illinois to merge the roles of emergency management and homeland security.

Tom's steadfast dedication to protecting our communities has spanned more than two decades. On February 29, 2008 he will begin a well deserved respite. Thanks to Thomas Mefferd, DuPage County's emergency management system is clearly a cut above the rest.

Madam Speaker and distinguished colleagues, please join me in honoring the distinguished career and service of Thomas Mefferd.

IN MEMORY OF ROBERT HAL JACKSON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to honor Robert Hal Jackson, a life-long North Texan who passed away at 87 years of age on Saturday, January 19, 2008.

Robert Hal Jackson devoted his life to helping and protecting others. Born on November 29, 1920, in Denton, Texas, he graduated from North Texas State Teacher's College, now known as the University of North Texas, in 1941. Mr. Jackson enrolled in law school at the University of Texas but left to join the Navy Air Corps on January 1, 1942. On November 14th of that year, he married his wife Barbara Hancock before serving three tours of duty in the South Pacific during World War II. He was a member of the VF–17 Skull & Crossbones Squadron and received a Silver Star for his part in the aerial attack that sunk the Yamato, Japan's largest battleship.

Upon returning from the war, Jackson finished his degree at Baylor University and Southern Methodist University. He served two terms in the Texas State Legislature representing Denton, and earned his law license in 1952. Continuing his commitment as a public servant, Mr. Jackson chose to be a defense attorney in the criminal courts, believing that the American justice system relied on strong, dedicated lawyers to compel the government to prove its case beyond a reasonable doubt. Mr. Jackson was most assuredly one of those lawyers, receiving respect from both sides of the court room for his unwavering commitment to his work.

Mr. Jackson was a member of the Denton County Bar Association, the Denton County Criminal Defense Lawyers Association, and a founding member of the Texas Criminal Defense Lawyers Association. He served on the Denton Airport Board for two years, and was an avid supporter of the Boy Scouts of America. Mr. Jackson was inducted into the Denton County Criminal Defense Attorneys Association's Hall of Fame in March 2006. He is survived by his wife Barbara, whom he was married to for 65 years, and several cousins.

Madam Speaker, today I would like to recognize and celebrate the life of Mr. Hal Jackson, one he spent serving our country, both in the war and in the courtroom. His loyalty and allegiance to this nation will be sorely missed, but his memory will remain as an inspiration to those who were fortunate enough to have known him. I extend my sincerest sympathies to his family and friends; he will truly be missed by all.

RECOGNIZING THE 35TH ANNIVERSARY OF CHRISTIAN COMMUNITY ACTION

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. MARCHANT. Madam Speaker, I rise today to honor Christian Community Action on the occasion of its 35th Anniversary for providing financial and spiritual needs for the underprivileged in southern Denton County.

Christian Community Action (CCA) was founded on February 22, 1973 by a small group of Christians whose resolve was to care for "the least of the brethren." Local mainstream Christian pastors and their congregations were asked to donate food, clothing, furniture, house wares and money. Tom Duffy, founder and the original President of CCA, started organizing their efforts from a residential garage but CCA soon outgrew that space and moved to their current headquarters in downtown Lewisville, Texas. Under Mr. Duffy's tenure, CCA went from a volunteer—run storefront to three full—scale Resale stores that earn approximately $5 million each year to assist needy families. The number of those receiving help also saw an increase from a handful of families in 1973 to more than 15,000 individuals this past year.

Christian Community Action continues to expand its services to those who need it most in more than 46 communities. They compassionately assist families financially with their needs of today while helping them learn to one day live independently for a brighter tomorrow. In addition, CCA encourages spiritual growth providing religious opportunities to further their chances of success. CCA is committed to being responsible and faithful stewards of the donations they receive ensuring that their work directly benefits families in crisis situations.

I am honored to pay tribute to Christian Community Action and the valuable contributions they provide to those in need. I commend CCA for their dedication, commitment and service to disadvantaged families in Lewisville, Texas, and the surrounding communities, during the last 35 years.

CONGRATULATING NEW YORK: LAND OF GIANTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RANGEL. Madam Speaker, I rise today to place in the CONGRESSIONAL RECORD and allow two editorials, the Feb. 5 New York Post piece "They Shocked the World" and the Daily News' "Land of the Giants," to speak to the inarguable superiority of New York's football team, the Giants. In what has become one of the greatest upsets ever, the underdog Giants ended the New England Patriots' hopes for a perfect season and brought the title home to the Big Apple and New Jersey.

The tenacity of this championship team carried it over the finish line—from the steady leadership of its most valuable player, Eli Manning, and head coach, Tom Coughlin, to the late-breaking plays from wide receivers David Tyree and Plaxico Burress. The 17–14 nail biter was a match of wills and mettle, and the people of New York are proud that their team came out on top.

Congratulations are in order for the New York Giants, and its supporters, in its win of Super Bowl XLII.

THEY SHOCKED THE WORLD

Everyone knew that Super Bowl XLII was going to make history.

Either the world would witness the coronation of Tom Brady, Bill Belichick and the New England Patriots as masters of a once-in-a-generation perfect season . . . or it would see one of the greatest football upsets ever.

But no one could possibly have foreseen that the Eli Manning-led New York Giants would pull off that upset with one of the most iconic performances in Super Bowl history: two fourth-quarter touchdown drives, including one to take a final lead with mere seconds remaining.

The team is being honored this morning with a much-deserved parade through New York's Canyon of Heroes, from Battery Park to City Hall.

Theirs was a performance, indeed, that could shape the game for years to come—if New York's already proud football history is any indication.

Take the 1958 NFL championship at Yankee Stadium—"the greatest game ever played"—where legendary quarterback Johnny Unitas' own late-game heroics led the Baltimore Colts to a thrilling overtime victory over the Giants.

It was a devastating loss for New Yorkers, but a huge blessing to the sport. Football caught the nation's imagination as never before, and the country soon discovered that its even pace, regular breaks and hard-hitting action made the game perfectly suited for the television era.

Within two years, the NFL boasted two new teams, and the newly formed American Football League (the leagues decided to merge in 1966) added eight more.

New York got its revenge in 1969, anyway, when "Broadway Joe" Namath famously guaranteed—and delivered—victory for his (AFL) Jets over the heavily favored Colts in Super Bowl III.

That victory was just as significant, shattering the image of AFL (now AFC) teams as talent-challenged upstarts and bringing an exciting and competitive parity to the sport that's propelled it toward unambiguous national-pastime status.

And who can blame Americans for falling in love when the sport's biggest game regularly features epic thrillers like Super Bowl XXV, the Giants' 1991 nail-biter win? (That game, incidentally, saw both Belichick and current Giants' coach Tom Coughlin under the tutelage of coaching great Bill Parcells.)

Or Super Bowl XXXVI in 2002, for that matter, when a young Tom Brady led his Patriots to a stunning upset over the powerhouse of the day, Kurt Warner and the St. Louis Rams?

Sound familiar?

For Eli and the Giants, this could be just the beginning.

As for New York—well, suffice it to say that Sunday wasn't the first time the locals have made football history.

Likely won't be the last, either.

LAND OF THE GIANTS

See that look of joy on Eli Manning's face? Just about any New Yorker can look in a mirror and see the same. Even two days after the most breathtaking Super Bowl finish in history.

You can also see the look on Manning's face in person Tuesday. Along with the smiles of Tom Coughlin and Plaxico Burress and David Tyree and all the other Giants as they travel up the Canyon of Heroes in a ticker-tape (these days, confetti) parade.

And richly deserved the celebration is. The Giants' end-of-the-season run was something to behold. They were tougher, smarter, faster—just plain better—than the supposedly invincible competition.

Including the now-imperfect New England Patriots:

The team that had everything going for it, the running, passing, blocking and Captain America at quarterback.

The team that was coached by no mere mortal, but by a genius.

The team that was named by so many as the finest pro football squad of all time.

There was none better than the Patriots, they all said, and they were wrong. Because when it counted, the Giants proved their mettle.

The parade is set to start at 11 a.m. at Battery Place and end at City Hall, following the route on which New York City has traditionally cheered accomplishments that lift the civic soul, some in sports, others of a far more profound nature. It's where the Giants belong this day.

Regardless of their unfortunate address—an exile forced by municipal stupidity—the Jints are a New York institution, big enough for Broadway, far too large for Moonachie.

Go and enjoy. Go and soak up all the glory and hear the wall of sound echoing up the canyon. Once experienced, it is never to be forgotten.

Just like Super Bowl XLII.

You've been replaying it in your head, haven't you? At least the final 1:15 minutes. Which were the most amazing in Super Bowl history.

There's Manning, whose abilities were so often questioned, who responded to all the doubts with class. He has the ball. The Patriots have his jersey. He breaks free, sets up and fires a high one to Tyree amid defenders. Tyree makes that one-handed catch, the catch that had to be seen to be believed. And even then was unbelievable.

The Pats still lead 14–10. Manning lofts the ball to Burress. Touchdown. Extra point. Giants, 17; New England, 14. Proving that it ain't over till it's over, a truism observed by all—except by ungracious, unsportsmanlike Bill Belichick.

What happened Sunday goes into the annals of Great New York City Sports Moments, along with the championships of the '69 Jets, '69 Mets, '94 Rangers, and '87 and '91 Giants. As co-owner John Mara noted, ''It's the greatest victory in the history of this franchise.''

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. CONAWAY. Madam Speaker, on rollcall No. 31 H. Res. 943—Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I was attending a funeral for a soldier killed in Iraq. Had I been present, I would have voted "yea."

HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE-AMERICANS

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ALTMIRE. Madam Speaker, I would like to wish the Pittsburgh Chapter of the Organization of Chinese-Americans a happy and healthy New Year for the year 4706, the year of the rat.

I hope this New Year brings the Chinese-American community of Pittsburgh much joy and thanksgiving. I am thankful for the positive impact this organization has had on the lives of Chinese-Americans and Pittsburgh as a whole. Chinese-Americans have greatly contributed to the progress of Pittsburgh as well as the entire nation. I am very honored for this opportunity to wish them a very happy 4706.

I ask my colleagues in the United States House of Representatives to join me in wishing the members of the Organization of Chinese-Americans a very happy and prosperous New Year.

FOREST LANDSCAPE RESTORATION ACT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. GRIJALVA. Madam Speaker, today I am introducing the Forest Landscape Restoration Act. This Act establishes the "Collaborative Forest Landscape Restoration Program" to develop, select, and fund landscape-scale forest restoration projects on Federal lands. This would include 10 collaborative forest restoration projects annually on a landscape-scale of at least 50,000 acres of Federal lands.

While there is more discussion to be had on the particulars, I think that the framework of this measure addresses some fundamental and critical concepts.

First and foremost, this bill at its core focuses on restoring the ecological integrity of our Federal lands. Restoration proposals must address a number of key ecological restoration components, including improving fish and wildlife habitat, improving water quality, maintaining and decommissioning roads, and addressing invasive species problems.

Second, this bill is built around a collaborative process. Collaboration is not only required for the development of restoration proposals, but continues through implementation, playing a key role in project execution, monitoring and reporting. By requiring that forest restoration follows a collaborative process, we are ensuring that people work together on the future of our Nation's public lands.

Third, this bill will also reduce the threat of wildland fire and control escalating fire management costs. Restoration proposals must address forest thinning to reduce hazardous fuels, and also analyze the anticipated reductions in wildfire management costs.

Lastly, this bill encourages the use of forest restoration byproducts to foster local economic development. Byproducts from forest restoration can be used in a variety of ways, such as for woody biomass energy, pellets for home heating, value-added products, and more. This bill encourages biomass utilization and development of small businesses in rural public land communities. Furthermore, in order for a forest restoration project to be eligible, the landscape must be accessible by existing or proposed wood-processing infrastructure.

I am introducing this bill as a companion measure to a Senate bill introduced by Senator BINGAMAN. I introduce this measure today as a means to work with my colleagues in the other body and move this process along. I certainly realize that forest legislation in particular takes considerable work to craft. I therefore introduce this measure today not as a final product, but as the first step forward in a process. I look forward to gathering information and hearing more about this important topic as we work together on this measure.

Madam Speaker, the American people treasure their public lands and care deeply about their future. Our Federal lands are in need of ecological restoration, which would help us accomplish the goals of restoring the ecological integrity of our Federal lands, reducing the threat of wildland fire, fostering community collaboration and involvement, and creating jobs in rural communities.

PERSONAL EXPLANATION

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. HARE. Madam Speaker, on February 6, 2008, I was unavoidably detained. I would have voted as follows: on rollcall No. 29, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup. I would have voted "aye;" on rollcall No. 30, Recognizing the significance of Black History Month, I would have voted "aye;" and on rollcall No. 31, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I would have voted "aye."

INTRODUCTION OF THE BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2008

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BOUCHER. Madam Speaker, I rise to introduce the Business Activity Tax Simplification Act of 2008, a measure that will bring much needed clarification to the circumstances under which states may impose taxes on out of state businesses. This is a bipartisan measure in the principal sponsorship of which I am pleased to be joined by my Virginia colleague BOB GOODLATTE. We are joined in sponsorship of the measure by Mr. CHABOT, Mr. ARTUR DAVIS, Mr. FEENEY, Mr. GALLEGLY, Ms. HERSETH SANDLIN, Ms. JACKSON-LEE, Mr. HANK JOHNSON, Ms. LOFGREN, Mr. PENCE, Mr. BOBBY SCOTT, and Mr. WEXLER, many with whom we are pleased to serve on the House Judiciary Committee.

Traditionally, states and localities have levied corporate income, franchise and other taxes only on those businesses that have a physical presence in the taxing jurisdiction. The growth of the Internet and other forms of advanced communications has made it possible for businesses to conduct a broad range of transactions without the constraints of geopolitical boundaries. As a result, some states have attempted to expand their tax base by assessing business activity taxes against out-of-state companies that have customers but no property or employees in the taxing state. Both large and small companies are facing an increasingly unpredictable tax environment, which hinders business expansion and threatens the continued development of e-commerce.

The measure we are introducing today will bring certainty to the increasingly chaotic tax environment for businesses by clarifying that the states cannot attempt to tax the income of a company that has no physical presence within the taxing state's borders. Our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Generally, a business must use employees or services in a state for 15 days or more in a calendar year before it is liable to pay business activity taxes to that jurisdiction.

The Business Activity Tax Simplification Act also modernizes a law which Congress enacted forty-nine years ago that set clear, uniform standards for when states could tax out-of-state businesses based upon the solicitation of orders for specified kinds of sales. Reflecting the economy of its time, the scope of Public Law 86–272 was limited to income taxes on the sale of tangible personal property. Our nation's economy has changed dramatically over the past half-century, and the statute must be modernized to apply equally to the sale of intangible property and services, and to other business activity taxes.

I want to emphasize that the Business Activity Tax Simplification Act does not diminish the ability of states and localities to collect tax revenue. Rather, it rationalizes and makes more predictable the process of doing so.

The lack of clarity in current law has led to sometimes absurd results. A collection agent with the New Jersey Department of Taxation stopped a refrigerated truck loaded with product belonging to Smithfield Foods, a company headquartered in my state of Virginia, on the New Jersey turnpike. The agent held the truck and its driver for several hours and demanded that, to release the truck, Smithfield had to wire $150,000 immediately to the New Jersey Department of Taxation. The agent claimed that he had the right to hold the truck and its contents because Smithfield had failed properly to file New Jersey tax returns.

Smithfield informed the New Jersey agent that his claim was unfounded. It explained that Public Law 86–272 protected it from New Jersey income taxation because it only engaged in solicitation by advertising in New Jersey and had no physical operations in the state. The agent refused to accept this explanation; however, he finally agreed to release the truck and its driver in return for $8,000.

Smithfield appealed this aggressive and incorrect application of Public Law 86–272 to the New Jersey State tax commissioner. Ultimately, New Jersey accepted Smithfield's contention that it has no physical presence in the state and is, therefore, not subject to New Jersey income tax. It issued Smithfield a refund and an apology for its roadside justice system, but not before Smithfield had invested much time and expense in resolving a situation which should not have arisen. Our measure will help avoid such scenarios in the future by clarifying the physical presence standard embodied in Public Law 86–272.

New Jersey has used similar tactics against out-of-state companies selling intangible goods to its residents, a situation not covered by Public Law 86–272. It has argued that a mom-and-pop South Carolina software company, with no physical presence in any states besides South Carolina and Georgia, owes a minimum of $600 per year in corporate income taxes and fees based only on the sale of licensed software to a New Jersey entity, and that the company would owe such tax every year that its software was in use in the state, even for those years in which the company had no income from any customer in New Jersey.

The Louisiana Department of Revenue has threatened to assess business activity taxes on several out-of-state companies based merely on the fact that they broadcast programming into the state, arguing that the companies are exploiting the Louisiana market because the programming is seen or heard by individuals in Louisiana.

Several states attempt to assess business activity taxes on out-of-state credit card companies based solely on the fact that people use the companies' credit cards in the taxing jurisdiction and enjoy the "substantial privilege of carrying on business" in the state.

Some localities have attempted to impose personal property taxes on property orbiting in space. For example, Los Angeles County attempted to impose a property tax on a county-based company which owned eight communications satellites permanently orbiting in space. The city of Virginia Beach, Virginia, also attempted to impose personal property taxes on three transponders attached to satellites orbiting in space which were owned by a city-based cable company. If states were to use the same approach to impose business activity taxes, on the basis that a satellite orbiting above the state creates a physical presence there or because a business generates income in a state because its satellite passes over the state, there would be significant consequences for many industries.

The Business Activity Tax Simplification Act offers Members the opportunity to put an end to nonsensical situations like these. In doing so, we will provide certainty to both U.S. businesses and to states, thereby fostering economic growth and development. I thank Mr. GOODLATTE and the original cosponsors of the Business Activity Tax Simplification Act for their support, and I urge each of our colleagues to join with us in passing this bi-partisan measure.

RECOGNIZING THOMAS K. FLEMING FOR HIS YEARS OF SERVICE TO THE NORTH RICHLAND HILLS, TEXAS COMMUNITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize Thomas K. Fleming. Mr. Fleming, of North Richland Hills, Texas, after 13 years of service, has recently retired from S.C.O.R.E., the Service Corps of Retired Executives.

Mr. Fleming helped to establish the local North Richland Hills chapter of S.C.O.R.E. in 1995. Under his leadership, S.C.O.R.E. has offered small business seminars and one-on-one counseling to owners and prospective owners of small businesses at the North Richland Hills Public Library for more than a decade.

Under Mr. Fleming's leadership, S.C.O.R.E. has helped thousands of small business owners in the North Richland Hills area by giving them expert, no-cost, confidential counseling to improve the chances of their small business success. The local economy owes many thanks to Mr. Fleming's guidance.

While his time with S.C.O.R.E. is coming to a close, I am confident Mr. Fleming will continue to enrich the city of North Richland Hills as a devoted resident. I am privileged to join his family, friends, and coworkers in extending my sincere congratulations on his retirement.

Again, Madam Speaker, I am proud to recognize Thomas K. Fleming for his diligent work as a dedicated serviceman to his local community. I am honored to acknowledge such a committed and altruistic citizen. It is the servant leadership of Mr. Fleming, and those like him, which truly makes our nation great.

HONORING SUPER BOWL XLII CHAMPIONS THE NEW YORK GIANTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RANGEL. Madam Speaker, today I rise on behalf of the New York Delegation to congratulate the champions of the football world, the New York Giants. They successfully defeated the perfect New England Patriots 17–14 in Super Bowl XLII in one of the biggest

upsets in Super Bowl history in Glendale, Arizona on February 3, 2008.

New Yorkers were first introduced to professional football and the New York Football Giants in my congressional district, sharing their games with the city's baseball Giants in the Polo Grounds. From those magnificent days on 155th Street and 8th Avenue until today, the Giants have always brought us memorable games. Deep-routed enthusiasts remember the famed Sneaker Game when the team, playing in 9 degree weather, switched to basketball shoes to increase traction in the icy turf Frankfurt Yellowjackets in 1925. They recall how the G-men sailed to Super Bowl victory in 1986 under the powerful running game of Joe Morris, the pressure of Lawrence Taylor and near-perfection of quarterback Phil Simms. Football fans everywhere will also recall how the Giants won their second Super Bowl in a dramatic 20–19 victory over the Buffalo Bills.

In Super Bowl XLII, the Giants have once again provided fans with another dramatic victory. This time it was against arguably one of the greatest offenses that the game has seen, an undefeated veteran team who was widely expected to win their fourth championship of the decade. Yet the Giants remained resilient. Just like they overcame an early 0–2 start to their season, they overcame early mistakes to keep it close. And then when it mattered the most, they came up with a perfect answer for the perfect Patriots: a frantic 12-play, 83-yard drive, led by quarterback Eli Manning, that featured a dazzling leaping catch by David Tyree and key plays by running back Brandon Jacobs, as well as receivers Steve Smith and Plaxico Burress.

Because of their team effort, the Giants now become the first NFC wild card team to win a Super Bowl. I extend my heartfelt congratulations to the entire team who placed with such valor and heart. Especially to the recipient of the Most Valuable Player Award, quarterback Eli Manning who has shown tremendous growth and has matched the successes of his brother, Indianapolis Colts quarterback Paton Manning.

I also salute the co-owners, the Mara and Tisch families and their coaches—Head Coach Tom Coughlin, Offensive Coordinator Kevin Gilbride, Defensive Coordinator Steve Spagnuolo, Special Teams Coordinator Tom Quinn, and the rest of the coaching staff for their commitment, expertise and leadership. Coughlin, a highly successful head coach at Boston College and with the Jacksonville Jaguars, and a former Giants assistant, was hired as the 16th head coach in Giants history. This victory is Coughlin's first appearance in a Super Bowl as a head coach.

History will always have a special place for Coughlin's New York Football Giants. They are truly an inspirational team whose victory will live forever in Super Bowl lore.

HONORING WILLIAM H. LEWIS JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. PALLONE. Madam Speaker, I would like to honor a friend and colleague William H. Lewis, Jr. of Neptune, New Jersey who passed away on Monday, January 28. Bill was a remarkable man who dedicated his life to public service. He will be greatly missed by his family, his friends and the entire New Jersey community he served.

After a second valiant fight with cancer, Bill died at the Jersey Shore University Medical Center. Born in New York City on November 27, 1939, he lived a fulfilling and diversified life in which he found great successes in so many areas.

Bill was an enthusiastic educator for almost 30 years. Along with his wife, Bill started teaching in Harrisburg, Pennsylvania, before they would move back to New Jersey to his childhood roots, where he then taught at Shore Regional High School, in West Long Branch. He was also an adored football and track coach and a local advocate at the West Side Community Center in Asbury Park.

During his days at Shore Regional, Bill would become a local Monmouth County Education Association president, working hard to protect teacher's rights. When Bill retired from teaching 18 years ago, he would continue advocating for children in New Jersey outside of the classroom. He became a full-time activist for the New Jersey Education Association, where he worked to advance and protect the rights, benefits, and interests of its members, and promote a quality system of public education for all students. It was in this capacity that I had the honor of working closely with Bill. Together we worked to help New Jersey students achieve excellence.

Bill is survived by a son, William David Lewis and a daughter, Michele Lewis, as well as other loving extended family members. His loving wife, Laura Oxley Lewis predeceased Bill, whom he lost almost 6 years ago to her own bout with cancer.

Madam Speaker, Bill Lewis was a devoted advocate for children and public education. He was a strong champion for New Jersey's children, working tirelessly to provide them with better opportunities and life choices. My thoughts and prayers are with his family and friends during this trying time.

REMEMBERING THE VICTIMS OF GENOCIDE IN BOSNIA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. OLVER. Madam Speaker, I rise today in remembrance of the victims of genocide in Bosnia. I would particularly like to draw the attention of this body to the atrocities perpetrated by Serb forces against the Bosniak and Croat populations in eastern Bosnia. Eastern Bosnia became the site of a number of atrocities long before the name Srebrenica became known worldwide. The aggression perpetrated against the newly independent and sovereign Bosnia and the genocide of its Bosniak population took one of its earliest and most vicious forms with the attacks of Serb forces on eastern Bosnia in 1992. The multi-ethnic and multi-religious character of eastern Bosnia was systematically destroyed beginning in April 1992.

The historic town of Visegrad epitomizes what happened in eastern Bosnia in 1992. The assault on Visegrad started on April 6, 1992 when Serb military units began shelling Visegrad and several of the nearby Bosnian Muslim villages. With the takeover of Visegrad, Serb forces unleashed a campaign of terror against the Bosniak and Croat population of Visegrad. Every day men, women and children were killed on a famous bridge on the Drina and their bodies were dumped into the river. Many ofthe Bosniak men and women were arrested and detained at various locations in the town. Serb soldiers raped women and inflicted terror on civilians. Looting and destruction of Bosniak and Croat property occurred daily and mosques in Visegrad were destroyed.

As the journalist Ed Vulliamy described in The Guardian: "For centuries, although wars had crisscrossed the Drina, Visegrad has remained a town two-thirds Bosnian Muslim and one-third Bosnian Serb. The communities entwined, few caring who was what. But in the spring of 1992, a hurricane of violence was unleashed by Bosnian Serbs against their Muslim neighbors in Visegrad, with similar attacks along the Drina valley and other parts of Bosnia. Visegrad is one of hundreds of forgotten names . . . As elsewhere, the pogrom was carried out on orders from the Bosnian Serb leader Radovan Karaszic and his military counterpart General Ratko Mladic, both still wanted for genocide." By the end of 1992, the Bosniak and Croat communities in Visegrad were effectively "cleansed" through killings and deportations. Some survivors of the initial attacks on eastern Bosnia found their way into the three Bosnian government-held enclaves and United Nations-declared "safe havens" of Srebrenica, Zepa and Gorazde. The tragic fate of these "safe havens" is well known. The fate of Visegrad and the pattern of genocidal violence was similar in other eastern Bosnian towns such as Bijeljina, Zvornik and Foca.

As we prepare to mark another anniversary of the beginning of genocidal violence in eastern Bosnia and as we prepare to commemorate the 13th anniversary of Srebrenica, let us remember the victims of Visegrad and other Visegrads throughout Bosnia.

INTRODUCTION OF LEGISLATION TO AWARD THE CONGRESSIONAL GOLD MEDAL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to proudly introduce legislation to award the Congressional Gold Medal to some of the most valiant and courageous soldiers who have ever fought for our Nation—the troops who battled and were prisoners of war at Bataan during World War II.

Nearly seven decades ago, the United States responded to the attacks on Pearl Harbor by declaring war—and more than 5,000 miles away in the Philippines, thousands of American soldiers, many of whom were from my State of New Mexico, found themselves on the frontline of this global fight. For 4 months, in the face of overwhelming odds and without ready supplies or reinforcements, these troop fought and died for their Nation. Their efforts not only provided the U.S. with much needed stories of heroism during a dire, dark time of the war, their sacrifice also substantively provided much needed time for U.S. and Allied

commanders to regroup, plan, and prepare for the Pacific battle. Without these troops delaying the momentum of the enemy, the U.S. might not have fully recovered from the Pearl Harbor attack until much later.

After months of fighting and with his men starving and sick, on April 9, 1942, the commander of the troops at Bataan reluctantly surrendered. Shortly thereafter, nearly 12,000 American troops and 67,000 Filipino troops were forced to march through tropical heat and without food or water for days on end in what became known as the Bataan Death March. Many died during this time, and those who survived were subject to three years of mistreatment, malnutrition, sickness and captivity before being rescued and released near the end of the war.

For the State of New Mexico, this chapter of World War II is particularly near to our hearts. New Mexico's 200th and 515th Coast Artillery units served with significant honor during the battle of Bataan, earning the distinction of being the "first to fire" on the enemy on December 8, 1941. Many of the Americans captured and held as prisoners of war were from New Mexico, and of the 1,800 who left home to fight, half did not return. Further, nearly a third of those did return home after their tortuous 3 years of captivity died within a year, most often due to complications from health issues directly attributed to their time in the POW camps.

The 200th and 515th also are notable because they largely consisted of Hispanic soldiers, a group that at the time was often subject to discrimination in the military due simply to their ethnicity. Despite these barriers, they fought without hesitation, noting that they were as American as any other soldier who wore the uniform. They came from every corner of the State, from Farmington to Alamogordo, from Deming to Raton, and from Clovis to Gallup.

Many years ago, my father Stewart Udall wrote a book called Majestic Journey chronicling the early explorations of North America in the sixteenth century. He described the vision, the individualism, and the pioneering spirit of early Hispanic explorers, and I believe that like these explorers, the actions of the Bataan prisoners of war "resonate through the annals of our history, and the imprint they left on our culture is both permanent and profound. They will add a special luster to our national story."

Every year, thousands of people participate in the Bataan Memorial Death March at White Sand Missile Range in southern New Mexico. The 26.2 mile march not only marks the historical significance of the event, but reminds us of how many in New Mexico underwent the ordeals at Bataan. In Albuquerque, stone columns rise from the ground at the Bataan Memorial Park, each of them bearing both the names of those who returned from Bataan and those who did not. In Santa Fe, the Military Museum bears the name of Bataan, reminding all who enter of the costs of war and the sacrifice made by our soldiers. And all across the country are similar memorials, keeping alive the memory of those who went through years of suffering at Bataan.

I want to thank the New Mexico Hispanic Cultural Preservation League for their help on this legislation. Also, General Leo Marquez, General Edward Baca, General Melvyn Montano, General Gene Chavez, General Kenny Montoya, and New Mexico Department of Veterans Services Secretary John Garcia for their continued insistence that we honor the Bataan veterans.

Madam Speaker, we must never forget the sacrifice of our soldiers, particularly during times of war. We are reminded daily of the hardships and danger faced by the men and women currently fighting in Afghanistan and Iraq. Like the soldiers of Bataan, these brave troops fight for patriotism, for duty, and for country. I hope my colleagues will join me to honor the sacrifice of the soldiers at Bataan by awarding them the Congressional Gold Medal.

IN MEMORY OF MIMI SCHMIDT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. GALLEGLY. Madam Speaker, I rise in memory of Emilienne Desnoyers "Mimi" Schmidt, with whom I enjoyed a warm personal relationship for about 30 years.

Mimi died in her sleep a couple of weeks ago. She leaves behind a legacy of nurturing a fine family of outstanding citizens while also helping to nurture a growing community. Her son Dominic is a close family friend, as are her grandchildren Brandon and Brianna.

Mimi and her husband, Glen, moved to my hometown of Simi Valley, California, in 1962. Mimi was then pregnant with their seventh son and Simi Valley was a rural community of apricot and walnut groves.

Others joined the Schmidts in moving to the valley and a cityhood drive was launched in 1966. Fifty-five citizens placed their names on the ballot. Mimi was the only woman. That effort failed but three years later the citizens of the two communities of Simi Valley and Santa Susana voted to incorporate into the City of Simi Valley.

Glen's chairmanship of the incorporation study committee catapulted him into a four-year term on the Ventura County Board of Supervisors in 1970, which put his career as an aerospace engineer on hold. It also forced him to take a pay cut. With seven boys to feed, Mimi reentered the workforce.

Before commuting "over the hill" to work each day, Mimi took the time to pack her sons lunches, using a whole loaf of bread to do so. She also helped form Cub Scout Pack 3621 and was active in the St. Rose of Lima Catholic Church's bereavement ministry.

In 1979, with her family mostly grown, Mimi again ran for the Simi Valley City Council. Not getting elected did not diminish her passion for politics. She was a life member of the Simi Valley Republican Women's Club, serving one term as its president, and helped organize its annual garden tour. In addition, she served as a poll worker at her neighborhood precinct for many years and volunteered as a docent at the Ronald Reagan Presidential Library.

She never forgot, however, that she was a mother and grandmother first.

In addition to Dominic and his wife, Teresa, and their children, Brandon and Brianna, Mimi is survived by her six other sons and their families: David and Carol and their daughters, Samantha and Michelle; Dan and Phyllis; Damian and Karen and their sons, Ryan and Cameron; Douglas and Patricia and their son, Morgan, and twin daughters, Riley and Madison; Darren and Theresa and their son, Ken, and daughter, Stephanie; and Dennis and Julia and their twin daughters, Elizabeth and Melissa.

Madam Speaker, I know my colleagues will join me in remembering Mimi Schmidt's lifelong love of family and community and in offering our condolences to her family and friends.

HONORING INDIANA COUNTY PENNSYLVANIA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. SHUSTER. Madam Speaker, I rise today to recognize Indiana County, Pennsylvania, for being named one of the 100 Best Communities for Young People in America by America's Promise Alliance. Indiana was one of only two communities in Pennsylvania to receive this award. It is a great honor and achievement by the government of Indiana County and, most importantly, its community. I am proud of their hard work and dedication to our youth.

The objective of the 100 Best Communities competition is to recognize outstanding community-wide efforts that improve the well-being of youth. Indiana County has achieved this through the creation of a Children's Advisory Commission to assess the needs of the children and youth of the county and create positive after school activities. The annual Family Fun Fest was also noticed for its ability to connect parents and youth in a way that strengthens the family bond and promotes positive behavior.

I congratulate the people of Indiana County and their government for creating an environment where young people can thrive in a nurturing environment. It is truly a great place to call home, a wonderful place where our youth can grow and thrive. The county has illustrated great initiative in creating an environment that encourages young people to get involved work together, and help others in their community. I am proud of the work Indiana County has done to encourage positive youth development, and I hope they continue to be recognized for their efforts.

HONORING THE 50TH ANNIVERSARY OF HANOVER PARK

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ROSKAM. Madam Speaker, I am pleased to rise today to recognize the 50th anniversary of Hanover Park, Illinois, an exciting and important town in my congressional district.

Today, Hanover Park has grown to include more than 12,000 families. However, its history truly began in the 19th century when the community began to lay roots in northern Illinois.

With its close proximity to downtown Chicago and the major commercial centers surrounding O'Hare airport, Hanover Park represents the perfect blend between urban dynamism and suburban life.

Hanover Park also boasts the youngest average resident population in the Northern suburbs. Its multitude of parks, sporting venues, and youth and family friendly activities make this a great place to work, live, and raise a family.

The spirit of Hanover Park's citizens is matched only by the industriousness of its business community. From small entrepreneurial endeavors to Fortune 500 companies, Hanover Park's economy is thriving. This impressive economy owes its prosperity to both the hardworking residents, the Village President Rodney Craig, and Hanover Park Board of Trustees to promote new business tax incentives and champion economic development. For over half of a century, the Village of Hanover Park has been a thriving community.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the outstanding contributions of Hanover Park, Illinois on the occasion of its 50th anniversary.

CELEBRATING THE ALEXANDRIA MARDI GRAS ASSOCIATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to commemorate the Alexandria Mardi Gras Association.

On March 3, 1994, the 295th Anniversary of the Founding of Louisiana by Iberville, the Alexandria Mardi Gras Association was officially established. The goal of Alexandria Mardi Gras, or Mardi Gras au Coeur de la Louisianne, which means Mardi Gras in the Heart of Central Louisiana, is to exemplify unity and cohesiveness during family friendly festivities.

This year during Alexandria's 15th Anniversary Mardi Gras, Julie Hanna, renowned conservationist is representing the Jack Hanna family as Grand Marshal. The Alexandria Zoo, nationally recognized for breeding Bengal tigers and other endangered species, is a major collaborator in advancing education and tourism during the Mardi Gras celebrations.

The 2008 College Cheerleaders and Classic Cars Parade on Friday, February 1, 2008 will feature many of Louisiana's colleges and universities and their student government presidents during an educational leadership conference. In addition, a select number of LSU football players. who recently became the 2007 National Champions, are participating in Alexandria's Family Friendly Mardi Gras as well as players from the 2003 National Championship team. The celebrated bands of Southern University and Grambling University will perform designating Alexandria as the only Mardi Gras Parade in which both bands are featured.

Among other Alexandria events during the Mardi Gras season the Krewe of LOUISIANA is hosting its Third Annual Gala in order to foster its goal of enhancing economic development and unifying Louisiana's interests. Also, The Taste of Mardi Gras is again hosting its local charity fundraiser naming the Louisiana Restaurant Association, Chapter Cenla as the sponsor.

Madam Speaker, I ask my colleagues to join me in commending the citizens of Alexandria for their continued hard work and dedication to ensure that Mardi Gras in Central Louisiana retains the charm and spirit of the first official celebration 15 years prior.

RECOGNIZING WES TURNER FOR HIS YEARS OF SERVICE TO THE CITIZENS OF FORT WORTH, TEXAS THROUGH HIS WORK AT THE FORT WORTH STAR-TELEGRAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BURGESS. Madam Speaker, I rise today in recognition of Fort Worth Star-Telegram President and Publisher Mr. Wes Turner. After more than two decades with the Fort Worth Star-Telegram, Mr. Turner has retired.

Mr. Turner began his career at the Fort Worth Star-Telegram in 1975 and rose through the ranks to become the Vice President of Advertising. From 1987 through 1997, he was at various newspapers before returning to the Fort Worth Star-Telegram as Publisher.

While at the Fort Worth Star-Telegram, Mr. Turner devoted his career to ensure that the people of Fort Worth were properly informed about the world around them. I know his readers thank him for his efforts.

Besides his work with the Fort Worth Star-Telegram, Mr. Turner is very active in his community. He serves on the boards of the Fort Worth Chamber of Commerce, Performing Arts Fort Worth and the Longhorn Council-Boy Scouts of America Foundation. He is Vice Chairman of the Van Cliburn Foundation and Campaign Chairman for the United Way of Tarrant County.

Even though Mr. Turner has completed his work at the Fort Worth Star-Telegram, we can all be thankful that he will maintain his commitment to the city of Fort Worth by continuing with his other community service endeavors.

I offer my heartfelt congratulations to Mr. Wes Turner on his retirement. His dedication and commitment to providing the truth to the citizens of Fort Worth made us all lead better lives. It is an honor to represent citizens like Mr. Turner in the 26th Congressional District of Texas.

TRIBUTE TO ROBERT M. BALL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RANGEL. Madam Speaker, I rise to pay tribute to Robert M. Ball, a great man who lived a life dedicated to serving the American people. Mr. Ball passed away last week at the age of 93, but we will forever be indebted to the legacy he leaves for us through his lifetime of commitment to the social insurance programs of Social Security and Medicare that allow us to provide for the elderly and people with disabilities and their families.

Madam Speaker, I join my colleagues in extending my condolences to the Ball family, his wife Doris, his children Jonathan and Jacqueline, and his grandchildren and great-grandchildren.

Born in Harlem and raised in Boston and New Jersey, Mr. Ball was the youngest in a family led by Methodist ministers who taught him the social gospel. He was educated at Wesleyan University in Connecticut, where he received a master's in labor economics. Even as a teenaged boy, Mr. Ball felt a calling to contribute to something greater than himself. As his biographer Professor Daniel Berkowitz wrote in *Robert Ball and the Politics of Social Security*, Mr. Ball indicated that he wanted to become a "person of consequence." Considering his contributions to Social Security and Medicare, he certainly lived up to his hopes for himself.

After taking a Federal civil service exam, Mr. Ball was called up to work for the newly forming Social Security Board as a field assistant in Newark, New Jersey in 1939. He joined Social Security and immediately understood that Social Security was a contract between generations that ensured that today's workers would provide for today's retired seniors so that they may avoid the indignities of abject poverty. He saw his job in support of this new social insurance program as part of something greater. Mr. Ball helped build Social Security from the ground up. As a field assistant in Newark, he was bringing workers into the program, spreading the news about the value of social insurance several years before the first benefit was even paid in 1942.

His next position in the new Social Security headquarters in Baltimore allowed him to fully engage with his primary interests: the philosophy of the program, the legislative agenda, and where the whole program was going. Mr. Ball grew to know the program intimately. He developed a deep technical expertise in Social Security, and he also grew to know Congress and how it works. He was soon able to provide legislators with what they needed to govern and oversee the Social Security programs responsibly and effectively. Mr. Ball became so familiar with the work of the Committee on Ways and Means, that he was seen by Members as an extension of their congressional staff.

Mr. Ball's career is intertwined with the history of Social Security and he played a key role in every major policy development. He was the architect of the 1950 amendments, which raised benefits and expanded coverage to more Americans. He helped implement the disability insurance program beginning in 1956. He orchestrated the developments that produced the 1972 amendments that linked benefits to inflation, ensuring that Social Security would never fail to meet basic needs.

In what was seen as a natural assumption, he was appointed by President John F. Kennedy as Commissioner in 1962, a post in which he diligently served longer than anyone else prior or since. He is regarded by many as the father of Medicare, as he shepherded the Federal Government through the development and implementation of that program.

In 1987, Yale School of Management Professor Ted Marmor, who began his career as an intern under Mr. Ball's superiors, wrote this description of Robert Ball. I think it captures

the quiet and competent strength of the man quite well:

Ball, six feet one inch, is a white-haired, broad-shouldered man whose gravity is lightened by a readily available twinkle and chuckle. He wears black-rimmed, prominent glasses that he takes on and off when shifting from speaking to reading. His expression is frequently softened by his easy smile and firm but unaggressive manner. At meetings he leans forward intently in his seat and, with a formalism that seems now a little old-fashioned, begins to speak in a manner instilled by years of testifying before Congress: 'Mr. Chairman, let me begin by stating that I am in full agreement with the general thrust of Mr. X's remarks. But I would like, if I may, to bring up three somewhat technical points about social security. . . .' Ball could have posed for pictures of executive presence in Fortune during the 1950s and 1960s. But in Bob Ball's case, the imagery captures much of the man, not a myth. Ball did indeed come to stand for the SSA and its reputation for honest, competent, reliable service to Americans, who were regarded as clients, not supplicants.

Even after retirement as Commissioner in 1973, Mr. Ball was often relied upon by policymakers and Presidents as a key advisor on Social Security and Medicare. An aide to President Jimmy Carter deemed him to be one of the "high priests of Social Security."

When the financing arrangements for Social Security needed to be reformed, he was appointed by President Reagan to a commission to recommend a plan of action to ensure the program's long-term fiscal health. In that role, Mr. Ball unexpectedly salvaged negotiations that had been stymied by partisan bickering and produced the deal that saved Social Security in 1983.

As the Founding Chair of the National Academy of Social Insurance, Mr. Ball helped create in 1986 what has grown to be an organization of over 800 policy experts dedicated to helping Americans better understand the role that social insurance programs play in our lives through research, leadership development programs, and forums for exchange of ideas for issues in the field.

Well into his retirement, Mr. Ball continued to defend Social Security from ideological challenges such as efforts to privatize the system and undermine the very purpose of social insurance. Last fall, he reminded us in a piece in the New York Times that without Social Security as designed, 13 million more seniors, one million more children, and 55 percent of people with disabilities would live in poverty today.

As a chief architect of the 1983 reforms, and someone who knew the program from the inside out, he also reminded us that the prescription for Social Security's long-term fiscal health should not result in further reductions in benefits, which are already declining in value primarily because of the increasing cost of health care and Medicare premiums. In that October piece in the New York Times, he wrote that "Social Security is the nation's most effective anti-poverty program. But it's much more than that. For every worker it provides a solid base on which to try to build an adequate level of retirement income. To weaken that foundation would he grossly irresponsible."

I will certainly heed his advice. Policymakers who ignore him do so at their own peril, because when it comes to Social Security, Robert Ball knew what he was talking about.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the RECORD votes I would have cast had I been present for rollcall votes 29 through 31. I was absent on Wednesday, February 6th due to familial obligations.

If I were present, I would have voted "yea" on rollcall vote 29, "yea" on rollcall vote 30, and "yea" on rollcall vote 31.

IN RECOGNITION OF MR. AND MRS. JOHNNY CLIFTON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention to pay recognition to a special day in the lives of two constituents of mine, Mr. and Mrs. Johnny Clifton.

On February 14, Johnny and Judy Clifton will celebrate their 50th wedding anniversary. To help commemorate this special occasion, the couple will gather with friends and family at the First United Methodist Church of Saks, Alabama on February 9.

Johnny and Judy have raised two children, Malea and Brian, and have four grandchildren, Katie, Whitney, Nathan and Aria. Johnny is an Etowah County native, who served with distinction as an Alabama State Trooper and as a sergeant with the Alabama Bureau of Investigation. Judy grew up in Anniston, and retired from AmSouth Bank after 24 years of service and remains active in the community.

I would like to congratulate Johnny and Judy on reaching this important milestone in their lives. I wish them and their family the best in the future.

INTRODUCTION OF "FUTA SURTAX REPEAL ACT"

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. HERGER. Madam Speaker, employers across our country contribute a portion of their payroll on a per employee basis to pay for the potential future unemployment benefits of their workers. In a very real sense, this payment—required by law—represents a trade-off for workers, where the tax is paid at the expense of workers today, who would otherwise currently be receiving higher wages or more opportunities for work. If paid to workers directly, they could spend or save it as they wished. Still, our government has decided that this tax is an important investment that must be made on behalf of an employee in case the business falls on hard times and resorts to layoffs.

It works like this: under the provisions of the Federal Unemployment Tax Act (FUTA), employers pay an extra 0.6 percent on the first $7,000 of payroll per employee in Federal unemployment taxes. Depending on the size of a company and the number of workers on payroll, these extra taxes can add up and affect decisions to invest in new equipment, hire workers, retain employees or even pay more in wages. Back in the 1970s, Congress faced an unusual shortfall in the trust funds that hold unemployment taxes, so it decided to levy an additional 0.2 percent surtax on employers, known as the FUTA surtax. Again, as employers paid more in non-wage benefits, the wages of employees suffered by this same amount. This meant that the previous payroll tax contribution for Federal unemployment was raised from 0.6 percent to 0.8 percent. While 0.2 percent may not seem like a significant imposition, over the decade this 25 percent increase in the overall unemployment tax restored a sound financial footing to the trust funds.

But the surtax didn't go away. Since it was no longer needed, after the 1980s, the FUTA surtax has been repeatedly extended—most recently in December 2007—and used as an extra source of tax revenue for Congress to spend on other unrelated programs. In other words, as the House and Senate expand Federal programs, the American wage payer is literally picking up the tab in a form that conveniently doesn't show up as an increased income tax burden. Today, the Federal unemployment insurance trust funds have about $35 billion more than they need, making the additional $1.5 billion per year brought in through the FUTA surtax totally unnecessary. Even without the surtax, the standard unemployment tax on employers brings in more than enough money to support the current Federal responsibilities, without even tapping the $35 billion in the trust funds. In fact, the outstanding balances in the Federal accounts are about six to seven times the annual cost of the unemployment program, leaving plenty of room for a "rainy day" reserve.

My legislation would repeal the FUTA surtax for once and for all. As our Nation's economy and workers face uncertain times, rolling back the FUTA surtax would provide new flexibility to employers at just the right time—enabling a stronger and more prosperous workforce.

HONORING THE PUBLIC SERVICE OF CONNY B. McCORMACK, LOS ANGELES COUNTY REGISTRAR–RECORDER/COUNTY CLERK

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mrs. NAPOLITANO. Madam Speaker, I rise today to recognize and commend Conny B. McCormack, an outstanding Californian, who has recently retired from 30 years of public service, the last 12 as Los Angeles County Registrar–Recorder/County Clerk.

Mrs. McCormack is the epitome of the competent, capable, dedicated public servant. Her career accomplished many noteworthy positions before she came to Los Angeles County. As the Los Angeles County Registrar–Recorder/County Clerk, Mrs. McCormack has met with great success. Her Registrar of Voters duties saw her conduct elections in 88 cities, 100 school districts, and 149 special districts for roughly 4 million voters across 5,000

precincts. Her duties as Recorder/County Clerk included maintaining birth, death and marriage records for a county of nearly 10 million people and recording and filing countless property documents and statutory oaths. Her office maintained over 200 million documents, a volume exceeded only by the Social Security Administration and the Pentagon. Mrs. McCormack, a great innovator, implemented the InkaVote Plus voting system, to guide voters through casting their ballots correctly and make voting easier for the disabled, and launched a new Enterprise Recording Archive system that eliminated manual processes to increase efficiency and cut down the use of paper.

Mrs. McCormack embodies the characteristics of a highly respected public servant, humble, lovable, spirited, renowned for her skills in the kitchen, a lover of outdoors gardening, hiking, and playing with her adopted canines from the L.A. County animal shelter. Mrs. McCormack is a great role model for our young women and a workers' advocate who helped support numerous student and clerical training programs. She has participated in many charities, from the Christmas Angel Tree Program for local low income children to Aids Walk Los Angeles to victims of Hurricane Katrina.

Conny has been an exemplary public servant known throughout her field for her dedication to her position, for her honesty, and for her integrity in her zeal to protect voters. A lifetime workaholic, an avid recycler, a true bargain hunter, a continual multi-tasker.

Madam Speaker. I proudly ask you to join me, her family, friends, and community in honoring Conny McCormack for her service in, and contributions to, the County of Los Angeles and other communities across the country.

IN RECOGNITION OF AARP'S ETHEL PERCY ANDRUS LEGACY AWARD BEING GIVEN TO ABRAHAM LINCOLN HIGH SCHOOL

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BECERRA. Madam Speaker, it is my privilege to rise today and acknowledge a special honor that is being bestowed on Abraham Lincoln High School in Los Angeles, within the 31st Congressional District that I am proud to serve.

Performing arts will once again flourish at Abraham Lincoln High School after many years of absence, thanks to a generous Ethel Percy Andrus Legacy Award from AARP. This grant recognizes the founding of AARP in 1958 by Dr. Andrus, who served as principal of Lincoln High School from 1916–1944.

As part of its 50th anniversary celebration in 2008, AARP is awarding more that $1 million in Ethel Percy Andrus Legacy Awards to recognize excellence and innovation in education at high schools nationwide. The first of these awards will reinvigorate the performing arts program at Abraham Lincoln High School—connecting the high school's heritage of achievement with its very bright future.

On February 8, 2008, representatives of AARP, the city of Los Angeles, and the State of California will gather at Lincoln High to dedicate a plaque at the new Ethel Percy Andrus Performing Arts Center. This center will enable students to receive pre-professional training in music, dance, theater and other performing arts.

The school will also enjoy the support of many AARP volunteers who will contribute their time and efforts in bringing the school's new performing arts center to life. These volunteers will continue the strong legacy established by Dr. Andrus of connecting all generations to work for the greater good of the community.

The more one learns about Dr. Andrus and her background and deeds . . . the more one marvels about her accomplishments and vision. In 1916, Dr. Andrus became California's first female high school principal when she was invited to head the faculty and staff of the former East Los Angeles High School. She renamed the school ''Abraham Lincoln High School'' to help inspire her students. The community represented a broad range of ethnicities and races—32 languages were spoken in students' homes and most families were low-income.

Dr. Andrus held her students and teachers to high academic standards. She believed in promoting creativity and fun, and fostered dances, plays, and musical performances to encourage them to pursue their creative talents, while also breaking down the barriers between students' cultures and backgrounds. She also set out to pull the community and the school together, involving parents and local organizations in many ways. At the time, extracurricular activities were rare. Where they did exist, they were considered frills of little value. Working against this bias, Dr. Andrus involved Lincoln's students in serving the community. Students worked in hospitals as nurses' aides, ran errands for shut-in residents, supervised playground activities for younger children, and formed art classes to make posters for local events.

She retired from teaching in 1944 in order to care for her ailing mother. After getting involved with the California Retired Teachers Association, Dr. Andrus was shocked to realize that so many retired educators were financially struggling because of inadequate income and health care. She established the National Retired Teachers Association in 1947 to give them a national voice, and established the first nationwide group health insurance program for its members.

In 1958, she established the nonprofit, nonpartisan organization now known as AARP so that people at mid-life and older could enjoy independence, dignity and purpose as they aged. Since its founding, AARP's motto has been ''To serve, not to be served.'' Since its founding, AARP has grown to more than 39 million members with more than 3.3 million members in California alone.

Ethel Percy Andrus passed away in July, 1967, but her legacy lives on in countless ways. I am pleased that one very special way that she lives on will be in the songs and dances of the students at Abraham Lincoln High School. I have no doubt she will be checking in on their progress from time to time and rejoicing in their talents!

Abraham Lincoln once said, ''Whatever you are, be a good one.'' Ethel Percy Andrus embodied this clear bold statement and the students at this school carrying his name, and all of us, should also rise to this challenge. Each of us can make a difference.

I congratulate James Molina, principal of Abraham Lincoln High School, and the students and parents of this fine school, and commend AARP for giving students fresh opportunities to grow academically, creatively and personally—sharing their ''Lincoln spirit'' with a nation and a world that needs their intelligence, commitment and idealism.

RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Ms. LEE. Mr. Speaker, I rise in strong support of H. Res. 942.

As an original co-sponsor of this resolution, I am proud to join my colleagues in recognizing the month of February as Black History Month. I would like to thank my friend and colleague from Texas, Congressman AL GREEN for introducing this very important resolution.

As we recognize Black History Month, I would also like to note, that we feel the loss of our dear friends and CBC colleagues who passed away over the last year: Congresswomen Julia Carson, Juanita Millender McDonald and founding CBC member former Congressman 'Gus' Hawkins. They always joined in on the celebrations. We truly miss them, but their accomplishments live on as a part of Black History and beyond.

As First Vice-Chair of the Congressional Black Caucus. I want to take a moment to commemorate Black History Month by advocating for a greater commitment to the domestic and global HIV/AIDS pandemic.

Under funding for the Minority AIDS Initiative and with our domestic HIV/AIDS programs flat-lining, data shows communities of color are increasingly bearing the brunt of the disease. Over 188,000 African-Americans were living with AIDS at the end of 2005, representing 44 percent of all cases in the United States, according to the Centers for Disease Control and Prevention.

In order to raise awareness. I introduced H. Con. Res. 280 to recognize and support the goals and ideals of National Black HIV/AIDS Awareness Day and encourages state and local governments, public health agencies and the media to emphasize and publicize the importance of this day among the African American community, and all communities. Celebrated each year on February 7th, National Black HIV/AIDS Awareness Day encourages African Americans and all Americans to ''Get Educated, Get Involved, and Get Tested.''

Though we recognize Black History Month this month, it is our duty to pursue policies of social justice that are fair, sustainable, and that help the most disadvantaged in our society. As an African American woman and legislator in this era of tremendous change, I am doubly aware of the obligations that we have as a community and as a country, and Black History Month and the celebration of African American involvement.

Mr. Speaker, let me say that during this Black History Month, I will continue to work with the CBC and Congress to identify bipartisan solutions to eradicate HIV/AIDS in our nation and abroad.

I urge my colleagues to support this resolution.

IN HONOR OF DR. FRANK BROWN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Dr. Frank Douglas Brown, a man who has given his life to serving others through his leadership in higher education.

Frank Douglas Brown graduated from Flomaton High School, in Flomaton, Alabama, a town of less than 2,000 people on the southern border of the state. He achieved an Associate's Degree in Business Administration from Northwest Mississippi Community College and went on to the University of Southern Mississippi where he earned his Bachelor's in Business Administration. After working in private industry for several years, and meeting and marrying the former Jo Ann Nichols of Bessemer, Alabama, he went to the University of Alabama for his MBA.

He then went to work for IBM as a systems engineer and marketing representative. Eventually, he left and earned his Doctorate in Higher Education Administration from Florida State University in 1974.

From there, Frank went to the Alabama Commission on Higher Education in Montgomery, Alabama, where he served as associate executive director. He stayed until 1978 and went to the University of Houston, University Park, in Texas. In 1981 Columbus College brought him to Columbus as the young college's new vice president for business and finance. Seven years later, on January 14, 1988, Dr. Frank D. Brown was appointed as the institution's third president.

Since his appointment, Frank has guided the college through unprecedented growth. Under his leadership, the college became Columbus State University, and now offers more than 50 undergraduate programs and more than 35 Master's or specialist programs. He leads a staff and faculty of more than 600, and a student body of 7,500.

Also during his tenure at CSU, the university has developed partnerships with the community, business and industry, education and governments that some say are stronger than any other university in the country.

The most recent indication of the university's level of respect may be the success of CSU's capital campaign, An Investment in People. When the campaign was first being considered in the late 1990s, many considered the originally proposed goal of about $35 million too ambitious. At its conclusion, the campaign exceeded $100 million.

Madam Speaker, Frank Brown has been a tireless volunteer, is active in many civic organizations, and is an enthusiastic advocate not only for Columbus State University, but for the area. I am honored to be able to call Dr. Brown a friend, I commend him for his many years of service, and wish him a happy, healthy, and blessed retirement. He will be missed.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. GRAVES. Madam Speaker, on Wednesday, February 6, 2007 I missed rollcall votes 29, 30, and 31 due to inclement weather in my district. Had I been present, I would have voted ''yea'' on all votes.

IN HONOR OF BILL LAMBERT IN RECOGNITION OF HIS EXEMPLARY SERVICE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BECERRA. Madam Speaker, it is my privilege to rise today and pay tribute to Bill Lambert, an outstanding educator and passionate advocate for our students and teachers. Bill retired on January 2, 2008, after 45 years of exceptional service to the students of the Los Angeles Unified School District, LAUSD, and the educators of the United Teachers of Los Angeles, UTLA.

Uniquely, Bill is a product of the same school district to which he has committed his professional career. Bill is a proud alumnus of several schools in LAUSD and is a graduate of Fairfax High School. His public education served him well on the path toward achieving a bachelor of arts degree and teaching credential from the University of California at Los Angeles and a master's degree from California State University Los Angeles.

Bill has enjoyed a distinguished career as a teacher and as a union advocate, all along fighting for greater opportunities for students, teachers, better wages and expanded benefits. He began his career in 1955 as a teacher at Montague Elementary School and later continued educating students at Canterbury Elementary School. Following his early experiences as a teacher, Bill became active in a number of teachers' organizations including a stint as associate executive director of the Los Angeles Teachers' Association. In 1971, Bill played an instrumental role as one of the initial organizers of UTLA. Once UTLA was formed, he dedicated the next 36 years to advocating on behalf of teachers as the director of governmental affairs for UTLA. Today, UTLA represents 44,000 teachers, counselors, psychologists, and nurses in LAUSD.

According to a Latin proverb, ''By learning you will teach; by teaching you will learn.'' Bill Lambert certainly embodies these wise words. He spent his life in and out of classrooms learning and teaching, and then walked the halls of the United States Congress and the California State Legislature doing the same. His tireless advocacy on behalf of retired teachers and their pension and Social Security inequities is legendary. It's not an easy task to achieve well over 300 bipartisan co-sponsors on a bill, but through ''pounding the pavement,'' that is exactly what Bill has helped achieve. Learning and teaching, teaching and learning, when combined with Bill's unstoppable energy and enthusiasm, you have a powerful combination.

Bill's passionate belief that a public education can he used as a tool for upward mobility by students and communities throughout Los Angeles is also illustrated in his work as an advocate to improve the lives of working families. He has lent a strong, dedicated voice to the educators and students of Los Angeles as a champion for education and labor equity. Further, Los Angeles families are forever indebted to Bill for his instrumental role in addressing racial, ethnic and religious division in Los Angeles. His work organizing the ''Children of the Dream'' outreach program, which brought Israeli-Ethiopians to Los Angeles and took inner-city Los Angeles students to Israel, was successful in creating dialogue and understanding between various communities in Los Angeles.

Bill's retirement marks the final chapter in a distinguished career in education that began and ends in Los Angeles. He has always been respected and admired for his dogged commitment to improving the lives of working families throughout Los Angeles, and his wonderfully giving spirit. I wish Bill much luck and leisure in the days to come when he can enjoy his cherished pastime of traveling. I suspect, however, that even in retirement Bill will continue to be a powerful and unyielding voice for children.

Madam Speaker, as family, friends, and colleagues gather to celebrate Bill's many accomplishments, it is with great admiration and pride that I ask my colleagues to join me in saluting this exceptional advocate. On behalf of the countless students and educators to whom Bill Lambert has dedicated his career, and the entire labor community which has benefited immensely from his lifelong contributions, I say thank you and may you enjoy many more years of fruitful endeavors.

PERSONAL EXPLANATION

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mrs. BLACKBURN. Madam Speaker, due to the state of emergency in West Tennessee caused by a devastating tornado storm, I was unable to return to Washington in order to vote on the evening of February 6, 2008. If present, I would have voted ''yea'' on the following three bills: Rollcall No. 29 for H. Res. 867; Rollcall No. 30 for H. Res. 942; Rollcall No. 31 for H. Res. 943.

RECOGNIZING KEVIN HOLLAND AS SANTA ROSA COUNTY TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today in recognition of Kevin Holland, Santa Rosa County's Teacher of the Year.

For the past 14 years, Kevin Holland has captivated students at Pace High School in Pace, Florida with his charismatic personality and outstanding teaching practices. With

classes in advanced and college level math, students and teachers alike have marveled at his ability to break down the curriculum and translate it into something tangible that his pupils can comprehend. His exceptional ability to connect with the students furthers their understanding of this advanced subject matter and propels them towards academic success.

In addition to being named Teacher of the Year for Santa Rosa County, Mr. Holland is also a designated Master Teacher. Both titles highlight his outstanding teaching capabilities and emphasize his engaging personality. Mr. Holland is liked and respected by students and teachers, yet his involvement in the school is not limited to Mathematics. Mr. Holland is also the voice of Pace High School's Red, White, and Blue Band.

The title of Teacher of the Year is an immense honor and is evidence of the greatness Mr. Holland has achieved. Beyond the title lies Mr. Holland's dedication and devotion, to not only his students but to the entire community. His teaching skills and affable personality have influenced many and pushed countless students to a higher level of academic achievement. Mr. Holland's outstanding accomplishments have distinguished him as one of the greater teachers in Northwest Florida, and Santa Rosa School District is honored to have him as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Kevin Holland on this outstanding achievement for his exemplary service in the Santa Rosa County School District.

NICOLE MARSALA, BROWARD COUNTY, FL TEACHER OF THE YEAR

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a distinguished member of our community in Broward County, Florida. I would like to recognize and congratulate Ms. Nicole Marsala as Broward County's Teacher of the Year for 2009. Ms. Marsala has taught her students the true meaning of civic duty, not only through her creative teaching style, but also by example, having served Coral Springs for over eight years.

Her innovative approach to teaching traditional topics in social sciences provides her students with a new perspective on some of the most important chapters in our country's history. She believes that teaching involves more than just following lesson plans in textbooks, and that it is critical to step outside the classroom from time to time and learn through hands-on experience.

I believe that there is no lesson more significant and appropriate for our students than how this country was founded, and how we can continue to improve our community. As caring as she is competent, Ms. Marsala has shown faithful dedication to the education of her students by inspiring creativity and encouraging parents to take an active role in fostering a passion for history and civic responsibility.

Madam Speaker, Coral Springs is privileged to have Ms. Marsala as a teacher, and our entire community is grateful for her leadership. Her lessons have truly gone beyond the classroom, and her contributions to our community will certainly last for generations to come.

HONORING MARGARET GREGG

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to acknowledge and honor the great contributions of Margaret Gregg and would like to recognize her exceptional and tireless service to the homeless in Santa Clara County.

Ms. Gregg, who was named Woman of the Year for the 23rd Assembly District of California, is formally retiring after seeing 8 years as Santa Clara County's Homeless Concerns Coordinator.

In 1992, Ms. Gregg was hired to become the Executive Director of the San Jose Family Shelter. She remained in that position until November 1999. In February 2000, Margaret Gregg became the Homeless Concerns Coordinator for the County.

Ms. Gregg has been responsible for facilitating the County's McKinney-Vento Grant, that brings about $8 million each year to more than 30 different homeless serving organizations. In 2006, she convinced the County to conduct a census of the homeless and followed that effort with a Task Force to create a 10-Year Plan to End Homelessness. Ms. Gregg also coordinates the Collaborative on Affordable Housing and Homelessness, an organization of 250 local non-profits and government agencies.

Ms. Gregg's contributions to the community are clearly demonstrated in her compassion for and understanding of the homeless. With her Catholic background and 30 years of teaching elementary and high school students and special education students, Ms. Gregg is a strong believer in the unifying powers of faith, tolerance and understanding.

I commend Ms. Gregg for her valuable service to our community and wish her the best in her future endeavors. We are very fortunate to have benefited from her compassion, expertise and commitment. She has left her mark in Santa Clara County.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. WOOLSEY. Madam Speaker, I was unavoidably detained and was not able to record my votes for Rollcall Nos. 29–31.

Had I been present I would have voted:

Rollcall No. 29—Yes—Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup;

Rollcall No. 30—Yes—Recognizing the significance of Black History Month; and

Rollcall No. 31—Yes—Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986.

EXPRESSING APPRECIATION TO THE REPUBLIC OF KOREA AND TO KOREAN AMERICANS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BOOZMAN. Madam Speaker, I rise today to congratulate Lee Myung-Bak on his election as President of the Republic of Korea and to express appreciation for the many contributions of the Republic of Korea and Korean Americans towards strengthening and enlarging the U.S.-Korea alliance partnership.

On January 13, 1903 the first Korean immigrants arrived in the United States. On that day each year, now known as Korean American Day, we recognize and honor the economic, social, cultural and political contributions Korean-Americans have made to the United States over the last century. Korean-Americans have thrived in this country because of a shared belief in the importance of family life, individual responsibility, hard work and education.

Over the past 50 years we have seen the Republic of Korea emerge from colonial rule and the ravages of war to stand alongside the United States as a beacon of democracy, peace and security; prospering under a free market economy whilst upholding the rule of law. Over these 50 years the Republic of Korea has been a loyal and indispensable ally to the United States as we have worked at close quarters to combat those who would threaten these shared values.

In recent times we have seen this commitment through South Korean peacekeeping troops in Lebanon and Afghanistan, and the 650 South Korean military personnel serving alongside our soldiers in Iraq today, now the third largest partner in the coalition with $460 million pledged to the reconstruction effort. At the end of December last year, South Korea's National Assembly voted to extend the time of its commitment to provide troops for the War in Iraq. While some of our friends scale down their operations in Iraq, our South Korean friends have remained steadfast in the War on Terror, for which we are truly grateful.

In his farewell address to the Congress in 1951, one of Arkansas' greatest sons, General Douglas MacArthur, said this of the Republic of Korea: "Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against communism. The magnificence of the courage and fortitude of the Korean people defies description."

Madam Speaker, I would like to congratulate the new President-Elect of the Republic of Korea, Lee Myung-Bak, and wish him well as he takes on the responsibility of working with the United States to tackle the challenges of the East Asian region, particularly the ongoing efforts to denuclearize the Korean Peninsula. I ask that my colleagues join me today in recognizing and honoring the U.S.-Korea Alliance and the contribution of our South Korean friends to the global war on terror as we work towards ensuring the safety of our citizens.

We look forward to fostering our historic relationship under the new leadership of President Lee Myung-Bak.

IN HONOR OF THE SINAI SCHOOLS AND ITS STRONG COMMUNITY OF PUBLIC SERVANTS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the SINAI Schools, which provide a fulfilling environment for meeting the unique educational needs of children and young adults with learning and developmental disabilities.

Since 1982, the SINAI Schools have provided both Judaic and secular studies for individuals with a wide variety of special needs. Their elementary schools, high schools, and adult programs have earned praise from local leaders, parents, educators, and students alike. They are the only Jewish day school accredited by the Middle States Association of Colleges and Schools. The SINAI Schools tend to more than just the education of their students, they also care for their psychological and emotional well-being.

SINAI Schools depends on a tremendous cadre of active community leaders to maintain the unparalleled excellence of their programs. This weekend, at their annual benefit dinner, they will honor eight of these supporters who have dedicated so much of their time and energy to ensuring that all people receive the quality education that they deserve: Moshe and Arianne Weinberger, Teaneck, New Jersey; Mendy and Nomi Schwartz, Teaneck, New Jersey; Jason and Chani Teigman, Englewood, New Jersey; and Peter and Carol Weissman, Fair Lawn, New Jersey.

All of these individuals have demonstrated not only a strong commitment to education, but as active participants in their congregations and community groups like their local little leagues and volunteer ambulance corps they have also demonstrated real dedication to their heritage and their community as well. Such commitment is the backbone of our society, and I join the families of the SINAI Schools in commending these individuals this weekend.

COMMEMORATING THE HERITAGE OF DENTON, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to commemorate the dedication of Paula Blincoe Collins' mural titled ''Historic Quakertown.'' This dedication will celebrate Black History in the City of Denton.

The artwork is the first commissioned public art project for The City of Denton's Public Art Committee and will be dedicated on February 11, 2008.

Artist Paula Collins consulted with the descendants of the original Quakertown to select a wide assortment of images that represented life in this community. Collins then depicted these images on the brick mural.

Paula Collins is well known for her skills in brick sculpture. Among her many creations are two previously completed projects for City facilities, the ''Woman of Justice'' installed in 1994 and two entrance monuments erected in Denton at the Pecan Creek Waste Management facility in 2000.

I am honored to serve a talented individual like Paula Blincoe Collins in the 26th district of Texas and I know that her artwork will both beautify the community and highlight the history of Denton for years to come.

CONGRATULATING THE 2007 WEST VIRGINIA GIRLS SOCCER STATE CHAMPIONS

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mrs. CAPITO. Madam Speaker, I rise today to congratulate the 2007 West Virginia Girls Soccer State Champions, the Jefferson County Lady Cougars, who hail from West Virginia's second congressional district.

The 2007 West Virginia State Tournament took place in Beckley on November 3, 2007. The Lady Cougars played defending champion, Parkersburg High School in the final game of the tournament.

Coach Harold ''Dunnie'' Bach led the ladies to victory winning overall 18-1-3 season. The Lady Cougars made Jefferson County history, as the first soccer team in the county to win a state championship.

Madam Speaker, it gives me great pride to acknowledge the Lady Cougars as the 2007 West Virginia Girls Soccer State Champions. Again, congratulations to these talented young women.

HONORING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. COURTNEY. Madam Speaker, for decades the United States has looked towards Australia as one of our closest of cultural, economic and security partners. This is true not just between the two governments but among Americans and Australians who have crossed the Pacific to visit with or work with each other. I am pleased to rise today to recognize the Uni-Capitol Washington Internship Program, which annually delivers some of Australia's best and brightest university students to a bipartisan and bicameral array of congressional offices for two-month internships.

This is the first year that I have been privileged to participate in the Uni-Capitol Washington Internship Program. A student emissary to my office, Anthony Bremner, has added first-hand value to our understanding of global issues and perspectives as seen from Australia. Anthony, who visits us from the University of Queensland, is a text-book example of the high caliber of this program. Over the past two months, he has applied his volunteer experiences from the constituency office of Australia's newly elected Prime Minister, Kevin Rudd, to my office. During this time, Anthony has attended committee briefings, drafted constituent correspondence, and assisted my staff with research. His Australian accent frequently sparked conversations with my constituents interested to learn where he was from and to share their international experiences with him. This international exchange has demonstrated that through sharing our American and eastern Connecticut values and experiences we foster greater understanding and appreciation of the United States.

Anthony is not alone in this effort. This year, a record 13 students from all across Australia were matched with as many congressional offices. They were drawn from seven Australian universities in four different states and the Australian Capital Territory. Far from a solely academic exercise, the Uni-Capitol program is a practical investment in our global community, given the diverse array of congressional participants and an equally diverse array of student interests ranging from law to commerce, from the environment to communications, from international affairs to American studies.

Including this current group, 81 Australian students will have interned in Washington since the program's inception nine years ago. For launching and directing this effort here in Washington, much credit is due to its founder Eric Federing. Eric is a former senior House and Senate Congressional staffer who has worked to bridge the wide geographic distance between the U.S. and Australia through his efforts at the Uni-Capitol Washington Internship Program.

Madam Speaker, I would encourage all of my colleagues to seek connections with members of our global community. Similarly, I would encourage American university students to seek established and creative ways to connect with their counterparts around the globe. On this note, I ask my colleagues to join with me in recognizing the contributions of the Uni-Capitol Internship Program and, again, thank Anthony Bremner for his participation and hard work.

HONORING THE PRINCESS POCAHONTAS PAGEANT AND BALL FESTIVAL

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. CUELLAR. Madam Speaker, I rise today to recognize the history behind the Princess Pocahontas Pageant and Ball festival during the 111th Washington Birthday Celebration in Laredo, Texas.

The iconic figure of Princess Pocahontas holds a special place in the heart of the festivities, and made its first appearance in the first Washington Birthday Celebration, which was hosted by the Improved Order of Red Men. In 1897, this fraternal organization created a celebration around the birth of George Washington, and part of the initial festivities centered around an Indian ambush, but with a twist. Princess Pocahontas rode into town and rescued the city, as much as she did for Captain John Smith. This story represents the important link between Laredo and its connection to the Native American community during the Washington Birthday Celebration festivities.

Today, Princess Pocahontas is chosen from the annual beauty festival, which introduces

audiences to various aspects of Native American culture. Princess Pocahontas is accompanied by her court of Indian maidens and chieftains during the festival, and they pay homage to the Great Spirit with Native American rituals and dances. One quintessential part of the Princess Pocahontas tradition is that she rides on a horse, with the key to the City of Laredo in her hand as a reminder of the first ceremony in which she saved the citizens of Laredo in the first Washington Birthday Celebration. This year, Princess Pocahontas will be portrayed by Ms. Liza Nicole Gonzalez at the 111th Princess Pocahontas Pageant and Ball on February 16, 2008.

Madam Speaker, I am honored to have had this time to recognize the long history behind the Princess Pocahontas Pageant and Ball.

HONORING ALPHA KAPPA ALPHA SORORITY OF AMERICA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. SERRANO. Madam Speaker, I rise today to pay tribute to the Alpha Kappa Alpha Sorority of America on the occasion of its centennial anniversary in January, 2008. The Alpha Kappa Alpha (AKA) Sorority is the first African American sorority in America to reach the milestone of 100 years, and represents the first Greek-letter organization in this country founded by, and for, African American college women. The AKA motto is to ''provide service to all mankind.'' Over the years, AKA members have broken barriers and attained positions in American society of tremendous distinction. The AKA sisterhood prides itself on achievement, sacrifice, and a strong belief in the limitless potential of women of color. Together, the AKA's strive for the betterment not only of themselves, but their families, their neighborhoods, and the larger global community.

From its founding in 1908, through 1921, Alpha Kappa Alpha underwent a period of significant growth. Chapters were first established throughout the Northeast and Midwest, and beginning in the mid 1920's, AKA founded new chapters in the Southeast. One of the most remarkable aspects of the AKA sorority is the history of its original nine founding members. Born during the Reconstruction era, and enrolling at Howard University at the turn of the 20th century, the founding AKA women embodied courage and soaring intellect. During a time in our nation's history when African Americans, and women especially, were viewed as second class citizens, the original AKA sisters coalesced around an affirmation of their own dignity. They taught women of color across the Nation that belief in one's self, in one's potential, is the essential building block upon which anything is possible. In a dark chapter of our history, theirs was a message of light—of hope, sacrifice and hard work in the pursuit of self-determination.

This summer, more than 20,000 members of the Alpha Kappa Alpha Sorority will come together on the campus of Washington, DC's Howard University to honor this legacy. Sorors from around the world will retrace the steps taken by the founding members ten decades ago in what is being called the ''Walk Through History.'' Discussions and plenary sessions will be convened, where together, members will rededicate themselves to the founding principles of the AKA tradition and chart a new course for the next 100 years.

Madam Speaker, I am moved by the Alpha Kappa Alpha's prodigious historical narrative. The redoubtable strength and prescient vision of the founders paved the way for a sorority which today claims more than 200,000 members, 975 chapters, and a presence not only in the United States, but also the Caribbean, Canada, Germany, Korea, Japan, and the continent of Africa. Their unifying mission remains to serve others, while also challenging themselves and their fellow sisters to reach higher for the possible. On behalf of the nearly 3,000 members of the Alpha Kappa Alpha Sorority who reside throughout the 16th Congressional District of New York, and the surrounding counties, as well as myself, I ask that my colleagues join me in paying tribute to this most storied American sisterhood.

EXTENDING PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 6, 2008

Mr. RODRIGUEZ. Madam Speaker, today I stand in support of H.R. 4848, extension for 1 year, parity in the application of certain limits to mental health benefits.

H.R. 4848 would amend the Employee Retirement Income Security Act of 1974 (ERISA), and the Public Health Service Act to extend until December 31, 2008, mental health parity provisions, which require group health plans to treat equally mental health benefits and medical and surgical benefits for purposes of lifetime limits or annual limits on benefits covered by the plan.

Approximately two-thirds of individuals with potentially diagnosable disorders do not seek treatment. A majority of insured and uninsured individuals suffering from untreated mental health disorders mention cost as the primary reason that they do not use or seek mental health treatment. This is due in part to unequal health insurance coverage for mental health services, which results in significant cost-shifting from private insure to individuals.

As a former social worker, I personally know untreated mental illness is associated with a number of societal problems. Such as, higher rates of unemployment, crime and increased welfare cost.

Parity for mental health is needed because, left on their own very few employers would offer mental health benefits at a level that is equal to medical and surgical benefits in their group health plan.

Mental health is a serious issue facing many Americans. The goal of H.R. 4848 is to make sure everyone gets effective quality treatment for mental illness. In order for that to happen, mental illness needs to be treated just like other surgical and medical treatments.

IN CELEBRATION OF THE 74TH ANNIVERSARY OF THE COLUMBUS ALUMNAE CHAPTER OF DELTA SIGMA THETA SORORITY, INC.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today in honor of the 74th anniversary of the Columbus, Ohio Alumnae Chapter of my beloved sorority Delta Sigma Theta Sorority, Incorporated. Chartered on May 20, 1934, the Columbus Alumnae chapter was the 66th chapter of the sorority. Additionally, Delta Sigma Theta, a public service, non-profit organization, will celebrate 95 years of service, locally and globally, this year.

Delta Sigma Theta Sorority, Inc. is a sorority of predominantly Black college-educated women founded here in Washington, DC at Howard University in 1913. The major programs of our sorority revolve around our Five Point Thrust of: economic development, educational development, international awareness and involvement, physical and mental health, and political awareness and involvement. With over 250,000 members, Delta Sigma Theta Sorority works to continue the vision of our 22 Founders.

This year, during their annual Founder's Day Luncheon, the Columbus Alumnae Chapter highlight the many activities they have been engaged in that have contributed to the betterment of the Columbus area including youth Read-Ins, Scholarships to High School graduates, mentorship, and art and culture programs. Additionally, they will recognize African American women in the Columbus area who have demonstrated a strong commitment to the community during their annual Founders Day Luncheon.

Therefore, I commend the Columbus Alumnae Chapter of Delta Sigma Theta Sorority, Inc. for their commitment to the people of Columbus, Ohio and across this country. I join with them in this celebration and thank them for their enduring commitment to the sisterhood, scholarship, and service of Delta Sigma Theta Sorority, Inc.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RYAN of Wisconsin. Madam Speaker, on rollcall No. 29, H. Res. 867, commending the Houston Dynamos for winning the 2007 Major League Soccer Cup, I was absent due to inclement weather grounding flights in Wisconsin.

Had I been present, I would have voted ''aye.''

RECOGNIZING THE 50TH ANNIVERSARY OF THE DEFENSE ADVANCED RESEARCH PRODUCTS AGENCY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. MORAN of Virginia. Madam Speaker, today I join a bipartisan team of my colleagues to introduce a resolution to recognize the 50th anniversary of the Defense Advanced Research Projects Agency (DARPA).

October 1957, the Soviet Union ushered in a new dimension to the Cold War with the United States when it successfully launched Sputnik I, the world's first artificial satellite, into space.

So, on this day, in 1958 the Department of Defense established the Advanced Research Projects Agency (ARPA) to serve under the secretary of Defense as the specialized technical engine for the United States Military. The threat of Soviet technological superiority and space domination could not be tolerated amid the growing tensions and developing arms race between the two superpowers. DARPA was tasked to confront this threat.

As DARPA focused its technological strengths on the space mission, the agency achieved the unimaginable. The Saturn V rocket, which enabled the United States to launch the Apollo missions to the moon originated on a DARPA drawing board. Perhaps more important, DARPA developed the first surveillance satellites that gave our Nation accurate intelligence on Russian missile program activities throughout the world.

As the military mission evolved throughout the last half century, so too did the DARPA focus. Recognizing the changing nature of warfare well in advance of today's battles, DARPA revolutionized the way our Nation fights wars. Instead of sacrificing more troops by putting them in harm's way, our military now uses stealth technology in our aircrafts, advanced precision munitions that can be dropped into theater without dropping in troops, and now the Predator and Global Hawk unmanned air vehicles dominate the world's airspace.

DARPA's ongoing commitment to the military is not limited combat. The agency's programs are developing real-time accurate language translation, prosthetics that can be controlled by the brain, and alternative fuel sources for military vehicles that will help eliminate our Nation's dependency on foreign sources of oil.

Of course, DARPA's success has not been limited to military innovation. ARPANET, the world's first operational packet switching network, led to the development of today's Internet. Since DARPA engineers first started to connecting remote computers to each other to talk about their shared ideas and work, the Internet has revolutionized the world with the creation of endless possibilities.

The reason that DARPA's work engages the cutting edge of technology is a result of its unique business model. By limiting project managers to 4 to 6 year terms, DARPA optimizes the flow of new ideas by empowering industry experts to take risks, think outside the box and advance ground breaking research projects.

DARPA continues to meet the growing needs of the Nation as it develops significant cutting edge technology elevates the U.S. to the forefront of innovation and propels our military to be the most superior fighting force in the world.

I am proud to recognize DARPA's 50 years of innovation, and I urge my colleagues to support this resolution.

INTRODUCTION OF THE AUTOMOBILE ARBITRATION FAIRNESS ACT OF 2008

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Automobile Arbitration Fairness Act of 2008. This legislation will extend to certain consumers what Congress granted to automobile dealers in 2002: freedom from mandatory binding arbitration agreements.

Automobile manufacturers imposed mandatory binding arbitration clauses in their dealer contracts to forego forums otherwise available under state law. Unfortunately, states could not effectively address the increasing imposed use of mandatory arbitration clauses because the Federal Arbitration Act preempts such state laws. As a result, auto dealers had no legal recourse and were bound to using arbitration. Automobile dealerships voiced their plight to Congress, which in 2002 passed the 21st Century Department of Justice Appropriations Authorization Act. This legislation included language to allow arbitration only if both parties to a motor vehicle franchise contract consented in writing to arbitration and if the consent was done after a controversy arose out of that contract.

Although automobile dealerships now have the option not to enter into mandatory binding arbitration agreements, many dealers require such binding agreements in their sales or lease contracts with automobile purchasers and lessees. This legislation would connect the chain from manufacturers to dealers and from dealers to consumers, by requiring the consent of both parties to enter into contracts with binding arbitration clauses in automobile sales and lease contracts.

I urge my colleagues to join as cosponsors of this legislation.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ROSS. Madam Speaker, on Wednesday, February 6, 2008, I was not present for votes due to a delayed United Airlines flight.

Had I been present for rollcall 29, Commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup, I would have voted ''aye.''

Had I been present for rollcall 30, Recognizing the significance of Black History Month, I would have voted ''aye.''

Had I been present for rollcall 31, Remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986, I would have voted ''aye.''

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RYAN of Wisconsin. Madam Speaker, on rollcall No. 30, H. Res. 942, recognizing the significance of Black History Month, I was absent due to inclement weather grounding flights from Wisconsin.

Had I been present, I would have voted ''aye.''

ARLENE PIAZZA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BACA. Madam Speaker, I stand here today in remembrance of a distinguished member of the Fontana community and a dear friend, Arlene Piazza.

Due to complications following surgery, Arlene passed away the night of February 5th. Her death comes 3 years after the death of her beloved husband, Mr. John Piazza. Together the Piazzas were key players in our Fontana school district and city governments. Their absence will be felt by many.

For 18 years Arlene worked in business and industry. Later this dedicated woman extended her talents to our Nation's academics where she dedicated 20 years to education. We were honored to have her in our Fontana Unified school system for 13 of those years. Her zeal and passion for educating our children is reflected in those 20 years through the numerous roles she took on.

Arlene served as a gifted counselor and in 2003 was elected to the Fontana School Board. There she served as a caring and committed member who was known for loving every child. Her work ethic was continuously commended and her priorities were always focused on what was best for our young students. Her passions were to open doors of opportunity and extend a helping hand as she pushed our youth to explore a fulfilling educational future. This commitment was made apparent in 2006, when she fought to ensure voters approved a $275 million bond measure going towards the physical improvement of schools.

While it is with sadness that we say goodbye to an incredible woman, we remember the positive change she made while she was with us. The use of her life to benefit her community is unquestionable and has served to nurture a sense of priority towards education and our young generation's future opportunities. Although now gone, in her absence she will continue to serve as an inspiration to us all.

I thank Arlene Piazza for dedicating her life to service in the Fontana community. I am honored to consider Arlene a colleague in the fight to improve education and I truly appreciate all she has given to our community and our country. She will be greatly missed. Barbara, my family, and I extend our deepest condolences to her family.

Arlene's life was dedicated to family, friends and her community. Her memory lives on in our thoughts and prayers. She will always have a special place in our hearts. She was special to all of us. She is now in a better place with her heavenly Father and at peace.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. MOORE of Wisconsin. Madam Speaker, a snowstorm in Milwaukee cancelled all flights to Washington, DC yesterday, and I was unable to vote on rollcall votes 29, 30, and 31. Had I been present I would have voted "yes" on all three.

RECOVERY REBATES AND ECONOMIC STIMULUS FOR THE AMERICAN PEOPLE ACT OF 2008

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in support of the Recovery Rebates and Economic Stimulus for the American People Act, and to commend Speaker PELOSI and Minority Leader BOEHNER for their bipartisan, timely action to get our economy moving.

In Minnesota, median household income has decreased 6.8 percent since 2000, job growth is lagging, and families are being squeezed by increasing gas, health care and education costs. While the cost of the Iraq war has grown to $36,900 per Minnesota household, over 400,000 Minnesotans live in poverty, families are losing their homes, and a growing number are uninsured.

This bill provides a recovery rebate check for 117 million families to help with rising costs and reinvigorate the economy. These rebates are targeted to middle-income Americans and additional assistance is provided for families with children. In Minnesota, the average rebate will be $952 and over 2 million families will benefit from this tax relief. H.R. 5140 also provides tax incentives to small businesses to help create jobs, and it increases access to affordable refinancing opportunities to help families keep their homes.

H.R. 5140 is timely, targeted and temporary. While enactment of this package will give the economy a needed boost, it is not the end of our efforts. Congress needs to have a serious discussion about unemployment benefits, food stamps and aid to states facing deficits. And in order to truly grow our economy we need to invest in our infrastructure, reduce our dependence on foreign oil, educate our children, address the health care crisis and end the war in Iraq.

There are significant challenges facing this country, and I am pleased that all parties were able to work together to put together this positive first step. I urge my colleagues to take real action today and to support H.R. 5140.

NANDO GOMEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. ORTIZ. Madam Speaker, I rise to pay tribute to one of my most trusted staff members, my Chief of Staff, Fernando P. "Nando" Gomez, Jr. After working in Congress for 7 years, the past 2 as my chief of staff, Nando will be joining the private sector.

Nando's dedication to and interest in public service has led him from the small town of Gregory, TX, to the corridors of two Capitols. During his senior year at the University of Texas in 1994, he began working for the Texas House Speaker James E. "Pete" Laney. Nando worked for Speaker Laney for nearly 5 years and was appointed the House reading clerk during the 74th and 75th Legislative Sessions.

He then moved to Washington, DC in 1998 and worked for Congressman Martin Frost, serving as legislative assistant and then as legislative director. He joined my staff in 2005 and rose from Legislative Director to Chief of Staff.

Words cannot begin to describe what Nando has meant to me, my staff, and the people of the 27th district of Texas. I have relied on Nando for his professionalism, work ethic, and friendship. He takes pride in his work, which is especially personal to him because he was born and raised in the district I represent. For him, it has not just been about serving as my chief of staff—it is about advocating for the issues of his hometown, his family, and his roots.

Nando has also taken an active role with local youth. He serves in Big Brothers/Big Sisters Mentor program, where he has had the honor of serving as big brother to his little brother, Franklin, for nearly 5 years. Nando is an avid sports fan whose allegiances lie with the Texas Longhorns, Houston Astros, San Antonio Spurs and the Dallas Cowboys.

Though I bid Nando a sad farewell from my office, it will certainly not be a good bye. I look forward to seeing him around the Capitol when he comes up to catch up with old friends.

Nando remains a trusted member of my family, and I will always seek his counsel on matters political and personal. I wish him, his wife Kristy and son Dominic the best of luck during the new phase of his life.

HONORING LEGO'S 50TH ANNIVERSARY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. COURTNEY. Madam Speaker, for the past 50 years LEGO has transformed childhood play and provided invaluable academic and economic contributions to local communities around the globe. On January 29, 2008, LEGO celebrated its 50th anniversary. I rise today to recognize 50 years of LEGO innovation and contributions.

LEGO USA headquarters is located in my district in Enfield, Connecticut. Over the past three decades since headquarters moved from Brookfield to Enfield, Connecticut in 1975, the company has made substantial contributions to the local community. Today it remains the town's largest employer. Although the Enfield offices have struggled in recent years in light of increasing globalization pressures, I remain hopeful that it will continue to innovate and thrive as part of Connecticut's economy. Education and family programs, which have been highlights of the corporation in the past, will continue to have positive lasting impacts on the community in the future.

The LEGO Creative Child Care Center KinderCare@Work program, which accommodates children ages 6 weeks to 12 years of age, has received national accolades for quality childhood development services. LEGO's KinderCare@Work program incorporates an engaging, thought-provoking curriculum into a healthy and safe environment for children from the local community. Quality early education programs, like LEGO's KinderCare@Work, are essential for promoting academic and professional success in latter years and should be a model for other private and public early education programs.

Programs geared towards middle and high school students, such as the FIRST LEGO League (FLL), also provide impetus for academic success and an environmentally and socially conscientious society. FLL programs encourage students to look at problems currently affecting global communities from a pragmatic and analytical perspective. LEGO USA has been a regular host of FLL tournaments. In 2007, students from Enfield and all of Connecticut joined students from around the globe in addressing a fundamental question that continues to be the focus of leading environmentalists, engineers, scientists, and politicians: the economic, environmental, and social impact that our energy consumption choices have on our global community.

From, simple yellow and red blocks to black knights and ninjas, the iconic toy has remained a classic, thought-provoking source of play for children around the world. For providing positive academic and economic development in communities around our globe and inspiring generations of artists, architects, and engineers, I ask my colleagues to join with me and my constituents in honoring LEGO's 50th anniversary.

HONORING ANDREW "JACK" FULTZ

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor the memory of a great Kentuckian.

Andrew "Jack" Fultz served Carter County for most of his life. He coached the Olive Hill High School basketball team from 1951 to 1968, leading the team to the State tournament in 1955, 1956 and 1959. He became a good friend and father-figure to many of his players and maintained that connection long after they were finished playing. Jack ended his career with an impressive win-loss record and was inducted into the Kentucky High School Athletic Association Hall of Fame.

In 1983, Jack's 794-page book, A Comets' Tale, was published. The book chronicles the history of Olive Hill High School athletics and serves as a testament to his knowledge and love for the many students that he coached.

Jack served the Carter County Board of Education for 60 years, working as a teacher, assistant principal, principal, assistant superintendent and supervisor. Though he loved coaching and working for the schools, his family always came first. Jack developed a deep faith in God and became an active member of the First Baptist Church in Olive Hill.

I ask that today, as we pay tribute to Jack's extraordinary life of service that we send to Jean, Jack's wife of 60 years, and the rest of the Fultz family, our deepest condolences. Jack continues to be a role-model for all of us and his memory will live on through his life's work.

TRIBUTE TO KANSAS CIVIC PHILANTHROPIST RON DEFFENBAUGH

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to my friend, Ron Deffenbaugh, of Shawnee, Kansas, the founder of Deffenbaugh Industries.

Recently, the Shawnee Chamber of Commerce presented its 2007 Citizen of the Year Award to Ron Deffenbaugh, who moved to the Kansas City area at age 9 and started a trash collection business with one truck at age 15 in 1957. Since that modest beginning, Deffenbaugh Industries became the largest privately owned refuse firm in the Midwest, including the Johnson County landfill, Deffenbaugh Disposal Service, Shawnee Rock and Johnny on the Spot. Deffenbaugh sponsors annual city events, including Old Shawnee Days, Fields for Freedom, Tidy Town, Shawnee Christmas Around Town,, and the Great Grillers barbecue competition. In 2007, Deffenbaugh sold his company to DLJ Merchant Banking Partners.

At the conclusion of the annual Chamber dinner, Deffenbaugh Industries President Mark Rosenau announced a $500,000 donation from Deffenbaugh to the Shawnee Town renovation project. As Rosenau said, "Ron started Deffenbaugh Disposal Service 50 years ago, and he always had a special affection for Shawnee. He was always quietly generous when it came to requests for services, donations and support from Shawnee groups and individuals. When Ron was informed he had been selected for this most prestigious award, he said he wanted to give something back to his city. He knew the city planned to rebuild Shawnee Town and he decided he wanted to help with that effort."

The City of Shawnee recently issued a press release commending Ron Deffenbaugh for his recent gift to the city and for his lifetime of service and support. Madam Speaker, I include that statement with my remarks and know that all members of the U.S. House of Representatives join with me in commending this outstanding community leader:

DEFFENBAUGH DONATES TO SHAWNEE TOWN

What a wonderful Night in Casablanca, shared by Shawnee City Officials and business leaders at the Sheraton this past Saturday! The Shawnee Chamber of Commerce hosted their Annual Dinner, which is a gala event honoring civic and business leaders in the community and celebrating a year of great achievement. The theme of Casablanca was apparent through the fashionable attendees and tropical atmosphere of the event. Many leaders were honored at the event including past Chairman and former Shawnee Mayor Jim Allen for his 2007 leadership of the Chamber, Councilmember Dawn Kuhn for the 2007 Ambassador of the year and Ron Deffenbaugh was named 2007 Citizen of the Year.

The citizen of the year honor was well deserved by Ron Deffenbaugh for his countless contributions to the Shawnee community. Deffenbaugh moved to the Kansas City area at the age of nine and started his trash collection business with one truck at the age of 15 in 1957. Since those modest beginnings, Deffenbaugh Industries, Inc. has grown to become the largest privately-owned refuse firm in the Midwest. Deffenbaugh Industries has expanded over the years to include the Johnson County Landfill, Deffenbaugh Disposal Service, Shawnee Rock and Johnny on the Spot. Deffenbaugh saw significant success and this has been shared with the Shawnee community through donations to the City and countless organizations in the community.

Deffenbaugh annually sponsors many of the City events including Old Shawnee Days, Fields for Freedom, Tidy Town, Shawnee Christmas Around Town, St. Patrick's Parade, Sister Cities Program, Great Grillers BBQ Competition and various other events and programs. They have been a wonderful community partner always generously contributing to Shawnee. Deffenbaugh executives, Tom Coffman and Mark Rosenau accepted the award on behalf of Ron on Saturday and announced that he was pledging $500, 000 to the renovation of Shawnee Town. Shawnee Town is an outdoor museum interpreting small town rural life from the 1920s, which includes a museum grounds featuring a home, barn, school, post office, chapel, fire station, various businesses, and gardens. The strategic plan for the renovation of the area was approved in 2007, and this donation will be a tremendous help in getting the project started The City is extremely grateful to Ron Deffenbaugh and applauds his honor of being named 2007 Citizen of the Year!

CONGRATULATING JONATHAN M. SCHNEIDER

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BISHOP of New York. Madam Speaker, I rise to recognize and honor Jonathan M. Schneider, my departing district office director and communications director who was recently appointed the Deputy Supervisor of the Town of Brookhaven on Long Island.

Jon is a hard-working and dedicated public servant who has consistently demonstrated a steadfast commitment to the people of eastern Long Island. As one of my original staffers, I have enjoyed watching Jon develop and sharpen his communications and political skills.

Jon started as a press secretary when I opened my Washington office in 2003. He became a trusted advisor who helped shape and carry out my agenda. He was already an experienced congressional staffer with service as Congressman STEVE ROTHMAN's press secretary. Additionally, he brought energy and environment policy expertise to my staff as a former national political representative of the Sierra Club.

When Jon moved back home to Long Island, I was delighted to keep him on board my staff as the communications and district office director. As the leader of my office in Coram, New York, I have always been able to count on Jon's counsel to deliver effective constituent services.

Jon has also excelled at advocating key transportation and infrastructure projects on Long Island. He has helped me advocate important conservation initiatives, particularly the preservation of open spaces and biodiversity in Long Island Sound. He was also instrumental in helping me secure a federal study of the severely polluted Forge River in Mastic, New York.

Such important assignments involved working closely and almost daily with multiple levels of local elected representatives and maintaining important working relationships with government officials, civic groups and community advocacy organizations. As such, Jon proved to be an invaluable asset to my staff, both as a skilled professional and through his friendly, light-hearted nature.

Jon currently resides in Port Jefferson Station with his wife, Mary Ellen, their nearly five-month-old daughter, Eleanor, along with a notorious yet very talented pet tortoise named Boris. While I am saddened to see him leave my staff, I congratulate Jon on his appointment and will look forward to observing his continuing career in public service in the years ahead.

Madam Speaker, on behalf of my staff and the people of the first congressional district of New York, I thank Jonathan M. Schneider for his hard work to improve the lives of eastern Long Island's residents. I wish him and his family continued success, good health and the best of luck for years to come.

RECOGNIZING THE REVEREND DR. CARL F. BROOKS

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. MAHONEY of Florida. Madam Speaker, today, I rise to honor Dr. Carl F. Brooks for his commitment to service in his community and his church, First Macedonia Missionary Baptist Church in Punta Gorda, Florida. Dr. Brooks has employed his selfless vision to promote and provide resources that help people turn to God.

Sunday February 10, 2008 will mark the 28th anniversary of Dr. Brooks' service as Pastor of First Macedonia Missionary Baptist Church. He began in 1980 when Punta Gorda was a small town on the southwest coast of Florida. As Punta Gorda grew, his vision and mission to serve expanded to provide human services and educational resources.

The Reverend Dr. Brooks is quoted as saying "The future is not something you enter, it is something you create. We will not continue with 'Business as Usual', we will be guided by an authentic vision through which the Kingdom's agenda is accomplished."

In his capacity as visionary and servant of Charlotte County, the Reverend Dr. Brooks has made his church part of the Emergency Shelter National Board Program by providing food and shelter to residents in times of disaster. He has worked tirelessly to create nonprofit organizations that help children and families, promote educational opportunities for his congregation, and serves as a member of the National Baptist Convention of America in addition to being Florida's representative for the Board of Evangelism.

Dr. Brooks is the proud husband of Karen and the father of three daughters Tonya, Carla and Kayla.

I am proud to recognize Dr. Brooks for his great service to both Charlotte County and the First Macedonia Missionary Baptist Church. Our community is truly blessed to have Dr. Brooks as a resident. I would like to express my thanks and gratitude to Dr. Brooks for his service to our community and our country.

HONORING MR. ED SIEGMANN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. BISHOP of New York. Madam Speaker, I rise on behalf of New York's first congressional district to mourn the passing of a beloved constituent and treasure of the Long Island community, Mr. Ed Siegmann.

Born in Ridgewood Queens, New York in 1919, Ed was an exemplary citizen who served honorably in the U.S. Army during World War II. Upon his return, Ed became a tireless advocate for the interests of seniors on Long Island, perhaps most effectively as the President of the Suffolk County United East End Senior's Council.

Frustrated by the lack of media coverage concerning health care and other challenges faced by seniors in Suffolk County, New York, Ed approached publishers with an idea to write about them himself. As a result, Ed's column in the Suffolk Life newspaper, ''The Upper Half,'' was born in 2000. The following year, Ed had the distinction of being the only Long Island resident to be awarded the prestigious Beneficiary Services Certificate of Merit.

Ed's tireless work to promote economic and social justice for the elderly and disabled were boundless. He was the founder and vice president of Southold TaxPac; president of the Southold-Mattituck Senior Citizens Club; a member of Seniors Against Discrimination; and a member of Southold's Senior Housing Taskforce. He worked in these organizations to improve the lives of seniors by working to reduce taxes, and to promote affordable health care and moderately priced senior housing.

Indeed, Ed was a local hero who was a shining example of a concerned and active citizen who was among our community's most effective champions for the rights of the elderly. It is entirely appropriate that he is honored by the naming of the Ed Siegmann Community Room at the Southold Town Human Resources Center.

Madam Speaker, it was truly an honor to work with Ed and to call him a friend. On behalf of a grateful community, I thank Ed Siegmann for his many enduring contributions to eastern Long Island, where he will always be missed but whose memory will be forever cherished.

HONORING THE 111TH ANNIVERSARY OF THE WASHINGTON BIRTHDAY CELEBRATION ASSOCIATION

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. CUELLAR. Madam Speaker, I rise today to recognize the 111th anniversary of the Washington Birthday Celebration Association (WBCA) in Laredo, Texas.

The Washington Birthday Celebration is a nearly month-long event held in Laredo, Texas. It is the largest celebration of its kind in the United States that honors the birthday of George Washington, the first President of the United States. The festival receives over 400,000 attendees, and consists of various celebrations including the Society of Martha Washington Colonial Pageant & Ball, Princess Pocahontas Pageant and Ball, parades, a carnival, an air show, and live concerts.

The WBCA was founded in 1898 by the patriotic Improved Order of the Red Men, Local Chapter Yaqui Tribe No. 59, whose members included prominent Laredoans of both Mexican and American ancestry. The first celebration was a great success, and its popularity grew when the Washington Birthday Celebration Association of Laredo, Inc., received its state charter in 1923. In the following year, in 1924, the Celebration featured its first Colonial Pageant, which showcased thirteen young women from Laredo, representing the thirteen original colonies. The International Bridge Ceremony is the welcoming ceremony between officials and dignitaries from Mexico and United States as a sign of international good will between the two nations.

Madam Speaker, I am honored to have had this time to recognize the 111th anniversary of the Washington Birthday Celebration Association in Laredo, Texas.

HONORING MEMBERS OF EASTERN CONNECTICUT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. COURTNEY. Madam Speaker, it is with great pleasure that I rise today to recognize the heroic efforts of four members of eastern Connecticut's community: Robert Butler, John Roberts, and Shelly and Greg Erb. These individuals' selfless and quick, smart actions saved the lives of two kayakers from the frigid waters of the Noank River. On Friday, February 7, 2008, Robert Butler and John Roberts will be presented with a Meritorious Public Service Award by Rear Admiral Timothy Sullivan and Captain Dan Ronan. Shelly and Greg Erb will be presented with a Certificate of Merit.

On January 30, 2008, Shelly Erb was driving to her home in Noank, Connecticut, when she spotted a stranded kayaker on the bank of the Noank River. Once home, she immediately notified her husband, Greg Erb who called 911 and the Noank Village Boatyard. Shelly and Greg's quick, decisive actions to notify both emergency responders and the Noank Village Boatyard would ultimately prove to save both kayakers' lives.

Employees of the Noank Village Boatyard, Robert Butler and John Roberts received the call from Mr. Erb. The waters were near freezing, and understanding that prolonged exposure posed serious life-threatening risks, the men immediately launched a boat to find the kayakers. Soon after, Robert and John were able to locate the kayakers, one of whom remained in the water, nearly unconscious. Robert and John rescued the kayaker from the water and helped both to a waiting ambulance. Both kayakers survived.

The events that unfolded on January 30 could have very possibly ended in tragedy. Instead, our community witnessed the very best of its neighbors. I ask my colleagues to join with me and my constituents in recognizing and saluting the heroic efforts of Robert Butler, John Roberts, and Shelly and Greg Erb.

HONORING FORT DAVIS, TEXAS ON BEING LISTED IN THE NATIONAL TRUST FOR HISTORIC PRESERVATION'S 2008 DOZEN DISTINCT DESTINATIONS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise here today to recognize the designation of Fort Davis, Texas, as one of the locations listed in the National Trust for Historic Preservation's 2008 Dozen Distinct Destinations. Making it only the forth locality ever in Texas to receive this distinction.

For the past eight years, the National Trust for Historic Preservation has produced an annual list of twelve communities throughout the United States that provide visitors with unique experiences that bring to life the richness and diversity of America's cultural and historical heritage. This year, the organization has recognized Fort Davis, Texas, one of the many historic communities in my congressional district, as a place of distinction because of its exceptional character and history.

From 1854 to 1891, troops stationed at the post protected emigrants, freighters, mail coaches, and travelers on the San Antonio-El Paso Road. Because Fort Davis is one of the best remaining examples of a frontier military post in the American Southwest, this community serves as a vivid reminder of the significant role played by the military in the settlement and development of the western frontier.

Through great effort and a true devotion, the residents of Fort Davis have worked hard to preserve its historic, cultural, and scenic uniqueness. Aside from undertaking important restoration projects, members of the community preserve Fort Davis' culture through reenactments of life during the 19th century on the western frontier. In so preserving its character and by protecting its serene landscape, visitors from all over can enjoy and learn about the history of Fort Davis in a truly realistic and dynamic environment that is sure to make an indelible impression.

I thank the National Trust for Historic Preservation for honoring Fort Davis this year, and I further extend my gratitude and congratulations to the community of Fort Davis for its dedication to preserving its historic fabric and spirit.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. RYAN of Wisconsin. Madam Speaker, on rollcall No. 31, H. Res. 943, remembering the space shuttle *Challenger* disaster and honoring its crew members, who lost their lives on January 28, 1986. I was absent due to inclement weather grounding flights from Wisconsin.

Had I been present, I would have voted "Aye".

RECOGNIZING THE LIFE AND SERVICE OF PAUL J. ABBATE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize the life and service of Paul J. Abbate, former Guam Superior Court Presiding Judge. Judge Abbate passed away on Saturday, February 2, 2008 in Pomfret, Maryland at the age of 88.

Judge Abbate served our Nation as a Commander in the U.S. Navy's Judge Advocate General Corps for over 20 years. Upon his retirement from the Navy, he accepted an appointment by Governor of Guam Manuel F.L. Guerrero to be the Attorney General of Guam. With the retirement of Presiding Judge Joaquin C. Perez in 1969, Governor Guerrero appointed Paul Abbate to serve as a Judge for the Superior Court of Guam, where he served for 19 years, 13 of which were as the Presiding Judge. As Presiding Judge, he initiated plans for the construction of the new Guam Judicial Center, the complex that today houses the Superior Court and Supreme Courts of Guam. Judge Abbate was noted for his well-reasoned rulings, but also for his fairness and impartiality in the court. Following his retirement from Guam's judicial system, he served as Director of Governor Joseph Washington Liaison Office in Washington, DC.

Judge Abbate's service to Guam was evident in more than just the courtroom. He committed his life to the Catholic Church as a deacon for the Archdiocese of Hagåtña and in his church in the mainland. He assisted in the major renovations and improvements to the Dulce Nombre de Maria Cathedral Basilica in Guam's capital of Hagåtña and helped in the preparations for the visit of Pope John Paul II on March 1, 1981.

On behalf of the people of Guam, I extend our sincere condolences and deepest sympathies to his son Michael S. Abbate and his wife Cindy, his daughter Maria T. Rossi and her husband, John, his six grandchildren and four great grandchildren. Judge Abbate will always be remembered by the people of Guam as a dedicated member of the legal community and a devoted member of the Guam's Catholic community.

IN RESPONSE TO ATTACKS ON THE CONSTITUENTS OF THE 9TH CONGRESSIONAL DISTRICT OF CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. LEE. Madam Speaker, I rise tonight to discuss an unwarranted and downright hostile attack on my constituents and the people of Berkeley, CA by Republicans on the floor of the House earlier today. I'm here tonight, Mr. Speaker, to set the record straight and to respond to their false claims and distortions.

Madam Speaker, it never ceases to amaze me how some people will go to any length to score political points. That is what happened here on the House floor earlier today when several Republican members said they wanted to strip the people of Berkeley, CA of much-needed Federal funding.

Let us be clear: punishing the people of Berkeley for political gain is unfair and simply plain wrong. This is nothing more than grandstanding and posturing on behalf of Republicans who want to make a political point for their own benefit.

I want to begin by talking about the primary target of the Republican campaign against the people of Berkeley, and in this case, the children of Berkeley. Republicans claimed that one earmark was for the creation of organic school lunches in the Berkeley School District. This characterization of a school lunch initiative developed by the Chez Panisse Foundation is dishonest.

This school lunch initiative aims to revolutionize school lunch by treating lunch as an important part of the day, as well as integrating lessons about wellness, sustainability and nutrition into the academic curriculum.

The funding will aid in the development of a program that would treat lunch as an academic subject for all public school students in the district, from kindergarten through high school. These funds will support a comprehensive approach to improved health and health education in the public schools that will empower students with a sense of responsibility for themselves and their health. it's about nutrition for our children.

Next I want to talk about their efforts to attack the University of California and the memory of a great leader in this body, former Congressman Bob Matsui. This funding will be used for UC Berkeley's Institute of Government Studies for the creation of the Matsui Center for Politics and Public Service.

The Matsui Center will develop a curriculum that will encourage students to think about politics and public service not as separate activities, but as a continuum of civic engagement. As a great public university, Berkeley has a special obligation to train the next generation of leaders, as well as to help them develop the political and policy skills that will enable them to participate constructively in public life. The program will also have educational components in Sacramento and Washington, DC—capitol cities which were touchstones for Congressman Bob Matsui's long public service career. It's about education.

Now allow me to turn my attention to an item that the Republicans did not want to tell you about—funding for the disabled and the Ed Roberts Campus. This funding will be used for the construction of the Ed Roberts Campus at the Ashby BART Station in Berkeley. The Ed Roberts Campus is the vision of eight disability organizations in California which have joined forces to create a multi-tenant facility. The facility will serve as an intermodal transit center, as well as a transportation information and travel-training center for seniors and people with disabilities.

It will provide services in a fully accessible, technologically-advanced environment located at BART's Ashby stop. The campus will serve approximately 2,000 disabled people per week, most of whom will arrive by public transportation.

The Ed Roberts Campus is an innovative approach to transit oriented development and will be the first disability service center at a major fully-accessible transit hub. As a result, people throughout the region will have access to programs that will enable them to obtain needed health care education, job training and other services in order to achieve their life and work goals. It's about providing quality services for the disabled!

Finally, I want to mention another item that the Republican supporters of this measure will not mention—that their bill would intentionally undermine the safety and security of the people of Berkeley by denying critical funding for Berkeley public safety agencies' interoperability.

This particular funding will be used to update Berkeley's public safety computer dispatch and communications system to ensure systems interoperability. It will support critical inter-jurisdictional communications and coordination needs. This funding will help to enhance Berkeley's ability to maintain a secure and interoperable computer and communications system and maximize sustainable use after a natural or human made disaster. It's about public safety!

Madam Speaker, the statements by Republicans on the floor of the House earlier today were nothing but a shameful attack on my constituents in order to score perceived political points. It is just plain wrong and it is a real shame that it is happening on the floor of this House.

I have said it before and I will say it again, I will fight to defend the constituents of my district and their right to receive Federal funds.

ON THE LIFE OF VI STOIA

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Ms. HERSETH SANDLIN. Madam Speaker, today I would like to offer a special remembrance for a unique individual, Vi Stoia. Viorel G. "Vi" Stoia was born in Aberdeen, South Dakota in 1924. He lived there all of his life, save for when he attended the University of Minnesota earning his degree in business administration, and when he served in the United States Navy from 1942 to 1946 as a Chief Petty Officer. Vi married Donna Marie Maurseth in 1949 and they made their home in Aberdeen, raising their five children—Marsha, Nancy, Greg, James and Thomas.

Vi served on countless boards, was a member of numerous civic associations, and was Aberdeen's resident historian, well-known and well-liked throughout the community. He learned everything he could about area projects and economic development issues, and maintained both a mental and physical archive of the town's history. If you had a question about something in Aberdeen's history, not only would Vi know the answer, he would most likely be able to produce a newspaper article about it. His clippings archives went back at least 60 years, if not more.

As a constant supporter of the Aberdeen community, Vi was involved in almost every opportunity for economic growth or quality-of-life improvement. He advocated for public projects as diverse as the Northeast Regional Health and Fitness Center, the Highway 12 Expressway and Moccasin Creek revitalization. When incentives for business recruitment and expansion were being sought, Vi was there to lead the charge.

Though he was a very successful businessman, as senior financial representative with Northwestern Mutual Life, and held many leadership positions within the insurance industry, it was his public service and influence within the community that will be remembered most.

I join the Aberdeen community, Vi's family, and friends, not in mourning his passing, but in celebrating his life and the innumerable contributions he made to the community of which he was so proud.

HOLT NURSING SCHOOL CAPACITY AMENDMENT TO COLLEGE OPPORTUNITY AND AFFORDABILITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2008

Mr. HOLT. Madam Speaker, nurses are the backbone of our health care system. The shortage of nurses throughout our country leaves patients unattended, doctors stressed, and nurses exhausted from extra shifts. A principle reason for this shortage of nurses is the shortage of nursing school faculty. Because of the faculty shortage many schools of nursing are turning away good students who would make good nurses.

I am pleased that my amendment which attaches the Nursing School Capacity Act, H.R. 677, to the College Opportunity and Affordability Act of 2007 (H.R. 4137) has been accepted in the bill passed in the House. I thank Representative WELCH and Representative CAPPS, one of the Co-Chairs of the House Nursing Caucus, for cosponsoring this amendment with me. H.R. 677, which has 76 cosponsors, directs the Institute of Medicine to study the constraints experienced by schools of nursing in admitting and graduating enough nurses to meet growing needs.

I appreciate that House Education and Labor Committee Chairman Miller accepted our amendment and incorporated it into his Manager's Amendment. Today's action shows that Congress understands the healthcare crisis facing states like New Jersey.

The study my amendment directs will explore the constraints that our nation's schools of nursing face and propose short and long term solutions to address the nursing crisis. I look forward to reviewing the study's recommendations and working to implement them before the quality of care suffers.

Over the years, I have heard from many nursing professionals from New Jersey about the nursing crisis, particularly the inability of nursing schools to meet growing workforce demands. In fact, a study from the National League of Nursing states that in 2004, nursing schools were forced to turn down 147,000 qualified applicants due to a lack of faculty. That is why I first introduced the Nursing School Capacity Act three years ago, and why I am excited that it's close to becoming law today.

The American Association of Colleges of Nursing, the American Nurses Association, the American Organization of Nurse Executives and the New Jersey Hospital Association all endorsed the legislation. I ask unanimous consent that their endorsement letters be included in the RECORD.

We have not solved the nursing crisis with today's action, but we have taken a step in better understanding the problem.

FEBRUARY 4, 2008.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HOLT: On behalf of the American Association of Colleges of Nursing (AACN) and the American Nurses Association, we would like to thank you for offering the language included in the Nursing School Capacity Act of 2007 (H.R. 677) as an amendment to the College Opportunity and Affordability Act of 2007 (H.R. 4137).

Over the past decade, the inability to increase the supply of nurses has become more apparent as the challenges faced by nursing education programs have intensified. These challenges force schools of nursing to turn away thousands of qualified applicants each year. According to a 2006 AACN report, U.S. nursing schools turned away 42,866 qualified applicants due to an insufficient number of faculty, clinical sites, classroom space, clinical preceptors, and budget constraints. Almost three quarters of the nursing schools responding to AACN's survey pointed to faculty shortages as a primary reason for not accepting all qualified applicants into nursing programs. A Special Survey on Vacant Faculty Positions released by AACN in July 2007, reported a total of 767 faculty vacancies (8.8 percent vacancy rate) identified at 329 nursing schools with baccalaureate and/or graduate programs across the country.

Clearly, the obstacles faced by schools of nursing in attempting to increase enrollment and graduations are vastly complex and warrant further investigation. Your bill will facilitate the discussion of these constraints and help explore solutions to overcome the barriers that are preventing potential students from entering the nursing profession. In addition, your bill calls for recommendations to be made by the Institute of Medicine which will serve as a valuable resource for policy-makers as well as the health, industry, and education systems.

AACN and ANA sincerely appreciate your willingness to thoroughly investigate the nursing and nurse faculty shortage through the Nursing School Capacity Act.

Sincerely,

American Association of Colleges of Nursing.

American Nurses Association.

AMERICAN ORGANIZATION OF NURSE EXECUTIVES,
Washington, DC, February 4, 2008.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HOLT: On behalf of the over 6000 members of the American Organization of Nurse Executives (AONE) representing nurses in all facets of executive practice, we would like to express our strong support for the amendment that you and Representative Welch are prepared to offer to H.R. 4147 the College Opportunity and Affordability Act of 2000. The amendment incorporates the language of your bill H.R. 677, the Nursing School Capacity Act into a more comprehensive piece of legislation and would provide the nursing and health care communities with important research into the underlying causes of the nursing shortage.

The majority of AONE's membership of registered professional nurses are leaders in the day-to-day management and delivery of direct patient care services. In this position, we have been able to see first hand the impacts of the worsening nursing shortage and applaud your efforts to address this critical situation through the provision of study to be conducted by the Institute of Medicine of the National Academy of Sciences. Understanding that the nursing shortage is the result of the convergence of a number of factors, your proposed legislation would identify the constraints encountered by schools of nursing in admitting and graduating the number of registered nurses to ensure patient safety but it would also propose recommendations to alleviate the constraints on a short-term and long-term basis.

AONE has been in the forefront of attempts to deal with the nursing shortage and welcomes the opportunity to participate in the proposed study as a consultant in partnership with the other relevant organizations named in your legislation. AONE has focused on the work environment and the educational preparation of the nurse of the future. We see our past and current work as integral to the study you have proposed. Your legislation provides a comprehensive approach to identifying and quantifying the factors that have contributed to the shortage such as regulatory barriers, educational preparation, salary and benefit structures, and characteristics of the workplace.

AONE applauds your efforts and those of Mr. Welch to include this needed legislation as an amendment to H.R. 4147 the College Opportunity and Affordability Act of 2007.

Sincerely,

CAROL A. WATSON,
President.

PAMELA A. THOMPSON,
Chief Executive Officer.

NEW JERSEY HOSPITAL ASSOCIATION,
Princeton, NJ, February 4, 2008.

Hon. RUSH HOLT,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN HOLT: On behalf of our 119 member hospitals and their systems, I am writing to express our strong support for the Holt/Welch Amendment to H.R. 3147, the College Opportunity and Affordability Act of 2007 that would incorporate your bill, H.R. 667, the Nursing School Capacity Act of 2007.

We have all known for too long that we have an ongoing shortage of nurses in this country, and although we have seen a recent increase in nursing candidates, we cannot keep pace with the demands to educate new nurses. One of the major issues is the inability to expand upon our nursing educational programs in this country. Within the past year 125,000 qualified potential nursing students have been placed on waiting lists, and

almost 2,000 are on waiting lists in New Jersey. These numbers will continue to increase unless we implement sound planning strategies to build a stronger infrastructure for nursing education.

The issue of faculty supply and demand is very complex and affects every nursing program very differently. It is for this reason that there is a need to conduct a national study of all of these issues so that well formulated recommendations can address the needs of each level of nursing education.

H.R. 667 will charge the Institute of Medicine of the National Academy of Sciences to undertake this study and identify constraints encountered by schools of nursing in admitting and graduating the number of nurses sufficient to meet the healthcare needs of the United States.

I commend your leadership on this issue and look forward to working with you in getting this bill signed into law.

Sincerely,

GARY S. CARTER,
President & CEO.

CORRECTION

Daily Digest

HIGHLIGHTS

Senate passed H.R. 5140, Recovery Rebates and Economic Stimulus for the American People Act.

The House agreed to the Senate amendment to H.R. 5140, Recovery Rebates and Economic Stimulus for the American People Act of 2008.

Senate

Chamber Action

Routine Proceedings, pages S753–S804

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 2603–2612, S. Res. 445, and S. Con. Res. 66. **Pages S784–85**

Measures Passed:

Recovery Rebates and Economic Stimulus for the American People Act: By 81 yeas to 16 nays (Vote No. 10), Senate passed H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, and after taking action on the following amendments proposed thereto: **Pages S762–73**

Adopted:

By 91 yeas to 6 nays (Vote No. 9) Reid Modified Amendment No. 4010, to revise the eligibility criteria for the 2008 recovery rebates for individuals. **Pages S762–73**

Withdrawn:

Reid Amendment No. 3983, of a perfecting nature. **Page S762**

Reid Amendment No. 3984 (to Amendment No. 3983), to change the enactment date. **Page S762**

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid Amendment No. 3985. **Page S762**

Reid Amendment No. 3986 (to the instructions of the Reid motion to commit), of a perfecting nature. **Page S762**

Reid Amendment No. 3987 (to Amendment No. 3986), of a perfecting nature. **Page S762**

A unanimous-consent agreement was reached provided that, notwithstanding the passage of the bill, Reid Amendment No. 4010 (listed above), be modified. **Page S773**

Measures Considered:

FISA Amendments Act: Senate continued consideration of S. 2248, to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, taking action on the following amendments proposed thereto: **Pages S775–78**

Adopted:

Bond/Rockefeller Modified Amendment No. 3941 (to Amendment No. 3911), to expedite the review of challenges to directives under the Foreign Intelligence Surveillance Act of 1978. **Pages S775–78**

Rejected:

By 40 yeas to 56 nays (Vote No. 11), Feingold/Dodd Amendment No. 3915 (to Amendment No. 3911), to place flexible limits on the use of information obtained using unlawful procedures. **Pages S775–76**

By 38 yeas to 57 nays (Vote No. 12), Feingold Amendment No. 3913 (to Amendment No. 3911), to prohibit reserve targeting and protect the rights of Americans who are communicating with people abroad. **Pages S775, S776–77**

Pending:

Rockefeller/Bond Amendment No. 3911, in the nature of a substitute. **Page S775**

Whitehouse Amendment No. 3920 (to Amendment No. 3911), to provide procedures for compliance reviews. **Page S775**

Feingold Amendment No. 3979 (to Amendment No. 3911), to provide safeguards for communications involving persons inside the United States. **Page S775**

Feingold/Dodd Amendment No. 3912 (to Amendment No. 3911), to modify the requirements for certifications made prior to the initiation of certain acquisitions. **Page S775**

Dodd Amendment No. 3907 (to Amendment No. 3911), to strike the provisions providing immunity

from civil liability to electronic communication service providers for certain assistance provided to the Government. **Page S775**

Bond/Rockefeller Modified Amendment No. 3938 (to Amendment No. 3911), to include prohibitions on the international proliferation of weapons of mass destruction in the Foreign Intelligence Surveillance Act of 1978. **Page S775**

Feinstein Amendment No. 3910 (to Amendment No. 3911), to provide a statement of the exclusive means by which electronic surveillance and interception of certain communications may be conducted. **Page S775**

Feinstein Amendment No. 3919 (to Amendment No. 3911), to provide for the review of certifications by the Foreign Intelligence Surveillance Court. **Page S775**

Specter/Whitehouse Amendment No. 3927 (to Amendment No. 3911), to provide for the substitution of the United States in certain civil actions. **Page S775**

A unanimous-consent agreement was reached providing that at approximately 9:30 a.m. on Friday, February 8, 2008, Senate continue consideration of the bill; that on Friday, February 8, 2008 and Monday, February 11, 2008, all remaining amendments be debated and all time used; provided further, that on Tuesday, February 12, 2008, at a time to be determined, Senate vote in relation to the amendments in an order specified later, with two minutes of debate prior to each vote, equally divided and controlled in the usual form, and any succeeding votes in the sequence be limited to 10 minutes; that no further amendments be in order on Tuesday, February 12, 2008; provided further, that upon disposition of all amendments, Senate vote on the motion to invoke cloture on the bill and that if cloture is invoked on the bill, the following Senators be recognized to speak for the specified times: Senator Dodd for up to 4 hours, and Senator Feingold for up to 15 minutes and that upon conclusion of those remarks, the Chairman and Ranking Member of the Select Committee on Intelligence for up to 10 minutes each, and the Chairman and Ranking Member of the Committee on the Judiciary for 20 minutes each; provided further, Senate then vote on passage of the bill, as amended, if amended; and that any other provisions of the previous orders remain in effect. **Pages S775–76**

Nominations Confirmed: Senate confirmed the following nominations:

23 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S801–804**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Paul DeCamp, of Virginia, to be Administrator of the Wage and Hour Division, Department of Labor, which was sent to the Senate on January 9, 2007. **Page S804**

Messages from the House: **Pages S781–82**

Measures Referred: **Page S782**

Executive Communications: **Pages S782–84**

Petitions and Memorials: **Page S784**

Statements on Introduced Bills/Resolutions: **Pages S785–97**

Additional Statements: **Page S781**

Amendments Submitted: **Pages S797–S800**

Notices of Hearings/Meetings: **Page S800**

Authorities for Committees to Meet: **Pages S800–01**

Privileges of the Floor: **Page S801**

Record Votes: Four record votes were taken today. (Total—12) **Pages S773, S776, S777**

Recess: Senate convened at 10:30 a.m. and recessed at 6:37 p.m., until 9:30 a.m. on Friday, February 8, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S803.)

Committee Meetings

(Committees not listed did not meet)

NATIONAL GUARD AND RESERVES

Committee on Armed Services: Committee concluded a hearing to examine the final report of the Commission on the National Guard and Reserves, after receiving testimony from Major General Arnold L. Punaro, USMCR (Ret.), Chairman, and William L. Ball, III, Patricia L. Lewis, and Major General E. Gordon Stump, USAF (Ret.), all Commissioners, all of the Commission on the National Guard and Reserves.

DEPARTMENT OF DEFENSE

Committee on Armed Services: Subcommittee on Readiness and Management Support concluded a hearing to examine business transformation and financial management at the Department of Defense, after receiving testimony from David M. Walker, Comptroller General of the United States, Government Accountability Office; and Paul A. Brinkley, Deputy Under Secretary for Business Transformation, Peter E. Kunkel, Principal Deputy Assistant Secretary of

the Army for Financial Management and Comptroller, Douglas A. Brook, Assistant Secretary of the Navy for Financial Management and Comptroller, and John H. Gibson, Assistant Secretary of the Air Force for Financial Management and Comptroller, all of the Department of Defense.

GOVERNMENT-SPONSORED ENTERPRISES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine ways to reform the regulation of government-sponsored enterprises, after receiving testimony from David G. Nason, Assistant Secretary of the Treasury for Financial Institutions; James B. Lockhart, III, Director, Office of Federal Housing Enterprise Oversight; Ronald A. Rosenfeld, Chairman, Federal Housing Finance Board; Richard F. Syron, Federal Home Loan Mortgage Corporation, McLean, Virginia; and Daniel H. Mudd, Federal National Mortgage Association, Washington, D.C.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and Simon Charles Gros, of New Jersey, to be an Assistant Secretary for Governmental Affairs, who was introduced by Representative LoBiondo, both of the Department of Transportation, after the nominees testified and answered questions in their own behalf.

RENEWABLE FUEL STANDARD

Committee on Energy and Natural Resources: Committee concluded an oversight hearing to examine the energy market effects of the recently-passed renewable fuel standard enacted as part of the Energy Independence and Security Act (Public Law 110–140), after receiving testimony from Alexander Karsner, Assistant of Energy, Office of Energy Efficiency and Renewable Energy; Robert J. Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Carol Werner, Environmental and Energy Study Institute, Charles T. Drevna, National Petrochemical and Refiners Association, Michael J. McAdams, Advanced Biofuels Coalition, and Bob Dinneen, Renewable Fuels Association, all of Washington, D.C.; and Brian Jennings, American Coalition for Ethanol, Sioux Falls, South Dakota.

MEDICARE PRIVATE PLANS

Committee on Finance: Committee concluded an oversight hearing to examine selling to seniors, focusing on the need for accountability and oversight of marketing and sales by Medicare private plans, after receiving testimony from Michael McRaith, Illinois Division of Insurance, Springfield, on behalf of the National Association of Insurance Commissioners; Peter C. Hebertson, Salt Lake County Aging Services, Salt Lake City, Utah; Patrick O'Toole, Humana Inc., Louisville, Kentucky; and George Harper, Mayflower, Arkansas.

KENYA

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine the immediate and underlying causes and consequences of Kenya's flawed election, after receiving testimony from Jendayi Frazer, Assistant Secretary of State for African Affairs; Katherine J. Almquist, Assistant Administrator for Africa, United States Agency for International Development (USAID); and Chris Albin-Lackey, Human Rights Watch, Joel D. Barkan, Center for Strategic and International Studies, and David Mozersky, International Crisis Group, all of Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Hector E. Morales, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, who was introduced by Senator Hutchison, Larry Woodrow Walther, of Arkansas, to be Director of the Trade and Development Agency, who was introduced by Senator Lincoln, Ana M. Guevara, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development, and Jeffrey J. Grieco, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Indian Affairs: Committee concluded a hearing to examine the nomination of Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, after the nominee testified and answered questions in his own behalf.

FOUNDING FATHERS PROJECT

Committee on the Judiciary: Committee concluded a hearing to examine the Founding Fathers Project, focusing on ensuring public access to the complete annotated writings of the six founding fathers of the United States, after receiving testimony from Deanna B. Marcum, Associate Librarian for Library Services, Library of Congress; Allen Weinstein, Archivist of the United States, National Archives and Records

Administration; Stanley Katz, Princeton University Woodrow Wilson School, Princeton, New Jersey; Rebecca W. Rimel, Pew Charitable Trusts, Philadelphia, Pennsylvania; Ralph Ketcham, Syracuse University Maxwell School, Syracuse, New York; and David G. McCullough, Camden, Maine.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 74 public bills, H.R. 5244–5317; 14 private bills, H.R. 5318–5331; and 10 resolutions, H. Con. Res. 289–290; and H. Res. 963–970 were introduced. **Pages H811–13**

Additional Cosponsors: **Pages H813–15**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Pastor Wes Davis, Riverton Friends Church, Baxter Springs, Kansas. **Page H625**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, February 6th:

Calling for a peaceful resolution to the current electoral crisis in Kenya: H. Con. Res. 283, amended, to call for a peaceful resolution to the current electoral crisis in Kenya, by a 2/3 yea-and-nay vote of 405 yeas to 1 nay, Roll No. 34; **Page H640**

Extending for one year parity in the application of certain limits to mental health benefits: H.R. 4848, amended, to extend for one year parity in the application of certain limits to mental health benefits by a 2/3 yea-and-nay vote of 384 yeas to 23 nays, Roll No. 35; and **Pages H640–41**

Congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008: H. Res. 947, to congratulate Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008, by a 2/3 yea-and-nay vote of 388 yeas with none voting "nay", Roll No. 41. **Page H783**

Moment of Silence: The House observed a moment of silence in memory of the victims who lost their lives in the tornado outbreak in Alabama, Arkansas, Kentucky and Tennessee. **Page H640**

College Opportunity and Affordability Act of 2007: The House passed H.R. 4137, to amend and extend the Higher Education Act of 1965, by a yea-and-nay vote of 354 yeas to 58 nays, Roll No. 40. **Pages H641–H783**

Rejected the Ferguson motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 194 ayes to 216 noes, Roll No. 39. **Pages H780–82**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H658**

Pursuant to section 6 of the rule, H. Res. 941 is laid upon the table.

Accepted:

George Miller (CA) manager's amendment (No. 1 printed in H. Rept. 110–523) that makes technical changes to the bill, as well as changes to the provisions on college costs to a more consumer friendly approach, while keeping the focus on accountability; revises the definition of the state funds that count toward meeting the State Maintenance of Effort requirement; revises a technical amendment to Pell grant funding; modifies the Cohort Default Rate provisions to provide for a transition period before the new sanctions are imposed and provides for targeted technical assistance to schools in danger of losing their federal student aid as a result of high Cohort Default Rates; provides assurances that students will be aware of lower-cost federal student aid options before turning to more expensive private loans and a means to help students avoid potentially compromising their federal aid eligibility by inadvertently relying on private student loans or borrowing excess amounts of private student loans; and includes studies; **Page H736**

McKeon amendment (No. 2 printed in H. Rept. 110–523) that requires the National Research Council to conduct a study of the regulat ions on institutions of higher education; **Pages H751–52**

Hinojosa en bloc amendment consisting of the following amendments printed in H. Rept. 110–523: No. 3, that authorizes discretion currently exercised

by the Secretary of Education to reserve for competitive grants to Tribally Controlled Colleges and Universities for construction, maintenance, or renovation of campus facilities a percentage of funds appropriated for Tribal Colleges and Universities under Title III of the Higher Education Act; No. 8, that prevents interest from accruing for active duty service members and qualifying National Guard members for the duration of their activation up to 60 months when serving in a combat zone; No. 14, that makes a technical correction to the Graduate Assistance in Areas of National Need (GAANN) program to clarify Congressional intent that a Masters Degree level institution or program is eligible to be the lead recipient of a grant under the GAANN program; No. 15, that prohibits a state from charging members of the armed forces who are on active duty for more than 30 days and whose domicile or permanent duty station is in such state, and such members' dependents, more than the in-state tuition for attending a public institution of higher education (IHE) in that state and provides that, even if such members' permanent duty station is subsequently changed to a location outside the state, they or their dependents must continue to be charged no more than the in-state tuition if they remain continuously emolled at such IHE in the state; and No. 20, that ensures that competitive Sustainability Planning Grants explicitly provided for ''greenhouse gas emissions reductions'' to reduce the threat of global warming and adds an eligibility requirement to FIPSE to ensure that institutions meet current energy efficiency standards. Additionally, includes a sense of Congress that the Federal Perkins Loan Program, which provides low-interest loans to help needy students finance a degree in higher education, should remain a campus-based aid program and to support increased funds to provide more low-income students with options; **Pages H752–55**

Castle amendment (No. 6 printed in H. Rept. 110–523) that requires the Quality Efficiency Task Forces to develop annual benchmarks for the top 5 percent of institutions in each institution category that have the largest increase in their tuition and fees over the most recent three year period in which data is available. The amendment also requires those institutions not meeting the benchmarks to provide the Secretary of Education a detailed explanation of the reasons why the institution did not meet such benchmarks; **Page H758**

Sestak amendment (No. 9 printed in H. Rept. 110–523) that includes physical therapists as an occupation defined as an area of national need to qualify for student loan forgiveness under Sec. 428K of the Higher Education Act; **Pages H760–61**

Sestak amendment (No. 10 printed in H. Rept. 110–523) that amends the articulation agreement strategies that may be employed by states and institutions of higher education to include management systems regarding course equivalency, transfer of credit, and articulation; **Pages H761–62**

Yarmuth amendment (No. 11 printed in H. Rept. 110–523) that provides competitive Teach to Reach grants to eligible partnerships to provide general education teacher candidates with the knowledge and skills to effectively instruct students with disabilities in their classrooms. Eligible partnerships must include an institution of higher education, a special education department within that institution, and a high-need local education agency; **Pages H762–63**

Hastings (FL) amendment (No. 12 printed in H. Rept. 110–523) that authorizes a nationwide pilot program through the Department of Education to promote holistic community-centered partnerships aimed at mitigating gang violence and reducing recidivism rates among juvenile ex-offenders previously detained for gang-related offenses; **Pages H763–65**

Welch (VT) amendment (No. 13 printed in H. Rept. 110–523) that requires annual reporting by colleges and universities on how much of their endowment was paid out each year for the purpose of containing college costs; **Pages H765–66**

Eddie Bernice Johnson (TX) amendment (No. 16 printed in H. Rept. 110–523) that expands Pell Grant eligibility to children who lost a parent or guardian as a result of the conflicts in Iraq or Afghanistan. These children will be eligible for the maximum amount of Pell Grant assistance; **Pages H766–67**

Stupak amendment (No. 17 printed in H. Rept. 110–523) that provides federal student loan relief to borrowers who go into school administration in low-income school districts. Applies to any borrower who has been employed as a full-time school superintendent, principal, or other administrator for five consecutive complete school years in a school district in a low-income area; **Pages H767–68**

Doggett amendment (No. 18 printed in H. Rept. 110–523) that encourages the prepopulation of FAFSA income and asset information, by taxpayer consent, with tax data provided directly from the IRS to the Department of Education, and allows the Secretary of Education to provide for the use of second preceding tax year information; **Pages H768–69**

Baird amendment (No. 19 printed in H. Rept. 110–523) that directs the Secretary of Education to conduct a study on the costs and benefits of making student aid available to less than half-time students. The Secretary would then make recommendations on

how to best design a demonstration loan program targeted for less than half-time students;

Pages H769–70

Crowley amendment (No. 21 printed in H. Rept. 110–523) that allows community college students to have $10 forgiven from their student loans for every hour they dedicate to mentoring an at-risk child;

Pages H770–71

Cooper amendment (No. 22 printed in H. Rept. 110–523) that increases the authorization level, from $300 million to $500 million, for the 103 Historically Black Colleges and Universities. Increases the authorization level, from $100 million to $125 million, for the 18 Historically Black Graduate Institutions; **Pages H771–72**

Ryan (OH) amendment (No. 23 printed in H. Rept. 110–523) that creates a pilot competitive grant program (available to no more than 10 colleges) to assist institutions of higher education in setting up college textbook rental programs;

Pages H772–73

Van Hollen amendment (No. 24 printed in H. Rept. 110–523) that authorizes Teach for America at $20 million for FY09 and $25 million for FY10;

Pages H773–75

Gillibrand amendment (No. 25 printed in H. Rept. 110–523) that provides that institutions of Higher Education shall adopt a statement of current policy concerning the working relationship of campus security personnel with State and local law enforcement agencies for the investigation of felonies or a report of a missing student; **Pages H775–76**

Murphy (PA) amendment (No. 26 printed in H. Rept. 110–523) that helps students and families plan financially for higher education by requiring that colleges provide information about the anticipated cost of a post-secondary degree. Institutions would have the option of offering either a multi-year tuition and fee schedule or a traditional, single-year tuition and fee schedule with a nonbinding, multi-year estimate of a student's net costs; **Pages H776–77**

Shuler amendment (No. 27 printed in H. Rept. 110–523) that authorizes a competitive grant program through the Department of Education that would allow institutions of higher education or consortia to create longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data. The amendment authorizes programs in no more than five states for a period of three years; **Pages H777–78**

Petri amendment (No. 4 printed in H. Rept. 110–523) that requires the existing Education-Treasury Study Group to evaluate the feasibility of an alternative market-based reform to the Federal Family Education Loan Program. The recommended alternative should reduce federal costs to taxpayers and use savings to increase need-based grant aid to low-income students (by a recorded vote of 260 ayes to 153 noes, Roll No. 36); and **Pages H755–56, H778**

Petri amendment (No. 5 printed in H. Rept. 110–523) that extends the new audit and reporting provisions applied only to the Direct Loan program to the Federal Family Education Loan Program (by a recorded vote of 222 ayes to 191 noes, Roll No. 37). **Pages H756–58, H778–79**

Rejected:

Davis (IL) amendment (No. 7 printed in H. Rept. 110–523) that sought to restore protections to private student loan borrowers similar to those afforded other unsecured debtors by allowing the discharge of private student loans via bankruptcy (by a recorded vote of 179 ayes to 236 noes, Roll No. 38).

Pages H758–60, H779–80

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H783**

H. Res. 956, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 214 yeas to 190 nays, Roll No. 33, after agreeing to order the previous question by a yea-and-nay vote of 204 yeas to 196 nays, Roll No. 32. **Pages H628–40**

Recovery Rebates and Economic Stimulus for the American People Act of 2008—Order of Business: The House agreed by unanimous consent that it may be in order at any time to take from the Speaker's table the bill H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, with a Senate amendment thereto, and without intervention of any point of order, consider a motion by the Chairman of the Committee on Ways and Means to agree to the Senate amendment; that the Senate amendment and the motion be considered as read; that the motion shall be debatable for forty minutes, equally divided and controlled; and that the previous question on the motion be considered as ordered to its adoption without intervening motion.

Pages H784–93

Recovery Rebates and Economic Stimulus for the American People Act of 2008: The House agreed to the Senate amendment to H.R. 5140, to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, by a yea-and-nay vote of 380 yeas to 34 nays, Roll No. 42—clearing the measure for the President.

Pages H784–93

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro

tempore to sign enrolled bills and joint resolutions through February 12, 2008. **Page H793**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 13th. **Page H795**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10:30 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, February 12th for morning hour debate. **Page H795**

Senate Messages: Messages received from the Senate today and messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H625, H783, H795.

Senate Referral: S. 2457 was referred to the Committee on Natural Resources. **Page H810**

Quorum Calls—Votes: Seven yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H638–39, H639, H640, H641, H778, H778–79, H779, H781–82, H782–83, H783, H793. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:20 p.m.

Committee Meetings

VETERINARY MEDICAL SERVICE ACT

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review the National Veterinary Medical Service Act. Testimony was heard from Representative Kingston; Gale Buchanan, Under Secretary, Research, Education and Economics, USDA; and a public witness.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on DOD Force Health Protection. Testimony was heard from the following officials of the Department of Defense: Ward Cascells, M.D., Under Secretary, Health Affairs; and Ellen Embrey, Under Secretary, Force Health Protection.

The Subcommittee also met in executive session on the Surgeon Generals of the Services. Testimony was heard from the following officials of the Department of Defense: VADM Adam M. Robinson, Jr., M.D.,USN.; LTG James G. Roudebush, M.D., USAF; and LTG Eric B. Schoomaker, M.D., USA.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Department of Interior, Overview. Testimony was heard from Dirk Kempthorne, Secretary of the Interior.

CAPITOL VISITOR CENTER

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on Capitol Visitor Center. Testimony was heard from Stephen Ayers, Acting Architect of the Capitol; Terri Rouse, CEO for Visitor Services, and Bernie Ungar, Project Executive, both with the Capitol Visitor Center; and Terry Dorn, Director, Physical Infrastructure Issues, GAO.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing on Quality of Life. Testimony was heard from the following officials of the Department of Defense: Kenneth O. Preston, SGM, USA.; Joe R. Campa, Jr., Master Chief Petty Officer, USN.; Carlton W. Kent, MSgt., USMC, and Rodney J. McKinley, CMSgt., USAF.

TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies held a hearing on Department of Transportation Fiscal Year Budget Request. Testimony was heard from Mary Peters, Secretary of Transportation.

BENEFICIARY ADVOCACY OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on beneficiary advocacy overview. Testimony was heard from public witnesses.

PRESIDENT'S FISCAL YEAR 2009 BUDGET

Committee on the Budget: Held a hearing on the President's Fiscal Year 2009 Budget. Testimony was heard from Jim Nussle, Director, OMB.

DEPARTMENT OF ENERGY'S FY BUDGET PROPOSAL

Committee on Energy and Commerce: Held a hearing entitled ''Department of Energy's Fiscal Year 2009 Budget Proposal.'' Testimony was heard from Samuel W. Bodman, Secretary of Energy.

HOLOCAUST INSURANCE ACCOUNTABILITY ACT OF 2007

Committee on Financial Services: Held a hearing entitled ''The Holocaust Insurance Accountability Act of 2007 (H.R. 1746): Holocaust Era Insurance Restitution After ICHEIC, the International Commission on

Holocaust Era Insurance Claims.'' Testimony was heard from Ambassador J. Christian Kennedy, Special Envoy for Holocaust Issues, Department of State; Michael Kurtz, Assistant Archivist, Records Services, National Archives and Records Administration; Stuart Eisenstat, former Special Representative of the President and Secretary of State on Holocaust-Era Issues; and public witnesses.

FINANCIAL SECTOR WORKPLACE DIVERSITY

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Diversity in the Financial Services Sector.'' Testimony was heard from Orice M. Williams, Director, Financial Markets and Community Investment, GAO; Ronald Edwards, Director, Program Research and Surveys Division, Office of Research, Information and Planning, Equal Employment Opportunity Commission; and public witnesses.

MERIDA INITIATIVE—U.S. OBLIGATIONS

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on U.S. Obligations under the Merida Initiative. Testimony was heard from Thomas A. Shannon, Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; Scott Burns, Deputy Director, Office of National Drug Control Policy; Marisa R. Lino, Assistant Secretary, Office of Policy/International Affairs, Department of Homeland Security; and the following officials of the Department of Justice: William J. Hoover, Assistant Director, Office of Field Operations, Bureau of Alcohol, Tobacco, Firearms and Explosives; Anthony P. Placido, Assistant Administrator, and Chief of Intelligence, DEA; and Kenneth W. Kaiser, Assistant Director, Criminal Investigative Division, FBI.

HOMELAND SECURITY ACQUISITION/ CONTRACTING

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''Other Transaction Authority: Flexibility at the Expense of Accountability?'' Testimony was heard from the following official of the Department of Homeland Security: Thomas Essig, Chief Procurement Officer; and Keith B. Ward, Chief Research and Development Branch, Chemical and Biological Division, Science and Technology; the following officials of the CRS, Library of Congress: Elaine Halchin, Analyst, American National Government; and John D. Moteff, Specialist, Science and Technology Policy; and John Needham, Acting Director, Acquisition and Sourcing Management, GAO.

OVERSIGHT—JUSTICE DEPARTMENT

Committee on the Judiciary: Held an oversight hearing on the Department of Justice. Testimony was heard from Michael Mukasey, Attorney General, Department of Justice.

FOREIGN SCHOLAR/STUDENT VISAS

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on Visas for Foreign Scholars and Students. Testimony was heard from Tony Edson, Deputy Assistant Secretary, Visa Services, Bureau of Consular Affairs, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Subcommittee on Technology and Innovation approved for full Committee action, as amended, the following bills: H.R. 3916, To provide for the next generation of border and maritime security technologies; H.R. 4847, United States Fire Administration Reauthorization Act of 2007; and H.R. 5161, Green Transportation Infrastructure Research and Technology Transfer Act.

SBA'S BUDGET FISCAL YEAR 2009

Committee on Small Business: Held a hearing entitled ''The Small Business Administration's Budget for Fiscal Year 2009.'' Testimony was heard from Steven C. Preston, Administrator, SBA.

FAA'S FISCAL YEAR BUDGET

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the President's Fiscal Year 2009 Federal Aviation Administration Budget. Testimony was heard from Ramesh K. Punwani, Assistant Administrator, Financial Services, Chief Financial Officer, FAA, Department of Transportation; and Gerald Dillingham, Director, Physical Infrastructure Issues, GAO.

AGENCY'S BUDGET AND PRIORITIES FISCAL YEAR 2009

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Agency Budgets and Priorities for Fiscal Year 2009. Testimony was heard from the following officials of the EPA: Benjamin H. Grumbles, Assistant Administrator, Water; Susan Parker Bodine, Assistant Administrator, Solid Waste and Emergency Response; and the following officials of the Department of the Army: John Paul Woodley, Jr., Assistant Secretary, Civil Works; and LTG Robert Van Antwerp, USA, Chief of Engineers, Corps of Engineers.

VETERANS AFFAIRS BUDGET REQUEST FISCAL YEAR 2009

Committee on Veterans' Affairs: Held a hearing on the Department of Veterans Affairs Budget Request for Fiscal Year 2009. Testimony was heard from James B. Peake, M.D., Secretary of Veterans Affairs; and representatives of veterans organizations.

PRESIDENT'S BUDGET PROPOSALS FOR FISCAL YEAR 2009

Committee on Ways and Means: Held a hearing on President Bush's Budget Proposals for Fiscal Year 2009. Testimony was heard from Henry M. Paulson, Jr., Secretary of the Treasury.

WORLDWIDE THREATS

Permanent Select Committee on Intelligence: Held a hearing on Worldwide Threats. Testimony was heard from J. Michael McConnell, Director, Office of the Director of National Intelligence; Michael V. Hayden, Director, CIA; LTG Michael Maples, Director, Defense Intelligence Agency, Department of Defense; Robert Mueller, Director, FBI, Department of Justice; Charlie Allen, Chief Intelligence Officer, Department of Homeland Security; and Randall M. Fort, Assistant Secretary, Intelligence and Research, Department of State.

Joint Meetings

COMBATING ANTI-SEMITISM (PART II)

Commission on Security and Cooperation in Europe: Commission concluded hearings to examine anti-Semitism in the Organization for Security and Co-operation in Europe (OSCE) region, after receiving testimony from Gregg Rickman, Special Envoy to Monitor and Combat Anti Semitism, Department of State; Felice D. Gaer, Commissioner, United States Commission on International Religious Freedom; Andrew Baker, American Jewish Committee, Mark Levin, National Conference on Soviet Jewry, and Stacy Burdett, Anti-Defamation League, all of Washington, D.C.; and Marvin Hier, Simon Wiesenthal Center, Los Angeles, California.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 8, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Financial Services, hearing entitled "Negative Implications of the President's Signing Statement on the Sudan Accountability and Divestment Act," 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on the November 26 Declaration of Principles: Implications for UN Resolutions on Iraq and for Congressional Oversight, 9:30 a.m., 2175 Rayburn.

Committee on House Administration, Election Task Force, GAO briefing on the findings in the Investigation into the FL–13 Congressional District Contested Election, 10 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, oversight hearing on Voter Suppression, 9:30 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Government Management, Organization, and Procurement, hearing on Military Base Realignment: Contracting Opportunities for Impacted Communities," 10 a.m., 2154 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Government Accountability Office's Review of the Federal Protective Service: Preliminary Findings," 9 a.m., 2167 Rayburn.

House Committees

Committee on Appropriations, February 12. Subcommittee on Interior, Environment, and Related Agencies, on Wildland Fire Management Oversight, 10 a.m., B–308 Capitol.

February 13, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on USDA Secretary Edward Schaefer, 10 a.m., 2362–A Rayburn.

February 13, Subcommittee on Defense, on DOD Budget Overview with Secretary Robert Gates, 10 a.m., 2359 Rayburn and, on United States Marine Corps Readiness, 2 p.m., 140–Capitol.

February 13, Subcommittee on Homeland Security, on Management Challenges—Inspector General and GAO, 10 a.m., 2362–B Rayburn.

February 13, Subcommittee on Interior, Environment, and Related Agencies, on U.S. Forest Service, 10 a.m., B 308 Capitol.

February 13, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, overview hearing on Implications of Economic Trends for Workers, Families, and the Nation, 10 a.m., 2358–C Rayburn.

February 13, Subcommittee on Legislative Branch, on Architect of the Capitol, 10 a.m., H–144 Capitol.

February 13, Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies, on U.S. Department of Housing and Urban Development Fiscal Year 2009 Budget Request, 9:30 a.m., 2358–A Rayburn.

February 14, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on NRCS Under Secretary Mark Rey, 2 p.m., 2362–A Rayburn.

February 14, Subcommittee on Defense, executive, on Joint Improvised Explosive Device Defeat Organization, 10 a.m., and, on Army Readiness, 1:30 p.m., H 140 Capitol.

February 14, Subcommittee on Energy and Waste Development, and Related Agencies, Overview hearing on Vehicle Technology and Gas Prices, 10 a.m., 2362–B Rayburn.

February 14, Subcommittee on Homeland Security, on Land Border Enforcement, 10 a.m., 2358–A Rayburn, and on Land Border Enforcement, 1:30 p.m., 2358–A Rayburn.

February 14, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Overview hearing on Opportunities Lost and Costs to Society: The Social and Economic Burden of Disease, Injuries, and Disability, 10 a.m., and an Overview hearing on Opportunities Lost and Costs to Society: The Social and Economic Burden of Inadequate Education, Training and Workforce Development, 2 p.m., 2358–C Rayburn.

February 14, Subcommittee on Legislative Branch, on House of Representatives Budget, 10 a.m., H–144 Capitol.

February 14, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Veterans Affairs, 10 a.m., and 1:30 p.m., 2359 Rayburn.

Committee on Armed Services, February 13, hearing on Global Security Assessment, 10 a.m., 2118 Rayburn.

February 13, Subcommittee on Readiness, hearing on Readiness at Risk: Department of Defense Security Clearance Processes, 2 p.m., 2118 Rayburn.

February 14, full Committee, hearing on Implications for Our Strategic Posture, 10 a.m., 2118 Rayburn.

February 14, Subcommittee on Oversight and Investigations, hearing on Provincial Reconstruction Teams: A Case for Interagency National Security Reform? 2 p.m., 2212 Rayburn.

February 15, Subcommittee on Military Personnel, hearing on the status of the implementation of the Army's medical action plan and other services' support for wounded servicemembers, 10 a.m., 2212 Rayburn.

Committee on the Budget, February 13, hearing on Treasury Department Fiscal Year 2009 Budget, 10 a.m., 210 Cannon.

February 15, hearing on Department of Health and Human Services Fiscal Year 2009 Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, February 12, Subcommittee on Health, Employment, Labor and Pensions, hearing on Protecting American Employees from Workplace Discrimination, 2 p.m., 2175 Rayburn.

February 13, full Committee, hearing on Modern Public School Facilities: Investing in the Future, 10:30 a.m., 2175 Rayburn.

February 14, Subcommittee on Workforce Protections, hearing on the 15th Anniversary of the Family Medical Leave Act: Achievements and Next Steps, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, February 12, Subcommittee on Oversight and Investigations, hearing entitled ''Ketek Clinical Study Fraud: What Sanofiaventis Knew,'' 11 a.m., 2123 Rayburn.

Committee on Financial Services, February 13, hearing entitled ''The Community Reinvestment Act: Thirty Years of Accomplishments, but Challenges Remain,'' 10 a.m., 2128 Rayburn.

February 14, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing on The State of the Bond Insurance Industry, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, February 13, hearing on International Relations Budget for Fiscal Year 2009, 2:30 p.m., room to be announced.

February 14, Subcommittee on Asia, The Pacific and the Global Environment, hearing on an Overview of Cambodia and the Need for Debt Recycling: How can the U.S. be of Assistance? 2 p.m., 2200 Rayburn.

February 14, full Committee, hearing on the following legislation: The Global HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008; H. Res. 185, Expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations; H. Res. 854, Expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany; H. Res. 865, Expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with Caribbean countries to address crime and violence in the region; H. Res. 909, Commemorating the courage of the Haitian soldiers that fought for American Independence in the ''Siege of Savannah'' and for Haiti's independence and renunciation of slavery; H. Con. Res. 154, Expressing the sense of Congress that the fatal radiation poisoning of Russian Dissident and writer Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death and about the security and proliferation of radioactive materials; H. Con. Res. 255, Expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated; and H. Con. Res. Supporting Taiwan's fourth direct and democratic presidential elections in March 2008; 10:30 a.m., 210 Cannon.

Committee on Homeland Security, February 13, hearing entitled ''The President's FY 2009 Budget Request for the Department of Homeland Security,'' 10 a.m., 311 Cannon.

February 14, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''Homeland Security Intelligence at a Crossroads:

the Office of Intelligence and Analysis' Vision for 2008,'' 11 a.m., Cannon.

Committee on the Judiciary, February 13, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on Problems with ICE Interrogation, Detention and Removal Procedures, 2 p.m., 2141 Rayburn.

February 14, Subcommittee on Commercial and Administrative Law, hearing on H.R. 3679, State Video Tax Fairness Act of 2007, 2 p.m., 2141 Rayburn.

February 14, Subcommittee on the Constitution, Civil Rights and Civil Liberties, oversight hearing on the Justice Department's Office of Legal Counsel, 10 a.m., 2141 Rayburn.

February 14, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on Design Law—Are Special Provisions Needed to Protect Unique Industries? 2 p.m., 2237 Rayburn.

Committee on Natural Resources, February 13, to mark up the following bills: H.R. 2176, To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; H.R. 4115, To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; H.R. 1143, To authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; H.R. 1311, Nevada Cancer Institute Expansion Act; H.R. 1922, Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007; H.R. 816, Orchard Detention Basin Flood Control Act; and H. R 3473, Bountiful City Land Consolidation Act, 11 a.m., 1324 Longworth.

February 13, Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 1187, Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; H.R. 1907, Coastal and Estuarine Land Protection Act; H.R. 2342, National Integrated Coastal and Ocean Observation Act of 2007; H.R. 3352, Hydrographic Services Improvement Act Amendments of 2007; H.R. 3891, To amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; and H.R. 4933, Captive Wildlife Safety Technical Amendments Act of 2008, 3 p.m., 1324 Longworth.

February 14, full Committee, oversight hearing on the Administration's Fiscal Year 2009 Budget Request for the Department of the Interior, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, February 12, hearing on Myths and Facts about Human Growth Hormone, B 12, and Other Substances, 10 a.m., 2154 Rayburn.

February 13, Subcommittee on Federal; Workforce, Postal Service, and the District of Columbia, hearing on Robbing Mary to Pay Peter and Paul: the Administration's Pay for Performance System, 2 p.m., 2154 Rayburn.

February 13, full Committee, to continue hearings on The Mitchell Report: The Illegal Use of Steroids in Major League Baseball, Day 2, 10 a.m., 2154 Rayburn.

February 13, Subcommittee on Government Management, Organization, and Procurement, hearing on Surplus Property: Improving Donation and Sales Programs, 2 p.m., 2247 Rayburn.

February 14, Subcommittee on Domestic Policy, hearing on One year later: Medicaid's Response to Systemic Problems Revealed by the death of Deamonte Driver, 2 p.m., 2154 Rayburn.

February 14, Subcommittee on Information Policy, Census and National Archives and the Subcommittee on Government Management, Organization and Procurement, hearing on Federal IT Security: A Review of H.R. 4791, Federal Agency Data Protection Act, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, February 13, hearing on NASA's Fiscal Year 2009 Budget Request, 10 a.m., 2318 Rayburn.

February 14, hearing on Funding for the America COMPETES Act in the Fiscal Year 2009 Administration Budget Request, 10 a.m., 2318 Rayburn.

Committee on Small Business, February 13, Subcommittee on Investigations and Oversight, hearing on SBIR: Advancing Medical Breakthroughs, 10 a.m., 2360 Rayburn.

February 14, full Committee, hearing entitled ''Business Activity Taxes and their Impact on Small Businesses, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, February 13, Subcommittee on Aviation, hearing on Runway Safety. 2 p.m., 2167 Rayburn.

February 13, Subcommittee on Highways and Transit, hearing on Reviewing the Recommendations of the National Surface Transportation Policy and Revenue Study Commission, 10 a.m., 2167 Rayburn.

February 14, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on National Flood Plain Remapping: The Practical Impact, 10 a.m., 2167 Rayburn.

February 14, Subcommittee on Water Resources and Environment, hearing on Revitalization of the Environmental Protection Agency's Brownfields Program, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, February 13, Subcommittee on Economic Opportunity, hearing on Review of Expiring Programs, 2 p.m., 340 Cannon.

February 14, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Examining the VA's Claims Processing System, 2 p.m., 340 Cannon.

Committee on Ways and Means, February 13, hearing on the Administration's budget proposals for fiscal year 2009, 10 a.m., and 2 p.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Friday, February 8

Senate Chamber

Program for Friday: Senate will continue consideration of S. 2248, FISA Amendments Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Friday, February 8

House Chamber

Program for Friday: The House will meet in pro forma session at 10:30 a.m.

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